
LARA News & MFU Matters

Issue 11 : November 1994

LARA Changes – Latest News

In the last issue, we advertised for a new Motor Recreation Development Officer. This post has now been filled, and LARA has a new MRDO: Caroline Garfield and a new address: PO Box 9, Cannock WS11 2FE Telephone & fax: 01543 467218 Caroline will be responding to local and regional plans, to ensure that the needs of LARA members are addressed, so do send her details. Please also use the above address as the contact point for all enquiries to do with recreational motoring.

Competition matters are still dealt with by the LARA MSDO: David Kersey, ACU House, Wood St, Rugby CV21 2YX Telephone: 01788 541137, fax: 01788 573585.

Alan Kind has now taken on the mantle of Chief Executive for the Byways & Bridleways Trust, and our congratulations and best wishes go with him. □

Ramblers take on Secret Highways

Following the successful LARA conference earlier this year, we are pleased to note that our walking colleagues are keen to record and use the roads that were missed, not only by the tarmac lorry, but also by the surveyors for the definitive map. 1995 is the Ramblers' Diamond Jubilee, and the North Yorkshire & South Durham Area has chosen to celebrate by seeking out the secret ways. We wish them well, and as far as hidden resources are concerned, they could hardly have chosen a better place. The Dales have never been well served by Byways, and much of Durham is patrolled by keepers whose job is to keep us out, and yet many old roads are there for all to use, if only they knew. We have not been encouraged, in the past, by the reactions of RA members to our Byway claims, so we are particularly pleased to note that there is in the announcement no hint of any desire to exclude vehicles from the routes that they discover in this process. They will certainly find that on some, at least, of the secret ways, we have been there before them.

Perhaps this initiative will serve to demonstrate to all walkers that sharing information and sharing routes is better for us all, and better for the landscape, too. □

How to deal with Byway Claims No1: Staffordshire Style

Many of the RUPPs in Staffordshire were reclassified under the 1968 rules, and put down as bridleways using the now disallowed 'suitability' criterion. These routes are now coming under closer scrutiny, and users' attempts to record vehicular rights for the benefit of all users are being treated in an interesting way.

The evidence is put to a highways sub-committee, and if they agree, the route is recorded on the 'list of streets'. All counties must have such a list, under HA80, s36. The planning department, which maintains the Definitive Map of the County, treats this decision as a 'legal event' and promptly removes the old bridleway from the map. The applicant receives a letter saying that the route is now on the list of streets; nothing else happens.

Readers who feel that this system does not accord with the legal requirements might be encouraged to know that they are not alone. The Department of the Environment have been in contact with the County officials, and we understand that they were interested to know what legal event had really occurred, and whether applications had really been 'determined'. □

How to deal with Byway Claims No 2: Dorset style

Anyone seeking Byways in Dorset is likely to be even more frustrated than in the potteries. Until recently, there simply were no Byways in the county. Somehow, all the vehicular routes noted in the definitive processes which started in the early 1950s failed to find their way onto the official maps. There is therefore little local knowledge of the effect of a Byway classification on levels of use, and nothing with which to allay fears raised by the words 'upgraded' and 'open to all traffic'. Dorset CC, faced with these fears, expressed by vocal community-charge-payers, and of course voters, have found their own way of 'determining' a Byway claim.

As soon as the application for a change of Bridleway to Byway in Pimperne was accepted by the Highways Committee, they applied to Magistrates to extinguish vehicular rights. The county solicitor told the court that parliament had given the decision to magistrates rather than an independent inspector because they were expected to use their local knowledge. He also cast doubt on the validity of anyone from Birmingham, Manchester, or even Ormskirk as witnesses, as they could not be aggrieved about a lane in Dorset. The stopping-up succeeded, and local trail riders, some of whom had used the route, have now been advised to withdraw any further claims. Dorset will then be able to say they have no outstanding Byway claims. Not quite what the Countryside Commission had in mind, perhaps, but certainly an effective way for them to meet the criteria set out in the Milestones Initiative. □

Voluntary Restraint in Berkshire

Remember the fuss about the Ridgeway, the wet weather early this year, and the Voluntary Restraint that we agreed, and the pleas for motor vehicles to go elsewhere? It seems that vehicle users did go elsewhere, and that as a result other lanes became muddy. As a result, local user representatives were called to a meeting, and confirmed their agreement, as LARA members, that Voluntary Restraint should be tried on green lanes wherever a reduction in recreational use might help resolve a problem. The Berkshire authorities seem to have understood this to be agreement for them to impose their own version of the system without further reference to users, and signs referring to All Vehicle Users were erected. No indication was shown of location, or expiry date, and users were naturally concerned to know whether they were current and in the proper places, and who had agreed them. They also wanted to know which other lanes were affected, to help in route planning, so they checked with the LARA co-ordinator. Nothing was known about them, at HQ or locally, and checks revealed that while they said All Vehicles they did not really mean it at all!

This shows clearly that there can be misunderstanding about the LARA system of Voluntary Restraint, and a further explanation of the scheme will be issued to all highway authorities. Meanwhile it is our recommendation that all motoring users consider agreeing only to the LARA system, which attempts to ensure a fair deal all round. Other systems may even be better, but not if we do not know about them, and it is not clear who has agreed to what where or when. Overleaf, we show what the signs issued by LARA on the Ridgeway (also in Berkshire) looked like. Detail variation should be expected to suit local circumstances. □

What do you mean, Public Right of Way?

