
LARA News & MFU Matters

No 9 - May 1994

The articles ending in a star are extracted from MFU matters, published by the Motorsport Facilities Unit, the section of LARA which deals with the needs of motorised competition.

Widening LARA's Membership

Some of you may have seen Dave Barker's considered piece about the operation of LARA in a recent issue of Land Rover Owner magazine. Although it has always been LARA's policy not to court controversy in the press, Dave's article does reflect a fundamental debate that will be addressed at LARA's annual general meeting on 28 April 1994. The AGM will look at ways of widening LARA's sphere of operation without significantly changing our role as a forum and umbrella-group for motor sport and recreation. Various options have been put forward, including associate membership for smaller national or regional clubs and associations, together with a mechanism whereby small clubs and individuals can subscribe and receive some LARA services direct. First details are on the last page of this issue, more next time or from the address below. □

The RIDGEWAY: Wet Weather Restraint Ends

The emergency voluntary restraint on vehicular use of the Ridgeway ended as scheduled on 31 March. The track is starting to dry out nicely, especially with the welcome period of dry and breezy weather in mid-April. That said, the surface is still vulnerable, so we would ask all users to take the greatest care and look for any local advice posted by the Ridgeway Officer.

In the same area, but not part of the National Trail, are routes that may have been used as alternatives during the latest period of restraint. We are told that Old Street, a highway made up of a string of BOATs, RUPPs & bridleways, which crosses the Ridgeway in the Wantage area, has some surface damage. This is being investigated, but if you use this area please regard Old Street as requiring the same respect as the Ridgeway itself. □

Countryside Commission to be Scrapped?

No, don't get too excited. The Government has announced that it intends to look closely at a merger between the Countryside Commission and English Nature with a view to replicating the restructuring that has already taken place in Wales and Scotland. This is in a very early stage at the moment, but informed opinion has it that such a merger is almost inevitable. Interestingly, at much the same time as this was announced, former Environment Minister Tim Yeo floated the idea of creating one over-arching government department with responsibility for non-food-producing aspects of the countryside and environment. Unsurprisingly, this has not met with much support from the farming community.

LARA has responded to the initial consultation paper by suggesting that the board of commissioners for the new outfit should include someone who actually knows something about countryside recreations other than walking and killing things, perhaps by allowing the CCPR and/or Sports Council to nominate such commissioner(s). The current set-up is certainly undemocratic, unrepresentative, and not remotely even-handed. We hope the Government will take this opportunity to create a management structure that reflects the interests and needs of all countryside users, not just the self-selected mainstream. One

thought about the proposed merger involves the mainly scientific background of English Nature officers. Deciding what to do by looking squarely at the real evidence is never a bad idea. □

National Parks to Gain Additional Planning Powers

Lord Norrie's Private Member's Bill to widen and increase the powers of the national park authorities has begun its journey through Parliament. As currently drafted the park authorities will gain full town and country planning powers, independent of district councils overlapping in the same area. The parks will gain some powers in respect of footpaths and bridleways but will not become highway authorities as such. This means that the park authorities will not get significant additional powers to enable them to stop motor sport events or green road access, but we must be vigilant for this threat creeping in to future local government reorganisation legislation. □

Rights of Way Problem?

We can provide specialist advice & back-up to help you reach a successful conclusion.

Sue Rumfitt Associates
Sheeprack Cottage
10 High Street
Souldrop, Bedford
MK44 1EY - (0234) 781093



Road Traffic Regulation: Big Changes

Readers not connected with bicycle racing may not know that, with scant regard for geography, there is a proposal to run part of the Tour de France in England. We look forward to the Paris-Dakar running through Ormskirk.

