

Trail Riders Fellowship

Road Conservation Strategy

1. Introduction

- 1.1. The Fellowship was formed in 1970, primarily in response to threats posed by the Countryside Act 1968.
- 1.2. The new statute provided that Green Roads recorded as Roads Used as Public Paths (RUPP) would be downgraded to either Byway Open to All Traffic (BOAT) or path. This was in departure from the recommendation of the Gosling Report to remove carriageways from the Definitive Map and manage them as Unclassified County Roads.
- 1.3. The effect of this was to compound the mischief of the misuse of the National Parks and Access to the Countryside Act 1949, which introduced the “RUPP” and Definitive Map. From its outset, this was used as a tool to deny public access.
- 1.4. For almost half a century the Fellowship has operated to conserve green roads for the benefit of all users and to protect those roads from declining into paths.
- 1.5. In those many decades the challenges have evolved and the Fellowship has been most successful when it has been ahead of the game.
- 1.6. The current circumstances require that the Fellowship is in the *business* of conserving green roads. This is because we face the threats posed by an anti-access *industry*.

2. Performance

- 2.1. The Fellowship adopted a more corporate approach to road conservation in 2010. In consequence of that the activity and success rates of the Fellowship improved significantly.
- 2.2. In the last 5 years the Fellowship has undertaken in excess of 40 legal actions from public inquiries to Supreme Court cases. Our success rate is c.80%
- 2.3. Groups have secured achievements within their own areas and continue to do so. These achievements primarily consist of providing successful solutions to “problems”. Such successful solutions consisting variously of permit TRO schemes, negotiated diversions and creations of new green roads, positive

guidance for trailriders, proportionate and constructive policies, raising the standard of TRO policy and much more.

- 2.4. The Fellowship has not consolidated quantitative or qualitative data to assess how those successes have translated into overall network benefit. There is no “master map” of the green road network.

3. Fellowship Resources

- 3.1. The greatest resource the Fellowship has is its members.
- 3.2. As the Fellowship has evolved out of necessity, the members’ resources have been complimented with a team of contractors.
- 3.3. The current circumstances of road conservation have moved beyond the capability of the keen and well informed amateur. Professional support is now required in most areas of work. Time demands alone place a burden on members that surpasses that which can reasonably be expected of volunteers.
- 3.4. Volunteer efforts remain the foundation of the Fellowships operations. Contractors, solicitors and barristers are wholly reliant on the material that is generated by volunteer activity. A typical TRF “Legal Team” will consist of 200+ and include all the members that e.g. object to a TRO, those that sit on LAF’s and attend Council Committee meetings, those that raise funds and perform research, together with the 5% or less of the team that are paid – the contractors, solicitor and barrister.
- 3.5. Over more than 40 years the Fellowship has amassed a huge quantity of material relating to the heritage of green roads.
- 3.6. This precious resource is scattered and vulnerable. No formal archive or safekeeping exists for it. The heritage material is being lost.
- 3.7. The Fellowship has made significant achievements in realising the benefits of the the internet, especially in the last few months.
- 3.8. There is considerable variation in resources between local groups. No mean standard has been set with the result that it is difficult to ensure a cohesive approach and service.
- 3.9. There is no central database to facilitate a mean standard and cohesiveness. Examples of “good practice” are drip fed and lost.

4. Operations

- 4.1. Operations are led by local groups in isolation of any formal national context for road conservation.
- 4.2. The lack of a national strategy and framework results in the actions of some local groups inadvertently harming the interests of others
- 4.3. The Fellowship has extremist elements at both ends of the spectrum that hold influential positions. The extreme range from those that would compel the use of open face helmets to those that would promote riding in large groups at speed.

- 4.4. The safeguards to check extremist and/or inadvertently detrimental approaches are inadequate and poorly defined.
- 4.5. There is a lack of resilience and consistency in the support structure available for volunteers. There is no in-depth contractor cover with recruitment being difficult for this highly specialised area. The Fellowship has become person-dependant.
- 4.6. Road conservation is a highly complex field. The Fellowship has customarily lumped it all under the misleading “Rights of Way” category and promoted a generalised approach.
- 4.7. Green road conservation is comprised of three major components:
 - Conservation
 - Heritage
 - Technical
- 4.8. Defining and developing these as sub-specialities of road conservation will offer the potential of allowing volunteers to focus on a lesser burden which appeals to their skill and interest set.
- 4.9. National Parks can have multiple groups providing cover and co-ordination can be problematic. Pre-Nerc the delivery of TRO’s was fragmented across numerous HA’s. Post NERC it is in the remit of a single NPA. The tables have turned.

