Select Committee on the Natural Environment and Rural Communities Act 2006

Corrected oral evidence: The Natural Environment and Rural Communities Act 2006

Tuesday 21 November 2017

11.40 am

Watch the meeting

Members present: Lord Cameron of Dillington (The Chairman); The Earl of Arran; Lord Bradshaw; Baroness Byford; The Earl of Caithness; Lord Cavendish of Furness; Viscount Chandos; Lord Faulkner of Worcester; The Countess of Mar; Baroness Scott of Needham Market; Baroness Whitaker.

Evidence Session No. 17 Heard in Public Questions 143 - 148

Witnesses

I: Mario Costa-Sa, Chair, Trail Riders Fellowship; Alan Kind, Principal Officer, Motoring Organisations’ Land Access; Recreation Association.
Examination of witnesses

Mario Costa-Sa and Alan Kind.

Q143 **The Chairman:** Good morning to you both. Thank you very much for coming to see us. It is very kind of you to come and give evidence to our Committee. You have in front of you a list of interests that have been declared by members of the Committee. The meeting is being broadcast live via the parliamentary website. A transcript of the meeting will be taken and published on the Committee website and you will have the opportunity to make corrections to that transcript, where necessary. Would you introduce yourselves and say who you are and what you are about?

**Alan Kind:** I work for, though I am not an employee of, the motoring organisations’ Land Access and Recreation Association, nominally known as LARA. We are an umbrella group, a forum, for other motoring organisations, so we do not have individual membership. We have as members most of the large and many of the medium and small organisations in England and Wales and, to a degree, Scotland. If you count all those organisations’ own members, our membership is into hundreds of thousands of people, although obviously there is a degree of overlap with dual membership. We have if not a wide influence then a wide remit, and we deal with competition matters, rallying and motorcycle scrambling on tracks, and rights of way issues. We were set up in 1986. I would not say that we have gone from strength to strength, as like most organisations we have waxed and waned a bit, but we are still here and still fighting what we think is a good fight.

**The Chairman:** Thank you very much. Mr Costa-Sa?

**Mario Costa-Sa:** I am a company director involved in telecoms. As a volunteer, I am a director and chair of the Trail Riders Fellowship. We aim to represent the responsible trail-riders who use green roads in a sustainable way.

Q144 **The Chairman:** Thank you both very much. As you know, we are here to examine the NERC Act and its suitability for today. Did the approach adopted in the NERC Act strike an appropriate balance between the needs of motor vehicle-users and those of other groups who use public rights of way?

**Alan Kind:** I was involved in the run-up from the tail end of the Countryside and Rights of Way Act 2000 to what became the NERC Act with various Ministers, those being Alun Michael, Jim Knight and another one in between who I cannot now remember. We responded to the consultation with various ideas about how it should be done. In the end, it seemed to us that the Bill got a bit of a head of steam in the Commons. Alun Michael was the Minister at the time and had gone along with some of our suggestions, but was swamped when it came to the Commons.
The NERC Act has been effective and has done what it set out to do, but it was rather a blunt instrument in the end. It could have achieved the same with a degree of more fairness, balance and benefits to everybody.

The Chairman: So how would it have done that?

Alan Kind: We set this out in the evidence that we put in to this Committee. Ministers’ fear at the time was that there was going to be a “deluge” of applications to record byways open to all traffic—Mr Knight used the word “deluge” at one point. This was triggered, because the Countryside and Rights of Way Act in 2000 imposed this cut-off date of 2026 for recording lost rights of way, which still has not been commenced. If the Deregulation Act sections ever commence, that will commence this cut-off date.

We proposed a sustainability assessment of unsealed roads to look at the ones that are more sustainable right through to some that arguably are not sustainable for motor vehicles and to trade off to get a network of reasonably sustainable roads. That was swept to one side, and Mr Michael had given that a degree of green light. The consequence of the NERC Act as it went through was that we have been left with a rather fractured network; you can have a road that is two miles long that is technically no longer a legal through-road because you have lost a small section because of a technicality engaged by the NERC Act. That seems to us counterproductive and unreasonable. We think it could be remedied even now in a form of sustainability assessment and trade-off.

