



TRAIL RIDERS  
FELLOWSHIP

# Technical Directorate Report

Annual General Meeting

July 2021





## **Technical Director's Report**

I write as we are days from the end of most lockdown restrictions. New directors will be appointed before the end of this week. Next week the TRF will find itself in better health than at our last AGM in May 2019.

TRF achieved much more than surviving the lockdown, we grew as an organisation throughout it and emerged stronger. New threats emerged, including hastily drafted legislation for coronavirus TRO's. TRF rapidly rose to that challenge and prevented misuse of the new TRO powers to prohibit trailriding, ensuring that trailriders were treated as equitably as equestrians, cyclists, and pedestrians, and in a manner that was commensurate with efforts to defeat covid.

TRF was once again in the (virtual) High Court, this time as an interested party to the GLEAM v LDNPA case, where we ensured that the Sandford Principle was not mutated and crippled by those opposed to public access and used to harm the health of our National Parks.

TRF added to its good work conserving green roads, by its members taking on community tasks such as delivering shopping to the self-isolating.

We also expanded our network of partners, and as a founder member of COMORG we helped develop covid riding advice that was supported by all major motorcycling organisations, road safety organisations, and approved by the National Police Chiefs Council.

The National Motorcyclists Council was founded, and its take-off has exceeded TRF's expectations.

New ways of working with GLASS have been developed, and both organisations enjoy the greater benefits of a specialised approach, where 4x4 and trailriding are treated as distinct classes of traffic and looked after by GLASS and TRF respectively. The mischief of muddling trailriding and 4x4 together is no more.

The GRM was launched and is on course to restore the public's awareness of the heritage, reputation, and status of green roads.

Looking forward we can expect more success built on our newly reinforced foundations. We have the GRM, a stronger legal team, and improved partnerships.

Above all we have more members.

John Vannuffel



## **Strategic Review**

TRF members approved their Road Conservation Strategy (RCS) and Strategy: Core Principles in October 2015. This was followed in April 2018 by TRF members approving their Aims, Objectives, and Vision for the TRF (AOV).

The AOV, SCP and RCS form the core documents to inform TRF's strategy. The RCS is over 5 years old and continues to serve TRF well. There is scope to improve it and we will look to revise it in the next year.

The main task arises from TRF having raised its game above that set by the RCS. That strategy covers of the things we have achieved but does not extend to additional matters we are achieving and intend to achieve in future.

TRF litigation activity has developed. In the space of 5 years or thereabouts, we have gone from mainly taking cases that react to the making of TRO's, to proactively taking on cases that affect the public interest at a strategic level. The GLEAM v LDNPA case was a key win.

Engagement with Parliament continues. Most recently, TRF had a hand in ensuring that the Environment Bill was not used to legislate for a referendum on whether the public should leave their green roads or stay using their green roads.

The GRM is key to TRF's strategic aim of educating the public as to the heritage, reputation, and status of their green roads. Progress is good, despite setbacks arising from covid. It is quite the wonder, and one does question whether we would have suffered NERC if the GRM had been available to the public twenty years ago.

With an established GRM, TRF advances across all of its goals set out in the Aims, Objectives, and Vision.

## **TRO/PSPO Business (March 2019 – Jun 2021)**

<b><u>Road</u></b>	<b><u>County</u></b>	<b><u>Type</u></b>
Kimble Road	Buckinghamshire	TRO
Stonehenge	Wilts	ETRO
Burston	Norfolk	TRO



Beaney's Lane	Sussex	TRO
Easton	Wilts	TRO
Various	Bedford	Covid Temp TRO
Glynwood	Monmouthshire	TRO
Heoligerrig	Merthyr	TRO Tarmac Road
Stonehenge	Wilts	Covid Temp TRO
BOAT 137	Surrey	TRO
Doles Lane	Derbyshire	TRO Tarmac Road with Ford
Moor Lane	Derbyshire	PSPO Part Tarmac Road
Monks Trod	Powys	Permit TTRO
Wolvens Lane	Surrey	TRO
Ramsden Road	Kirklees	PSPO
Abbotsbury Road	Dorset	Covid Temp TRO (part tarmac)
Gilmorton	Leicester	TRO

### **TRF Rights of Road Activity**

Our area of activity is shifting from reactive TRO work to proactive litigation. The incidence of unjust TRO's has declined – for now. But we are seeing a steady increase in the use of intelligent TRO's and particularly PSPO's.

