

AA

# Drive

October 1984 95p

## MOTORISTS KEEP OUT!

We're barred  
from our own  
countryside

## AA ROAD TESTS

- Fiat Regata
- Fiesta 1.6L diesel
- Peugeot 205 diesel

**SUPERMOGGIE!**  
We drive the Morgan Plus 8



**HANNAH'S**  
automatic choice

## LEISURE

Reach for the sky  
— ballooning



Bite the dust  
— moto-cross





# MOTORISTS KEEP OUT!

**A**LMOST eight thousand miles of Britain's most beautiful roads are under threat. One quarter have already disappeared beneath the plough. These are the green lanes — the ancient tracks which meander through the heart of the countryside. The term includes a multitude of unmetalled byways, drovers' roads, and roads used as public paths — all of which should, legally speaking, allow access to private motorists, too.

As a motorist you may wonder what all the fuss is about; after all, who wants to drive along virtually impassable old tracks? If people want to get into the countryside, why not use the 100,000 miles of footpaths and bridleways that exist in England and Wales? In the first place these, too, are under increasing attack, so it isn't that simple. These tracks are not necessarily going to exist for eternity. They are more likely to be closed by legal procedures if they are underused, on the grounds that they are unnecessary, than the green lanes which are often bounded by hedges, stone walls or banks and so are a feature of the landscape.

But why are these rights of way in danger of being lost? Our most precious heritage, the right of way on our ancient green lanes conflicts directly with the interests of private ownership and often comes out the loser. The most deplorable aspect of the business is that it not only denies us our countryside but denies us access to our countryside, the very thing that three major Acts of 1949, 1968 and 1981 concerning the countryside should have improved.

These lovely old tracks meander through the heart of British and Welsh countryside (Scottish law has incurred a different situation), and anything up to one quarter has disappeared since agricultural

mechanisation simplified wholesale landscape alterations 20 years ago: the pace is accelerating.

The term 'green lane' includes Roads Used as Public Paths (RUPPs). These were introduced as a concession to a powerful landowning lobby during the formulation of the 1949 Countryside Act, and further complicated an already complex issue. If the original proposition of classifying all unsurfaced cross-country routes as either carriageway,

**Your legal access is being denied to Britain's most beautiful roads — the so called 'green lanes' — by big business interests and legislative bungling**  
**DAVID MINTON investigates.**

bridleway or footpath had been adhered to, the present situation would probably not have arisen.

The mere implication that an ancient road is in effect a path has encouraged large-scale ploughing by the farming com-

to provide a surface suitable for the passage of vehicles. The normal duty is to maintain a public right of way to the standard required for its usual use, i.e. in the case of byways they are mainly used as a footpath or bridleway.



munity (which frequently regards any unfamiliar movement within its boundaries as unwelcome intrusion), and the convenient but legally incorrect downgrading of RUPP green lanes to footpath or bridleway status by county and district councils. Convenient because, with its carriageway status removed, the council's responsibilities for the maintenance of green lanes are reduced to virtually negligible proportions.

The authority is not obliged

It may sound hard to believe, but as the law stands a farmer is legally entitled to plough-out a bridleway or footpath (but not a green lane) that is interfering with agricultural developments, as long as he leaves the route clear, or that he re-routes it nearby. He may not plough these out if they use a field headland (the few feet of field nearest its boundaries), but the barley barons of East Anglia have solved the matter very simply by removing the hedges and routing and re-



routing footpaths until they bear no relationship to the original. And have you ever tried travelling through a field of oil-seed rape? Quite apart from the fact that most people are reluctant to spoil crops, it's an exhausting business and far from recreational.

Thus have our countryside rights of way been hindered or obliterated by resort to legal loopholes.

Exactly when the oldest, and widest, of the green lanes' routes were permanently fixed is impossible to establish but some, such as the Ridgeway



The pleasures of Britain's green lanes — such as this one in Wiltshire — are enjoyed by a variety of groups including motorists, motorcyclists, horseriders, and ramblers.

that runs east-west across the hills of southern England, have undoubted prehistoric links. Others are Roman roads, which in turn often made use of existing routes; some date from Medieval times as drovers roads, while others came into existence as late as the Enclosures of the 18th century and may even be forgotten old coaching roads. By and large their value and attraction is directly proportional to their age. Because they have been permanent for so long the lanes are invaluable as wildlife preserves, they offer an outstanding contribution to landscaping, their historical and archaeological value probably equals that of any of our better known monuments, and their potential as recreational areas is without equal.