Mario Costa-Sa: I certainly agree with everything that Alan has said. In addition, I would like to point out that we are left with a green road network that still allows an acceptable standard of green exercise and mental health benefits to trail-riders, which is obviously what we are interested in, and it is a usable network, so we are happy with that.

Baroness Byford: Both of you are here giving evidence on behalf of what I would call “responsible users”, hopefully, in your various capacities. What do you do about those who are not responsible—something that is challenging this Committee—to divide between what is acceptable behaviour of both your organisations and what is not, because clearly that is a huge problem?

Mario Costa-Sa: Over a period of time, the TRF has realised that we cannot carry on saying, “It’s somebody else’s problem. We’re the good guys and it’s the irresponsible people who are causing the damage”, so we reached out to, or in some cases were approached by, the police forces, the authorities, on what to do about it. I believe you are aware that we ride to a code of conduct, and one of the first things we did when I started to get involved with the TRF was to start to make it easier for motorcyclists to comply with the code of conduct and to get themselves into the tent and inside the TRF to ride responsibly, so we made ourselves welcoming. That increased the membership dramatically and raised the standard of riding.
With my family’s equestrian interests, we were very interested in Share the Trail. Over three, four or five years, we have been reaching out to the equestrian community and extending the courtesies when riding that we should do on green roads. For equestrian users this means stopping, removing helmets, switching engines off and even, hopefully, offering Polo mints to other horses and users on the trail, so really going the extra mile for these people. This is the standard of behaviour that we expect from every TRF member.

The police have approached us about the framework that they work to, which is about education, engineering and enforcement. We have started to move on to programmes where we ride with the police, and there are examples in south Yorkshire and south Wales. I am not talking about isolated examples; these are current programmes where we ride into areas lawfully, with the permission of the landowners, with high-vis vests on, and we encounter illegal users and give them information about where they can ride legally. It is an education initiative, and these are the types of approaches that have been welcomed by South Yorkshire Police and by South Wales Police partly because without them they cannot enforce these prohibitions and this illegal riding, so the aim is to bring everyone inside the tent and make them ride lawfully.

Alan Kind: The 4x4 organisations, GLASS for example, do the same. Given their smaller size proportionally, they do a lot of work on outreach to people. After the NERC Act when a lot of rights of way were lost to motorists—my area, the Cheviots, is a good example—it seemed that as soon as they became non-legal routes for motor vehicles, nobody cared any more. The cowboy motorcyclists are up there all the time. The routes are not legal, so we are not facing flak about it, but they are illegals, cowboys, and nobody does anything.

We feel that people are out to get rid of the legal rights, but they are not bothered about the degree of illegality that goes on afterward. It seems counterproductive to me, because in spatial terms motorcyclists in particular, which can obviously get through bridle gates while 4x4s cannot, go to places they never have any business to be in the first place, because bridleways are footpaths or open land and they are using routes that would have been legal for motor vehicles but which, since 2006, are not. If we are not there, we cannot do anything about it, but we feel that in many cases the authorities and other groups are washing their hands of this, and we catch the flak from it, obviously.

Lord Cavendish of Furness: That is interesting information about the culture of your two organisations. Going back to Part 6 of the NERC Act, some witnesses have told the Committee that Part 6 has had the unintended consequence of intensifying use by motor vehicles on these routes not covered by the provisions of the Act, leading to damage to such routes. Would you share this assessment? What has been the practical effect of Part 6 of the NERC Act on England’s green lanes since it came into force?
Alan Kind: That information would be correct in places. In some places, arguably, I have seen intensification. I have driven a motorcycle on unsealed roads since 1968 in various places and the problems wax and wane and move around. A lot of it is also weather-dependent, and we have had five bad winters, so you tend to see the effect more. Yes, there are places where intensification has happened, but it is not everywhere, as problems are not everywhere, and there are hotspots.

