



TRAIL RIDERS
FELLOWSHIP

Technical Directorate Report

Annual General Meeting

May 2019





Technical Director's Report

2018 was a year of continued success for TRF and trailriding interests.

TRF members have secured, through their collective efforts, an improvement in the quality of trailriding available and of the green road network, such that all users interests have benefitted from TRF's work.

TRF scored a conservation first, by successfully protecting the natural beauty and cultural heritage of Washgate Lane from suffering unnecessary detriment as a consequence of a national park authorities' unjustified traffic regulation order (TRO). Traditional trailriding activity was protected by TRF's intervention which in turn prevented the natural beauty of Washgate Lane being degraded to an overgrown path and weed infested dog toilet – a fate suffered by most green roads that have been TRO'd or reclassified as restricted byway. The hard-won advancement of national park purposes was secured by TRF's purchasing land adjacent to Washgate Lane in the Peak District National Park.

There is growing support for TRF and trailriding amongst the wider public and other user organisations. TRF's crowdfunding campaign for the Stonehenge experimental TRO (ETRO) case attracted generous donations from equestrian groups and a wide variety of non-motorised users. We also see an increasing level of support through non-motorised users objecting to unjust restriction of trailriding.

A significant factor in securing support has been the good road manners and courtesy extended to others by responsible trailriders who abide by TRF's Code of Conduct.

TRF's influence and standing has enjoyed a healthy increase that is reflective of our booming membership numbers and Group activity.

Clumsy full-fat TRO's that ban responsible trailriding are rarely attractive to Authorities. Intelligent TRO's and public space protection orders (PSPO's) are the increasingly popular choice and their success is ever more well-evidenced.

John Vannuffel

Technical Director



Strategic Review

TRF strategy is a product of members influencing their Group and TRF activity. TRF empowers members and Groups to promote TRF and trailriding interests, with the backing of a national organisation that is in the business of conserving green roads. TRF's position, strategy and policies are the product of c.5400 trailriders across the country approving and supporting TRF business. TRF's achievement is to get trailriders across England and Wales on the same page. A page that says this is us, this is what we do and the rules we operate by. That TRF page is well-received by Authority and others, who hold sway over green road access.

Working with the backing of the entire TRF, Group officers have a lot of influence when working with Authority and other stakeholders. The voice of a TRF trailrider, as a member of our national organisation representing at least 1 in 4 trailriders, carries substantial weight and influence.

A trailrider who engages with Authority as a supporter of a relatively miniscule local riding club does not enjoy a fraction of the standing and influence that is accorded to a TRF member. The local riding club has no credible claim to be a national organisation and it lacks standing as a limited company in the business of road conservation. There is no meaningful transparency or safeguards for local riding club supporters unless the club they belong to is a limited company. TRF's strategy has enabled it to capitalise on the benefits of being a limited company.

The increased empowerment of TRF Group officers in recent years has better promoted TRF and trailriding interests.

The overall quality of the network was improved, despite the imposition of two unjust TRO's during 2018. There has been incremental progress on removing obstructions and repairing iconic routes such as Monks Trod. Justified TRO's have delivered improvements for all responsible users. TRF's strategy is to measure performance on the quality of the network as opposed to solely the quantity of network.

Of the two unjustified TRO's imposed during 2018, both have proven unsuccessful and to have caused unnecessary and avoidable detriment to national park purposes, including damage to the Special Qualities of the parks concerned.

TRF was the lead representative for trailriding interests during the House of Lords Select Committee review of the Natural Environment and Rural Communities Act (NERC). The threat posed to trailriding was as great if not greater than that posed by the original passage of the NERC bill – which extinguished a substantial proportion of trailriding access.

TRF's moderate approach and conservation credentials secured a favourable outcome and "NERC 4" was avoided. Again, this entailed a collective approach from TRF members across the country.

The strategy of distinguishing trailriding issues and access from other forms of motorised access continues to prove effective. Equestrians, dog walkers and pedestrians wouldn't want to be managed under the clumsy catch all of "mammalian traffic" for obvious reasons. Yet we made the mistake of allowing, even encouraging, Authority to manage trailriding by lumping it in with 4x4 under the clumsy catch-all of "recreational motoring". That term is, unsurprisingly, very popular with those who seek unjust TRO's. We should guard against those who seek to confuse the matter of responsible trailriding with wholly different classes of traffic and types of user.