Above all these purely functional assets, however, green lanes offer a less definable but infinitely stronger attraction. A conversation with almost anyone familiar with them will reveal a cherished recollection of space, solitude and serenity. And it is this, more than anything, we are in serious danger of losing.

By no means are all green lanes rutted and broken; their advantage to non-walkers lies in their ability to put the heart of the countryside within the convenient grasp of anyone with an ordinary car. This may seem a strange thing to say, but think for a moment; just how do you propose to penetrate far into the pastoral scene you see beyond the roadside hedges whizzing past the car

this in practice an occasional passing vehicle along an otherwise unused lane is of benefit. It impresses on landowners round about that the lane is still a public highway and has not been forgotten — which is vital, and it helps to keep open lanes that would otherwise become overgrown. If you are not a serious walker there is little to beat the pleasure of driving the family for a short distance away from the hurly-burly of the world along a green lane, parking the car (to one side, leaving room for passing vehicles — for this is a road!) and then strolling off for a walk through countryside that otherwise you would find inaccessible, along a good, wide track without the need to march in single file and without fear of harassment.

Before long you'll be searching out more green lanes and leaving the car farther and farther behind.

Fortunately, the 1981 Wildlife and Countryside Act changed the provisions in the 1968 Countryside Act relating to the reclassification of RUPPs. Under the 1981 Act if vehicular rights are proved to exist over the RUPP it must be reclassified as a byway, unlike the 1968 Act which gave the authority the discretion to reclassify such a RUPP as a bridleway if it considered the lane unsuitable for vehicular use. If a green lane is allowed to fall into a state of serious disrepair so that it is passable only by a four wheel drive tractor, for example, it may be downgraded to bridleway status.

‘The problem lies not in the law protecting green lanes but in the application of the law.’

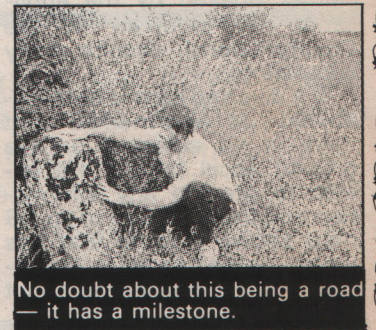
windows? There are relatively few places that have free public access. Discount our rough high country and moors and what are you left with? Little but municipal parks, roadside verges and urban and village commons, and even those are under pressure now from developers.

The suggestion is not that car drivers and motorcyclists should necessarily go bashing along green lanes at every opportunity, although as so few people actually want to do

type in Wiltshire county.

If an industrialist destroyed a minor metalled road running past his factory, he'd find himself in serious trouble with the local highway authorities, but let a farmer rip up a green lane passing his land and he's unlikely to suffer any penalty — and make a profit into the bargain.

The question is: what can be done about it? The answer, in effect, is not a great deal, apart from harrasing the local highway authority to 'do something' — and the value of that is plain enough to see. The local highway authority has the



No doubt about this being a road — it has a milestone.

power to prosecute where the destruction or damage to roads is concerned. In law so do parish councils but, in effect, their amateur status and restricted budget disallow it.

The law would be properly implemented but for one thing — the reluctance of local councillors to take action. In rural areas, many local councillors are farmers. In Lincolnshire, for instance, in 1981, all county councillors were asked at a meeting to declare their farming interests. Of the 77 councillors present, approximately 28 left the chamber, including the chairman and vice-chairman.

A Local Government Ombudsman's report sharply criticised the county council's failure to deal with complaints about one particular footpath: 'The council... cannot set aside a statutory duty... there was unreasonable delay in responding to repeated complaints.' The results remain to be seen.

Major Brett Collier, honorary joint secretary of the Lincolnshire Fieldpaths Association, claims to have records of numerous incidents where green lanes have come under pressure from vested interests.