Part 6 stopped in its tracks the possibility of recording any byways that were not previously recorded. The only byways that are recorded now are already unclassified roads anyway, which is one of the NERC Act’s exemptions, so it makes no net difference at all to vehicular use.

Mario Costa-Sa: In addition to the above, my concern has been about the disfranchisement and disengagement certainly of older responsible trail-riders who have done a lot of social good through their involvement in programmes for disabled riding and disabled access. These people have felt disengaged and that a loss of their pastime has been taken away from them. Some of these programmes have unfortunately been curtailed, as has a lot of the good will.

I am also concerned a bit more strategically, bearing in mind the trail-riders’ and TRF’s considerable expertise in 2026 recording rights, etcetera, about the abrupt cut-off date of 2026. The abruptness of the NERC Act effectively disengaged the TRF from the 2026 cut-off date, which has had an impact that has surprised authorities when they approach the TRF for their involvement in recording rights of way and the TRF say, “It’s already happened for us”.

Lord Cavendish of Furness: I want to press you on the substance of the question. Would you share the assessment of those witnesses who told the Committee that Part 6 of the NERC Act has had the unintended consequence of this intensification?

Mario Costa-Sa: Certainly from my point of view, the number of motorcycle licence holders as a whole has been falling. In recent times, the number of trailbikes and enduro-type bikes has fallen, and the government report from 2005 said that the average use of a byway was in the region of one vehicle movement per day. I see no evidence of that. If you look at how the NERC Act has been applied on a county basis, for instance, there are certain areas where rights have pretty much been taken away, apart from those in inequitable areas, such as Hertfordshire, where I ride quite a bit, and there has been no big increase in traffic or displacement or anything reported.

Lord Cavendish of Furness: You are straying with lots of interesting information, but do you share the assessment of the evidence we have heard of the unintended consequence of Part 6 of the NERC Act? You may not know, in which case that is a perfectly reasonable answer.

Mario Costa-Sa: There appears to be no evidence from the TRF’s point of view.
Baroness Scott of Needham Market: Setting aside for a moment the question of potential conflict of use of routes and how we manage that and looking at the legislative framework for rights of way of all kinds, do you believe that it is possible to achieve certainty and clarity under the current legal framework, or is there a case for almost starting again with a blank sheet of paper?

Alan Kind: I have been involved in the technical side of rights of way sitting on various committees, and I have come to Committees on this corridor over the years, and people often say, “The rights of way system is a mess. Let’s tear it up and start again”. It would be an absolute disaster; you cannot get it right. The Welsh are trying and are beginning to wish they had not started. It was easy in Scotland, but Scotland is different.

The rights of way legislative system is quite good, but it is starved of resources. You would be pressed to redraft the Wildlife and Countryside Act better. It could do with tweaking, but it is 40-something years old. The cut-off is ever closer, so there is a good chance that that 2025 cut-off will slide back to 2030 because the Minister has the power to slip it up to five years, hopefully, because there is supposed to be a test and assessment process before the cut-off comes.

One of the downsides in some ways—this is not about vehicular rights of way, because byways are out of the equation anyway—is that on all rights of way you will have a repeat of what happened after the 2000 Act with byways, when many people claimed footpaths and bridleways that need to be into the system before 2026. You will have a backlog which the councils, ever more starved of resources, will not be able to deal with very well. Under the Deregulation Act—I have been on the stakeholder group since 2007 that produced the report for the rights of way side—there are ways of streamlining the system. I would say that you are sandpapering off the rough edges and greasing it and you may be getting a 10% improvement. If your council’s budget has been cut by 25%, where do you go? It is more a resource issue than a legal issue, I feel.

