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# LARA News

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Issue 22 : Spring 1999

## Incorporating *MFU Matters*

### Rapid Response & National Trust

Radio 5 reported National Trust concerns that 4x4 vehicle drivers are damaging protected grasslands at Stroud, and this met with an instant response from LARA. How come, we asked, Radio 5 know about a problem but we don't? We were told that the report of the problem was not correct, as it related to ordinary motorists in general. The only mention of 4x4 vehicles at the National Trust meeting where the story originated was a view that roadside banks to prevent illegal access to a common would have to be fairly significant as some of the parking problem includes those using 4x4s. This was reported selectively by the Birmingham Post, with the headline 'Beauty and the 4x4 beasts' and in turn, the BBC reported these comments selectively. The Trust was keen to stress to us that recreational use of Byways crossing Minchinhampton Common was not creating any problems, and that it was grateful for LARA members' offers of practical assistance to help resolve concerns arising mainly from the close proximity of several schools, an ice cream outlet, and an open area of common land.

### In Capable Hands?

Recently, DETR Inspectors have come in for some criticism from those who believe that their decisions lack consistency. LARA members in particular have expressed views on the lack of quality in the whole process – a factor difficult to prove, but sometimes there are useful pointers.

A recent letter from the Planning Inspectorate provides such pointers; it provides cogent evidence showing that no quality checks are carried out. The letter uses the terms – *Defintive, Ordrs, Insoector, & differcult*, and includes the sentence –

*While I understand you would prefer the written procedure in dealing with the order and not to attend an inquiry, and to save council resources.*

The thrust of the letter is that the Written Representations procedure is no longer considered appropriate for Wildlife & Countryside Orders, even when only one objection is recorded. Whilst it is helpful to tell an objector of this, it would have been more helpful had they been advised of this change in policy before they prepared their case. It seems that no notification of this policy decision has been sent to Surveying Authorities, Prescribed Bodies, or interest groups.

A further letter from the DETR to the objector concerned suggests another U-turn in policy. For the case in question, written representations are now, it seems, the preferred option. This letter, too, shows how rigorously the Inspectorate works. It includes the words *adjourment, cancell, and represenations*, along with another verb-less sentence.

### Heartbeat Gets Rights Right

Rights of Way problems feature very rarely in television or radio programmes, but the retro-series Heartbeat recently had a go about a local footpath. The programme producers are to be commended for the attention to detail.

Realism was provided by the presence of misleading signs, estate workers armed with guns and sticks, and an attack by their aggressive dog. The Police were seen to side with the landowner (who they knew had broken the law) and against the public (who hadn't). A local solicitor then made a deal with the landowner, agreeing to keep quiet about 'several byways shown on these old maps' in return for the ending of attacks on users of the footpath. Although the programme is based in the 1960s, LARA members will know how realistic these portrayals are, even today.

### How to Make Things Worse

As regular readers of *LARA News* or of the CLA magazine *Country Landowner* will know, the CLA and LARA set up a Rapid Response scheme two years ago, in recognition of the value of co-operation. A phone number was published in both places – 0171 235 0511 – for reports of problems involving vehicles in the countryside, from members of both organisations.

One of the purposes of the scheme was to collect evidence of the real size of the real problem, and in the two years of operation, less

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than twenty reports have been made. Michael Meacher has commented favourably about the scheme, and its findings. A further reason to promote the scheme was the recognition, on both sides, that complaints that went to councillors, MPs, the press or television very rarely led to resolution of the problems, and were much more likely to lead to hardening of attitudes all round. This, we all agreed, was in no-one's best interest.

LARA is disappointed by a recent note circulated by an anti-access group, asking its members to bring damage to the attention of the local rights of way officer – advice with which we agree. Our frustration stems from the lack of any advice to contact the relevant user groups, or the Rapid Response number, and perhaps this was an oversight. But – they go on to urge the notification of councillors, MPs, the press and television – exactly the process that the CLA-LARA scheme was intended to avoid. No oversight there, it seems.

### Unwitting Prejudice?

A sign seen on a recent drive in the Welsh Marches read:

*Think twice before you drive down this ancient pathway, all eyes of the civilised world are on you, you will be judged as vandals for this desecration.*

So, those who wish to deny public rights to use the Queen's highways regard themselves as civilised, while law-abiding road users are seen as vandals. Council officers in Herefordshire, Shropshire, and Cheshire recently reported to LARA, quite independently, that there are no problems in these counties attributed to recreational motoring on unsurfaced roads. They do say, however, that there are several roads in each of these counties which are becoming overgrown, and not available even for walking, simply because of lack of use.

### Trail Hierarchy Takes Another Turn

Years of pioneering work by LARA in the Lake District National Park have reached a turning point.

