

Northern Greenlanes

Bulletin





Brian Pratt
Northern Greenlanes Bulletin
835 Briercliffe Road
Burnley, Lancashire
BB10 2HA
Contact on Email: btp@freeuk.com

GLOSSARY

BOAT : Byway Open to All Traffic ;

- Vehicular Right of Way (VRoW).

RUPP : Road Used as Public Path ;

- VRoW if evidence exists, await reclassification if in doubt.

UUCR : Unsealed Unclassified County Road ;

- VRoW .. though some County Councils do not acknowledge them as such.

RT : Ratione Tenurae road ;

- Mostly VRoW, but not always.

CONTENTS

1	Cover: Old Coach Road - Cumbria
2	Editorial, Lake District
3	Yorkshire Dales news
4	Sarn Helen - Wales
5	Sarn Helen - Wales
6	Martin Steer letter
7	Wales, Leics & Scotland news
8	RT diversion, Horse Head Pass

EDITORIAL

Welcome to the 3rd edition of 'Northern Greenlanes' .. running slightly late due to my summer holidays. This editions special write up courtesy of David Goode (again) is about Sarn Helen the famous Roman road in mid-Wales. One or two other articles are taken from some of the various RoW/4x4 lists - I hope nobody objects, this Bulletin being free and for the benefit of all of us. Likewise if you do want contribute direct please do so, my e-mail address is above.

LAKE DISTRICT GREEN ROUTES

The walkers magazine 'Trail' (September edition published on 10th August) has an article on the Hierarchy of Trail Routes (HoTR) initiative in the Lake District National Park (LDNP) where driveable routes are segregated into '4x4 & motorcycle use', 'motorcycle only' and 'no use' depending on their suitability - the routes are signposted either end accordingly. We as responsible users must only use the lanes we are permitted to drive, otherwise at the end of the two year trial period various Traffic Regulation Orders (TRO's) may be put in place according to Bob Cartwright, head of LDNPA park management.

Trail Magazine has asked the question 'Should there be a voluntary code of conduct or is legislation the answer?'. Write to: Green Routes, Trail magazine, Apex House, Oundle Road, Peterborough, PE2 9NP, if you want to give our side of the argument !

COPYRIGHT INFORMATION: Text (but not photographs) can be used in other greenlaning publications. It MUST be accompanied with the following message-" Reproduced with permission from 'NORTHERN GREENLANES' website, copyrighted <http://www.btp.freeuk.com>"

FOXUP ROAD - DALES

On a recent reconaissance in the Horton region on Foxup Road I was appalled to see maintainance being carried out ! Appalled because given its proved vehicular rights, the peaty section has had a raised white stony surface laid on it, fortunately it has been done in a professional manner with correct drainage channels and so on - unfortunately it is only three foot wide ! And given that the footpath is 'raised' by over a foot compared with the surrounding area it is obviously geared up for walkers and no other users. The thinking of the YDNP that it is a bridleway ONLY (and conveniently forgetting its dual status) is proved by a recent local newspaper article ..

"Off-road bikers spark concern: BIKERS who race up and down the paths and bridleways of the Yorkshire Dales are endangering cyclists and ramblers, it is claimed. Recently, a gang of motorcyclists numbering up to 20 was reported racing around the paths of Penyghent at speeds of up to 40 miles an hour."

This to me sounds like the usual exaggeration that we expect from trampers, I can only imagine that the 'bridleway' concerned is Foxup Road, but for the YDNP to throw their tu'penneth in is inexcusable..

"Steve Macare, chairman of the Yorkshire Dales National Park Authority, added: 'Enforcing it is almost impossible. We do ask the police to look into it if there is a hot-spot but it is hard to catch people.' "

The Ramblers were on hand for a quote ..

