

The True Extent of Applications to Add BOATs to the Definitive Map

A lot of heat, but little light, has been generated by the likes of GLEAM and certain MPs with regard to the number of applications the TRF have made for BOATs since CRoW2000 became law.

Back then, we were told that the goal was an accurate definitive map and we have worked along those lines ever since, making good where local authorities had failed.

Some, it seems, saw the CRoW2000 as a way to get ride of all recreational use of unmetalled roads by motorised users. That is not what CRoW was about but our detractors have used the TRF's positive response to the CRoW2000 challenge as a big stick to beat us with.

Unfortunately, the stick was not big enough for some and silly assertions were made. For example, YDGLA claimed in their newsletter (6) that the TRF had made 700 BOAT applications in one area. Alas, that is not the case.

To shed some cool light on the situation we show a table below that has figures for the number of BOAT DMMO applications made for a large part of the country.

When viewing these it must be remembered that some counties (like Dorset) have only around ten BOATs. This situation in Dorset resulted from all the unmetalled roads being added to the DM&S as bridleways or footpaths, with no subsequent review.

	County	TRF BOAT Claims	Original Status	Total No. BOAT Claims	Non-TRF Claims
Fact	Derbyshire	104	Various	116	12
Fact	Hampshire	96	96 RUPP	119	23
Fact	Somerset	137	137 RUPP	140	3
Fact	Wiltshire	28	Various	98	70

Fact Seventy-six Authorities have received NO schedule 14 applications for BOAT since 2003.

Fact Three National Parks; three years; 16 applications for BOAT.

Fact Only 16 authorities (including Counties, UAs & Nat parks) have received more than 5 applications for BOAT.

Fact Only Bucks, Derbyshire, Hampshire, Somerset and Wiltshire have received significant applications for BOAT.

Fact Only 3 Schedule 14 applications were made during the TRF's moratorium on claims. A FACT ignored by MPs, in favour of a spurious figure given in debate

Fact Highway authorities in Wales have received only 12 applications for BOAT (in total) **over a three year period!**



*There are still many milestones out there - some a long way from a recorded public right of way. **Think about it!** These are routes that were formed or improved in the last 300 years. They have historic significance - they deserve preservation. Removing the users of these routes will do nothing to preserve them. Highway authorities, who are demonstrably already neglecting such routes, will give them no more care than a footpath receives. In time our old roads will become lost to use and subsumed into the surrounding land holdings or built over. And, who is going to enforce against the illegal rider or the inevitable encroachment?*

Why Have The TRF been demonised for being helpful?

Throughout the last forty years, as rights of way legislation has evolved the motorists have been involved in what has been acknowledged as constructive partnership with all other rights of way user groups. This cooperation has, in recent times, been given an opposite spin. The motorists, apparently, are trying to defeat the intentions of Parliament.

Really? It was Parliament's intention to create an accurate definitive map and statement. This has been a duty on highway authorities for fifty years and only one has come close.

It is this abject failure to reclassify RUPPs, a Duty placed on the highway authorities in 1968, that is at the root of the current issue. So, highway authorities don't bother comply with the law in this one isolated area, but they will now surely?

No - not on recent evidence. The Countryside & Rights of Way Act 2000 required highway authorities to compile a list of outstanding applications to modify the definitive map and statement by the end of 2005. The TRF carried out a progress check on the 6th of January 2006 - one week after every authority was required to have an online and searchable register of claims - and only six of the forty-four counties had managed to comply with the law.

But otherwise local authorities are staunchly upholding the law, surely?

No. Highway law has, from the beginning of legal memory, made it an offence to obstruct the highway and requires the

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The Public Will be Disenfranchised

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authorities to prosecute those who do. A far less thorough survey found that a good number of authorities were not addressing obstructed paths. Tales about of twenty year old complaints about locked gates and other obstructions that the authorities refuse to address. This writer can recount a gated lane that has been obstructed for so long that the gate and posts that obstruct have rotted away and been replaced. Other authorities simply say that they do not have the money to deal with obstructions – after all, other routes are available!

In the early days of "Improving Rights of Way in England & Wales" the TRF were told that there would come a time when only Byways Open to All Traffic would be open to motorcycle use. With this in mind the TRF set about the task of sorting out the RUPPs – a task so neglected by the local authorities and in a few areas made applications to show all the old roads that have been used lawfully for decades by motorcyclists as BOAT on the definitive map.

This attempt to assist a process, for which there was a statutory duty on others – a process that Government promised to assist via the Discovering Lost Ways project – has been slated as an attempt to "thwart" [the actual word used by the Minister] the intentions of Parliament. Utter nonsense. It must be noted that the number of BOAT applications made thus far has not come close to half that predicted at the outset of Discovering Lost Ways.

The motorists backed off from the claiming process in reaction to the cries of 'FOUL' from on high and looked that the process to ensure that all claims were sustainable. This attempt to co-operate was turned on its head by one

mendacious MP who misquoted from TRF internal and private e-mails. The moratorium on applications for BOAT was a plot to flood the county with thousands of BOAT claims, apparently. This leads one to ask, what sort of intellect is fearful of a voluntary organisation doing in a couple of years what well funded highway authorities could not do in fifty years with full time staff and funding.

A programme that included sustainability criteria, that was agreed with the Minister and his staff at DEFRA fell by the wayside. Again, the motorist was penalised for trying to be helpful – whilst the non-performing, non-conforming local authorities do their own thing, in their own time, without penalty or prosecution.

What does this all say about co-operative management and 'stakeholder involvement'?

What does it say to anyone else thinking that being helpful will bring rewards?



Some Mistake - Surely?

Parliament seems set on removing access by motor vehicle to many metalled and unmetalled roads, but on what grounds? Clearly there has been a lot of mendacious lobbying by GLEAM and the press seem to have latched on to the 'conflict' aspect but why should MPs believe what the press say? Surely every MP has suffered at one time or another from inaccurate and biased reporting, so why believe them now.

Is it the recreational motorists that are at fault? Not according to the Government's own survey (FaberMaunsell - vehicular use of BOATs) which points to agriculture being the main user of our unmetalled roads.

All these issues have been well rehearsed in the past, with a spin one way or the other, so what has been overlooked? Well, from the earliest days of *Improving Rights of Way in England & Wales* the users were promised tools that would act against those tardy authorities that have long ignored their statutory duties. All we received was a very iffy procedure to enforce against the removal of illegal obstruction – and this at considerable risk of cost to the applicant.

Since 1949 there has been a DUTY to create an accurate definitive map. Only one Authority can claim to come close.



Since 1968 there has been a DUTY to reclassify all RUPPs. Again only one authority has done that. Another authority just called them bridleways or footpaths – end of story.

Of course, all that is in the past. Time has moved on. Those in charge of rights of way are far more aware of their duties – aren't they?

The Countryside & Rights of Way Act 2000 placed a DUTY on all authorities to have an online, searchable, Register of Claims up and running by 31 December 2005, so

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that the public and landowners alike could see, at a glance, what changes to the RoW network were in the pipeline. ONLY SEVEN out of forty-four county authorities had complied by 6 January 2006. Six others had made an attempt, but one that falls well short of the criteria.

The TRF membership are, by and large, responsible and law abiding members of society. Many highway authorities totally disregard their duties and show no respect for the law – yet the Government deliver a 'Get Out Of Jail Free' card with every turn of recent and pending legislation.

More than a few see this bad governance.