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The Bulletin of the TRF, the National Club for all who wish to ride Legal Motorcycles on Legal Carriageways. EDITOR: Fred Ellison.

AUGUST 2003 No. 300



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The views expressed in 'Trail' are those of its correspondents and not necessarily of the editor or the T.R.F.



The reason for the cover photo on this the 300th edition of TRAIL is not to display the sartorial elegance of the rider (Gwyn Thomas, Axe Vale Group) but to show his version of 'The Labelled Trail Rider' and was submitted to support the view of Rod Butterworth that all

TRF'ers should have no problem labelling themselves if they follow the TRF code of conduct i.e. ride safely, sensibly and with consideration for the environment and other trail users.

Whilst on the subject of photos it is nearly time to get the Calendar photo competition under way so look through the oldies (not too old) or get the camera out.

Thanks in anticipation.



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Another example of labelling again displaying the sartorial elegance of Gwyn Thomas

#### **COVER PHOTO**

"Re Rod Butterworth's letter. How I agree. I tried to "sell" the idea years ago to the TRF without success. [The photo shows] labelling tabard from the 1980's. I have always worn identification myself"

Gwyn Thomas

#### **ADDITION TO NOTICE BOARD:**

South West Coast to Coast Contact is Reuban Alcock Tel: 01749 679013

All Contributions to the Editor ..... Please keep it short and sweet!

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## PUBLIC RIGHTS OF WAY THE BASICS - GENERAL PART II

Where Are My Rights Recorded?

The National Parks and Access to the Countryside Act, 1949, placed a duty on highway authorities to record all public rights of way that were footpaths, bridleways, and those roads that were mainly used as footpaths or bridleways (RuPPs) in two documents. There was to be a Definitive Map and a Definitive Statement. This latter document was to be a written description of the routes that appeared on the Definitive Map. (The Statement is to take precedence over the map if there is conflict between the two.) Guidance was issued by the Government and by the Ramblers Association on how this should be done. In essence the County consulted the Parish and the Parish completed a map of those routes to be included, and at what status. This was open to public scrutiny and to objection, just as Definitive Map Modification Orders are today.

It is within the covers of these two documents that you will find the basic information. If a route is shown on the map there is no doubt about your right to use it up to the status shown. In other words, the Definitive Map is conclusive - not

definitive.

Under the current statute (Wildlife and Countryside Act, 1981) the Definitive Map should show footpaths, bridleways and Byways Open to All Traffic. The RuPP, being obsolete, should have been reclassified to one of those other categories, but many remain due to tardiness on the part of the responsible authorities (who by default are less than responsible).

The bridleways shown on the Definitive Map are not all that is available to the ridden horse or cycle. The highway authority is required by statute (section 36 (6) Highways Act 1980) to keep a List of Streets and on the list will be Unclassified Roads - as mentioned above. These are ways that are publicly maintainable and therefore open to public use. The origin of the Unclassified Road is one that is too complex to cover here as it dates back to



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the days of Urban District authorities and Rural District authorities, when they had the maintenance responsibility and includes the procedure by which the current county based authorities took over from their predecessors. In broad terms, if a route was shown on the List of Streets, outside an urban area, it is a road. Many of these roads will be tarred country lanes, but some will be 'green lanes' and as such, of far greater interest to us.

(We know from records compiled under an Act passed in 1815 that Parish Highway Surveyors, who were not professional engineers but pressed 'volunteers', could state the distance of "Roads for wheeled carriages" under their care to within half a yard. So any doubts about the accuracy of old records are not well founded.)

Although a route may be shown on the Definitive Map as a footpath it does not preclude the existence of a higher right and as such cannot be used to prevent use by riders and drivers - where a higher right can be shown to exist. The same is true for bridleways. This is, of course good news for the carriage driver and trail rider.

To summarise: If it is a BOAT, bridleway or RuPP, you can ride a horse along it. If it is a footpath, and you can show that higher rights exist, you can ride a horse along it. If it is shown on the List of County Maintainable Streets, you can, in all probability, ride a horse along it. Be warned, the assertion of rights that you believe exist, but are not recorded, will invariably lead, sooner or later to conflict.



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Adding a Route to the Definitive Map

We all know a route that should be recorded on the Definitive Map (for all to see and use) but currently is not recorded at all. It is open to the public to make application to the highway authority to have a way added to the Map or we can apply to have the status of an existing route changed. We are also entitled to seek the downgrading or removal of a route from the Definitive Map, if evidence exists that shows an error was made in adding the way in the first place. In theory the authority should act proactively to record the public's rights, under section 53, 3c. of the Wildlife and Countryside Act, 1981. In practice virtually every authority forces the public to use schedule 14 of the act.

Schedule 14 is a relatively simple process but is very time consuming and will inevitably bring the claimant into conflict with land-owning interests. This

is clearly counter to the intentions of Parliament, which is why the duty rests with the authority. That said, if you want to improve the quality, quantity and safety of your riding it is a 'tool' that needs to be looked at seriously.

The process involves completing a form that sets out the nature of your 'claim' and sending it to the relevant highway authority. (This form should be available from the highway authority.) There is then a similar form that is sent to the landowner and one other that goes to the authority to confirm that notice has been served on the landowner. This process is fully explained in the book Rights of Way, A Guide to Law and Practice, by Trevelyan and Riddall - an excellent book, but sadly out of print. Your local library can order you a copy. (ISBN 0946574 030).

Where do we look for those missing lanes? There are many lanes in rural places that come to a dead end, with a track that continues on but for some reason is barred to us; or maybe there is a sharp bend in the road with a track that goes straight on; or there is a bridleway that becomes a footpath at the Parish boundary. In cases such as the latter example the law has always taken the common sense view that if one section of a through route is acknowledged to be public, how did it become so if the other end is not, and of the same status? Eyre v New Forest Highways Board (1892) is a very worthwhile case to read as it covers not only this issue but is, in the view of the appeal court, a clear and concise view on the law relating to highways.

[LVI.] THE JUSTICE OF THE PEACE, AUGUST 13, 1892 517

Reports.
SUPREME COURT OF JUDICATURE
COURT OF APPEAL.