Ramsden Road PSPO promises to deliver huge improvement to a green road in Peak District National Park, by regulating 4x4 access to allow responsible 4x4 but reduce irresponsible 4x4. The restriction does not extend to trailbikes. GLASS has played a key role in delivering the solution to a 4x4 problem. All responsible users (including 4x4) can better enjoy the road.

An innovative temp TRO was made by East Sussex County Council. The temp TRO provides an exemption that allows for TRF members to motorcycle on the road. This appears to be a first in TRO making.

Covid presented new TRO law with new problems. TRF successfully challenge three covid temp TRO's as a result.

Definitive map work remains constant. TRF regularly instructs Counsel in respect of public inquiries into highway status.



**In the Courts**

Our 5yr success rate for legal challenges (where we participate in Court proceedings) is 87.5%:

	<b>Case</b>	<b>Type</b>	
1	Hexham Lane	All motors TRO. Following TRF success, 4x4 TRO made without GLASS objection.	
2	Bentworth	All motors TRO. Following TRF success, 4x4 TRO made.	
3	Seggimire	All motors TRO. Following TRF success, 4x4 TRO made without GLASS objection.	
4	Map Scales	Defintive Map case. TRF goes all the way to Supreme Court and wins.	
5	Smugglers Lane (part tarmac)	Defintive Map case. Ordinary road saved from downgrade to bridlepath.	
6	Burry Port	All motors TRO. Following TRF success, 4x4 TRO made without GLASS objection.	
7	Monks Trod	Temp TRO for 16 years. Found to be unlawful use of temp TRO powers.	
8	Ramsden Road	Experimental TRO overturned. Parallel challenge by GLASS.  TRF secures court order that recognises trailbikes (particularly TRF) are not the cause of damage.	
9	Essex	Experimental TRO overturned.	
10	Piddlehinton	Definitive Map case. Challenge with GLASS support. Costs shared between GLASS/TRF.	
11	Oakridge Lane	Definitive Map case. List of Streets clarified in TRF's favour. Huge win that saves many green and tarmac roads.	
12	Netherton	Stopping up case on ordinary road.	



13	Warnford	Demonstrates that irrational TRO's can be made using selective failings in procedure. TRF loss.	
14	Stonehenge ETRO	Experimental TRO overturned.	
15	GLEAM v LDNPA (all roads)	TRF as interested party. GLEAM loses.	
16	Heoligerrig (tarmac road)	Flytipping TRO. TRF wins in style. TRO partially quashed to reinstate motorcycle access. Court order acknowledges that banning motorcycles for fly-tipping is irrational.  Separate challenge from GLASS secures 4x4 access, but only on the basis of procedural failings that can be corrected in future.	

### **TRO Cases in London**

There have been four TRO cases on tarmac roads in London that TRF has taken an interest in, though not engaged with in the sense of participating in any proceedings. The cases warrant attention as they affect all roads, including green roads.

The effect of the cases is to shift TRO law slightly back in favour of the public interest, and further away from those opposed to public access.

### **Current Caseload**

There are several temporary TRO's of concern across England and Wales. These will receive greater attention as we emerge from lockdown and more RoR resources are made available with the appointment of directors.

Permanent TRO's and PSPO's are time sensitive and have been prioritised accordingly. TRF is preparing to challenge Erewash Borough Council PSPO of Moor Lane – should the PSPO be made.

At a strategic level, TRF is submitting a written representation in respect of British Caving Association v Welsh Government. The TRF's interest is with respect to the interpretation of "open air recreation", a phrase that appears throughout countryside law. Trailriding is included within that phrase and we wish to ensure the Court does not adopt a more restrictive interpretation.