5. Challenges

- 5.1. The reputation and status of the green road network has been diluted and misrepresented, with the effect that the layman can be misled into believing that roads are paths and that trailriding is “off roading”.
- 5.2. The Fellowship has been complicit in this mischief by reinforcing the “off-roading” myth by subscribing to “rights of way” classifications and terminology.
- 5.3. Roads often have names. These are being lost and replaced with numbers – e.g. BOAT (parish name) 1258b. Road names are our green road heritage and it is a challenge to prevent the loss of that heritage. The priority is to protect the road name, then the County Road number. “Rights of Way” classifications and terminology were introduced in order to attack our interest and they have been used very successfully to do that. That is in no small part due to the Fellowship assisting in that exercise!
- 5.4. A chronic narrow preoccupation with “rights” has caused a host of avoidable problems for the Fellowship. The worst cases manifest themselves as flimsy BOAT claims on “ORPA’s”. Typically these applications will consist of 5-6 pieces of user evidence with a list of OS maps. Wholly insufficient to secure BOAT status but more than adequate to keep the anti-access industry employed in further research which on occasion reveals that the ORPA arguably has origins as a path.
- 5.5. As a minimum these cases generally require a PI costing £3K -£6k and countless volunteer hours. At worst they result in a defeat in the courts and £30k + adverse costs. All this in an attempt to secure BOAT “status” which is effectively a downgrade from UCR.

- 5.6. To stop the Fellowship and other organisations from representing responsible trailriding as irresponsible. This is often symptomatic of unilateral approaches by some groups without the wider Fellowships input/approval and consideration of impacts on a national scale. One size does not fit all. What's appropriate for one area may be wholly inappropriate in another.
- 5.7. To reinforce the Fellowships credentials as a conservation organisation over and above its presence as a "rights at all costs" organisation.
- 5.8. To establish the Fellowships credentials as a heritage preservation organisation.
- 5.9. To establish the Fellowship as a road safety organisation that strives to promote a safe environment for all users on green roads and the minor black roads that link them.
- 5.10. Dispel the myth that all green roads are ancient and fragile horse and cart tracks that cannot sustain motorcycle traffic.
- 5.11. Define, promote and celebrate the skill of trailriding
- 5.12. Reverse the harm the Fellowship has caused by condemning responsible trailriding practices. For example the use of "competition" bikes, tyre choice.
- 5.13. To quantify how much of the network is sustainable and problem free
- 5.14. To quantify the net benefits of trailriding
- 5.15. To switch from a reactive approach based on managing problems with concession and suppression, to a proactive approach that is driven by realising the benefits of trailriding

Strategy

6. Priorities

- 6.1. Conserve Green roads:
 - Firstly the network of UCR's and BOAT's that we currently have
 - Secondly the network that may have escaped NERC
- 6.2. Damage limitation:
 - Actions that the Fellowship takes which are detrimental to trailriding
 - Actions that partner organisations take which are detrimental to trailriding
- 6.3. Preserve the Heritage of Trailriding and Green Roads
- 6.4. Protect the rights of responsible trailriders and others to enjoy the use of Green Roads

7. Institutional Culture

- 7.1. **Goal:** The Fellowship has a moderate institutional culture that is focused on conservation, and the extremist “rights at all costs” and extreme conservation/preservation cultures are eradicated. Moderate organisations do not view the Fellowship as an adversary. Mainstream and responsible trailriders do not view the Fellowship as being extremist or out of touch.
- 7.2. **Action:** The term “Rights of way” is generally discouraged (though not prohibited). The terms “conservation” and “responsibilities” are promoted, together with other terms that are conducive to a positive and non-adversarial institutional culture.
- 7.3. **Action:** Values and Behaviours are adopted via the Fellowships Bye Laws.
- 7.4. **Action:** Strategy: Core Principles underpins policy development and operations.
- 7.5. **Goal:** The mainstream and responsible rider is safeguarded from being represented as irresponsible by the Fellowship and organisations which the Fellowship supports. The Fellowship does not have an extremist culture of condemning the mainstream responsible trailrider
- 7.6. **Action:** Safeguards and behavioural drivers are introduced via the Articles, Bye Laws and Strategy:Core Principles
- 7.7. **Action:** Partner MPV organisations are challenged when they may be/are acting to the detriment of trailriding interests – LARA challenged as to use of term “aggressive” in relation to tyres.
- 7.8. **Action:** Working group is convened to explore potential for Code of Conduct and Least Impact Guidance, *such group to work on the principle of seeking to provide the rules that the responsible trailrider wants as opposed to imposing rules that a minority think they should have.*