It is four years since recreational vehicle users and the Lake District National Park Authority established a cautious alliance in an attempt to apply new thinking to the management of recreational vehicle use in the Park. The result is a detailed plan for trail route management which has been titled the Hierarchy of Trail Routes (HoTR) Initiative. The National Park Authority will

support an experiment, from January 1999, to assess the effectiveness of the Hierarchy principle in eliminating problems associated with recreational green road driving and motorcycle riding in the Lake District.

For the next three years vehicle users will have the opportunity to take the HoTR initiative into another phase. Through a Trail Management Advisory Group (TMAG) made up of representatives from the many organisations which represent all of the various user and land manager interests in the Park the practicality of the HoTR theory will be put to the test.

Following the decision of the Park Management Committee, Geoff Wilson from Lazonby in Cumbria, who led the development of the initiative on behalf of vehicle users, said

*'This is a major leap of faith by vehicle users. Non-vehicular user interests on the proposed TMAG will far outnumber vehicle users. The initiative will remain with the vehicle users, but the TMAG will be chaired by the Chairman of the Park Management Committee. We are hoping that the TMAG will assist recreational vehicle users to secure trail management solutions which will satisfy all parties in reasonable proportions'.*

### HoTR: Philosophy:

- ◆ That recreational vehicle use of minor highways is a lawful pursuit which requires proper management, like any countryside recreation or use.
- ◆ That use of 'hard position' reactive management generally fails to deliver sustainable levels of fairness, adherence and situation-improvement.
- ◆ That motor users must understand and acknowledge that there is a constantly changing hierarchy of sustainability inherent in 'trail routes'.
- ◆ Free of the threat of claim and counter-claim by other user groups, vehicle users will be given the opportunity to apply reasonable self-regulation on their own use of these ways.

### HoTR: Objectives:

- ◆ To create a system of participant-agreed, authority-approved, jointly-applied management, flexible and responsive enough to control and anticipate changing situations.
- ◆ To foster a high ethos amongst motorised trail users in their respect for the environment while they enjoy it.
- ◆ To show public bodies and private interest groups that such management is adequate to the task, and that draconian national, regional or local measures are not needed or justified.

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- ◆ To create a model procedure which may readily be transported to and employed in many other regions in Britain.
- ◆ To establish a dynamic process, where review is an inherent feature, which accommodates the views of other users and landowners in evolving a Hierarchy which continues to be environmentally friendly.

#### TMAG: Purposes:

- ◆ To advise the County Council and National Park Authority on the Management of routes used for green road driving in the Lake District National park including the use of legal powers where necessary.
- ◆ To review the classification of routes in the provisional Hierarchy of Trail Routes and recommend changes, including advice to LARA on the desirability of seeking voluntary restraint by users on specific routes.
- ◆ To advise on priorities for action.
- ◆ To ensure that changes to the management of any route or group of routes are considered only after full consultation with relevant landowners, Parish Council and user groups and where appropriate, to invite those to the meetings.
- ◆ To receive reports on the nature and effectiveness of action taken to manage use of routes and to advise route managers on future management.
- ◆ To share experience and opinions in recreational green road vehicle use.
- ◆ To review the effectiveness of the Hierarchy of Trail Routes Initiative in April 2001.

#### TMAG: Composition:

Cumbria County Council (as Highway Authority);  
 LARA, plus three further nominees to represent the interests of 4x4 users, motorcyclists and the commercial sector respectively;  
 Cumbria Association of Local Councils;  
 National Farmers Union; Country Landowners Association;  
 National Trust; Forest Enterprise;  
 Ramblers Association; Friends of the Lake District;  
 British Horse Society; Cumbria Bridleways Society;  
 NPA Member; NPA Voluntary Warden Service.

#### TMAG: Meetings & Reporting:

The Group will include, and be chaired by the Chairman of the Park Management Committee of the National Park Authority or the Deputy Chairman. Officers of the National Park Authority will service the group.

It will meet at least 4 times a year and a report of its deliberations will be given to the Park Management Committee after each meeting.

#### Cumbrian Riders – Watch Out!

Motorcycle trail riders using an ancient highway now recorded as a Byway open to all traffic, between the Lake District and the Yorkshire Dales, face a new threat. A TRF member stopped on Breast High Road to chat with a walker, only to have the ignition key stolen from his motorcycle.

The thief identified himself as a local farmer. TRF records show that other riders have been threatened here, and fences have been erected across other local Byways (only to be replaced, following council complaints, by illegally-narrow gates). The incident has been reported to the CLA-LARA Rapid Response scheme (details overleaf).