TRO/PSPO Business (Jan-Dec 2018)

Green Road	County	Outcome	Situation March 2019
Various x15	Essex	Successful TRF legal challenge via the High Court. Work in 2018 to consolidate success.	No permanent restriction of motorcycles.
Seggimire Lane	North Yorks	Successful ETRO made permanent.	Open to motorcycles. Proportional TRO successful
Derby Lane	Derbyshire. PDNP	Unjustified TRO made. BOAT status secured following TRF's success in Oakridge Lane case.	Recorded as BOAT. Unjustified and unsuccessful TRO Detriment to national park purpose
Washgate Lane	PDNP	Unjustified TRO made. Special Qualities of National Park damaged by TRO.	TRF trailriding facilitated by land purchase. Special Qualities of National Park conserved and enhanced by TRF.
South Acre Ford	Norfolk	No TRO	Open to trailriders
Hexham ETRO	Durham	Motorcycle exempt ETRO proven successful and made permanent.	Road condition superb and sustaining motorcycle use.
Hangers Lane	Hamps	TRF objection successful. Motorcycle exempt TRO made.	Road condition superb and sustaining motorcycle use.
Rushmoor Lane	Hamps	TRF objection successful. Motorcycle exempt TRO made.	Road condition superb and sustaining motorcycle use.
Burry Port	Carmarthenshire	Unjustified TRO successfully challenged by TRF. Proportional TRO made	TRO case settled by Council varying TRO so as to allow motorcycles. Successful TRO.
Morfa Bychan	Carmarthenshire	TRO not made following TRF objection. Motorcycle exempt ETRO	Open to trailriders
Newton Bank	North Yorks	TRO not made following TRF intervention. Temp TRO with TRF support.	Temp TRO expired. Road awaits repair and remains obstructed. TRF litigation may be required.
Kirkby Bank	North Yorks	Unjustified TRO. Detriment to Special Qualities of National Park as a result.	TRO unsuccessful. Damage to road continues. Trailriding banned.
Jacobs Ladder	PDNP	TRF objected to TRO proposal.	TRO not progressed as at March 2019
Ridgeway	Wilts	Proposed TTRO for repairs. TRF engaging with Council.	No apparent plans to ban trailriding.
Winterbourne Earls (ford) x2	Wilts	TRO abandoned	Open.
Monks Trod	Powys	TRF High Court action successful. Court order secured which compels Council to repair road and declared temp TRO's unlawful.	Incremental progress. Temp TRO allows for degree of trailriding access. Repairs being progressed. TRF volunteers have helped with repairs/waymarking.
Deadmans Hill	North Yorks	Further repairs completed to sustain 4x4 traffic. TRF volunteers work provided gates.	Open.
Helwith	North Yorks	Temp TRO's relaxed.	Open
Snailings Lane	Hamps	Temp TRO + repair	Open
Swan + Limers Rake	PDNP/Staffs CC	Temp TRO. TRF offer of funding + repair + support for proportionate 4x4 TRO	Not repaired. Temp TRO in force.

