

TRF

BULLETIN

TRAIL RIDERS FELLOWSHIP

A national club for the encouragement of non-competitive green roads motorcycling and maintenance of rights of way.



BULLETIN NO. 77 MARCH 1980

FORTHCOMING RUNS

Bournemouth & Poole: March 30 10 am in High St., near White Horse Inn, Downton. OS maps 184 & 195.
 April 27 9.30 am at Stockbridge High St. Hants run on maps 185 & 196. For details ring Bere Regis 827.
 May 11 9.30 am on B3082 near Badbury Rings for a map reading and exploration run, maps 195 & 194.

Cheshire: March 9 To be decided, contact John Ward on 061-427 4745.
 April 6 As above.
 May 4 As above.

Cumbria: March 23 10 am at White Moss car park, Rydal. Contact David Howe at 3 Greenfoot, Mealsgate, Carlisle CA5 1DF.
 April 20 10 am at Ingleton car park (for Salter Fell), contact David Howe.
 May 17/18 10 am at Kendal for a Lakes & Dales weekend, contact D.Howe.

Derbyshire & S. Yorkshire: March 16 10 am at Baslow, contact Ian Dunsire - Barnsley 742475.
 April 20 10 am at Whiston, contact Ian Dunsire.
 May 18 10 am at Holmfirth, contact Ian Dunsire.

East Midlands: March 16 9.30 am at Coalville Clock Tower, contact Richard Marshall on Draycott 3416.
 April 13 To be decided, contact Richard Marshall.
 May 18 9.30 at Ollerton roundabout, contact Richard Marshall.

FORTHCOMING RUNS (cont)

East Yorkshire: March 8 9.30 at Horton in Ribblesdale, contact Howard Wadsworth on Knottingley 83400.
 March 23 10 am at Boothferry, near Goole. Contact Don Burt on Hemsworth 612258.
 April 5/6/7 North Wales weekend, contact Don Burt.
 April 27 10 am at Pateley Bridge, contact Howard Wadsworth.
 May 3/4/5 Lakes weekend, contact Howard W.
 May 25 10 am at Settle for Salter Fell, contact Don Burt.

Lancashire: Frequent ... runs in our area, contact Lesley Windsor on Farnsworth 792743.

South East: Monthly ... runs in Kent, Surrey, or East Sussex. Phone Alan Jackson after monthly meetings on 01-660 5648 (home) or 01-357 2487 (work).

Southern: 1st Sun. ... of every month - Beginners Run. 9.30 am at Carrafors, tel: Henry Wilson on Chandlers Ford 60838.

Teesside: March 9 10 am at Ripon for the East Yorks Dales, contact John Law on Middlesborough 592696.
 April 6 10 am at Ruston (7 miles SW of Scarborough) for Wykeham Forest, contact John Law.
 May 11 9.30 am at Birk Brow for the East North Yorks Moors. Contact John Law.

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BRIAN THOMPSON'S RoW BIT

The great Ridgeway. The final episode in this 10 year struggle to close the oldest and longest green lane in the UK is now upon us. The decision by the Countryside Comm. to put a total traffic ban on the entire 42 miles was announced in Dec. 1979. The 12 month £10,000 Ridgeway Study Report is now published; it says that a total ban is not justified. The Commission choose to ignore their own report, the findings of the 1976 public enquiry and the government green lane study. Those in support of the vehicular ban are ... 3 county councils, 18 local councils, the Ramblers Assoc., the CPRE, Commons Society, Ridgeway Conference, Cyclists Touring Club, Country Landowners Club, Wiltshire Bridleway Assoc. and (incredibly) the Scouts movement! Those opposing the ban are the ACU, BMF, TRF, Four Wheel Drive Club, RAC and the CSMA. Those with no opinion are the National Farmers Union, Automobile Assoc. and 6 local councils. The local police say they will be unable to enforce any order, enforcement will be up to militant ramblers. Hostility and possibly violence will break out as some riders defy the ban.