Baroness Scott of Needham Market: I chaired the rights of way committee in Suffolk for a decade, and it was my life for 10 years. The local authorities were not in such a bad state financially then, but resource was a significant issue. If it were possible to streamline some of these procedures, how could that be achieved?

Alan Kind: Definitive map orders are based either on historical evidence or on user evidence. If it is historical, it has been killed off pre-1949. Anything that deals with old documents is open to argument and debate. As soon as you are in a public inquiry scenario, time stretches out and the cost goes up. It is almost impossible to give everybody a fair crack of the whip to make them feel that they have had their say with a simpler, foreshortened process; people think they have been disfranchised.

My own view on user evidence, which I have suggested before, is that instead of having the legal fallacy that people have used a route for 20
years and therefore the landowner has dedicated it, user evidence should be used to demonstrate a need, and if there is a need a creation order should be used. There is potential compensation then, which would streamline the process dramatically.

**Q146 Viscount Chandos:** LARA’s written evidence notes that Part 6 of the Act has had the unintended consequence of, as it were, breaking a number of routes used by motor vehicles. How big a problem do you think that is? What is the impact?

**Alan Kind:** It is a big problem in that it is widespread. It is in many counties. You could have a mile-long, unclassified road that is still legal for motors, where towards one end or in the middle a footpath approaches, reaches the road, runs along the road for 20 feet and then turns off. That 20 feet gap is now broken for vehicles. Vehicles lose the use of what is otherwise a legal road. That causes displacement and, arguably, intensification. The types of roads that happens on are very often sustainable roads. They are roads to look at. If anybody looked at it, they would say, “That is a road, not a path”. If we could get those back by unwinding that part of NERC, and as I have said trade-off against some of the ones that are arguably unsustainable, at least for most of the year, you would improve the network in a lot of places and de-intensify the use as a consequence.

**The Countess of Mar:** My question will do for this part as well. BOATs are, by their nature, byways open to all traffic. One of the unintended consequences of this, and you have described it, is that the activities of your members will sometimes make those roads unpassable to horse riders, pedestrians and cyclists. Is there any way in which you can come to a compromise by looking after a road that is perhaps sustainable but needs some repair, or stopping your members from going on unsustainable roads so that other users can use them as they will?

**Alan Kind:** LARA has already proposed using the existing traffic regulation order process. A council can have a traffic order on a road or a number of roads but engage it only when the weather conditions are such that you need to prohibit people. The big problem with the TRO system is that it is not very flexible; it is a bit all or nothing. Over the years, I have proposed various schemes that give a council a better power to say, “That’s very wet. It’s very vulnerable. We’ll put the barriers up”. It can be done by what we call voluntary restraint, where we say to people, “Don’t use this”. That has a measure of success.

Reaching out to everybody is difficult. We are a very small organisation, and the TRF is not exactly huge. It is an information issue. You are absolutely right about a flexible system where if the road is dry, and therefore more sustainable, motor traffic uses it. You also have the difference between motorcycles, which are light, and 4x4s, which are heavy and which in the wrong hands can obviously do more damage in wet weather. You might have a differential system there. We have addressed this. I fear it has reached the stage where Defra is so shorn of resources that anything you suggest falls on deaf ears.
The Countess of Mar: You talk about using vehicles on dry roads, but is not part of the excitement of your sport going through the muddiest, wettest and deepest parts that you can with your vehicles?

Alan Kind: Not to me and not to the people I know. It is about passing through the countryside. With respect, it may seem alien to you and you might say, "Why do you want to do it on a motorcycle or in a Land Rover"? I might say, "Why do you want to do it on a horse"? We are also an equestrian family. Different people like different things. You see a lot more. On a mountain bike you see more than walkers do, because you pass over the hill to the next hill.

The Countess of Mar: I appreciate that. Normal road users would not expect to do so much damage to the countryside.

Alan Kind: Where there is too much damage, we do not support it. We cannot support it. In some places it is bad, but in many more places it is not.