June 18.

EYRE v. NEW FOREST HIGHWAY BOARD.

The case was tried before Wills, J., and a jury, at the Winchester assizes. Upon the question whether there was a right of way, at the close of the case on both sides, the point was taken that there was only a limited dedication to the public - limited by the actual user - user of the way as it had been used before. Under the learned judge's direction the jury found for the defendant board. The summing-up of the learned judge was on this motion characterised by the Court of Appeal as "copious and clear and a complete exposition of the law on the subject".

The Ramblers Association, back at the time the National Parks and Access to the Countryside Act was being implemented, suggested that it would be helpful to use the term Carriage Road footpath/bridleway as appropriate (CRB or CRF because, remember, this was not about recording vehicular rights, but footpath and bridleway rights. This is important, because if this terminology was used in the early versions of the Definitive Map for your County it may be that many of the ways recorded as footpaths should have been RuPP, and therefore of at least bridleway status.

If we are to assert that a way is open to equestrian (or any other) user we must demonstrate that there is an origin to the public right. A public right of way must be

dedicated in some way. This may take the form of an Act of Inclosure or a landowner making an express dedication of a path but the vast majority of rural ways have been in existence for many years and so there is implied dedication. This common law form of dedication has been accepted by the courts where the period of user has been very short indeed, but it was clear that at some point the landowner intended to dedicate, and the public used.

The law has recognised the difficulties faced by those seeking to prove implied dedication and simplified the process for the user via s.31 of the Highways Act 1980. This provides that if a way has been used 'as of right' for a period of 20 years the right has been established. The term 'as of right' means that the user was without force, without stealth and without permission. There is a point to note here. If you believe you have a right to use a route never, never, accept an offer of permission. To do so is to wreck any chance of having the way recorded as a public path in the future.

#### Research

The first problem faced by the researcher is identifying the route to be researched - or, as is often the case, which route to research first. A study of older maps from the last two centuries (1800 to 2000) will assist. Look for those routes that appear to run for some distance as part tarred road, part BOAT or bridleway, but with one section missing or only recorded as footpath. A visit to a book fair can be rewarding - and



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expensive. The Ordnance Survey Contoured Road Maps, Popular Editions from 1904 and 1919 will often show motor roads that are not currently recorded on the Definitive Map. Bartholomew's maps from this era are even better as they had an arrangement with the Cyclists Touring Club to provide information. As cyclists were restricted to carriageways you can be sure that if a pre1920 Bartholomew map shows a road some local cyclists considered it to be so at that time.

Another area to study is those routes that were reclassified as footpath under the earlier legislation that allowed for suitability. The decision in R v Secretary of State ex party Riley case means that we can look afresh at those old RuPPs.

It is essential that research is targeted on the route that you are interested in. There is so much interesting information archived at the various record offices and libraries that without discipline more will be harvested than can be digested or usefully used. At appendix 1 there is a list of documents and where they might be found.

Having identified the route to be researched the first document to look at will be the Quarter Sessions and later Court records to ensure that public rights have not been removed by due legal process. It takes a legal event to remove a public right, and once gone, it is gone for good. These records are usually catalogued by the County Archivist and so this is not the daunting task it might first appear. The plus side to this is that you may find other documents that assist you in some way quite unexpected. If there is no apparent stopping up order then the way ahead is clear(er). Remember the legal maxim - "once a highway, always a highway".

Remember also that documentary evidence is not enough for a BOAT claim where the route is impassable, whilst the Nettlecombe case stands. This effectively stated that if a way is blocked to walkers and riders it cannot be recorded as BOAT. This is, in my view, pretty unsound as it goes against the intentions of Parliament in making it impossible to record a way that is not accessible, when it was the inaccessibility of rights of way that brought about the 1949 Act in the first place. This view was also taken by Hooper J in Masters v Sec of State for the Environment who rejected the argument and allowed appeal on that point only - one imagines that Nettlecombe will be overturned. This small point has yet to be decided.

Inclosure: if we can find our chosen route on an Inclosure Map (and referred to in the Award at a status that serves our purpose) we know that it was the intention of the commissioners that the way should exist, but we need to show that the public accepted, and used, the route.

One way to establish the reputation of the route is to look at old maps. If the way is consistently shown by reputable cartographers (prior to the first Ordnance Survey mapping) there must be a presumption that it was a public route, because early commercial maps were produced to guide those who travelled (for reasons of commerce or pleasure), and so to what purpose would a private way be shown? Appendix 2 lists a number of other documents that can assist.

It will be helpful for the researcher to compile a list of local events that can assist in fixing dates. When was a certain road built? When did the railway station change its name? And so on. These will help date maps as many of the later commercial makers did not include a date - for obvious commercial reasons. Much of this information will come to hand by accident. For example, you might be looking at an Inclosure map and notice a new piece of road to be set out. You know any map showing that new route will be post the Inclosure.

There are many maps and all have a value. C & J Greenwood was a reputable maker, as were John Cary or Bryant, but some were a little more suspect. For example, there were a series of maps produced by C & I Greenwood that bore a striking resemblance to those from C & J Greenwood. Whilst the information is roughly the same the reputation is not and that will be weighed should the map be produced in support of a claim at Public Inquiry.

The underlying reason for this research is to demonstrate that at some stage in the

past dedication of a right of passage has occurred. This can have come about by statute, such as Inclosure, or through use. It is very helpful, therefore, if you can find an old case that refers to the route you are researching. With luck you will find record of presentment to the Justices for repair of the road, because if a way is publicly maintained it is for sure a public right of way. Again the Eyre case covers this topic.

In Eyre we read that if a way is publicly maintainable it is a way open to public use. Earlier I mentioned the term Statute Labour and that needs a little explanation. It was required by law that every inhabitant should commit a specified number of days to the repair of the roads. This was either by doing the work personally, by providing teams of horses or a wagon, or sending someone to do your share. I find this another compelling reason to seek out those old forgotten ways - ways on which our forefathers toiled. It is unfortunate that my great, great grandfather did not keep any record of where he carried out his 'statute labour' days. Others may have done so. Some did keep diaries and these can be very helpful in providing evidence of reputation for a route. For example, if the keeper of a diary records that he 'drove over to see Reverend Brown via Green Hill' it can be inferred that as the only way from the diarist's home, via Green Hill, to that of the Reverend passed along the track in question and so is probably public. Further, that track must, in all probability, be a carriageway for the diarist to have 'driven' it.