The Commission say they will not hold a further public enquiry as they cannot justify the expense. Even if we flooded the Commission with 100's of letters they still have the power to refuse a public enquiry and make the order, this is a sober fact! The law on traffic orders does not allow any recourse for an appeal to a higher court to challenge the decision. I have taken the best legal advice on this matter. The Commission refuses to meet us to talk about the situation, my approach failed. Thanks to a direct approach to the Chairman of the Commission Lord Winstanley by the Byways & Bridleways Trust, the Commission's Asst. Director Mr. P. Leonard has asked to meet with us. Lord Winstanley is sympathetic. I am pleased to report that a meeting between the Commission and riders representatives, including myself, is to be held on Jan. 31st at the Westminster offices of the B & BT. Present will be TRF Secretary Bruce Roberts, ACU/BMF Chairman Roy Brett, Brian Freegard of the Swindon Club, myself and 4 Countryside Comm. officials.

It may be necessary to agree to a partial closure if all else fails, half a loaf is better than none and if we reject a partial closure (if offered) then I fear that the likely outcome will be a total ban. The Commission are particularly interested in setting up a warden scheme to police ourselves and those who misbehave who have brought this problem to a head. I have tried to hammer home the message to the authorities that it is better to educate than legislate. The TRF and the Swindon Club have said they would be willing to take part in a voluntary warden scheme. The irresponsible activities of the four wheeled people have, according to the Commission, played a large part in convincing them that restrictions are necessary. The Director of the Commission Mr. Reg Hookway is an out and out RA man and is said to be determined to close the Ridgeway, he has set a deadline of July 1980.

Derbyshire. RUPP 45 New Mills. County Hall are to apply a traffic order following the request of the local horse riders that trail riders cause conflict. Our offer of voluntary restriction and an offer to repair any damage have been rejected. They say they are impressed with our responsible attitude but took the decision to close before the schemes to try voluntary means were passed. Our objections, as on other green lanes closed by traffic order, will as usual fall on stoney ground and this lane will probably be closed within a few months. I repeat, the law does not provide for a proper democratic objection to traffic restriction orders.

I am pleased to announce that a new man takes over as TRF Rights of Way Officer for Derbyshire, north of Matlock. He is Glyn Davis, "Glendon", Castleton Road, Hathersage S30 1AH, Derbyshire. Tel: Hope Valley 50705. I am happy to hand over after 10 years to a man living within the county. Glyn knows little about RoW yet but is keen. Derbyshire is a very popular county bringing many RoW problems. Welcome!

Bucks. County Hall in Aylesbury announce that they have produced a draft review map and special review draft map open for inspection till March 17th 1980. Maps can be inspected at County Hall and district county offices. Riders should inspect the map as soon as possible and send any objections to Regional Controller, Dept. of Environment, Charles House, Room 527, 375 Kensington High St., London W14.

This should be done not later than 17.3.80. I have no info. regarding Bucks and do not know how many byways have been provided. Any lane with vehicular rights not shown as a byway should be claimed byway and formally objected direct to the D of E, NOT to Bucks CC. It is essential to show any evidence in the claim, ie. if on pre 1835 maps, good user evidence, etc. Do not go into great detail, just 2 lines per lane including width and suitability if you know this. If in doubt see me.

Sorenson v. Cheshire County Council. A most important High Court case affecting common law green lanes took place in November at Knutsford Crown Court. In this case several old roads unused for over 100 years were refused recognition as public carriageways by the county council. Using 18th and 19th century maps to prove the existence pre 1835 the judge, Robin David Qc, in his ruling said that by common law "Once a highway always a highway" still applied and ordered Cheshire CC to maintain them for light vehicular traffic. Some of the lanes involved were footpaths on the definitive map and the judge said that due to the Mason case these must remain closed to vehicles. This is a most useful precedent proving the value of relying on pre 1835 maps to prove vehicular rights in byways claims, and disputed old lanes. Cheshire CC now faces a bill said to be £2m and they are to appeal. Mike Rowley has been in touch with Mr. Sorenson and we are anxious that this decision is not reversed in Court of Appeal. Mr. Sorenson, a wealthy businessman, welcomes our interest and has sent me copies of all the evidence and statements used in the case.

Wales. The Welsh Trail Riders have just finished a mammoth 30 day fight for byways at Powys, total cost will be around £700. The NFU was represented by a QC, landowners, ramblers and local councils faced the handful of motorcyclists. Most frequent complaint heard was that trail riders do not keep to the lawful green lane. The answer to this is DIY waymarking. In my opinion it is not unreasonable for farmers to object to motorcyclists straying all over his land. The county council is responsible for maintaining all public highways but if you press them too hard they will close the lane rather than spend money on maintainance, this is my experience.

