
LARA NEWS

Issue 5 – September 1993

Can a wall be 'more commodious'?

Sometimes the attraction of a green road can be enhanced by a detail that ought not to be there at all. This is certainly the case for a lane near Orton, not far from the Kirkby Stephen mentioned in Issue 4. The detail is a dry-stone wall, built straight across the road! A careful look from the western side reveals the original stone gateposts now built into the wall, and trail riders being resourceful people, it takes only a few minutes to move enough stone to ride through the gap, and only half an hour or so to make a sound job of rebuilding to keep the sheep on the correct half of the moor. The local authority, Cumbria, has not been over-keen to do much about it, but has assured local riders that one day it would get to the top of the pile for attention. There was some evidence, they explained, that the unclassified road and RUPP were not on the 'correct' line, but no one was sure where that was, and perhaps a diversion would put everything right, eventually. There was even a claim from a local farm worker that the route was only put on the map so that 'they' could claim 'tarmac money' for it.

But then notice appeared, under HA80 s116, to stop it up at the magistrates court. Telephones buzzed, faxes grunted, and the TRF were told that it would be all right, as it was still the intention of the authority to acknowledge vehicular rights on the alternative route, when they could get round to it. Finally it was agreed that this was akin to selling a birth-right for a vague promise of something that only *might* be a mess of pottage, and might be no use to vehicular users at all. The action was withdrawn, and the latest idea is to go to the magistrates with a proposal to divert the carriageway to the new (or perhaps original) route. This can be done under the same Act, as long as the alternative route is 'more commodious' – and with no walls across it this concept should not tax the judicial mind unduly. Doing the deal this way also avoids doubt about the timescale, and as a 'legal event', should eliminate the inevitable public inquiry should a byway be claimed. A better outcome all round. □

The Stonehenge Saga

In June 1991, English Heritage (EH) and the National Trust (NT) made a joint application for outline planning permission for a new visitor centre and approach roads at Stonehenge. The proposals included the stopping-up of all public rights over the nearby A344 main road, and on two byways forming a continuous route (Amesbury 12 and Durrington 10). The proposed new site straddled the byway, and the access road curved west and south-west to join and continue along the closed A344. Rumours had been circulating for some considerable time before the application, but in spite of repeated requests to EH for information on the effects of their proposals on rights of way, no consultations whatever were carried out with user groups. For once, local authorities and user groups presented a united front; the proposals were universally condemned,

and objections duly lodged. In September and November 1991 Wiltshire County Council arranged informal meetings between themselves, EH and NT, a local council, and user groups. The applicants were totally intransigent and both meetings ended in deadlock. The sticking point was the stopping up of the two byways, with the applicants asserting that they were not prepared to contemplate a diversion, or a substitute byway route, within the designated 'World Heritage Site' – an area of around 25 km² (6200 acres).

Abandoned

The application was considered by Salisbury District Council in December 1991, and refused. The applicants promptly lodged an appeal. Meanwhile, a detailed planning application confirming the byway closures but adding a new footpath, was submitted in October 1992. The whole scheme drew considerable criticism, local and national, and the application was finally abandoned in May 1993.

Rather late in the day, and with a new chairman at the helm, EH decided to start from scratch and, this time, consult as widely as possible. Consultations took the form of a glossy brochure together with a questionnaire, tens of thousands of which were distributed. A scheme was drawn up showing eight alternative sites for the visitor centre, and a diversion for the byway, applicable whichever site was finally approved. The diversion moved the byway on a circuitous route some distance to the west of the existing line, avoiding sensitive archaeological features. Not the ideal solution from the users' point of view, but in the special circumstances pertaining here, it was generally thought to be acceptable. The new scheme provides for footpath rights to be retained along the line of the original byway, but the chairman recently agreed verbally at one of several local meetings that this can be amended to a bridleway.

Continuous route

A number of factors support the implementation of this diversion as a reasonable solution to a difficult problem. The original byway was once a branch of the Harroway, but it has been much altered this century, and a length passing through a military camp was recently diverted round the perimeter. Happily, the diversion proposed by EH will connect with this new byway to make a continuous route, with a number of other byways branching from it. There is a long way to go yet before matters are finalised, but what once seemed an intractable problem is now clearly capable of a satisfactory conclusion. □

☀ TRF Rights of Way ☀ Training Workshop, Derby November 20 & 21, 1993

For all rights of way workers,
amateur and professional.