"Keith Wadd, of the Ramblers' Association says 'Generally motorcyclists who ride on foot paths and bridleways are doing so illegally.Walkers go to the countryside to escape the noise and fumes of motorcycles.It is completely antisocial and unfair for motorcyclists to come off the roads. We utterly condemn it.' "

.. but at least the Ramblers say 'generally' - acknowledging that dual status roads do exist, but not to acknowledge it in this instance is just jumping on the anti-vehicular bandwagon. Shame on them. I must add that in my opinion this road in its present state is not suitable for use by four wheel drives.

POCKSTONE MOOR

The TRO'd (Traffic Regulation Order - closed to traffic) lane over Pockstones Moors near Pateley Bridge in North Yorkshire should soon (hopefully) be getting maintainance work carried out on it, but only because the council have had a Section 56 (road out of repair) notice served on them.

This could well end up being another Green Lane Day project after the successful Dead Mans Hill (at nearby Scarhouse Reservoir) repair - which should be reopened soon.

BLUBBERHOUSE MOOR

The network of excellent UUCR's over Blubberhouse Moor (north of Ilkley, N.Yorks) is in danger. There are rumours that the landowner has been pressurising the County Council into closing them to vehicular traffic - the excuse ! .. The wildlife is being disturbed ! If I told you that this is a grouse-shooting moor then you will begin to get the picture, I think the birds would rather be disturbed by the odd 4x4/motorcycle than be shot.

User groups on their part are also pressurising the CC to have the 5 foot gates into the forest widened to accomadate 4x4's.

Photo:
JCB
repairing
Deadmans
Hill.

(photo courtesy
of Paul
Sandlever.)



SARN HELEN

by David Goode

This particular Saturday was the first really hot and sunny day of the year as we headed out towards the Brecon Beacons Mountain Centre. I was a little dubious about the choice of Sarn Helen on a day like this, I prefer it in the cold and rain when it's less crowded but my wife said Sarn Helen and she has a knack of always choosing the best lanes at the best times. For those who have been on another planet, or Salford, for the last decade I shall simply say that Sarn Helen is probably the best known green lane after the Ridgeway. It seems to crop up all over Wales in various guises and is annotated on the OS maps as Roman but it's probably much older. The section south west of Brecon, which we were headed for today, is one of the most popular. It climbs over a pass in the Brecon Beacons, joining a tarmac lane for a mile at the saddle, with 5 or 6 miles of green lane either side of the watershed. It is supposed to be one of the most overused and controversial routes in Wales, being just a sheep's throw from Merthyr Tydfil and The Valleys and also within the anti-vehicle Brecon Beacons National Park.

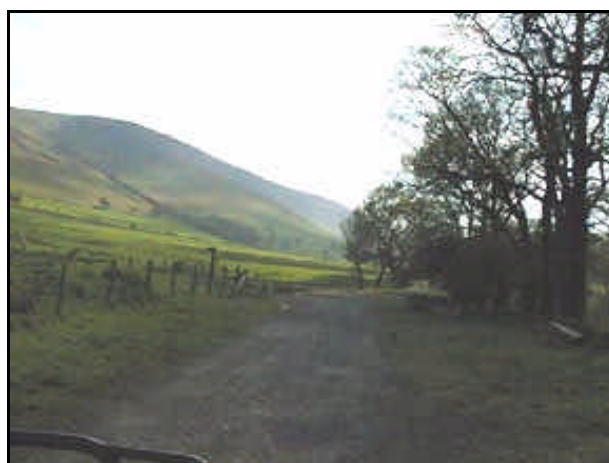
The visitor centre lies only a few yards off the track near the Brecon end of this section so this was the first tea stop - an important feature of our laning trips. To reach it from Mynydd Illtyd is half a mile of firm grass track with a few dints in it to make it interesting. We reminisced about the first time we drove this bit a few years ago; our first green lane the day after buying our Land Rover. It seems so tame now but we drove along it then with me as pleased as Punch, squawks of alarm at each bump from somewhere in the vicinity of the passenger seat and childlike excitement from the back. A few hundred green lanes later and driving these tracks has not lost its magic although the squawks are rare and generally justified and there emanates teenage cool from the back seat unless exceptional circumstances disturb it.