Lord Faulkner of Worcester: I wonder if you could help me understand the point you made in response to Lord Chandos’s point about Part 6 of the Act having the consequence of breaking routes. The example you gave was a road that your members can use which is then interrupted by a short length of footpath that renders that bit of the road unusable for your members. How do your members know that that footpath is there? Is there a barrier that says, “Don’t go any further”, or another sign that says, “You can resume your journey here”?

Alan Kind: The people I know who do this are very map-savvy and would look at a map before they went out. They understand the routes. They see this and it tends to be picked up. I can show examples. This is not hypothetical. A member of the public who knows that it is a public road but does not know there is a bit of footpath across it very often does not, because the footpath signs are not necessarily visible.

Lord Faulkner of Worcester: There will not be a fence, will there.

Alan Kind: No, there will not. There cannot be a fence.

Mario Costa-Sa: I believe I can add some information here. We do an awful lot with TRF members and obviously with GLASS members on rights of road education. Pretty much all our members are encouraged to come along, and OS maps are explained to them in a lot of detail, making it very clear where they can and cannot ride. We then move on to the next phase where we have GPX information from sat-navs and specialist sat-navs showing our members exactly where they can ride up to the meter and where they can go no further.

Q147 Baroness Whitaker: We seem to have moved on to traffic regulation orders. A number of witnesses have told the Committee that different local authorities and national park authorities have had very different attitudes towards the use of TROs. Why do you think this is? Do different authorities have different approaches to the needs of the groups that you
Alan Kind: The national parks are quite disparate. There are differences between them. Northumberland has virtually no recorded vehicular rights of way in the national park, so it is a non-issue. The Yorkshire Dales has effectively two clusters of these. One cluster was caught by a group traffic order eight or nine years ago now. Many of those would have been caught by the NERC Act anyway, so in that way it does not matter from our perspective. On the North York Moors, again there are two clusters of roads and there are problems in patches. North York Moors at least has had a dialogue with people, which other parks have not.

Baroness Whitaker: A dialogue. Could you elaborate?

Alan Kind: There are local groups and local access forums. Before the local access forums, most of the authorities, including the national parks, had rights of way committees or groups that invited people in annually or twice a year. There has always been dialogue. North York Moors, working with North Yorkshire County Council, has a programme of repairs on some, and they are making some traffic orders. It is not as if there are no traffic orders in the North York Moors or east of the A1.

Baroness Whitaker: Are you saying that they try to persuade people before proposing a TRO?

Alan Kind: I think they are looking for alternatives.

Baroness Whitaker: Alternatives to TROs?

Alan Kind: The answer to the question “Is it just a matter of drainage?” is that it very often is. Can we fix the drains at the bottom of the hill? The problem goes away. My perception is that, east of the A1, Yorkshire TROs are not necessarily being done dogmatically. Occasionally we feel a bit aggrieved by them. Further into Yorkshire, East Riding has done some group TROs with our blessing, because they are exactly what we want. They are seasonal and are keeping 4x4s off in the wet season. We are on side with the traffic orders, which we are now in more counties than we are not.

Going back to the national parks, it is a non-issue in the Broads, as far as we know. We have never heard anything from there. In the two in the West Country, there are certainly county roads but not, I think, that many, and again problems do not percolate back to me. I do not hear that there are problems. The area that has caused the issue, which is why we are here today, is Derbyshire and the Peak District.

Baroness Whitaker: I have to say that I walk along a coach road in Sussex and the muddy chalk comes up to my knees when the motorbikes have been there. I am not sure they are not your members, but there is a very real problem there.
Alan Kind: Sussex County Council has a programme of making traffic orders. Again, they seem to be tailored to the problem. They are not hitting it with a hammer.

Baroness Whitaker: I am glad to hear it.

