
LARA NEWS

Issue 6 — October 1993

HELP! A TRO To Close the GAP!

On 8 October Powys County Council circulated for consultation a paper outlining the various ways a prohibition of vehicles might be imposed on the well-known Gap Road south of Brecon. For some time now, there has been a localised problem on a stretch of the old road where a military vehicle is reported to have broken through a culvert, leading to waterlogging and a section that is hard to travel for non-motorised users. Nobody who knows the case history is attaching blame to recreational vehicle users, but the damage has not been repaired and the ground conditions remain difficult. This situation obviously suits the anti-motor vehicle Brecon Beacons National Park. Their report in January 1993 states that:

'Vehicular use must be inappropriate in this environment. The most appropriate way to resolve traffic use on the Gap Road will be a TRO.'

This puts Powys County Council in a cleft stick. They must heed even the most unfairly prejudiced views of the national park, so this consultation is to enable them to get a feel for what management measures may be most appropriate and fair. The County Council lists various options — a full ban, 4WD only ban, weekend ban, etc. They also talk of using safety as a justification, but if the route is dangerous for a vehicle, then it is also dangerous for a mountain bike or horse rider. And, of course, they cannot TRO horses off the Gap Road anyway.

Can You Help?

Anyone with a view on this matter is invited to write NOW to the County Surveyor (Rights of Way Dept), Powys County Council, County Hall, Llandrindod Wells LD1 5LG. Their deadline for responses is Monday 8 November. Too late for a letter? Their FAX number is 0597 826260. You may wish to mention these points:

1. There is no history of user conflict on this road,
2. Recreational vehicles are not blamed for the damage,
3. The Gap Road is hard and well-suited to vehicular use,
4. Even if motor vehicles are prohibited the road must still be made safe for equestrian and bicycle traffic,
5. Powys should be fully aware of the strongly anti-motor vehicle bias in the policies of Brecon Beacons National Park and remember their own duty to assert our rights,
6. There is already a problem with 'cowboy' driving in that area. A TRO would be unenforceable and would simply operate to alienate the responsible and careful drivers, and
7. Welsh Office Circular 5/93 advocates proper and positive management measures **before a TRO is considered.** □

Forestry Commission Sell-Off: What Safeguards for Ancient Roads?

Recreational users of Forestry Commission plantations are very worried about the effects of any future sale to the private sector. There are three main issues:

- Permissive access, as for car rallies and mountain bike races, and agreements with horse riders and walkers. Such deals may be free, or involve fees, or licenses.
- Definitive rights of way, not all of which are clearly available, and some completely blocked or otherwise prejudiced by forestry operations.
- Other public rights of way not on the Definitive Map. These include unclassified roads, and highways not so recorded but for which sound evidence exists (in Inclosure awards and similar sources.)

It is this third category that is of greatest concern for vehicular recreation. Trail riders and their colleagues have learnt the hard way that Byway claims are counter productive in many areas, as can be

seen by the response of Dorset CC to a recent claim by TRF members, reported elsewhere in this issue. Instead, users have got used to a pragmatic approach to problems — finding their way blocked, they have diverted around any obstructions, often using the 'private' tracks put in by the foresters for their own purposes. Come privatisation, the new owners will almost certainly be less inclined to allow such apparent 'trespass' to continue. Some will undoubtedly seek to have any old roads within 'their' forests stopped up. Safeguards are needed to prevent this — the old routes should be acknowledged and properly recorded before any land is put on the market.

LARA was recently able to put these fears into perspective at a user-meeting with the Commission, and the message was endorsed by the Byways and Bridleways Trust and the British Mountain Bike Federation. The BHS also approved in principle the need for proper recording. The Forestry Commission officer agreed to investigate the possibility of management action to safeguard these neglected resources, working with highway authorities toward their eventual recording on the Definitive Map. Who is to do the research, and produce all the supporting evidence for the existence of these ancient relics of our highway network? Users, of course, as neither the Commission nor the Counties can spare the resources. And what of the fine specimens of silviculture now growing along the ancient ways? Everyone agrees that even though they might technically be illegal obstructions, it would be in no-one's interest to start indiscriminate felling. Just as long as we can all be sure that our resources, and those of our grandchildren, are not under threat. □

Putting on the Frighteners — No 1

No-one is sure what counts as a valid objection to an order to modify the Definitive Map, or to reclassify a RUPP. Even after the recent Lasham case, in which it was made clear that any objection, even one which could not affect the outcome, should lead to a public inquiry, it is still true that only relevant objections can have any real impact. The only fly in this ointment is the possibility of costs being awarded against an objector whose invalid or irrelevant objection leads to the expense of an inquiry. Perhaps this factor will lead to fewer objections on the so-familiar grounds that 'upgrading this nice footpath' will cause a huge influx of rabid motorcyclists, and that 'opening it to all traffic' will lead to processions of pantechinons trying to pass 4WD drivers stuck in ruts two feet deep.

Norfolk County Council have taken a firm line with the Breckland Land Rover Club, who recently objected to a RUPP being reclassified as a bridleway, on the grounds that their members had used the route with vehicles for 15 years without problems. The reply from NCC stated quite clearly that the objection:

'could be said to be frivolous and without sufficient grounds ... Norfolk County Council would be entitled, in these circumstances, to consider asking the inspector to make an order for their costs against the objector, to include preparation for and attendance at the inquiry.'