In the above case, swift action by fellow riders ensured that the keys were recovered. Anyone riding or driving in the area south of Shap is asked to be careful lest they become stranded. This area is both isolated and exposed, and the prospect of leaving a vehicle on the fellside, and walking home in the dark, is causing some LARA members to rethink their Code of Conduct advice – *‘always travel alone or in small groups’*.

#### Open Access Gets Green Light

The waiting is over, despite the efforts of landowners, county councils, and at least one national park, to prove that voluntary access will work. Along with Open Access itself, which will be of use only to walkers, there are three factors which may allow motoring users to benefit. One is the recognition of a need to close access land to trampers for specific periods – this should allow motorsport events in open country to continue without the extra complication of people entitled to wander about on the course. Secondly, the proposal for National and Local Access Forums will allow volunteers from motoring to see LARA members, and our ideas for co-operative management, get a fair crack. Third, and even more relevant for many, there are proposals to change rights of way law. Recent consultations will have identified many useful modifications to the current system, and readers are invited to think hard and long about what changes, additions or deletions should be made to the ‘tool-kit’ used to manage our access to the countryside. Opportunities like this come along only about every 20 years.

Ready Willing & Able, says CCPR

Following the announcement (above) proposing a new National Access Forum, the Central Council of Physical Recreation was able to contact the Minister, Michael Meacher, with some good news. 'Perhaps we can save the DETR some time and trouble' said Stephen Sadler, secretary of the Outdoor Pursuits Division, which brings together a wide range of countryside users. 'Thanks to a LARA initiative, the CCPR already has in place a Forum that should meet this need.'

### CoCo Bows Out With a Flourish

Just before the Countryside Commission developed into the Countryside Agency, their latest ideas on Access Law – building on the consultation *Rights of Way in the 21st Century* – were announced by their access supremo Roger Ward.

The new proposals follow those we have already seen quite closely, but the future management of green lanes is to be deferred for consideration by *'a time limited working group of representatives of the main organisations with an interest in vehicular use of rights of way, with the objective of identifying and agreeing specific proposals to improve both the management and recording of byways'*.

In the discussions, it became clear that the newly proposed 'National Access Forum' is a prime candidate to become this working group or to create it from among its members.

A further new detail which is encouraging to practitioners is a recommendation that challenged RoW decisions should be taken by those who are properly trained, with proper published guidance, and with a proper quality control system. Currently, these decisions are made by Inspectors after Public Inquiries.

The new Countryside Agency will be led by a landowner (so no change there, then) and in order to promote balance in its dealings, there is a need to identify 'countryside users' who can serve as Board Members. There is no point in us asking to be treated fairly if we do not identify people with the skills and availability to serve our needs. Volunteers from LARA clubs are therefore asked to get in touch with HQ at the address below – or nominate colleagues. No promises are made that anyone will in fact be invited; this decision is made by the Minister himself.

Green Lane Day 1999 – March 28th

The following text is intended to assist anyone involved in this initiative, and will be set out in leaflet form in good time for 2000. For this year,

though, you are asked to consider the draft comments here, and let us know how useful these notes are, how they might be improved, and what might be added.

### Introduction

Without use and maintenance our green lanes will disappear. They will become increasingly restricted in a very short space of time and become useless to all users. Oliver Rackham, in his book *History of the Countryside*, says it all: *"In practice roads survive through continuous use. A neglected gravel road gets overgrown with blackthorn; after ten years it becomes a thicket more impenetrable than if it never had been a road."*

There are many from all the user groups that recognise this and are happy to assist in, or even organise, the clearance of a lane. We should all be aware that obstructions, such as fallen trees, may be cleared (abated) during the course of a journey, but if you intend going with a party of friends to clear specific lanes then there are a few preliminary steps you should take before setting off to vent your enthusiasm on the undergrowth.

As the maintenance of most highways is the duty of the local highway authority you should initially look to them to sort out any problem. Most authorities lack the funds to carry out all their duties on minor highways, so they may be grateful for any offer of assistance.

If you are a club member then there may well be someone with a rights of way responsibility on your club's committee. They will be your first contact. If you are acting on your own then seek out the highway authority responsible for the route. If the lane is on the Definitive map (i.e. as footpath, bridleway, RUPP or BOAT) then consult the Rights of Way Section. If the lane is an unsurfaced unclassified road – a white road to many – then it is most likely that the Highways Department is the place to start.

### Food

There are good reasons why food should be considered with the work party prior to the day. Are you intending to picnic on site or is there somewhere to get a meal nearby? Whatever is decided the team will need to know to bring plenty of food, or cash. In winter, a barbecue can provide hot food and drinks throughout the day. Such on-site catering needs a skilled volunteer in charge. Attractive as a pub lunch can be, avoid combining alcohol, power-tools, sharp blades, falling trees and people.