Alan Kind: They are doing it. Do not think that Sussex county council is not doing anything. I am not sure what the arrangements are with the South Downs National Park and whether they make any traffic orders at all. I cannot remember seeing any, but I do not see everything. Derbyshire is surrounded by people. It has such a penetration of visitors that it must be the hardest nut to crack. The Lake District, which is the second busiest, has a trail management scheme called the hierarchy of trail routes, which has been going for getting on for 20 years. It was set up with the national park and the users—non-vehicular people as well—and has been very successful.

Baroness Whitaker: Are you saying that the varying authorities have different responses essentially because circumstances are different, and because they have different ways of going about hitting the same problem?

Alan Kind: That is a very fair way of putting it. We do not feel that we are treated very well in Derbyshire and the Peak District. In most of the other areas, we might have occasional gripes, but it is more occasional.

The Chairman: Mr Costa-Sa, did you want to come in on this one?

Mario Costa-Sa: No. I have checked the questions and the next one is possibly more relevant.

Baroness Scott of Needham Market: I would like you to help me to understand something. You have commented on your positive engagement with the TRO process. We have also had evidence that—I am paraphrasing—whenever a local authority tries to adopt a TRO the vehicular users look at every comma and produce a legal challenge. It is entirely at odds. How has that perception arisen, and how might that gap be bridged?

Alan Kind: There are challenges. LARA successfully challenged the Yorkshire Dales’ TROs, but of course they went back and remade them, so the result was the same. LARA challenged one on the South Downs Way in about 1987, which has receded into history. Again, we won, but they went back and did it again. Authorities can do this, obviously. I know that the trail riders have successfully challenged some others outside the national parks, but very few. I do not think you need more than one hand to count them.

Mario Costa-Sa: We have to make it clear that the TRF will support TROs that are done with consultation and that are proportional to the number of issues that the TRO will solve. We will support them. There are examples of us doing so. We have an issue, of course, with ones that work unjustifiably against our members. There is an example not too far
from the M25 towards Hemel Hempstead, where a TRO was put in place to avoid fly-tipping yet included motorcycles. Of course, fly-tipping on a motorcycle would be ridiculous.

**Baroness Scott of Needham Market:** What proportion of TROs would you agree with, and how many would you lodge an objection against?

**Alan Kind:** Over recent years, particularly if you leave the national parks out of it, which have a lot of vehicular routes, and deal with the counties, more counties make more what we would call proportionate TROs than anything else. It has reached the point where the eastern counties—Cambridgeshire, Suffolk, Rutland, I believe, and Lincolnshire to a degree—have made orders that we think are fine; they are seasonal and seem balanced. That has almost become the norm. It is happening in Kent and Sussex, but not quite so much in Hampshire. LARA’s members or the TRF would in no way say no to all TROs. We do not even know that a lot of these are going on until they come out and we look at it and say, “Fine, that will do very well, thank you”.

**Mario Costa-Sa:** I can give an example at Great Offley on the Icknield Way, where a TRO was put in place. There is an alternative, of course, which is a PSPO for some of the antisocial behaviour. These have been looked at. Herts County Council’s rights of way department consulted with us, went through a full consultation process, we worked with them, discussed the concerns and the TRO went through completely unopposed by any of the vehicular groups. That is the way we would rather have it.

**The Countess of Mar:** You give the impression that there are a lot of TROs around, but evidence that we have had from local authorities has been that they have used them very rarely because they are so expensive. You have answered most of my question. Do you think TROs are the right approach for resolving these issues concerning green-laning or are new and different approaches required?

**Alan Kind:** In terms of legal orders, TROs work when they are done with a bit of thought and are not knee-jerk, if you like. They could be better. We think they could be better within the existing framework. You would not have to legislate. It is the way of applying—creative thinking.