Co-operating with landowners to reroute existing paths and tracks is of little use says the Major: 'Co-operating with diversions of cross-field paths to headlands only leads to their virtual extinguishment for the conditions of the Diversion Orders once agreed are







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be to recognize that public rights exist along all tracks unless the owner proves they are private.' After all, no-one has to prove his or her right to use a metalled country lane. Finding conclusive proof of use can be impossible during an enquiry simply because the users are so frequently visitors to the area.

Another main cause of the trouble lies with the fact that the survey of all types of road and path required from all county councils in 1949 (and demanded by 1954) was only recently completed, which

means that even local Definitive Maps may often be incorrect and incomplete. And in these mean times district and county councils are eager to dispose of their financial responsibilities towards green lane upkeep.

As it stands the law makes it plain that green lanes may not be ploughed out but there is little to stop the neighbouring landowner removing the road boundaries, such as trees, hedges, ditches and banks. With these gone, the lane loses its character, its appeal and from there on it's a simple pro-

cess of conversion from independence to agriculture.

By no means are all farmers villains. One of the staunchest supporters of public rights of way is Peter Melchett, RA President and farmer campaigner for improved public access to the countryside. Louise Braham is also a farmer.

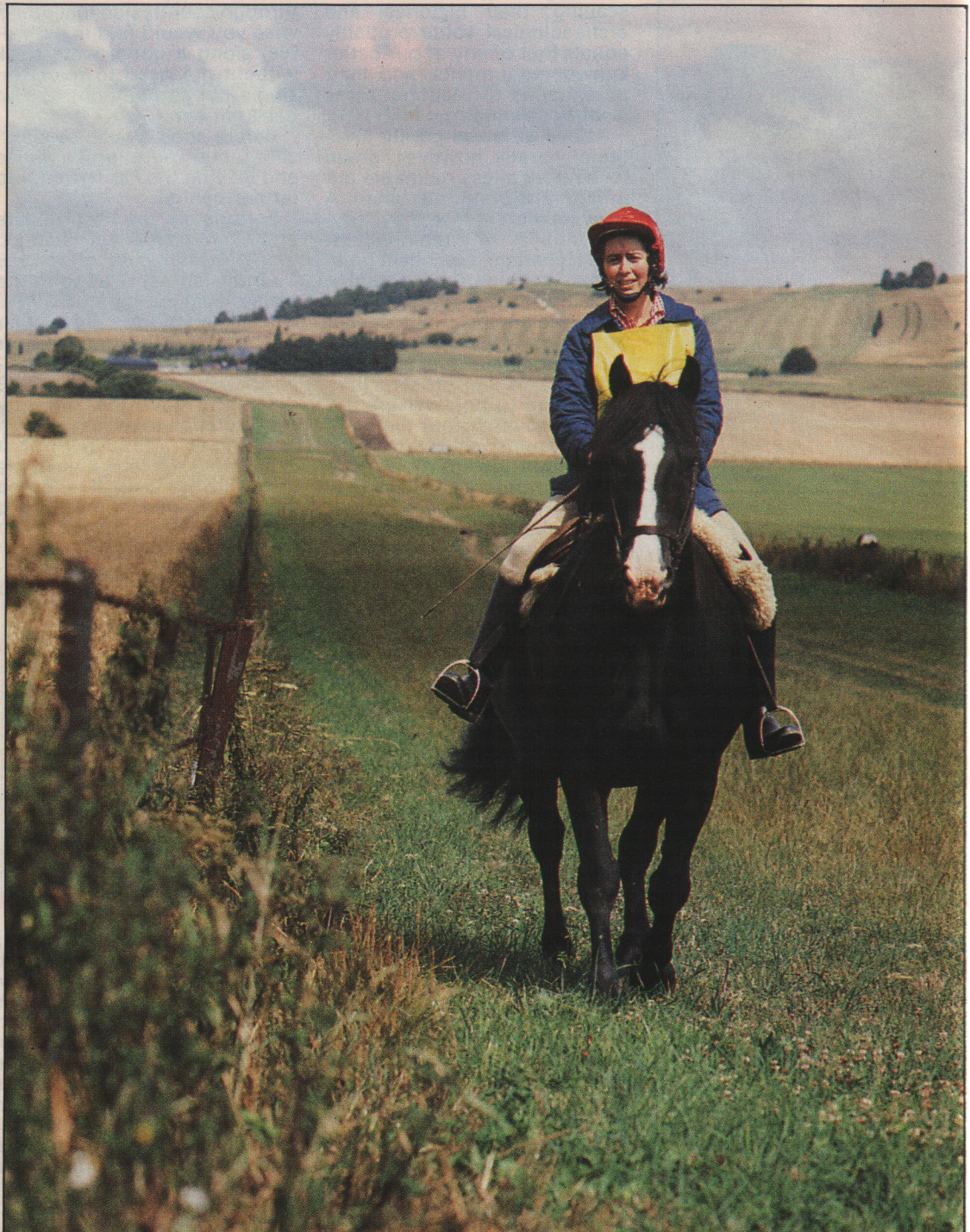
The Byways and Bridleways Trust is without doubt the national champion of the green lanes cause, while the Ramblers Association, which might be assumed to fill the role, concentrates on footpaths. The RA has made public its desire to