A 5 mile track could easily be waymarked in a day using a working party of volunteers. Make up your own waymark using blue or yellow paint on a 2 foot stake, but get the consent of the CC and farmer first. One problem is just what is the proper course of the lane, I suggest you come to an agreement with the council and farmer re this.

Finally good news for North Wales trail riders, a TRF Group has been formed to cover this area. Secretary is Jeff Allen, 22 Beech Court, Allerton Road, Liverpool 18. Jeff has done a lot of good RoW work in Gwynedd and Clwyd almost single handed.

Yorkshire Dales. The Bradford RUPS Club (which is a BMF club only) had a five minute spot on Yorkshire TV on Jan 9th making their objections known to the widest possible audience about the governments new bill. I thought they came across rather well, I liked the farmer who rode a trail bike, and Jane Bramhall. The farmer said that trail riders did not use the Dales during the spring lambing season. If I had to criticise it would be that the blue exhaust smoke from the two strokes was very noticeable, but all the bikes seen on the moorland lanes were quiet. Plans are now in progress to waymark Great Wold and other problem lanes in the Dales.

Government Wildlife & Countryside Bill. No firm news yet but the jungle drums are making pleasant vibrations. Rumour has it that the test for byway will become simpler and easier with just a simple test if vehicular rights exist. In effect this will mean that about 95% of all present RUPPs (and bridledways that should have been RUPPs) will become byways. Best rumour of all is that the Mason case is reversed allowing common law rights to exist as pre 1979 on all footpaths and bridledways that have prima facie vehicular rights. However a wider use of traffic orders is recommended to deal with nuisance and conflict by motor cycles. This is what we have been asking for since 1968. I must of course repeat these are rumours only, well based but unconfirmed. I do feel more optimistic of a fair deal. If we succeed in this I think that most credit must go to the Byways & Bridledways Trust who had last minute talks with the Under Secretary of State at the Dof E in November.

The B & BT were the only user group allowed to see the Sec. of State. The TRF have now donated and affiliated a total of £500 to the B & BT, the BMF have joined with £100.

Ramblers Association press campaign. Just before Xmas you may have seen the nationwide press campaign by the RA calling for a complete ban on trail riding. In a booklet called "Noise in the Countryside" they stated that trail riders like to ride fast and noisy bikes on green lanes and are not countryside lovers. All national and local papers carried the statement plus all local radio stations. Sadly we have not made an effective reply as we lack the machinery, time and money to do so. The campaign is timed to coincide with the Government Bill and Ridgeway closure. Some of the mud and lies are bound to stick.

Presentation. I wish to thank all those members who contributed to a fund organised by Howard Wadsworth (TRF Treasurer) that resulted in the presentation of a 'T' reg. TS 185 Suzuki trail bike to myself on December 10th 1979. I have been without a trail bike for over a year. I shall now be able to visit farmers and inspect threatened green lanes, apart from enjoying a day out. This proves that many riders support and appreciate what I do to save green lanes. I think that basically most trail riders are on my side though typically I may be the last to believe it! Thanks again. PS. Does anyone know how to make a TS 185 Suzuki quieter?

Legal significance of pre 1835 maps. In answer to many requests "What is the authority covering legal significance of pre 1835 maps?". County surveyors and solicitors all too often reject the evidence of pre 1835 maps submitted with byway claims. The courts and public enquiry inspectors DO accept this vital evidence. THESE ARE PRIMA FACIE PUBLIC CARRIAGEWAYS per Leonard Hoffman QC, Lincolns Inn, Dec. 1978 written Opinion.

"Persuasive" references:

Highways Act 1959, sect.35 - "Old maps/plans must be taken into account when deciding the status of a highway"

Highways Act 1959, sect.38, sub sect.5a - "If in existence pre 1835 is a publicly maintained highway". Statutory power.

Sorenson v. Cheshire County Council 1979. Ratio Decidendi. Hood Case CA 1975 Lord Denning. Dicta.

Kent CC v. Loughlin 1976. Dicta.

Suffolk CC v. Mason 1979. Dicta. Sir Douglas Frank. Div. Court.

Dawes v. Hawkins 1860 - "Once a highway always a highway"

Presentation of certified pre 1835 maps as court defence against sect.36, Road Traffic Act 1972 charge in court is good evidence, ref. Police v. Green bros. 1977, High Peak Court (not a precedent quotable). First TRF court success versus RA and Peak Park.