The local authorities and police responsible for masterminding the Tour de France bicycle race in southern England, both this year and next, have finally woken up to realise that the event would push the current margins of legality a tad too far. With remarkable speed, a private member's bill introduced by Hexham MP Peter Atkinson, is heading for the statute books where it will grant local authorities remarkable powers to suspend the Road Traffic Act and other statutory provisions to facilitate the holding of sports and other events on the highway. While the Bill specifically prohibits the use of the new powers to allow motor racing on the highway, they can be used for properly authorised trials and rallies, and extend to all highways, not just those with a sealed surface. The Bill as currently drafted does not properly address some important aspects of traffic prohibition (the running of the Tour may still be unlawful - that tends to happen when legislation is rushed through without proper consultation) and it has been suggested that this sticking plaster job may lead to a wholesale review of road traffic legislation in the not too distant future. If and when that comes the 'TRO all green roads' lobby will doubtless be baying for blood again. □

Asserting and Protecting, Staffordshire Style

Back in 1989 local users reported padlocked gates on a green lane, a 1968 Act ex-RUPP 'footpath' near Leek which had been in use for some time by horse riders and trail riders. The Highway Authority did nothing. A local horse-owner put together a dossier of evidence on the vehicular status of the route, and after some delay, Staffordshire County Council's Highways Committee resolved that the route should be 'admitted as unclassified publicly maintainable highway.' The padlocks were not mentioned in the minutes. What was mentioned was 'concern that these public paths (sic) should be protected from vehicular access'. Much was made of the 'wider responsibilities under the Countryside Act 1981 (sic)', and no-one thought of O'Keefe. The committee resolved to seek a TRO and to apply to magistrates to downgrade the route to bridleway. Not for Staffordshire the consultation recommended by the DoE, not for them any thought of identifying the real problem (if any), nor even trying other management options first. The padlocks did go – a local user reported the illegal obstruction to the Police. □

To all who produce Rights of Way Papers:

We can help you produce access leaflets, conference papers, temporary signs, and newsletters like this, that really work.

**Tim Stevens – LARA Information Officer
C-type, 101 Square Lane, Ormskirk L40 7RG
— 0704 894136 —**

We promote co-operation, not conflict. Try us.

TRO – Flavour of the Month?

Early last year the Department of the Environment issued advice to highway authorities about how to deal with the rights of way network. Circular 2/93 (5/93 in Wales, HMSO, £5.35) sets out the legal niceties, and recommends consultation with user groups as a way of resolving issues in a spirit of co-operation. In particular it recommends that Traffic Regulation Orders on recreational routes should only be considered when a problem has been clearly identified and other management tools have been tried and have failed. Recent reports to LARA of a rush to put TROs on green lanes in Kent, North Yorkshire, Suffolk, Powys, Staffordshire, Somerset, and elsewhere, often before any real problem has been identified, lead us to believe that the Circular is being ignored. The main push for restrictions comes from Councillors, rather than Officers, but this does not help us to answer our members who ask:

"If the Council are not following their Code of Conduct, what is the point of us following ours?"

A related activity, often carried out by landowners, but also by highway authorities, is the blocking of rights of way by new gates and other obstructions. Authorities have a duty to protect rights of way, and to remove any obstructions, but despite this they are often adept at turning a blind eye to problems created by occupiers, and others, who take the law into their own hands. When the Highway Authority itself is responsible for the obstruction, it becomes particularly difficult for users to get proper action taken promptly. What might we say to our members about following the example set by illegal acts? □

Health and Safety Executive

As everyone involved in the organisation of motorsport events eagerly awaits Allan Watson's guidelines on the Health and Safety at Work Act, some clarification has arrived from the Health and Safety Executive Local Authority Unit. By the time you read this, the letter in question, from the Unit's Karen Davis, will have already been circulated throughout the sport. However, the gist of it is that the Health and Safety Act etc 1974 is connected with places of work and cannot be applied unless a clear work activity can be established. Therefore, clubs should not report accidents, as required by the Reporting Injuries, Diseases and Dangerous Occurrences Regulations 1985 (RIDDOR), unless an incident clearly resulted from a work activity or in connection with a work activity. Unless these two factors can be established, RIDDOR does not apply.

With clubs in some parts of the country being pressured by their local Environmental Health Officers to provide such information the sooner the Guidelines are in place, the better! ☆

Thank Goodness for the Processes of Democracy

The MFU was hoping to report that the Cheshire Centre, ACU, had found a new venue for an Open to Centre Enduro on land owned by the Forestry Commission but, unfortunately, all we have to report is another victory for 'democracy'. It would seem that despite the Forestry Commission being happy that the event (starting at 10.00am, finishing at 1.00pm : 60 competitors maximum) should proceed and that any sensitive areas were not to be used, certain influential Parish Councillors dragged up the usual anecdotal 'evidence' of the likely effect the event would have which resulted in negative local press articles (surprise).