4



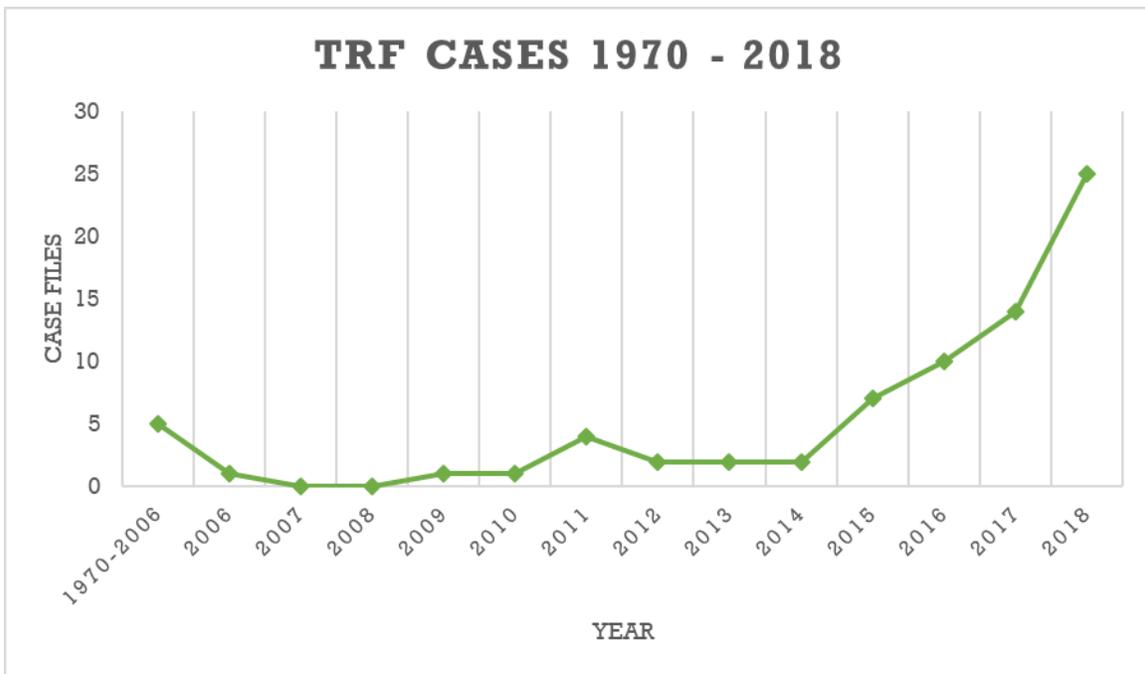
Water Breaks its Neck	Powys	Temp TRO plus repair.	Substantial repairs completed. Open.
Various x 7	Kent	Proportionate TRO's	Proportionate TRO's very successful. Open.
Warnford	Hamps	Unjust TRO made. High Court ruled against TRF.	TRF given permission to appeal High Court ruling. Appeal Court hearing July 2019
Shallow Lane	Hamps	Motorcycle exempt TRO following TRF objection.	Open. 4x4 TRO.
Lowna	North Yorks	Temp TRO modified following TRF intervention	Partial temp closure and repairs planned.
Blubberhouse Moor	North Yorks	Temp TRO. TRF intervention	TRF input continues. Proportional TRO/PSPO sought by TRF.
Wetton	PDNP	PDNPA decision to make TRO.	TRO not made. Open.
New Road Eyam	PDNP	Motorcycle exempt TRO following TRF intervention	Open. Successful TRO.
Fillongley	Warwickshire	Public Space Protection Order varied to permit trailriding, following TRF legal proceedings	Open to trailriders.
Stonehenge ETRO	Wilts	ETRO overturned by High Court following TRF challenge	Open.
Pookles Lane	Hamps	Temp TRO rescinded following TRF intervention	Open
Kimble Road	Bucks	Proposed seasonal TRO restricting trailriding.	TRO modified to permit TRO that allows year-round trailriding. TRF support for prospective PSPO.
Gradidge Lane	Wilts	Proposed TRO. TRF objected	Open. TRO not made.
Ramsden Road	PDNP	ETRO quashed by High Court following TRF challenge.	Open.
Cornhill Lane	Oxfordshire	TRO threat	Open.
Laurel Hall	Powys	Temp TRO. Procedural flaw re alternative route (denial that UCR is a road).	Open.
Cefn Canau	Caerphilly	Temp TRO.	Road repaired and opened following TRF legal intervention. Open.
Various x4	East Sussex	Seasonal 4x4 TRO's. Motorcycle and Quadricycle exempt.	TRO's successful. Open.
Total number of green roads subject of TRF intervention re TRO/PSPO, Jan-Dec.		53 (Jan-Dec 2017)	62 (Jan-Dec 2018)



TRF Rights of Road Activity

TRF opened 25 case files between January and December 2018. This is a substantial increase in activity that has largely been made possible by the increase in TRF’s subscription fee and membership.

The chart below illustrates how TRF’s activity has increased in recent years.





Definitive Map Business

The majority of TRF's definitive map business is focused on preventing unjust downgrades of UCR's (i.e normal roads) to BOAT. Our actions in 2018 included engaging counsel to attend two public inquiries. We await the decisions of the inspectors.

Counsels input has also been engaged to make written representations and objections in respect of downgrades.

But not all UCR to BOAT downgrades are unjustified and/or inappropriate. In exceptionally rare cases, they can be of benefit to other users and, perhaps, of benefit to TRF or at least not detrimental to TRF.

Those circumstances will generally concern roads that are little, if at all, used by trailriders and/or where there is a meaningful dispute as to status. TRF has supported downgrading to BOAT in those circumstances e.g. Jouldings Lane, Hamps.