Dave Tilbury

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## **RoW News**

#### GOOD NEWS IN CAMBRIDGESHIRE

I'm pleased to announce that following a fantastic campaign by local TRF members, Cambs County Council have abandoned their proposed ban on Winter trail riding on the Byway sections of the Bullock Road in Huntingdonshire. To be fair to the Countryside Services Team at County Hall they were quite willing to admit that their original assessment was wrong and when it was pointed out to them that motorcycles were not causing any damage to these lanes they amended their proposed TRO to restrict only those vehicles with "more than two wheels". However, there can be no doubt that if it wasn't for the big pile of objection letters landing on their doormat we would be looking at another totally pointless seasonal TRO. So to everyone who took the time to write, congratulations it looks like we've won this one.

PS One note of caution though, before you all rush off for a celebratory ride down Bullock Road, it's worth remembering that these lanes are closed for essential maintenance work until 13th November, frustrating I know but definitely a temporary closure and it'll be business as usual soon enough.

Richard Sugden, Cambs group RoW rep.

#### TRO PILGRIMS WAY BOXLEY WARREN

On July 16th I received a letter from the Government office for the South East informing me that Maidstone BC have abandoned their original plans to stop up the byway (Pilgrims Way) at Boxley Warren. Maidstone BC have submitted a new application to stop up the byway using sec 249 of the Town and Country planning act (same as before) It seems that a new application requires new objections so please put pen to paper and write in and object. The only people that will be banned from this route will be recreational motorised vehicle users. Objections should be addressed to: The Head of Transport (East), Government Office for the South East, First Floor, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4GA. This order is being sought to improve the amenity and to prevent erosion of the chalk escarpment by illegal users, also to prevent flytipping. Maidstone BC has not bothered to consult any user groups (again). We (Kent TRF) have been involved with the clear up operation and have co-operated with the Mid Kent Downs officer to try and resolve the problems associated with the byway. Since the Temporary TRO expired and the byway reopened (in June) we have been monitoring the use of the lane, no problems so far, access to the chalk escarpment has been prevented by a sturdy fence and ditch also a new hedgerow. To date no one has been arrested for flytipping.

Richard Colquhoun (Kent TRF)

Below is one objector's letter relating to Boxley Warren, makes some very relevant points but **do not copy**.

Dear Sir

Pilgrims Way - Stopping up order.

I wish to object to the proposed stopping up order made under the Town and Country Planning Act.

I have used this lane for over 20 years by bicycle and motorcycle and have always kept to the public right of way. The problems are caused by illegal use and I do not see that it is justifiable to persecute law-abiding citizens because of the illegal activities of a few.

I would also question the legality of using this act for the process of closing a byway. What status do you think the route will become? You cannot have a bridleway that is open to carriages. You cannot have a byway that is not open to all vehicles. There is no such status in English law. I would also question the right of Maidstone Borough Council to undertake this action since you are not the highway authority. Also how much public money have you wasted in this pointless legal exercise?

I also would like to know how you propose to stop motorcycles and yet still allow horse drawn carriages. A carriage could be used to dump rubbish whereas a motorcycle cannot.

I suggest that you drop this ridiculous proposal but at the very least a public enquiry should be held.

Yours truly, S. Neville



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#### **BOOK REVIEW**

## THE ENGLISH MEDIEVAL TOWN BY COLIN PLATT A REVIEW BY ALAN HODSON

The book grew out of a more specialised study, of the history and archaeology of medieval Southampton. The study by the author took almost seven years. This book is much broader, as it deals with many English towns and looks at historical, sociological and political factors and influences on the development of the medieval towns.

The book has very few references to roads but provides some interesting background to a period when roads were important for trade.

The urban origins

Undoubtedly a good part of this fresh spurt of urban growth owed itself to the resurrection of the interest in luxury trades in fine cloth or in wine

It is no accident that the towns and king grew together. As the king's power spread out along his roads he found natural allies in the burgess. Platt identifies that the king recognises local burgesses.

It was in the 12th century that the king began to grant comprehensive exemptions from local tolls on the roads and waterways throughout his kingdom.

The urban landscape

The junction of antique routes, a crossing of the ways at which a market town might grow up and flourish. The author includes lots of maps to show villages developed.

Historical comments on the condition of streets:

"Bull Street had become full, perilous and jepardouce to ride or goo theryn" Usually the material for a road surfacing and repair at Oxford was gravel. At Winchester it was a spread of small flints over chalk on top of which rubbish accumulated swiftly.

In an historical dig it was discovered that... In scarcely more than a century and a half of use on an early street there was an accumulation of no less than 5 feet of rubbish.

Andreas Franciscius wrote of London! "All the streets are so badly paved that they get wet at the slightest quantity of water... A vast amount of evil-smelling mud is formed which does not disappear quickly".

Commenting on city streets:

As important in the preservations of the main thoroughfares was the prevention of encroachments. ...the distinction between temporary stall and permanent shop were ill-defined.... Shops were being built on the roads, so... the new borough of Stratford-Upon-Avon provided for streets 50 foot wide, or more... the most important street was 90 foot wide...and sprouted a permanent row of shops down its middle. (was this medieval entrepreneurs?) And while it is true that there were lanes and alleys as narrow as 8 or 9 feet, and a few not wider than 6, the

essential quality of the borough plan was the comparatively open structure that it owed to its market streets.

The distance between markets is determined by the amount of time to travel to market, dispose of your goods and return home by night. Henry Bracton in the mid-13th century stated, that "a 'reasonable' journey is no more than twenty miles". *Commenting on journeys on roads:* 

In the nature of things certain commodities could only travel so far. The brokage books of 15th century Southampton, show that cart and pack horse travelled seldom more than 12 miles. However, coal, household goods and iron and fish travelled perhaps thirty miles. Wine, a bulky but profitable commodity, travelled as far as Oxford over 60 miles. Dyestuffs may be taken by road to Coventry, Exeter, Leicester and Honiton. These journeys could be as far as 100 miles.