To their credit, the Forestry Commission held firm and continued to give the permission and co-operation to the organising club. However, following threats from the 'anti-everything I don't happen to like brigade' that they would be demonstrating along the route the organisers have taken the responsible decision to cancel the event. It is now highly unlikely that the venue will ever be used for legitimate motorsport. Makes you proud to be British doesn't it? ☆

The General Development Order

The Department of the Environment's official stance is that they envisage no reduction or alteration being made to the current GDO Regulations. This is good news considering the Council for the Protection of Rural England's campaign to persuade the DoE to either reduce or completely do away with the '14 Day' Rule. LARA will continue to monitor the situation. ☆

LARA Conference Success – We Hope!

First reports of the recent LARA conference on Secret Highways are full of compliments. A National Park officer described the day as 'The most significant since Winchester', a County Councillor said 'These papers are the best I have ever seen'. The only complaint came from a user who said 'What a shame no-one was here from my county council.'

A full report will be available in the next issue of LARA News, but for those of you who cannot wait, copies of the papers are available at £12 including postage from the LARA Information Officer. He has an advertisement on this page. □

Quote of the Month

From a TRF newsletter: 'We told the council about the lane which is ploughed-out, but they couldn't find it.' Exactly. □

Powys: Gap Road TRO Now Advertised

At a recent LARA meeting we were told that discussions to resolve this issue were continuing. Perhaps they are, but the TRO has now been advertised, and readers are invited to respond to Powys County Council. It is proposed that:

'It will be unlawful to drive any vehicle (including a motorcycle) in that length of the County Unclassified Road No U549 (RUPP No 17/12/21) ... known as the Gap Road ... (grid reference SO 035174) for a distance of approximately 4 miles ... (grid reference SO 038237).

*N M Rolt, County Solicitor, Powys County Hall,
Llandrindod Wells, Powys LD1 5LG*

This is an important route, not just because it has been used by motorcyclists (including the writer) for many years without damage, conflict, or other problems. It serves as the only green road link between a network of green lanes to the south of Brecon to another group near Talybont reservoir.

Local LARA people have been trying to convince the authorities that because legal motorcyclists have not caused problems they should not be included in any restriction. The council have not been convinced, that is clear. Not only have they rubbed motorcyclists' noses in the dirt by spelling out, gratuitously, that motorcycles are included, they have also carefully worded the order so that bicycles and horse-drawn carriages are also banned. □

Action Direct? Or Tit-for-Tat?

There are one or two among LARA clubs who are becoming disenchanted with the attitude of some councils, and some national parks, towards legitimate activity such as trail riding. LARA believes that the way forward involves co-operation, not bans; that it is better to say 'go here instead'. We try to encourage members to regard the countryside as a precious resource to be treasured as well as enjoyed, and we try to spread the word by drawing the less responsible into clubs where we can help them see our point of view. If our efforts are always met by snubs and bans, what is the point in anyone joining?

One suggestion being bounced around, in an attempt to make our point a different way when co-operation is ignored, is to make life difficult for authorities by bringing them face to face with other problems on the rights of way network. For instance, we all become aware of soggy bits of path from time to time, and the normal reaction is to think

'Surely authorities have better things to do with their time and our money than raise every path to a state of perfection.'

In some cases, it is obvious that authorities have nothing better to do than deprive us of recreational resources, and the suggestion is that users might find ways to keep them busy. How? Section 56 of the Highways Act 1980 allows users to seek repair of any section of any right of way which is 'out of repair'. This does not apply simply to roads, it covers footpaths and bridleways too. One simply writes to the authority pointing out that a path is out of repair, and asking if they admit that they are responsible for repairing the route. If nothing happens, or they do not put the job right, the user can go to court and force the issue. Full details are given in the rights of way literature as well as in the Act itself; LARA will issue a leaflet setting out the exact procedure if there is enough demand. Not that we are suggesting any action, of course, just pointing out what is being suggested to us by concerned and disappointed members. □