A small proportion of definitive map business concerns attempts to downgrade UCR's to paths (i.e. bridleway or footpath) or restricted byway. A notable success in 2018 was preventing an attempt to record Back Lane, Derbyshire as a bridlepath and BOAT.

Dorset BOAT applications.

In 2015 the TRF successfully secured a Supreme Court ruling in respect of 5 applications to correct the definitive map. The applications sought to record BOAT where green roads are under-recorded as paths.

The Order of the Supreme Court requires Dorset County Council (DCC) to determine the application in accordance with the legislation (i.e. as soon as reasonably practicable) and further declares that all 5 applications are valid.

By 2018, DCC had made no substantial progress in determining the applications, some 3 years after the Supreme Court ruling. TRF reluctantly resorted to litigation and commenced the initial stages of the judicial review procedure, with a view to challenging DCC's delay

DCC subsequently progressed the applications, conducting a consultation process. DCC is now considering whether to return to the Supreme Court with a view to securing an amendment to the Courts Order.

TRF has engaged Counsel and resources have been allocated with a view to returning to the Supreme Court, if required.



Stopping Up and Obstruction

Stopping up refers to an arcane legal procedure that empowers a Magistrates Court to extinguish public rights of road or way. It is hangover legislation from mediaeval times, where the notification procedure has barely evolved from nailing a parchment notice to the door of the parish hall.

TRF successfully resisted Hampshire County Council's attempt to use this relic legislation to extinguish public road status on Heaven Hill Road. This required TRF to attend Court on three days, together with lawyers. The matter was decided in TRF's favour and we recovered most of our legal costs.

Kent County Council is proposing a partial stopping up of a cul-de-sac road, which seems perfectly reasonable as it only affects a short section at the end of the cul-de-sac which goes through a yard.

TRF has taken various action with regard to obstructions. Some of the obstruction cases include:

<u>Green Road</u>	<u>Intervention</u>	<u>Outcome</u>
Heaven Hill Road, Hamps	TRF legal team correspond with Authority.	Council served legal notice on landowner/occupier responsible for obstruction.
Easington Lane Lancs.		Open
Midgley Lane/Heild End. PDNP		
Cefn Carnau, Caerphilly		
Sleights Lane, North Yorks		Process ongoing.
Freeze Gill, North Yorks		
Harwood Dale, North Yorks		
Wanlass, North Yorks		



Engagement with Government

TRF undertook work in three main areas during 2018:

- House of Lords Select Committee review of NERC (NERC 4)
- Motoring Stakeholder Working Group (MSWG) (NERC 3)
- Responding to Government consultation

NERC 4

The Select Committee report was published and debated in the House of Lords. The outcome was balanced in respect of trailriding. There was no recommendation for an increase in trailriding access but there was also no recommendation for a decrease – despite vigorous lobbying from the pressure groups opposed to public access. TRF was disappointed that the report did not address the access for mobility scooters that was wiped out by NERC. TRF was pleased that the report recommended the use of intelligent TRO's.

9

NERC 3

The MSWG work remains in progress. The exercise is likely to produce an update of Government guidance - "Making the Best of Byways".

Government Consultation

The major exercise has been to submit responses to a consultation regarding National Parks. A further consultation concerned TRO procedure.



Corporate

TRF's members approved a new Code of Conduct, Vision, Aims and Objectives, and Bylaws in 2018. Those documents have proven persuasive in working with Authority and in legal proceedings – together with the Strategy: Core Principles, they are regularly exhibited in High Court cases.

Stonehenge Tunnel

Highways England has applied for a Development Consent Order (DCO) to build a tunnel under Stonehenge. As part of that DCO, extinguishment of access to byways is being sought. TRF has engaged counsel to oppose the DCO insofar as it is detrimental to motorcycle access to the byways.

Warnford TRO

TRF challenged Hampshire County Council's TRO, which prohibited responsible trailriding from green roads that suffer from antisocial behaviour and damage by non-motorcycle traffic. The High Court ruled against TRF at first instance. TRF has been granted permission to appeal and the case will be heard in July 2019.

TRF sympathises with local residents who still suffer from anti-social behaviour, noting that the TRO has been ineffective. Regrettably, the use of a clumsy full-fat TRO has proven to be a barrier to intelligent solutions – such as a proportional TRO or PSPO that have proven to be effective in similar circumstances.