There are other matters that are very like TROs. If, for example, a road opens up into a pothole, the council does not use a TRO; it uses a notice under the same legislation. It can have two 21-day notices back to back. Then it has to make a temporary order. We say that for an unsealed road the council could use notices for a longer time. If there is a deluge and it gets very wet, they do not have to make a temporary order; they can have a longer notice. It would be a very small statutory change, but it would be exactly the sort of temporary prohibition or restriction wanted until the problem goes—the wet dries up—at minimal cost with minimal signage. You need to put a barrier up and do not have to have a proper sign. Develop a doctrine on how to do this. That would require a small change to the law.
There are other things that could be done. Different signage could be used. We have explored this. As I say—and this is not a criticism—government departments are so strapped for money now, and finding an officer you can have continuity with over a period is very difficult.

**Mario Costa-Sa:** Although it is common belief that the TRF defeat TROs based on minor technicalities, that is not our view. Our view is that minor technicalities, or even a biased process, will not defeat a TRO, so we will not go there. From our point of view, our internal test, before we spend a lot of money, is that it has to be full-on Wednesbury unreasonable before we will challenge a TRO. Back to the fly-tipping example.

**The Countess of Mar:** Could you comment on my comment that local authorities say that they very rarely use TROs because they are so expensive? You are giving the impression that there are lots of them.

**Alan Kind:** In some counties there are quite a lot of TROs. Cambridgeshire is the example I would give. Far more unsealed roads are TRO’d than are not. In Northumberland, where I live, there is a cluster of TROs in one particularly sensitive area.

**The Countess of Mar:** Can you give numbers?

**Alan Kind:** In that particular area there must be six different roads of TROs in a cluster. In the rest of the county, there are not many. By and large, that is because, certainly post the NERC Act, there is no need, because they are robust roads.

**Mario Costa-Sa:** I have to say that we were not prepared for that question today. It is part of our training to members. We check the maps and identify rights of way with motor vehicle rights, and each time every TRF member is indoctrinated to look for the TRO. They will move on.

**The Earl of Caithness:** You have talked about sustainable lanes and you have talked about proportionate TROs. Both those words can be argued about, and, doubtless, you are extremely good at doing that. You have also talked about your legal right. What about the legal right for those of us who would like to walk on green lanes, particularly the disabled who find it harder to walk, because, as Lady Mar said, there is considerable damage? I have faced this problem myself and was unable to proceed. Are you prepared to give up any of your so-called legal rights on the 3,200 miles of green lane?

**Alan Kind:** We give up rights to varying degrees. Sometimes it is imposed on us by traffic orders that we do not like. Increasingly, we acquiesce and very often welcome traffic orders that we think are proportionate. The TRF, GLASS and other organisations do voluntary work and repair all sorts of routes, not just vehicular routes. Considerable damage is done by agricultural vehicles, which was a major problem on the Ridgeway, going back.

I understand what you say about damage. All I would say, and this is not intended as a trite answer, is that there is quite a small mileage of
vehicular unsealed roads but a very large mileage of footpaths and bridleways where vehicles other than the landowner’s have no business being anyway. I am not sure, in the overall scheme of countryside access, that it blights the whole network. It does not. When it blights it it is a localised problem and needs sorting out locally.

**The Chairman:** Thank you both very much for coming to give evidence today. It is very kind of you. We will call it a draw there.

**Alan Kind:** Could I add one comment?

**The Chairman:** Of course.

**Alan Kind:** Do you know about the motoring stakeholder working group that is going on at the moment?

**The Chairman:** I think I heard about it earlier, yes.

**Alan Kind:** It was the then Minister’s promise in the passage of the Deregulation Act to set this up to talk about everything you are talking about. It has been going on for a year. It will ultimately have a form of report to the Minister. He is talking about traffic orders, illegals and cowboys. It is suffering, because it does not have very many resources. There are two points that I would make. One is whether Defra can authorise Natural England to have sufficient resources to support it. Secondly, with the greatest respect, do not start another ball rolling until that one has reported, otherwise we will be running two parallel avenues.

**The Chairman:** Thank you very much for that advice.