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## Parking

As most of the lanes you are likely to be working on are in rural areas the work party will get there somehow. Arrange a meeting place where there is ample parking and take only the minimum number of vehicles to the site. This will avoid any obstruction of lanes and field gates and reduce the impact and inconvenience for other countryside users.

## Children

Be aware of the effect children can have on each other. Even the most sensible child can be led astray by peer-group pressures.

## Tools

The choice of tools will be dictated by the work to be carried out. In general, clearance work done by volunteers should not involve power tools. Where such help is vital, power tools must, even then, only be used by those with appropriate experience, qualification, and safety gear. Any chainsaw or brushcutter user should have competent assistance and should work a safe distance from the main party – ideally this work could be done the previous evening, or during a refreshment break. Care is also needed where winching boulders, logs or bundles of bramble and scrub. Again, allot a small experienced team to deal with that part of the operation and keep all others well away. It might sound obvious but experience warns that these aspects are not always uppermost in the minds of organisers.

What practical benefits accrue from the cutting back of undergrowth? As far as the lane goes the surface is exposed to light and air, which has always been a recognised benefit to highway maintenance, allowing quicker drying after wet weather. Users also enjoy more varied wildlife and less scratches. There are many environmental benefits, too. It is often elder, brambles, nettles and other relatively 'poor quality' plants that initially take advantage of man's neglect. A more open, airy and bright lane will provide a better habitat for small birds, butterflies and other large flying insects. A clear lane will also be used as a roadway by the larger mammals, such as deer and badgers, and will encourage the growth of grasses and flowering plants which will benefit the birds, insects and smaller mammals.

## Caring for Wildlife

Lane clearing can be traumatic for the fauna and it would help if we could try to minimise this aspect. For a vole or similar creature, coming home after a forage to find that home has

changed from a bramble bush to bare earth can be a problem – although the owls might benefit. The answer must be to leave some areas in a fairly undisturbed state wherever possible, without compromising the usability of the route.

Clearing can produce large heaps of brush and logs that will need to be disposed of. You can leave it to rot, burn it, or remove it from the site.

Good wood with a diameter of 25mm or more could be used for fuel, although some large pieces should be left for the grubs of beetles. Where space allows leave piles of brush or leaves to rot. This will also provide habitat to suit the beetles, bugs and bacteria nearer the bottom of the food chain. Remember that everything higher up the system depends on the smaller things for food. In leaving some vegetation to degrade naturally, you are providing shelter for chrysalises, newts, grass snakes, voles, bird nests, etc. A heap of twigs and leaves will decompose – eventually - to humus, assisted by microbes and fungi, and other wildlife will benefit as a result. This must be the preferred option.

As to burning on site, where permitted, this requires a little planning. This is another job that suits a dedicated volunteer. Avoid a string of small fires, or a big blaze, but rather have a moderate fire (sited so that no trees above get scorched) that is kept going steadily all day. Remember that wood smoke can be unpleasant (and contains carcinogens) so site any fire downwind from the work party. Before creating a fire, remove a layer of sods from the hearth area and pile them out of harm's way. The fire should then be built and contained on the subsoil. When the remains are cold, perhaps the following weekend, scatter the ashes, putting some minerals back into the soil, and then replace the sods. This will allow the ground cover to reinstate more readily.

Removing large quantities of brush from the site is not an environmentally favourable option. Many journeys back and forth along the lane could damage the freshly exposed surface, and it wastes fossil fuel, with the brush still needing some form of disposal elsewhere. It may, however, in some cases be necessary. If there is no open space to leave or burn the brushwood, it should never be spread about across the surface of the lane. To do so will infuriate cyclists, and prevent the drying out of the surface leaving it vulnerable to damage from use. The filling of ruts with woody or vegetable matter should also be avoided, as in the long-term drainage will be worse, not better.

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## Quick Tips

No matter if the work you undertake is during the course of passage or as a volunteer at an organised lane clearance day, **never take on more than you know you can deal with.**

**Do not** start more work than can be completed in the allotted time. Make sure that the lane is kept as clear as possible during the operation and is left clear at the end of the day.

**Always** consider the safety aspects of any operation and ensure that all in the working party do likewise.

**Do not** attempt to deal with a fallen tree that is 'hung' – not resting on the ground. To do so can expose you to serious injury or death.

**Do not** use a chainsaw, or any other power tool, if you are not fully trained. Chainsaws have surprised and killed even skilled forestry workers.

**Do not** start or sustain fires with any inflammable liquid – especially petrol. Do not start a fire at all unless you are equipped to control it.

**Always** get clearance for organised working parties from the highway authority. It is also a good idea to involve other users, as everyone can benefit both from the cleared lane and the experience. This should include local residents and councillors as well as horse riders, cyclists, and walkers.