This is, quite simply, an atrocious and groundless threat by NCC against a perfectly legitimate objection, indeed, one that should influence the Inspector. RUPPs have been reclassified as Byways on similar evidence in the past. In common law, much shorter periods of user have led to successful claims of 'presumed dedication', but perhaps not in Norfolk. □

Dursdon Drove: No Signs of Progress

Somerset's first Byway is in the news again. With commendable speed, the authority did their duty and erected signposts where the Byway leaves the tarmac at each end. Proper solid oak jobs, tastefully carved with the name, destination, and distance, and bound to appeal to all as a useful way of avoiding misunderstanding. Not everyone shares this view, it seems, as the lane is now on its third set of signs! Perhaps someone, somewhere, is keen to deprive country users of information. The loss has been reported to the authority, and to the police. The farmer who lives nearby is known to have a very keen ear for a passing vehicle; perhaps he should be asked to look out for any sign of sign vandalism... □



We all hear claims of recreational damage, especially in Hampshire. Perhaps this is what is meant? One culprit is shown below.

LARA - WTRA - DoE - TRO Liaison

We reported recently that sweeping changes to RoW law are not likely, but that does not mean that nothing at all will happen. The DoE recently met with Tony Kempster, ARC, Bill Kershaw, WTRA, and Alan Kind, LARA MRDO, to discuss the guidance that might be given to highway authorities on TROs. The message was clear, ignore hysteria, listen to the facts, and try other options first. Traffic Regulation Orders should be a last resort, not a first strike weapon. A Government Circular would make this clear, especially if copies are sent to national parks. □

Putting on the Frighteners — No 2

Another version of the helpful way our authorities are moving towards the aims of Recreation 2000, this time from Dorset:

'Your application to modify the Definitive Map by showing bridleways 26 and 39 Puddletown as a byway open to all traffic has now been considered by the Rights of Way Committee. Their decision was that your application should be accepted and that action be taken on a Traffic Regulation Order.'

Just the sort of encouragement we all need. □

National Parks — Breathing Space?

The Government has decided to put the brake on the proposed Environment Bill, which would give far greater powers to the national park authorities. This is both a good and a bad thing for motor sport and recreation. Bad, because we all appreciate the need to protect the countryside that we enjoy. Good, because it gives us a little longer to try to convince those in charge of national parks that what we do is not to be viewed as one stage worse than a visit from Ghengis Khan. Cynics may say that some will never be convinced, and that this delay only puts off the evil day when the 'red-sock brigade' nails up the signs 'Park Closed to Motors - Keep Out'. This may be true, but even so LARA will continue to press for a fair deal for motorised access.

Not all those in high places are biased against us. Among the even-handed is Professor Allan Patmore, formerly Vice Chairman of the Sports Council, and now a Countryside Commissioner. It is reported that he told a recent National Parks Workshop that the park authorities should be given powers to regulate the movement of traffic within the area.

While most of us would agree that some parts of some parks can be quite busy on summer weekends, we also know enough to avoid

such congested honey-pot sites. Giving national park authorities the power to exclude anything meeting their description of 'undesirable traffic' is rather like giving Saddam Hussein a big box of Plutonium for peaceful purposes. We can all guess at the end result.

Proper traffic management? — Yes, of course.

Traffic powers without proper controls — No!

Any new powers must be drafted to require real co-operation and consultation with all affected users, and this must mean something more than the current rules for TROs. We refer, of course, to the idea that we can object, and they can ignore us. □

Meanwhile, Elsewhere in Somerset —

RUPP reclassification is not seen as the highest priority in Somerset, either by the highway authority, or by recreational vehicular users. At a recent meeting with SCC, Peter Banks of the TRF, Steve Addicott of the AWDC, and our own Alan Kind, agreed that clearing obstructions, and getting 'lost' green roads properly recorded on the Definitive Map is of much greater importance. Fortunately, when it comes to vehicular rights on RUPPs, the County have already made the position clear:

'This Council accepts the existence of vehicular rights until proven otherwise.'

The officers were left in little doubt that the users see the RUPP issue as just one apple in the picnic of identifying and protecting the whole network of minor highways in Somerset. To their credit the officers spoke positively on ideas to achieve this, but were constrained by the inadequacy of resources and the difficulty of changing existing strategies and priorities. The meeting clearly demonstrated the need for better liaison between users and officers, and plans were made to build on the current co-operation.

Officers from Exmoor National Park were present. They expressed some concern that the RUPPs on Exmoor, being well known, were in some danger of being over-used. User groups may wish to note these concerns, and consider their own level of use in the Park. When 'lost' routes elsewhere in Somerset, and in Devon, are properly available, they should have less to worry about. □

More Changes in Northumberland

Various user groups in the county have had an unhappy year, following reorganisation of the rights of way functions. Letters have been unanswered, and the backlog of problems has grown. Now a new RoW Supremo is in post - Chris Smith - with more staff. At a meeting in September the councillors present were told by user groups, in no uncertain terms, that strategies and priorities were all well and good, but unsolved problems must be dealt with vigorously, and now. A further meeting of users and officers in mid-October should agree on immediate and medium-term action. Alan Kind represents all motorised users at this forum. □



This armoured car was accompanied by two others, a tracked personnel carrier, and a couple of much lighter Land Rovers.