

COUNTRYSIDE ACCESS

Over the years, there has been an increase in the number of factors limiting the amount of suitable land available for off-road 4x4 vehicle competition. These include various land use designations, agri-environmental stewardship schemes and the requirement for farmers that are claiming subsidy under the single payment scheme to comply with agricultural and environmental conditions. All of these restrict vehicle use in the countryside.

Many clubs are currently finding difficulty in retaining the use of venues for competitive events or are experiencing difficulty in finding new ones. It is therefore important for clubs to co-operate fully with land owners' wishes and keep ground damage to a minimum and avoid unnecessary noise which can lead to the loss of venues.

Recreational driving on minor roads continues to be popular and club members are urged to avoid using unsealed public vehicular rights of way following long periods of wet weather when the surface is soft and likely to become so badly rutted that natural recovery does not occur when dryer conditions prevail. Drivers using vehicular rights of way are asked to heed LARA's model Code of Conduct which is reproduced in this Handbook.

Some three years ago, there was a significant high court case that concerned the vehicular use of an unclassified road in Wiltshire known as the 'Fortune v Wiltshire case' which could have had a significant effect on recreational driving. It was claimed that the road was no more than a bridleway. However, as the road was deemed to be on the so-called 'list of streets' that are maintainable at public expense, the court found that it is open to all traffic. A subsequent appeal to the judgment was dismissed but if the appeal had been upheld, it would have potentially removed public vehicular rights from all unsurfaced roads and some minor sealed roads across England and Wales. Nevertheless, it was reported in October 2012 that an appeal to the supreme court was being considered.

Another threat to countryside access came to a head last year when an order was sought in the magistrates court by a member of a Powys byways users' group obliging Powys county council to repair three byways. These byways had been out of repair for many years and the council had been making successive six-month temporary TROs on them with the agreement of the Welsh assembly government. The county council argued in court that the existence of a temporary TRO suspends the duty of repair. But the court declined to make the order. Because of the likelihood of other authorities following suit in order to avoid repair costs, the byways group member lodged an appeal to the county court.

Because of the potential loss of MPV use on byways across the country, LARA decided to support this appeal.

All local highway authorities and national park authorities have a local access forum whose function is to advise them and various prescribed bodies such as district councils, government departments and the forestry commission about improvements of public access to land in their area for open air recreation. The authorities and prescribed bodies are obliged to have regard to the advice given by the local access forums which were set up under the Countryside and Rights of Way Act 2000.

Forum membership includes representatives of all classes of rights of way users, local interests and landowners. Anyone wishing to become a member of a local access forum and represent the interests of vehicle users in the countryside should look out for vacancies advertised in local papers and on local authorities' websites. Membership lasts for up to three years but members can be re-appointed for further terms. The forums are open to members of the public.

Countryside Access Officer