Roads and bridges were valuable assets in the 14th century. It was the upkeep of the bridges over the Ouse that the revenue from the new city lands was to be assigned after 1392, and York citizens were to show themselves generous both in this and the next century in the allocation of money in their wills to the maintenance of roads and bridges in their wills. *He continues*:

Inevitably, in travel literature of medieval England seldom neglects to

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comment on the foulness of the ways, but, as Professor Steneton once remarked "no system of communications is ever unreservedly, praised by those who have to use it", and the English system, for all its defects, was never so bad as to discourage a heavy traffic of its own. By the middle of the 14th century wellestablished carting routes radiated from London. They are clearly shown on that unique contemporary record the Gough Map the compiler of which, although he missed some major routes of which there is other good evidence, knew the kingdom well. Not only was he concerned to show the roads themselves and the towns and cities along the way, but to make his map more useful he ventured also on the computation of distances between each major point a reasonable though rarely an accurate guide.

#### YORKSHIRE DALES AUDITED

A recent Audit Commission report assessing the success with which the Yorkshire Dales National Park Authority meets its statutory purpose of promoting opportunities for understanding and enjoyment (the 'second purpose' of national parks) scores the authority quite highly. However the audit highlights an inconsistent and ineffective approach to working with groups representing recreational users of the park. It is also critical of the authority focusing on engaging with users of rights of way at the expense of maximising opportunities for other recreational users, such as rock climbers, cavers and hang gliders, to enjoy the park.

These two criticisms are exemplified in the report where the Commission warns the authority that it is not engaging effectively with the various user groups that have conflicting views on the use of green lanes. It states: "The use of green lanes by off-road (sic) vehicles and opposition by users such as walkers, is a contentious issue for many authorities, but is not being addressed by the authority. This is leading to frustration and a lack of understanding amongst some users." The Commission further recommends that the park authority "...talks to recreational vehicle users and, in partnership with the North Yorkshire County Council, looks at constructive ways of managing off-roading in the park."

A particularly interesting observation made by the Commission is that individual (authority) members publicly disassociated themselves from the authority as a corporate body, seem unwilling to take ownership of the authority, and refer to the authority in the third person. Perhaps as a consequence of this it was noted that there is little agreement between authority members on priorities, which in turn leads to resources not being directed towards publicly agreed and communicated processes.

Taken from Byway and Bridleway 2003/7/45

NOTICE BOARD

#### **DEFRA PUBLICATION**

DEFRA have a new publication - Sites of Special Scientific Interest: Encouraging Positive Partnerships.

This has sat on my desk for several weeks now and I've not had chance to look inside. I am minded that it could be very important to us when countering the anti motorcycle rhetoric from so called conservationists.

Do we have a volunteer to read 40 pages of large print, extracting the useful bits and writing a report for the TRF?

Please!

Dave Tilbury, see contact detail inside front cover.

#### TRIPS TO FRANCE

Do you know anybody who runs byway trips to France.

If so please contact

Peter at peter.wells5@btinternet.com

#### TRF AGM

25TH OCTOBER 2003 AT THE HERITAGE MOTOR CENTRE, GAYDON, WARWICKS.

Mary Stevens, Membership Secretary

#### SOUTH WEST COAST TO COAST 2003

Any TRF member interested in taking part in the 1st TRF SW

Coast to Coast on the 18th & 19th October 2003, please contact any member of the Somerset Group to reserve a place.

Reuben Alcock

#### SURREY NAVIGATIONAL SCATTER

Thames Valley TRF together with South London & Surrey TRF are running a navigational scatter on Sunday 14th September 2003 in the Guildford/Dorking area. This will appeal to trail riders who are keen to enhance their map reading and route construction skills.

For further details, contact Graham Smith on 01483 760293 or email g.d.a.s@btinternet.com

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#### SUZUKI DR250 DJEBEL CX SPARES

Is there anyone out there who has experience about getting spares for a Suzuki DR250 Djebel CX vintage 98/99 & possibly a workshop manual (English version). I have recently acquired one and want to anticipate any problems there may be with obtaining spares/replacement parts. Any help would be appreciated.

Andre Confavreux 01784 412823 wk, 01895 237453 hm, andre.confavreux@swanhill.co.uk

#### **RoW CO-ORDINATOR'S REPORT**

Thoughts and comment from the mug... from your National RoW Coordinator. Hopefully this might stimulate your thoughts and not your resignation gland.

From where I sit I see only a small part of what is happening within the TRF. Rather like flying over the UK on a cloudy day one only gets an idea of where some of the land types are through the gaps in the cloud. For me those 'gaps in the cloud' are the information passed to me by area reps and members. It is a very cloudy day.

I know that some good stuff is happening. Some of it is the day to day research that needs doing and some is the more urgent reaction to traffic management or stopping up of highways. We have defeated some significant stopping up applications in the courts recently (after the Order Making Authority has refused to accept our input) but we never get to hear about these victories, which is a shame.

Sure, I'm the RoW bloke so why don't I write it up? Well there are two

1 – I don't know the details like the guys who were there and

2-it's not my job/I don't have the time (and yes, I can think of a third, fourth...)

There is another reason and that is if I write it, those who read it will say "it's alright for 'im - 'e knows about that sort of stuff." If the local guys wrote the article (I'm happy to edit it) the readers will say "If 'e can do it, then so can I."

I was very impressed by the turnout at the Ridgeway meeting in Didcot some time back. The membership were informed but no one was cajoled, pushed or in any way organised. YOU saw it as an important issue and acted. That, in total, was a considerable amount time, effort and cost but the effect was transient. Coming up to a year later and the disingenuous scrotes that populate GLEAM have taken another tack and are progressing via the back door [metaphorically speaking, I presume? - Ed].

The message is that the day is not unduly dull on the ground but it would be a lot brighter if only we bothered to finish the job with a report.

Whilst using metaphors I will put in print one that evolved in conversation at a seminar at Oxford recently.