8. Reputation and Status of Green Road network

- 8.1. **Goal:** The off-roading myth is dispelled and Fellowship to desist from reinforcing the off-road myth. The strategic value of the network is effectively conveyed.
- 8.2. **Action:** Promote the terms “road”, “green road” and “road conservation”
- 8.3. **Action:** Recognize and educate others as to the fact that overlaying roads with “rights of way” classification has diluted the networks reputation and confused users
- 8.4. **Action:** Address the off-road myth by taking every opportunity to reinforce that we ride *on-road*. If we aren’t on-road then we must be off it. Only 2% of “rights of way” are legally available to use, adhering to the “rights of way” terminology is akin to saying that we ride 98% off-road.
- 8.5. **Action:** Reinforce the strategic value of the green road network by recognising that not all green roads are lanes. Lane has been judicially defined as meaning a minor road that leads between one major road and another. Some green roads

are major roads and thus they are excluded from the definition of “lane”. All green lanes are roads, but not all green roads are lanes.

- 8.6. **Action:** Commence an education and PR programme that orientates trailriders and the public to the reality that green roads are roads and that the mischief of confusing them with “rights of way” classifications is a relatively recent development, which has only occurred in the last 40 years or so of motoring’s 200+ year old heritage.

9. Operational effectiveness and support

- 9.1. **Goals:** Operational effectiveness will cease to decline and structural improvements shall be delivered by the 2016 AGM. More support from contractors shall be made available. Safeguards introduced to prevent groups inadvertently harming the interests of other groups. Deliver greater opportunities to specialise as a volunteer.
- 9.2. **Action:** Introduce operational safeguards via Articles, Bye Laws and Strategy: Core Principles that operate to safeguard against groups inadvertently harming the wider interest.
- 9.3. **Actions:** Deliver road conservation via three directorates:
- Conservation
 - Heritage
 - Technical
- 9.4. **Action:** Recruit more contractors so as to ensure that each region has at least one active contractor
- 9.5. **Action:** Increase delivery of training in conjunction with regions taking collective responsibility in achieving this goal. Aim to deliver 2 regional training days before 2016 AGM. Regions to take the lead on arranging events. Increased training = increased knowledge of members = greater resilience in the event that contractor unavailable.
- 9.6. **Action:** Form National Park Teams in NP’s where multiple groups provide cover. Provide enhanced support via the National Park Teams.
- 9.7. **Action:** Hold at least 3 National Conferences per year which rotate around different regions. Ensure that the host region has half the agenda dedicated to local issues.
- 9.8. **Goal:** Every group to have a tailor made formal road conservation strategy for its area that is cohesive with national strategy. Key requirements, positions and members identified.
- 9.9. **Action:** Create national database of key officers, LAF members, members.
- 9.10. **Action:** National and contractor support made available via local road conservation strategy
- 9.11. **Action:** Encourage multiple road conservation posts at local level to ensure greater resilience and less person-dependant structure.

- 9.12. **Action:** Road Conservation Directors to work with groups to develop local strategies and optimise national support.
- 9.13. **Goal:** Members and officers to be protected from exposure to adverse costs awards by inadvertently engaging in legal proceedings in an official TRF capacity without authority to do so.
- 9.14. **Action:** Byelaws and articles reinforce the legal position that authority to act can only be conferred by the directors.

3 Branches of Road Conservation

10. Technical

- 10.1. The Technical branch will have the remit of dealing with matters arising from statutory processes.
- 10.2. These include, but are not confined to:
- Traffic orders
 - Statutory consultations
 - DMMO applications
 - Prosecutions
 - Obstructions/Repair (s.56/s.130)
 - 2026 cut-off
 - Construction and Use
 - Heritage of green road legislation – e.g Locomotives Acts
 - TRF Law library - resource

11. Conservation

- 11.1. The Conservation Branch will have the remit of dealing with matters relating to the appropriate and sustainable use of green roads.
- 11.2. These include, but are not confined to:
- Successful management solutions
 - Code of Conduct
 - Least Impact Guidance
 - Rider behaviour
 - Good practice guide for managing green roads
 - Comparative impacts of different users
 - Educational/PR videos/media

12. Heritage

12.1. The Heritage Branch will have the remit of dealing with matters relating to the heritage of green roads, trailriding and the Fellowship:

- Archives
- User evidence
- Historical documents
- Origins of green roads
- Dating the network
- Ensure that the Fellowship realises the full benefits of its heritage and archives

13. Green Road Survey – Strategy Action

13.1. To perform a survey of the green road network in England and Wales. The survey to ascertain the location, mileage, strategic significance, physical characteristics, details of obstructions, heritage significance, details of traffic restrictions, and relevant highway record classifications of all green roads that are prima facie available for the public to use with motorcycles.