Kent CC Imposes 'Voluntary' Restraint

In an attempt to fend off yet another TRO proposal, TRF and 4x4 users in Kent have been discussing the possibility of using the LARA Voluntary Restraint scheme on a Byway section of the North Downs Way. Yes, you guessed, a National Trail on which other users seek to ban trail riders. Kent CC proposed a version of the LARA scheme which did not comply with the agreed guidelines, in particular because it was not clear what would be done to resolve the perceived problem while restraint was in place, and because the period sought was much longer than the agreed maximum of three months. Local users are inclined to go along with almost any suggestion in order to demonstrate that they are being co-operative, but LARA is concerned that if we agree to a summer-long scheme, as proposed, and nothing else is done, there are only two possible outcomes:

- Use by vehicles drops off, and we are asked to continue Voluntary Restraint indefinitely, 'because it works' and
- Use continues as before, and once more the cry goes up for the TRO threat to be revived 'because VR doesn't work'.

One aspect being considered locally is that other TROs in the area should be lifted to give users a reasonable alternative for their recreation. The Kent CC have responded by suggesting that they distribute in one village a leaflet

'which clarifies various rights that the public have including Byways.'

The leaflet says that Byways are for all traffic but mainly used by riders and walkers, and are waymarked in red. That is all, a big help in clearing up doubt. The rest of the two sided A4 sheet does not mention Byways. Neither does it say that of the 4200 miles of definitive routes in Kent only 60 miles is Byway, that some of this 60 miles is already closed to vehicles, or that in neighbouring Surrey, and West Sussex, there are no Byways at all, and hardly a useful green lane in all of London, either.

The latest news is that Kent CC have been unable to wait until they heard back from LARA, but have put up their own signs. 'The signs will in no way pre-empt our joint efforts and will only be used as a temporary measure on the presumption that your committee will support the proposal.' Quite what they understand by the term 'pre-empt' is not clear. □

*Eric Thompson buys and sells –
Rare Motor Books, Magazines, Annuals,
motoring badges and miscellanea
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RoW Survey – More Please

Many months ago the Countryside Commission commissioned a countryside survey of the condition and availability of all types of definitive RoW. Vehicle users were pleased to be invited to take part, and clubs gathered lists of interested members. After some delay, the organisers, Travers Morgan, finally contacted us. Details were sent, and then, nothing. Only a message that few responses had been sent back. Perhaps our members were disheartened by actions elsewhere by the Countryside Commission, and were disinclined to give them details of routes which might be subject to TROs. A revival of this initiative is detailed overleaf. □

RoW Survey – Where you can Help

The list below gives details of each county in which information about RUPPs and Byways is still sought. We are assured that this really is not a search for more roads to close, and you will have to take the word of the Countryside Commission on that point. What is needed is this:

1. You will be sent details of the exact squares for the area you have volunteered to cover, and a nice pack of papers and forms.
 2. Start with a 2½ inch map of the area, and check for RUPPs and Byways in your squares.
 3. Then check the same squares on the proper definitive map at your county or district offices. Note carefully any variation (leaving footpaths and bridleways to others). Note on your map the official numbers of your routes for reference, and to do a thorough job, note from the definitive statements (same office) where any gates or other 'official' obstructions are noted.
 4. Off you go into the wilds of England, ready to check the details of the definitive routes you now know all about. Make sure that gates are OK, and check all the other details asked for in the paperwork.
 5. Post it all off with a note of your expenses, and sit back to await your brownie-points. What could be simpler?
- The address for offers of help is:

Annabel Spence, Travers Morgan
2 Killick Street, London N1 9JJ

The missing squares are in these counties – details for other users are added as many readers have wide interests.