You have a supermarket where dozens of shoppers are going about their business when the ambiance is shattered by a screaming kid. The immature outburst is not reasoned and cannot be pacified, even when demands are met. The proffered sweeties are thrown from the pram and the squawking continues, to the annoyance of all, including parent. Now, doesn't that comfortably fit GLEAM? An immature body that has unreasonable demands

that will impact on more than just the intended party – would you not say?

Returning to the reason for our existence – to research record and ride – I thought it timely to offer the following.

The restricted byway is not that different to the RUPP and it is without prejudice to full vehicular rights. It may be that we can continue to ride the RBs as we have done RUPPs, using only those on which we are convinced that vehicular rights exist. Our problems lie in the amendment to section 34 of the Road Traffic Act (1988) which could prevent us from adducing evidence in court to show that the full vehicular rights exist.

Some have been saying, in fact my voice might have been in there, that we need to prepare BOAT claims for all RUPPs. I know this is being done to some extent in most areas and where the highway authority has been slack that will be a daunting task. It is unlikely that we will see the s.34 amendments in 2003. Defra say that things could be happening in December one day and then very next a modicum of vagueness has been attached to the dates. Your guess is as good as mine but in this 'slippage' we have the opportunity for planning. Thus I suggest that groups (those groups that are dithering) take stock of the task and prioritise.

- List all RUPPs
- Grade to show the best lanes, nice lanes and not bothered about lanes

(a, b, c)

• Carry out basic research to spot the certainties in class A - (1, 2, 3).

In that first phase you will have created a framework to work within. Research the A1 routes first and prepare the claims. Sit on these claims until we see where s.34 is going and if it really will impact on our riding Once done (and after a break) start on the A2 list. With luck, time and financial input we will see another category, unrecorded lanes.

My thinking here is that if GLEAM get their way and the Road Traffic Act is brought to bear on our recreation then we would better spend the research budget on having the effects of that legislation being overturned in the court (possibly European) than causing lots of fuss with BOAT claims



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that are never going to give us what we deserve as long as some Planning Inspectors draw breath. (metaphor – to claim BOAT would be like chipping away a cliff with hammers and chisels. We need to destroy the cliff – blast it with semtex. That way we get the bits of cliff we desperately want and a whole load of other stuff as well.)

Now, to close I will draw the two threads of this piece together. We won at Grimsall Lane but we didn't write it up and those involved in that case pop their heads over the parapet from time to time and shout 'It wasn't like that' or 'That is not true' but I have seen no written report on the case – only rumour and the odd email [is there a difference? – Ed].

GLEAM lost that case and turned it into a mace with which to beat Parliament – and they are still beating because as I write I have before me a GLEAM paper (author – David Gardiner) that uses "the notorious Grimsall Lane case" to emphasise why the RB should not permit full vehicular rights. He uses it again in the next paragraph before turning to the Ridgeway. He is clearly working on the principle of tell 'em what you are going to tell 'em; tell 'm and then tell 'em what you have told 'em.

We've had a difficult first half. The ref has allowed the other team to get away with too many net touches, dodgy dumps and foul handling. This half we must have our heads up. The third touch must be a spike and aim for any area they are not covering. No point in putting that ball on the arms of the back court players – the floor or their tender parts must be the targets. Actually I might go back to volleyball as from where I'm sitting it was more fun – and someone bought you a beer after!

Dave Tilbury



#### PRESS RELEASE

# LAKE DISTRICT NATIONAL PARK BETRAYS PARTNERSHIP

Policies contained in the Lake District National Park Authority's consultation draft National Park Management Plan (2003 - 2008) betray an eight-year-long pioneering partnership that has increasingly managed recreational motor vehicle activity in the national park. Motoring clubs in the north west of England have been given no option but to withdraw long established co-operation that has helped manage the activity and educate users in the purposes of the National Park over a long period of time.

The Lake District National Park Authority has been notified that with immediate effect all co-operation to manage the activity in the Park is withdrawn, but that co-

operation will be immediately re-established when a policy of long term management of the activity in association with user groups replaces the proposed policy of total prohibition.

The Hierarchy of Trail Routes in the Lake District initiative has been running for eight years. By almost all any measures it has been a considerable success. As partners in the exercise trail motorcycle and 4x4 users have accepted increased regulation of use where it has been jointly recognised to be necessary on a location-by-location basis. Geoff Wilson, Chairman of the Hierarchy of Trail Routes in the Lake District Group said "We had reason to be confident that such success over the full period of the current Park Management Plan (1998-2003) would lead to a change of approach in the new plan. It hasn't happened. On the contrary, with no justification the new plan seeks to prohibit all green road activity in the Park. This is despite the plan specifically highlighting the initiative as an example of good practice to others. It doesn't add up. Recreational vehicle users have successfully worked with the Park Authority to effectively manage use. They cannot be expected to continue doing so whilst the authority seeks to ban them. Such a policy is intimidatory and conflict creating, not conflict solving".

"The Park Plan policies range from confused, through contradictory, to nonsense" said Geoff Wilson. "The Lake District NPA has not conducted any objective analysis that shows recreational vehicle activity to be any more inappropriate than any number of other activities that take place in the national park. It is policy dictated by prejudice and not facts, and no one is safe from it. Water skiers and power boaters were the first to be hounded out of the national park by selfish groups and individuals who want the park only to themselves".

Vehicle user clubs contend that partnership, education of users and management of all activities that take place in the national park meet national park purposes and are much more effective than restrictive legislation that marginalises and alienates groups and cannot be effectively enforced or policed. "This is a principle that applies to all activities in the national park, not just vehicle use. It's regrettable that NPA Members don't understand this" said Geoff Wilson.

The Access and Recreation Chapter of the draft plan includes the following policies: AR1 Work with relevant users and land management groups to manage recreational pursuits, encourage people to use the countryside responsibly, and promote appropriate guidance to individuals, event organisers and group leaders.

AR4 Impress on Government that recreational motor vehicle driving on green lanes, unsealed roads and byways is inappropriate in the Lake District National Park and should be prohibited. AR5 Until prohibition is achieved, regulate the user of motor vehicles on green lanes, unsealed roads and byways where levels of use, erosion and conflict with other activities becomes unacceptable, or disturbs wildlife or historic features.