13.2. The survey shall not extend to green roads that are presumed to have no public right of access with a motorcycle

13.3. To reimburse the mileage expenses for motorcycle travel, in accordance with HMRC rates, for those members surveying green roads. Such reimbursement to be confined to the mileage of the green road surveyed

13.4. **Rationale:** PDNPA maintains claims that there are “300 lanes” in the PDNP. The Fellowship is not in a position to effectively challenge this claim or similar one that may arise elsewhere because no effective database exists.

13.5. **Rationale:** An effective database could facilitate the Fellowship being able to demonstrate that the overwhelming majority of the network is in good condition. It also has potential to quantify the composition of the network:

- Strategic Value – e.g. miles of cul-de-sac
- Sustainability - % of network that is natural, metalled, metalled and sealed
- Origin – analysis of network from age: ancient, industrial, petrol, nuclear, digital

13.6. **Rationale:** Knowledge is power. Owning the “master map” puts us another step ahead of the anti-access industry. It has potential to enable the

Fellowship to target resources more effectively. A full survey would deliver objective evidence to promote the benefits of trailriding.

- 13.7. **Rationale:** Potentially significant PR value. Public benefit for all users. Extra benefit for members that are also aware of green roads that aren't conclusively/presumptively open to trailbikes but which have strong evidence of motorcycle rights.
- 13.8. **Rationale:** Powerful tool to aid in research and to argue against TRO's

14. Code of Conduct and Least impact Guidance – Strategy Action

- 14.1. **Action 1 is to draw a line under the October 2014 AGM debacle and provide a sound basis for the Fellowship to move forward:**
- 14.2. To formally acknowledge that the current Directors acted in TRF's best interests by rejecting the revised Code of Conduct as put to the October 2014 AGM.
- 14.3. To recognise that the proposal to adopt the revised Code of Conduct was not put to the AGM in accordance with the requirements of Company Law in respect of notice periods.
- 14.4. To recognise that the proposal was amended during the October 2014 AGM, in contravention of the requirements of TRF's byelaws in respect of procedure to change the Constitution as described by those byelaws.
- 14.5. To recognise that the membership were not afforded a proper opportunity to make an informed decision on the matter and that they were deprived of their legal right to exercise a proxy vote.
- 14.6. To recognise that the revised Code of Conduct could not be lawfully adopted and that the Directors have no discretion in this matter.
- 14.7. To recognise that Keith Dobson put the proposal forward in good faith and used his best endeavours to advance the well-being of the Fellowship.
- 14.8. **Action 2 sets out the mechanism for progress:**
- 14.9. To convene a working group to examine the potential to improve the Code of Conduct and Least Impact Guidance and produce a report to the membership.
- 14.10. To develop any potential improvements identified in consultation with TRF members and external parties.
- 14.11. In respect of the Code of Conduct, to work on the principle of seeking to provide rules that responsible trailriders want, as opposed to imposing rules that a minority think they should have.
- 14.12. Following publication of the report and consultation with the membership that indicates support for change, to develop proposals for the 2016 AGM.

Never Events

15. The Fellowship to adopt a “Never Event” policy.

- 15.1. “Never Events” are Events that must Never occur.
- 15.2. “Never Events” for the Fellowship shall include:
- **An unjustified loss of Green Road access being suffered without awareness of the Fellowship or effective challenge.** Examples of this would be a missed stopping up order or an unjustified TRO that had no objections
 - **The Fellowship portraying responsible trailriding as irresponsible.** Examples of this would include inferring that knobbly tyres are “aggressive” or that trailriding whilst standing on the pegs is inappropriate.
 - **The Fellowship failing to challenge partner organisations that portray responsible trailriding as irresponsible**
 - **A road being downgraded to a definitive right of way (including BOAT) when there is opportunity to oppose this on good grounds**
 - **The Fellowship advocating the irrational downgrading of green roads.** Examples would include submitting BOAT claims on ORPA’s
 - **Local Groups commencing legal proceedings in the Fellowships name, without the Fellowships approval**
 - **Members suffering unjustified prosecution without the offer of a defence from the Fellowship**
 - **Riders/Drivers being misled by Fellowship officers into believing that an illegal route is a legal green road**
 - **The Fellowship promoting unsustainable use of a green road**
 - **The Fellowship failing to support authority in implementing a proportionate and justified solution**
 - **The Fellowship failing to make an effective representation to an important consultation**
- 15.3. If a Never Event does occur then it must be reported to the directors who shall arrange a review of the matter. Such a review shall not be concerned with

apportioning blame. The purpose of the review shall be to learn so as to ensure that the Event Never happens again.