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RUPPs, BOATs & UCRs
Repairs & Obstructions
Finding & Presenting Evidence
Liaison, Restraint & TROs

○ ○ ○ ○ ○

£50 includes meals and private room.

Ask about special terms for LARA workers!

Organiser: Tim Stevens, 101 Square Lane,
Ormskirk, Lancs L40 7RG – 0704 894136

Can You Help?

LARA needs information about Trail Parks and 4x4 practice areas for a new publication. Please let us know of any that should be included.

Thanks for information already received: do keep it coming in. There are many rumours of sites, but little firm detail.

Write to Alan Kind at the address below

LARA rights of way Respondents – What do they do?

There are many motoring user groups who are affected by changes in the recreational rights of way network, and the law recognises that there should be an opportunity for them to comment on any change. The needs of each user-group can vary, and what is reasonable in one area may not be acceptable in another, but rather than ask each authority to send selected information to a range of contacts, one national organisation, the ACU, has been 'prescribed' by regulations. Had LARA existed back then we might have been involved directly, but in any case the ACU has asked LARA to co-ordinate the system on their behalf. Letters making this clear, (but not all giving the correct details in the first instance, unfortunately) have been sent to every authority by the ACU.

For each authority, LARA has sought a volunteer from among its various member clubs to act both as a filter, and as a distribution system. (As most are male, we use this form here, solely to avoid clumsy constructions such as he/she). He checks each notice, and where they concern routes which are obviously not relevant to recreational or sporting needs, does no more. (A recent case involved a Byway which led only to an urban cemetery, for example.) He has a list of local contacts from LARA members, and takes advice from them in any case of doubt. When their interests are affected, he sends them copies of the papers so that they can prepare responses from the points of view of their own members. Therefore, although notice goes only from the authority to one person acting on behalf of the ACU, comments and objections might come back from several organisations. All these replies should be given equal weight by the authority.

This sorting and sending out of papers is all the respondent has volunteered to do; indeed this alone can make life fairly hectic if an authority is undertaking a RUPP review. He may have other duties for the club he serves; in fact almost all respondents are active in some other way, and this is usually how they come to be recommended. In some areas, no LARA respondent is in place. This might be because negotiations with local volunteers are continuing, or because of a sudden vacancy not yet resolved. It may even happen that no-one has volunteered – here is a list of the areas for which

information now goes only to the ACU in Rugby instead of to a local worker:

Gwynedd, Knowsley, Lancashire, Liverpool, Norfolk, Powys, Sefton, St Helens, Wirral.

If you know of an active rights of way worker with an interest in looking after any of these areas, please let us know at the address below.

Alongside the sending out of notices, there is obviously a need for authorities to have a contact for other enquiries about motor sport or recreation, and it makes sense for LARA to be involved in this process, as member clubs' interests range from strictly controlled competition to relaxed touring. It may therefore happen that the LARA respondent will be prepared to act as a co-ordinator for this function, in addition to his work as respondent, but this is not automatic, and depends entirely on the respondent's own preferences. It is quite likely that a respondent will form the nucleus of an informal rights of way forum, and he may wish to become closely involved with any more formal group. It certainly is not the case, though, that any LARA respondent can be expected *ex officio* to represent a local club, a national user group, or LARA. If he does this, it must be by separate agreement with the organisation concerned. The term 'respondent' was chosen in the hope that a distinction could be drawn between this rôle and that of representative. □

Ridgeway Inquiry: No news is frustrating

It is now almost twelve months since LARA spoke up for vehicle use of this ancient highway at a public inquiry in Swindon. No-one made any promises, but it was generally agreed that we should hear the results 'in the spring'. Then we were led to believe that the Newbury by-election might delay things, but we have now been waiting longer than is reasonable. The latest speculation is that a serious legal stumbling-block is holding up the announcement; those who followed the debate will be aware of several oddities about the order which were brought to the inspector's attention by Bill Riley. It certainly is not the inspector who is delaying things, as we hear that he reported before Easter. □

Doncaster MBC Rights of Way Forum

All Motoring User Groups
are invited to send
their representatives.

Please contact Mr M Elliott
Scarborough House, Doncaster
DN1 2DB – tel: 0302 735028

Contributors to this issue include Bill Riley, BBT & TRF, and Tim Stevens, BMF & TRF. We welcome articles and comment on any topic of interest to LARA members.

LARA: *part of the solution.*