neither obeyed by the applicants nor enforced by the County Council despite many complaints.

'If a diverted path is not signposted or way-marked and there is no evidence on the ground, local people are unable to provide any information and the purchase of an OS map shows a route that has legally ceased to exist, the result of any co-operation about diversions leads to disaster. And how do you divert a section of a Roman road?'

In a 15-minute drive from his house in Lincoln we passed a whole collection of missing footpaths, bridlepaths and green lanes. Across the entrance to one well-surfaced old coaching road had been hauled a massive three-ton tree trunk. The Countryside Commission was so impressed by Major Collier's planned Plogsland Walks around Lincoln that it offered to discuss with Lincolnshire County Council a possible 50% grant to clear and mark the existing footpath network, which would have provided useful work for the local unemployed. A short section crossed part of Nottinghamshire, which responded enthusiastically. Lincolnshire County Council, however, delayed proceeding and the offer was withdrawn.

Louise Braham is a barrister, and chairwoman and trustee of the Byways and Bridleways Trust — a sort of Citizens' Advice Bureau for green lanes. 'The root of the trouble lies in Parliament's absurd idea, enacted in the 1949 Act,' says Louise, 'that the best way of recording the existence of public right of way is to insist that an individual proves it exists. The time and cost has to be shouldered by that individual even though he is doing it purely because he is public spirited, unlike the farmer whose land increases in value if he proves a right of way does not exist. The fair solution would





see green lanes reclassified as footpaths. John Trevelyan, its secretary, sees cars on green lanes as 'incongruous'. As far as the RA is concerned its main enemy is not the NFU but motorcyclists using green lanes. 'If we thought the threat of ploughing was worse to green lanes than that of motorcyclists, we would defend vehicle rights,' says Trevelyan.

One can sympathise with the RA. There is nothing more intrusive than an unsilenced motorcycle buzzing through otherwise serene countryside. Nor has the RA any real anta-

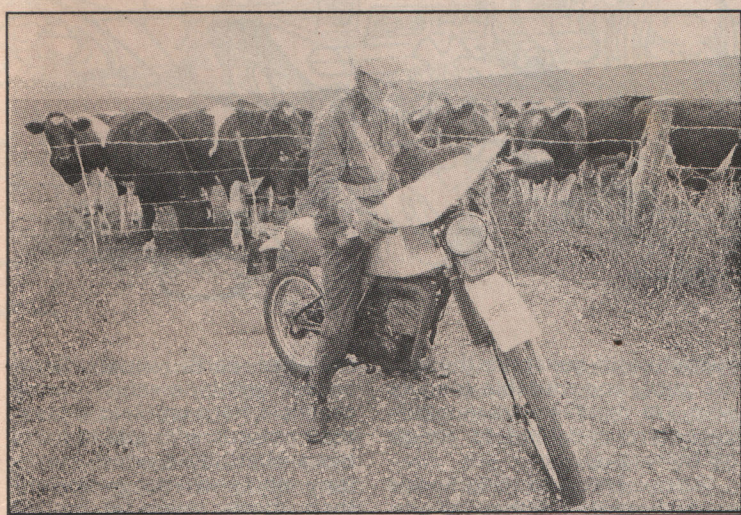
gonism towards the Trail Riders Fellowship, a small group of motorcyclists who are dedicated to the exploration and preservation of existing vehicle rights on green lanes. TRF members apply a strictly enforced code of voluntary conduct, including proper silencing, low speeds and stopping for horse users. The TRF, led by their field officer, Brian Thompson, has built bridges in Derbyshire, cleared fallen elms (160 in 13 weeks) in Wiltshire, acted as route marshals for the British Horse Society's long-distance activities on green