The car park at the visitor centre was packed and the tables all occupied; we had to perch on the wall to drink our tea. The hills dominating the immediate foreground were swathed in a fairly dense heat haze and sweaty, tee-shirted walkers headed towards the cafe from across the common, and both ways along Sarn Helen. I was still dubious.

The next mile along the track is straight, fairly level grassy track with shallow ruts revealing a stone base - whether ancient or recent I've no idea but it holds up well across some marshy ground. The only two parties of walkers around exchange greetings with us as they pass. They're soon gone and we see no-one, no bike, no vehicle for the next 5 miles; we seem to have the whole of the hills to ourselves - if you discount several thousand sheep.

Crossing a minor road, the surface is tarmac for a few yards as this section is used as access to Forest Lodge, according to the sign. Beyond this there's a

Photo right: Near Forest Lodge



further mile of forestry track which has obliterated any trace of what lies beneath but once past the trees the track begins to rise and the surface is small stones and wide enough for two vehicles.

Photo left: Approaching the Cwm



As soon as we start to climb we realise that all the haze has gone and we have a beautiful clear view - into the large, sheer-sided cwm in front and the panorama behind.

The fords are only a couple of inches deep and have insufficient hinterland to get serious even in winter.

Photo right: Wot, no Snorkel?

The higher into the hills we go, the steeper the climbs, the larger the rocks on the surface and the greater the sense of isolation. The driving is interesting though never challenging, there is one section where it might be possible to get a leafer cross-axled if you really wanted to but a modern Land Rover makes it seem easy.

Photo below: The Climb out of the Cwm



This part of the track was repaired last year and when partially complete looked hideous but now it looks well established and is in good condition - until the weather on these exposed hills causes washouts again, which will be blamed on 4x4s again. But where are they all - we passed no vehicle and saw no person even on that afternoon when the visitor centre's popularity clearly showed that people were out enjoying the hills and the sun?

Once nearing the saddle, the track levels out, gets wider and the stones of the surface get smaller again until we reach the 2' bank up to the lay-by of the tarmac road. No problem today, though on one previous occasion we had trouble finding a gap between the cars parked across the exit. Unfortunately we have to leave Sarn Helen at this point to start homewards - a result of a lie-in and a late start -

though there's a few good lanes to chose from on the way home.

On the outskirts of Hereford is a stretch of Roman road, which is known somewhat unimaginatively as Roman Road. This predictably straight road is a delightful hedged lane which for many years was blocked by obstacles put at the entrance by the adjacent quarry despite being on the list of streets. The last obstacle was a girder stuck in the ground in the middle of the track which then had a jacket of concrete cast around it - so much for preventing damage to the lane by 4x4s! After long and persistent efforts by Chris Marsden the council finally agreed to act and the lane was opened a few months ago.

Photo below: Hereford's Roman Road

It's always the last lane that catches you, isn't it? In this case no chance of getting stuck and there were no obstacles but coming back onto the tarmac there's a regular squeaking, graunching noise that increases with speed. I suspect a couple of stones in the callipers so I stop and reverse fifty metres with my left foot on the brake - it's not always easy to find somewhere safe to do this! This clears the problem until the next bend then it starts again, only worse. Our son was sent out to walk alongside and listen to each wheel: it was not hard to confirm where the problem was. We limped carefully to a nearby farm shop café where the others went for an ice cream or cuppa while I removed brake pads and cleaned everything around them. It was a little disconcerting to find no stones or even grit but just a mud paste over everything and I half expected my efforts to have been a waste of time.