For more information contact Geoff Wilson at 01768 898584 or e-mail: GeoffMoto@aol.com or Tim Stevens at 01630 657627 or e-mail: LARAHQ@aol.com

### TRF STEERING COMMITTEE?

The TRF sent a beefy team to Bristol in the hope of DEFRA a steer on the s.34a issue. They took the bull by the horns (*I gnu you'd say that - Ed*) and hopefully made some impact.

Dave Tilbury



Left to right: Geoff Wilson, Dave Tilbury & Tim Stevens



#### CONGRATULATIONS ON THE 300TH EDITION OF TRAIL.

I am pleased to see that TRF members - at least those who talk to me or use the TRF web-site - seem to be getting all worked up; this is a good thing. I only wish they were getting worked up about the right things, though. Currently, the urgent issues I have identified are these:

- 1. Getting BOAT claims done and dusted
- 2. Dealing with the other CRoW Act consequences
- 3. Answering the Minister's question How can we stop hooligans without banning trail riding?
- 4. Sorting out the threats in the Lake District, the Ridgeway, Monk's Trod, etc.
- 5. Finding a new PR officer and team.

- 6. Finding a new RoW officer and team.
- 7. Finding a new Treasurer
- 8. Making sure that the current Secretary and Chairman will stand again.

I could go on - there's lots more. None of it to do with forcing anyone to wear anything.

Please can I urge all members - yes, you included, dear reader - to make sure that you have done everything you can to move these 8 points forward, before you start worrying about agreed policy. After all, it won't matter twopence what you wear unless there are trails to ride.

Best wishes Tim Stevens - Vice-Chairman

#### THE PUBLIC IMAGE WE PORTRAY WHILE OUT TRAILING.

Following on with even more debate on the controversy highlighted by Geoff Wilson in the last two issues & the response from Richard Colquhoun, the public image we portray while out trailing.

Firstly I agree completely that we should be creating as little noise as possible. Be that from quiet exhausts, restricting our numbers on a ride, switching off engines when letting horses/walkers past or by our very attitude. We are a minority on most tracks & as such are looked down upon by the majority groups. Fact of life – just see what goes on in other minority/majority group encounters!

Therefore we should not aggravate other groups unnecessarily just because "we are legally entitled to". In the same way that we're all legally allowed to rev our engines – after a rebuild say – at 2 in the morning. Most people would agree that that was ridiculously antagonistic to other people. We ride legal machines which have legal exhausts (!?) on legal roads. We avoid sensitive times of day & pay courtesy to other users. That should be the end of that discussion. But...

The second more juicy area is that of our visible portrait. What we "look" like to other users. This is the trickier area of body armour, full-face vs. openface lids, day glow vs. ex-army coats etc. Safety is of paramount importance. Firstly our own, as we choose to put ourselves in that place. Secondly to others — we don't want to hurt someone/thing. Many members enjoy competitive jousting for which they have a whole wardrobe of armour which they naturally would wear every time they went out including recreational trailing. We cannot advocate that people do not wear protection. However the amount of protection is subjective to what you're trying to gain. Tour de France cycle racers at 40mph wear lycra for heavens sake! Road racers do not wear chest armour (at least not of the same type). Off road riding requires protection

dependant on the type of riding. As Geoff rightly points out, Trial riders wear no armour & open face lids as they are travelling slowly on known surfaces/conditions. Whereas Motocross riders travel fast very close to another bike with sharp pointy handlebars to impale upon. Enduro involves high speed, close riding AND a good chance of hitting a tree. That suggests maximum protection. Trail riding is similar to Enduro without the speed.

However as responsible riders adhering to our Code of Conduct we remove almost all of the "need" for maximum protection. i.e. Max 25mph, max 6 in group, spread out riders, no flying round blind bends or hills (chance of hitting tree – or person/dog/horse etc) so we don't "need" maximum protection.

Personally my protection varies. In winters slippery climbs I wear full body armour, the rest of the time I wear just a back protector, knee & elbow pads. I wear all this under my ex-army gortex trousers & subdued black bike jacket. Oh & heavy duty wellies! I wear an open face helmet with a flip down visor, as I find goggles mist up & I end up removing them which is worse. I feel I am wearing sufficient protection without looking like a competitor. Only my knobbly knees & elbows give the game away. Trying to get served in a nice pub at lunch is still a problem though. Perhaps its cause I'm covered in S\*\*t!

Chris Barrable (Bristol)



#### NEW MEMBER'S PERSPECTIVE

Sir, as a new member of the TRF, and novice trail-rider, I set off to the "Southern Region fun day in and around Langrish, made myself known to one of the run leaders, and "signed up"for a 2-3 hour ride-out. Having read the Chairman's views on equipment, helmets, armour etc I was attired as he might go out himself, and in full agreement with his views, motives, i.e be more approachable, give other users a smile, don't appear threatening, we duly set off on an excellent ride, only marred for me by a severe problem of dust in the eyes, (I have sight in one eye only, so this is not good!), two cuts to my face, minor

but avoidable! and could not complete the ride, so returned to the site by road. I have learned from this, that an open face helmet with visor is in these circumstances woefully inadequate, hazardous even, and armour, which needn't be "gladiatorial" and is easily covered is also a must! especially trying to coax a TT600 up the Ridgeway Steps! My compliments to the Southern Region for an excellent day out, and a few lessons learned.

Ian Maurice Brown

#### THE REGROUPED ROUGH RIDERS

Could I draw your attention to a sub group of the Loddon Vale TRF who are going to be known as the BUFF RIDERS.

A small committee has been formed to organise runs out wearing - yes, you've guessed it, only open face helmet and boots.

The idea has been mooted about after the article entitled "Horror in the Hills", December 2002 TRAIL, No. 292. The rules are simple, once 10 yards off tarmac on a green lane we will be getting off our kit. Only open face helmet and boots will be worn. We see this as offering the following advantages:

- 1. We would get a positive image as naturists enjoying the countryside.
- 2. People will instantly recognise that we have an affinity to nature.
- 3. We will be riding very carefully and responsibly (we daren't fall off).
- 4. People can easily see the whites of our eyes (plus other white bits).
- 5. We would not be mistaken for pseudo motocrossers or enduro riders.