This term has been in use for many years, back before the 1949 Act that set up the Definitive Map & Statement, even as long ago as 1768. In our view, the term refers to the ability of any of the public legally to pass over land they do not own, but some authorities (in both senses, highway and expert) use the term to refer only to Definitive routes. There is certainly a need for a handy term for these ways, but how, then, should we describe the rights along the A4 and the B887? Does it matter?

DoE Circular 2/93 includes, under the heading 'Maintenance of Public Rights of Way' the following recommendation:

Authorities should also seek to use any assistance which may be available from landowners and voluntary groups, in carrying out their work.

Groups of LARA members, motorcycle and car alike, have been of service to authorities in this way, but not everywhere. Offers from vehicle users in a northern county were turned down on the grounds that the Unions would object, then the problem of insurance was raised, and solved. Now it is being claimed that the routes in question are not shown as vehicular rights of way on the definitive map, and therefore the DoE advice does not apply to these offers of help from vehicular users. As there are no Byways in the area, volunteers are wondering how they might proceed. Suggestions, please, to the address below. □

New Claerwen Byway

Along the north east side of Claerwen reservoir, in Powys, a Byway has run for several years, ending at the county boundary. Dyfed have now added a new section of Byway linking this route and the unclassified road over the Monk's Trod. This case went to public inquiry, and the Inspector's report contains lessons for us all. He decided that the old maps and documents did not amount to very much, but that user by motorcyclists since the 1950s was enough on its own to convince him that a vehicular route exists. The objection of Elan Valley Trust did not succeed. They showed that No Vehicles signs had been erected since 1965, that a gate had been locked, and that users had been 'spoken to'. All this availed them nothing; as they took pains to remind the Inspector, quoting Lord Denning, such actions are only valid challenges when they come from the landowner, which the objector was not.

So, imagine the conversation, next time a user is stopped:

'You say this is a route for vehicles, but where is your proof?'
'Hold on, you say you are the landowner, where is yours?' □

Family Silva not for sale!

The decisions to abandon proposals to merge the Countryside Commission and English Nature, and to sell off the Forestry Commission, may mean that threats to access are reduced. By how much remains unclear. Let no one assume from the sighs of relief heard not only in Cheltenham, and Edinburgh, but in motoring clubrooms up and down the land, that all is well with the Commissions as they stand. There are still too many blocked roads, and too much obfuscation of our rights.

Just one example: on two gates in North Yorkshire are signs explaining that the area is in Countryside Stewardship. The signs end with the exhortation 'No motor vehicles'. The gates are across an unclassified road. □

LARA Slams Motoring Editors

Recent articles in a couple of motoring journals, with 4x4 vehicles spraying mud in all directions, and in one case a vehicle on its side, have come under fire from LARA. Ian Davis of the RACMSA, who speaks for us all on the Rights of Way Review Committee, has called on writers and photographers to avoid displaying a gung-ho attitude to the countryside. 'This stuff is dynamite' he said, 'why on earth don't you think like your colleagues in America, and Tread Lightly?'

Readers who come across other ill-thought-out material may wish to follow Ian's example. □

Powys: Gap Road TRO Confirmed No Public Inquiry

The authorities in Powys have taken the penultimate step towards a TRO on this part-roman road south of Brecon, despite calls from concerned users for a public inquiry with an independent inspector. The decision was to recommend:

... that the TRO as advertised be made, subject to an amendment allowing for limited access to vehicles for up to four weekends per annum, and that the details be the subject of discussions between officers of the National Park Authority, the Highway Authority, and user groups.

As the advertised order includes bicycles and horse drawn vehicles, as well as cars and motorcycles, we look forward to some interesting and constructive discussions. Perhaps this will be an opportunity to ask why our offers to help with repairs were snubbed. □

Calls for Legal Changes

Not long ago, the Rights of Way Review Committee recommended to Ministers that minor changes in the law would assist owners, users and highway authorities alike. The reply was not very encouraging; we were told there is no problem really, just local difficulties which could be dealt with locally. Now Berkshire, and the regional CLA, have both written to authorities (but not user groups) asking if they support a change in the law, and this time the emphasis is clearly on prevention rather than cure. The CLA calls for all motors to be banned from unsurfaced roads, except of course, for the farmer's heavy four-wheel-drive tractor, and the forester's even heavier trucks.

It is claimed that on one route in Berkshire, work costing £72,000 has been needed after the recent heavy winter weather. They omit to mention that also in Berkshire, and also during the wet period, LARA applied Voluntary Restraint to the Ridgeway, asking users to use alternative routes. Restraint on the Ridgeway was agreed by us, and LARA signs erected, in double-quick time, and it was effective. Where did users go? No application was received by LARA for any other route in the county.

Undoubtedly, £72,000 is a lot of money for a few miles of road open to all traffic. A few miles of footpath forming part of the Three Peaks Walk was recently repaired, at a cost of £950,000. Of course, as everyone keeps telling us, vehicles do much more damage than walkers...

Perhaps there should be changes in the law, but surely not to enshrine nimbyism. A bit more even-handedness, perhaps? □

LARA : Part of the Solution