County	Bicycle	Horse	M-cycle	Carriage	4x4
Avon	1	1	-	3	3
Bedfordshire	-	-	2	2	2
Berkshire	-	-	-	3	-
Buckinghamshire	-	1	-	4	-
Cambridgeshire	-	5	7	7	7
Cheshire	5	3	5	5	5
Cleveland	-	-	1	1	1
Cornwall	5	5	-	-	8
Cumbria	9	7	13	14	14
Derbyshire	-	1	-	5	3
Devon	8	3	11	8	11
Dorset	1	-	-	3	5
Durham	3	-	5	5	-
Essex	5	-	7	5	7
Gloucestershire	3	2	-	3	-
G Manchester	5	6	10	9	10
Hampshire	7	-	8	9	9
Hereford & Worcs	4	6	4	8	-
Hertfordshire	2	2	-	3	3
Humberside	2	2	-	3	3
Isle of Wight	1	1	1	1	1
Kent	-	-	7	7	7
Lancashire	3	5	6	6	6
Leicestershire	-	-	-	5	5
Lincolnshire	-	12	-	12	12
London boroughs	11	18	19	18	20
Merseyside	1	2	4	4	4
Norfolk	9	4	-	11	11
Northamptonshire	3	3	-	5	-
Northumberland	10	-	10	9	10
North Yorkshire	2	5	17	17	17
Nottinghamshire	-	1	-	4	2
Oxfordshire	4	3	-	5	5
Shropshire	3	-	7	7	7
Somerset	5	-	-	7	7
South Yorkshire	-	3	2	3	4
Staffordshire	3	2	5	5	4
Suffolk	1	-	8	8	7
Surrey	-	-	3	3	2
Sussex East	-	-	4	4	4
Sussex West	3	-	4	-	-
Tyne & Wear	3	3	5	5	5
Warkwickshire	-	3	4	4	-
West Midlands	5	5	7	7	7
West Yorkshire	-	3	3	5	-
Wiltshire	6	-	-	7	7

You can join LARA, and so can your Club

Latest news is that Clubs can now become 'Associate Members', and individuals can become 'Supporters'. This move is intended to speed up our help for you, and yours for us. It should also boost funds – again making it easier to do the work LARA was set up for. More details from your clubs, and in the next LARA News.

Avon in a Cleft Stick

Sympathise if you will with the county of Avon, who say they may have a serious problem which can 'only' be 'solved' by a TRO. The case they are stuck with involves a green lane near Lulsgate Airport, a definitive RUPP, which has been used in the recent past as a dumping-ground for cars, usually stolen, and always burnt-out. When this happens, the lane is impassable for all users until public money is spent on clearing it. Woodspring District Council, who have an agency agreement to look after footpaths and bridleways, but not RUPPs, somehow formed the impression that this was a bridleway, erected a new bridleway gate, and blocked the rest of the entrance with a length of Armco bolted to thick posts. Full marks for the engineering, even if it is illegal.

Avon CC have declined to remove the obstruction, which they recognise as illegal, until they have evidence of the size of the problem. Even then, they tell us, they might decide to go for a TRO for four wheeled vehicles if the facts show this to be a solution to a real problem, and if they do, the obstruction will remain. They claim that they have no resources to solve this problem any other way, and that in the meantime surely it must be better to take away the rights of a minority (4x4 users) so that others (including motorcyclists) can continue to exercise their rights.

The LARA view is that there are commendable features of this case, particularly the search for real evidence before taking action. We are not at all happy about other aspects:

- the lack of understanding of the real status by the District Council – what other mistakes have they made, and at whose expense?
- the fact that the official response to illegal action (obstruction by wrecks) is more illegal action (obstruction by Armco),
- the example set to other councils, and landowners, that they should take the law into their own hands, and if pressed, take other action later to 'tidy things up', and
- the potential for problems when the RUPP is reclassified. We are advised by Avon CC that this is not likely until well after 2000 AD, and we can hear the objectors now, saying 'It can't have vehicular rights, because the council put up a bridleway gate in 1994. They wouldn't have done that, surely, if vehicular rights existed?'

Perhaps if the lane had not always been blocked for four-wheelers at the other end, by heaps of fly-tipped rubble, 4x4 users would have used the route enough to make it less obviously a haven for thieves. Local 4x4 drivers might even have agreed to keep an eye on the lane, and help do the towing-out that might still prove to be necessary. This would save public money, and be to the benefit of all users, not just some of them. But of course, it would also mean recognising that those who use motors for recreation can be part of the solution rather than part of the problem. □