An inaugural run is planned in September for the complete length of the Ridgeway, followed by a second run around Exmoor National Park in order to gain maximum exposure. This will then be reinforced by a trip to the Yorky Dales riding old favourites such as Highway, Dandra Garth, The Great Wold, and Star Botton. A Brecon run was considered but as the Gap road is only open in March/October Jack Frost could be encountered on the extremities, hence ruled out. Horse events were discussed too, but our equestrian officer pointed out that horse flies could be problematic.

The committee found other difficult areas, such as should we allow mixed groups, if so who goes first. If crossing a tarmac road should we dress/undress? Advice welcomed. Another potential problem could arise from terrain featuring holly, gorse, blackthorn, hawthorn, brambles or stinging nettles! However, one new recruit retorted that his hide is thick enough to take anything thrown at him including criticism.

To sum up, would all the Neros please stop fiddling while Rome burns. Lets get real, I personally do not like to see full face helmets worn by riders on the lanes, BUT I would rather have those people on board the TRF putting something back. So PLEASE can we focus our attention on lobbying local councils, county councils, M.P.s and doing research thus concentrating our

FULL energies on the more important tasks ahead.

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Yours on the trail, Noddy Rider (Chris Hurworth)

#### COMMENT

Congratulations to Geoff Wilson for stepping into the TRF National Chair at such short notice.

I read with interest his article in June TRAIL, where he introduced himself and listed his experience and qualifications for the TRF "job" - wow!

His statement that payment of Road Fund Tax does not entitle us to ride our motorbikes, or drive our cars, on any and every British road intrigued me. I thought it did?

Also, being 66 and built like an anorexic beanpole, I feel that I ought to protect myself as much as possible from the inevitable spill, which almost always results from lack of skill, ability, experience, balance, strength, attention, etc, or a combination of any of those rather than speed! My last two falls happened when I was virtually stationery!

On a previous occasion I was knocked off my bike by an inattentive motorist whilst riding on a tarmac road and but for the protection given by my knee pads and body armour I think I would have had a spell eating hospital food! Whilst I choose to wear an open face helmet when trail riding,

many of my friends feel safer wearing a full face helmet.

Incidentally I wear my knee pads under my trousers and my armour under my shirt so they are certainly not obvious or intimidating.

Whilst I and hopefully most of the TRF Membership are very grateful for the commitment and effort made by our National Officers, we must all remember that we were set up as a democratic Fellowship and therefore do not take kindly to being dictated to as to what we wear when indulging in our hobby.

My experience of trail riding since I joined in 1971 is that it is largely undertaken by people who have a love of the countryside and its flora and fauna, are understanding and respectful of others who work and

play in the country and enjoy the convivial company of days out with like minded people having FUN riding their motorcycles.

We have every reason to stand proud when we say that we are Members of the TRF, whether we are talking to landowners, other users, Local or National Government or our detractors.

We all have a duty to make sure at our forthcoming AGM that OUR Fellowship continues to be run in our best future interests and that the new Committee elected at that time leads us over the next twelve months in a truly democratic manner, as I believe our Founders intended.

If you have strong opinions on our future make them known. Talk alone achieves little - actions achieve results. Remember at the AGM - one member, one vote!

Tony Stuart

#### SEEING OURSELVES AS OTHERS SEE US

Geoff Wilson's leader in TRAIL 299 triggers my memory to a discussion held here a good few years ago about riding apparel. At that time most trail riders would have been kitted out in waxed cotton two piece suits with a narrow colour choice, mostly black. Unlike today when dressing with some degree of conspicuity is not unusual.

Pros and cons were being voiced at the meeting and one member who had a full face helmet with graphic paintwork and a mildly flamboyent riding suit stood up. He said that if he couldn't wear what he liked then he wouldn't be coming again. At this point a lady rider interjected saying that even when she knew who was inside the helmet she always felt intimidated by anyone wearing the full face version.

I believe that failure to see ourselves as others see us is a folly we can ill afford.

Derrick Collins, E.Mids

#### ODE TO A WONDERFUL TRAIL RIDER

Not only does he never, ever, fall off, turn upside-down in muddy puddles or collide with trees, but also has the good fortune to have access to trails with no man-eating holly bushes leaping out in front of him. And as for his eyesight not having to wear spectacles must be such a boon, especially in the wet, as otherwise he'd have to wear goggles or a visor as well. His machine control is clearly world-class, as he is always able to take a hand off the bars in order to wave to other trail users, which is obviously a much better idea than a shouted "Good morning" or "Thank you".

I'd really, really like to know the colour of the sky on his planet.

Cynthia Milton

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(Dave

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cond, 9000 miles. £1595 ono. Suomy SUZUKI DR350 1997. E/start. Vgc helmet also available. Tel: 01189 451438

Used lanes only, bash plate, brush GAS GAS PAMPERA MK3 10 mths guards etc. £2000. Tel: 01280 814434 (Milton Keynes).

> ARAI VX-PRO 2001, small, colour titanium, good cond. £99. Premier RK 2003 helmet small used three times, KTM colours. £99. Tel: 01227 721314 or 07780 664483 Carlo.

> SUZUKI DR350 1996, 'S' reg, Tax & MOT, only 3k kms, Acerbis plastic tank, barkbusters, green lane use only, spares. Vgc. £1800. Tel: 07941 865402 or 0191 3757954.