lanes, and is battling on a dozen green-lane rights-of-way fronts. But, as John Trevelyan admits: 'Because of the (motorcycle) hooligan element, all get tarred with the same brush.'

It is the problems caused by hooligans that have led to current attempts to change the Ridgeway's status from green lane to bridleway, which enrages Brian Thompson: 'The Countryside Commission claims it has insufficient funds to defend green lanes, but in the past few years it has spent £75,000 on four Ridgeway traf-

more positive attitude towards the preservation of green lanes as one of our most valuable countryside recreational resources. To quote the Ridgeway Conservation Conference: 'The Ridgeway is irreplaceable. Its significance is not what it was; nor even what it may become in the future. As each generation values it for different things, therefore, it rises above individual interest and has just claim to be regarded among national treasures.'

The Automobile Association recognises the importance of retaining our rights of access to



## How to find the ancient, secret roads of Britain

BUY a *Second Series Ordnance Survey* 1:50,000 scale or 1:25,000, map of your area and search for the 'white' or twin-dotted roads incorporating the heavy broken lines that indicate vehicular rights. Also make a note of the same roads with the lighter broken lines, indicating bridleways. Then go out and locate them and establish their clear routing. This may be impossible by ordinary car. If you discover what appears to be an unusually wide bridleway or even footpath, or obstruction or private notices across the green lane, ask your local council if you may inspect, and obtain photo-copies of, the *Definitive Maps* of the area. If you are unsatisfied with this large-scale map's definition, which may be incorrect, you will then have to start the long and difficult process of re-establishing the ancient road's highway status once you find documentary evidence of its use as a road from county records. The BBT of London SW1 can offer help here.

«In commercial terms, we have made to landowners a gift, via district and county councils of approximately 5000 acres of green lanes worth, at current agricultural prices, almost £10,000,000. Some gift.»

DAVID MINTON

fic surveys — even though each one found that motorised traffic problems were "negligible". The most recent survey, 1983, found that motorcycles contributed no more than 2% of total Ridgeway use and, following a voluntary code of restricted use during holiday periods, it had actually declined by 54%; nor is there evidence of motorcycle damage to the track.

So what of the future of green lanes? In the eyes of most interested parties except the RA it is essential for green lanes to retain their vehicle rights, for without this they are reduced in apparent and real status and made vulnerable to even more rapacious farming appetites. After all, a footpath or bridleway need only be a few feet wide.

However deplorable the current situation, it isn't lost, thanks to a growing resolution among such bodies as the BBT, the TRF, the RA and the county organisations such as the Lincolnshire Fieldpaths Association.

According to Bill Riley of the Wiltshire TRF, the local county council is beginning to show encouraging signs of waking to its responsibilities, and even Lincolnshire County Council has reinstated one of the Roman Roads — Ranby Road — after a long campaign! Other county councils, such as Hertfordshire, Derbyshire and Yorkshire, are beginning to take a

the countryside. It told DRIVE: 'As a general policy principle, the Association would not accept any loss of vehicular right of way without there being good and reasonable cause. In particular, we would not wish to see removal of these rights when the way provides vehicular access to areas of active or passive recreation, such as water, hillside or woodland.'

'There is a growing demand for access to the countryside for recreational purposes, and an increasing use of the motor vehicle in this context. Potential recreational use must therefore also be considered. This is especially relevant where vehicular rights exist over a way which is currently unsuitable for the passage of vehicles, but might well in the future be used for recreational access.'