MARTIN STEER LETTER - REPRINTED

Some of you may be aware of the famous 'Martin Steer letter', he works (worked?) for the old Department of the Environment and responded to the question 'Are UCR's vehicular?' with the following letter. I heard that he later distanced himself from his remarks, but I've not seen evidence of this. So why not make yourself a copy of it and carry it around with to persuade doubters that vehicular rights do exist on Unmetalled Unclassified County Roads.

Dear Mr L

RUPPS AND UNCLASSIFIED ROADS

CYD3/4683/39 · 26 March 1997

Thank you for your letter of 14 March to Dr R M Pritchard. Dr Pritchard has now left the Countryside Division and I have been asked to reply to the points you raise.

Firstly, I must explain that the Department of the Environment cannot authoritatively interpret the law as only the Courts are empowered to do that. What is set out below is the Department's informal understanding of the law.

In answering your letter, I have assumed that the ways you refer to as "County unclassified roads" are what are more commonly known as "unclassified county roads" or UCRs. Unfortunately UCRs have never been properly defined in law. In general, a UCR is a highway which is maintainable at public expense over which the public have a right of way for vehicular traffic. Whilst a byway open to all traffic (BOAT) is also defined as carrying vehicular rights, it is a specialist category of highway which is required to be shown on a definitive map of rights of way.

Although they both have vehicular rights, BOATs are defined as being mainly used for the purposes for which footpaths and bridleways are so used. No such presumption exists for UCRs, so the full range of rights can be exercised without any presumption as to the use. In this sense a UCR has "higher" rights than a BOAT, although I accept that this is an arcane distinction.

A highway without any presumption as to the limits of its use (albeit the presumption is a theoretical one) is a more "substantive" category of highway and would subsume the "lower" rights that exist over the same way. If a way was recorded as a UCR, or its equivalent, then in the Department's opinion it would not be appropriate to record it as a BOAT and place it on the definitive map.

It is possible that North Yorkshire County Council and the Yorkshire Dales National Park have considered the question of the relationship between UCRs and BOATs and have reached a different conclusion. As far as I am aware this matter has never been tested in the Courts: until it is it will remain a matter of opinion as to whether a UCR may properly be recorded on a definitive map of rights of way as a BOAT.

You state that the highway authority are causing BOATs in the area "to be closed to vehicular traffic for ever". I should explain that the rights which exist over a highway exist in perpetuity, unless extinguished by due process of law. I assume that the highway authority are prohibiting vehicular traffic by way of traffic regulation orders made under the Road Traffic Regulation Act 1984. This requires public consultation and the highway authority should take into account any objections or representations made to the proposed order.

In answer to your specific questions in the penultimate paragraph of your letter, if the "unclassified roads" you refer to are either UCRs or BOATs then, by definition, they will have vehicular rights. The problem is that some routes are loosely called "unclassified roads" without the rights over them ever having properly been established.

I can confirm that, in general, footpaths and bridleways do not carry a right of access by vehicles. However, you should bear in mind that under the provisions of section 56 of the Wildlife and Countryside Act 1981, the recording of rights of way as either footpaths or bridleways on a definitive map is:

"conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover a right of way on foot [and a right of way on horseback or leading a horse], so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights" [italics]

The legislation therefore provides for the possibility of the existence of additional rights, if it can be demonstrated that the definitive map is wrong, or where rights have either accrued or been dedicated by the landowner.

With RUPPs the situation is rather more complicated. Parliament acknowledged that the definition of RUPPs originally contained in the National Parks and Access to the Countryside Act 1949 did not make it clear whether vehicular rights existed or not. Section 54 of the Wildlife and Countryside Act 1981 consequently puts surveying authorities under a duty to review those rights of way classified as RUPPs and reclassify them according to the rights found to exist. Until this exercise has taken place in respect of any individual RUPP, it would be unwise for any assumption to be made as to whether vehicular rights exist.

I apologise for giving you such a convoluted answer to your questions, but I am sure you appreciate that the law relating to rights of way is complex, and does not lend itself to easy explanations.