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BLACK COUNTRY Martin Bond, Tel: 07971 551352 or Nick Hammond, Tel: 01902 700749

1 & 3 Tues, 9pm, The Mitre, Church Road, Bradmore, Wolverhampton

BRISTOL Bob Chapman, Tel: 0117 960 9660 4th Mon, 8pm, Keynsham Rugby Club, Bristol Road,

CAMBRIDGE John Brooker, Tel: 01767 692805 1st Thurs, Golden Ball, Boxworth

CORNWALL Sally Madgwick, Tel: 01208 74411 3rd Thurs, 8pm, The Ship Inn, Wadebridge, 8pm

CUMBRIA Anthony Hayhurst, Tel: 01539 721115 2nd Tues, Derby Arms Hotel, Witherslack, Nr. Kendal

DERBYSHIRE & SOUTH YORKSHIRE Kevin Marsh, Tel: 01246 811949 2 & 4 Tuesdays, The Angel Hotel, Sprinkhill, Eckington, Nr. Chesterfield, Derbyshire

DEVON Rob Williams, Tel: 01626 364564 2nd Tues, 8pm, The Welcome Stranger, Bickington, Nr. Newton Abbott

DORSET Martin Diamond, Tel: 01202 571325 1st Tues, 8pm, Greyhound Inn, Winterbourne, Kingston, Nr.

EAST MIDLANDS Graham Chinnery, Tel: 01332 863433 2nd Wed, The Chequers Inn, Main St, Breaston, South Derbyshire, J25 on M1

EAST YORKSHIRE Peter Hall, Tel: 01405 862616 1st Tues, The Plough, Snaith

ESSEX Dave Anderson, Tel: 01277 657783 2nd Wed, The Wheatsheaf Public House, Hatfield Peveral. 4th Wed, The White Hart Public House, High Street, Billericay (social meeting).

EXMOOR Ian Sadler, Tel: 01884 821547 2nd Wed, 8pm, The Hartnoll Hotel, Bolham, A396 1 mile north of Tiverton

GLOUCESTER Wayne Little, Tel: 01452 611735 1st Wed, The Wagonworks Club, Tuffley Ave., Gloucester

HERTFORDSHIRE Dave West, Tel: 07768 402424 2nd Thurs, 8pm, The Old Guinea, Ridge, Near Potters Bar

HIGH PEAK & POTTERIES

Graham Till, Tel: 01782 776338 or 01782 833222 (work) 1st Tues, 8.30pm, Black Horse at Endon (A53, about 3 miles west of Leek, Staffordshire)

ISLE OF WIGHT Andy Hawkins, Tel: 01983 617232 1st Wed, 8pm, The Eight Bells Inn, Carisbrooke, Newport,

KENT Richard Colquhoun, Tel: 01634 575090 2nd Wed, 8pm, Pied Bull, Farningham, Off A20, Nr Brands Hatch

LANCASHIRE Keith Westley, Tel: 01704 893215 1st Tues, Hindshead Pub on A49, Charnock Richard

LINCOLNSHIRE Paul Vernon, Tel: 01522 889079 4th Thurs, 8pm, Manvers Arms, Monks Road, Lincoln

LODDON VALE David Cook, Tel: 0118 901 4481 2nd Thurs, Inn in the Park, Woodley Centre, E. Reading

NORTHUMBERLAND Chris Moody Tel: 0191 387 3507 6-10pm or 07860 302001 (mobile) 1st Tues, 8pm, The Swan, Heddon on Wall.

NORTH WALES Richard Hughes, Tel: 01244 533855 1st Wed, 8pm, Cross Keys, Buckley, OS 117 290 637

NORWICH John Jenkins, Tel: 07721 880463 2nd Wed, 7.30pm, White Horse, Trowse, Norwich.

OXFORDSHIRE Kevin Lindsey, Tel: 01993 823865 3rd Thurs, The Red Lion, Cassington.

PEAK DISTRICT Neil Walker, Tel: 01788 811919 1st Thurs, 8pm, Travellers Rest, Ashbourne Road, Derby.

Mark Wolstenholme, Tel: 01282 432088 2nd Tues, Pendle Hotel, Chatburn, Clitheroe (off A59).

SHROPSHIRE Rob Latham, Tel: 01952 592324 2nd & last Wed, White Horse, Shrewsbury.

SOMERSET Greg Hughes, Tel: 07887 821472 2nd Thurs, 8pm, The Bell Hotel, Curry Rivel, Nr. Taunton.

SOUTHERN Jacqui Tilotson, Tel: 02380 611110 3rd Thurs, Southampton & District MCC, Woodside Ave., Eastleigh, (opposite Halfords).

SOUTH LONDON & SURREY Steve Sharp, 0208 773 4204 9pm 1st Wed, Carshalton United Ex Service Club, West Street, Carshalton, Surrey.

SOUTH NORTHANTS Trevor Gardiner, Tel: 01788 815927 2nd Mon, 9pm, The Live & Let Live Pub, Harpole, Nr. Northampton.

SOUTH WALES Stuart Dodwell, Tel: 01446 710851 1st Thurs, Welsh Institute of Sport, Cardiff, 8pm.

SUFFOLK Richard May, Tel: 01787 374073 Last Wed, Manger Pub, A134 Sudbury Rd, Bury-St-Ed.

SWINDON Phil Male, Tel: 01793 731777 1st Wed, 8.30pm, The Carrier's Arms at South Marston,

SUSSEX Nick Harris, Tel: 01798 344594 Last Thurs, Ashington Social Club, Rear of Red Lion, A24, 9 miles North of Worthing.

TEESSIDE & NORTH YORKS Roger Preston, Tel: 01429 837093 3rd Tues, The Ranch House, Thoraldby Farm, Nr Stokesley, map ref 93...493074

THAMES VALLEY Gary Hiller, Tel: 01932 851291 3rd Mon, District Arms, Woodthorpe Rd, Ashford, Middlesex.

WEST ANGLIA David Knight, Tel: 01933 313816 1st & 3rd Thurs, Scott Bader Social Club, opp. Parish Church, Wollaston, Wellingborough.

WEST MIDLANDS Simon Mills, Tel: 01926 332982 1st & 3rd Thurs, Wilmcote Mens Club, Stratford on Avon.

WEST YORKSHIRE Gordon Carr, Tel: 01729 830569 1st & 3rd Thurs, Bankfoot Cricket Club, Wickets Close, (off Cleckheaton Rd), Odsal, Bradford.

WILTSHIRE Vic Price, Tel: 01380 724651 1st Tues, The Bell On The Common, Broughton Gifford. WORCESTERSHIRE

Steve Hobby, Tel: 01562 820121 Mob: 07970 929029 1st and 3rd Tuesday, White Hart, Fernhill Heath, Worcs.