Brian Thompson, 39 Warren Road, Thorne, Doncaster, South Yorkshire. Tel: 0405 814388.

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EDITORIAL GUBBINS

I had hoped to have a professionally printed Bulletin out by now but the technicalities are taking longer than I thought, please bear with me.

This is the last Bulletin you will receive if you have not yet renewed your membership for 1980.

The Ridgeway. The January meeting with the Countryside Commission mentioned in Brian Thompson's column resulted in the TRF Executive having to agree to a voluntary partial restriction of use of the Ridgeway. We have agreed not to use the track on Sundays and Bank Holidays for the 6 months from May till October. This was the best deal the TRF could get, the Countryside Commission drawing on all its goodwill towards us to agree. The Commission was very interested in a scheme for wardens to police the Ridgeway at weekends during this period. Volunteers would be paid £5 per day plus expenses so if any of you are interested please get in touch with Bruce Roberts.

Press Officer. We have a new TRF Press Officer, Martin Christie, 32 London Road, Purbrook, Hampshire PO7 5LJ. Tel: 07014 (Waterlooville) 61077. Please route ALL press releases through him, local or national, as he wants to coordinate the image of the TRF.

Martin is keen to correct the wrongs done by the recent anti motorcycles-in-the-countryside press campaign. Anybody planning something representing the TRF; a release to the papers, an interview on local radio or what have you please have a word with Martin. This of course does not apply to anything you may want to do as an individual.

Pete Plummer has been thanked for his work as the previous Press Officer.

Nick Walker.

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EDITOR & DISTRIBUTOR

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NATIONAL SECRETARY

Bruce Roberts,
36 Rosemary Drive,
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Tel: Oakley (02302) 3139.

1980 TRF MEMBERSHIP RENEWAL FORM

I WISH TO RENEW MY MEMBERSHIP AND ENCLOSE £5 CASH/PO/CHEQUE*
I ALSO WISH TO DONATE £..... TO THE FIGHTING FUND (PURELY
OPTIONAL). CHEQUES/PO'S MADE PAYABLE TO T.R.F.

NAME:

ADDRESS:

.....

.....

TEL. NO.

MEMBERSHIP NO.

I DO/DO NOT* WISH MY NAME INCLUDED ON THE MEMBERSHIP LIST.

RENEWAL/NEW MEMBER*

* Delete as necessary. Send to Colin Patient, 14 Rycroft Close, Woodley, Reading RG5 3BP.

ADVERTISEMENTS (free to members)

FOR SALE: Saab 99. Two door, white, J reg, recond engine, new clutch, tow bar, MoT, tax, good genuine cond. £850 ono. Stephen Russell, 56 Winston Ave., Branksome, Poole, Dorset BH12 1PG.

FOR SALE: One bike trailer, Indespension with Mini wheels, light board, main frame detatches from axle for easy storage. £100. Ric Andrews, Harpenden 4107.

FOR SALE: Suzuki GS 400, S reg, genuine 2700 miles, crash bars, rack, immac. £595 ono or swap XT 500 of equivalent value. Dave Phippips, Marlow 3012 (work) or Marlow 71194 (evenings).

FOR SALE: Yamaha DT 175. 1975, tax and MoT, fully converted for trail use - knobbles, Preston Petty's, low gearing, etc., new crank, bore and mains, with spares. Highest offer taken. Phone Ashford (Middx) 56496.

FOR SALE: Two 15 inch Girling Gas Shocks with 100lb pre load and 60-90lb springs, suit Triumph, XT, etc. Trail used 3 times, excellent cond. Will exchange for 13.8 inch similar units. Tel: 0734 696783.

FOR SALE: Kawasaki Z 650 Custom, 12000 miles, S reg, top box, new rack and rear Roadrunner, good cond. £1050 or may consider p/x for PE 175. Phone Mansfield (Notts) 648085.

FOR SALE: Honda XL 185 S, Oct. 1978, 3720 miles, excellent cond., chain tensioner, nearly new knobbles, tank cover, good rear no. plate mod. £510. Contact the Secretary on Oakley (02302) 3139.

WANTED: 2 bike trailer. Phone Andy evenings and weekends on High Wycombe 39247.

WANTED: 4 rubber mounted winkers to suit Japanese trail bike. Tel: 0734 696783.