Yours sincerely
MARTIN STEER

DOLGELLAU, WALES

The greenlane from 762150 to 758154 (Dolgellau - Landranger Map 124) is to be reduced to bridleway. The section through the farmyard at Gwerngraig is also to be diverted to the east of the farm also as a bridleway. It is claimed by Highways Authority to be 'too narrow', the photograph below right (*courtesy of C.Marsden*) shows a 4x4 easily negotiating the route at its narrowest point, proving their reasoning to be irrelevant - and what about motorcycles ?

LEICESTERSHIRE LANE TRO ?

A lane to be avoided at the moment is Gartree Road, running from Little Stretton 676995 in a South Westerley direction towards Cottingham 802926. The water crossing at grid reference 684992 is now seriously eroded and is currently the subject of review for a permanent TRO by Harborough District Highways.

TRF VICTORY

Trail Riders Fellowship members accused of illegally riding a Bridleway in Derbyshire called Lumb Lane were found not guilty of an offence by Alfreton Magistrates recently. Court costs were awarded against the Crown Prosecution Service. This follows a previous acquittal of riders similarly accused of riding on nearby Grimsall Lane.

OLD COACH ROAD - CUMBRIA

The Old Coach Road, see the photograph on page 1, a UUCR between Keswick and Lake Ullswater (LR Map 90) has been closed (TRO'd) due to a large washed out hole having developed. Any volunteers to help mend it please contact Tim Stevens of LARA, email: timLARA@aol.com or telephone: 01630 657627.

DERE ROAD - SCOTLAND

news from the RoW email lists

Following a Public Inquiry earlier this year, the decision to apply a TRO banning motorists from a length of Dere Street in Scotland has been rejected. The reasons include a failure to consult with responsible organisations such as LARA, and the lack of any appreciation of the wider picture by the authorities. LARA was represented at the Inquiry, and local members who are users of the route also gave evidence.



Photo
Left:
Oops,
the propshaft
has broken -
and on Walna Scar !

YORKSHIRE R.T. ROAD DIVERSION

The following letter was recently sent to me from North Yorkshire County Council (NYCC), I am familiar with the lane having driven it in a 4x4 and motorcycle several times, I cannot see the diversion being a problem (though I'm not sure why they are doing it). If you think otherwise write to: Stephen Tipping, Croft House, Carleton Rd, Skipton, BD23 2BG. quoting PC56(FP)ST/CW.

'PROPOSED DIVERSION OF BRIDLE WAY NO. 3 GREWELTHORPE/R.T. ROAD'

The Council has received an application for the diversion of the above bridleway, as shown on the attached plan. Although recorded on the Definitive Map and Statement as a bridleway, the route is also recorded on a list of roads maintained Ratione Tenurae and is considered to carry public vehicular rights. It would, therefore be necessary to divert the route using Section 116 of the Highways Act rather than Section 119 and take the matter to a Magistrates' Court.

In order to make an informed judgement on the likely effect of the proposed diversion I am seeking the views of all interested parties before a decision is taken. Therefore, I would be obliged if you could inform me whether or not you have any objections to the proposal.'

See Ordnance Survey Land Ranger Map 99 SE207765. From memory I'm sure if this road is mainly tarmac but what is very interesting is NYCC admitting RT roads to be vehicular, now that is a first, and is important when other 'greenlanes' that are RTs are to be considered or we have problems on - such as at Bordley Farm near Mastilles Lane. If anyone requires a scanned copy of the map showing the specific diversion (which shows it diverting round the bottom of the southern building as seen on the LR map) then email me.

HORSE HEAD PASS - DALES

On a recent trip over Horse Head Pass, between Halton Gill and Yockenthwaite, I saw the farmer had posted homemade signs requesting motorcycles (and 4x4's) not to use it as it was damaging the lane, but despite this I used it anyway only to find the lane is in exactly the same condition as it has always has been - washed out due to *poor drainage*, on not due to vehicles !

