The Surface of Minor Highways

4 July 1995

Beaumanor Hall, Woodhouse, Leicestershire

programme

09.30	Registration and coffee	
10.00	Welcome from the Leader of Leicestershire County Council	
10.05	Chairman's introduction	
10.15	**Surface standards and ordinary traffic**	Alan Kind
10.50	**The Surface of bridleways: A user's & practitioner's view**	Sue Hogg
11.30	Coffee	
11.50	Group sessions - problem solving	
12.30	Plenary - group responses to problems	
13.00	Lunch	
14.00	**The concept of extraordinary traffic**	Edwin Simpson
14.35	Group sessions - problem solving	
15.10	Plenary - group responses to problems	
15.25	Plenary - questions and open discussion	
14.00	Tea	

Chairman	Audrey Brown	Land Use Officer, National Forest Company
Speakers	Sue Hogg	Research Officer, South Pennine Packhorse Trails Trust
	Edwin Simpson	Barrister, Tutor in Law, Christ Church, Oxford
	Alan Kind	Byways and Bridleways Trust

The attendance list has a group number against each attendee's name. For each group session, the group should appoint one person to take notes on the issues and solutions as they arise. The Chairman will ask these 'group reporters' to give the view of their group on one or more questions. Other groups should feel free to join in if they have a different view.

The concept of extraordinary traffic

Edwin Simpson : Tutor in Law, Christ Church, Oxford.
Barrister, 12 New Square, Lincoln's Inn.

1. Introduction

The role which the concept of "extraordinary traffic" plays in highway law is a curious one. We are all familiar with the duty placed upon highway authorities to maintain the highways for which they are responsible, and the systems of taxation which fund such general upkeep of our public routes. The concept of "extraordinary traffic" however amounts to an exception from this basic principle that roads should be, as it were, "free at the point of delivery". Although a particular taxpayer will have paid his general taxes in the usual way, he may nevertheless, in certain circumstances, be liable to "top-up" his contribution. It is, if you like, a thoroughly market driven exception to an otherwise socialist system.

Like all the best law, this exceptional area has a long - and in some respects, complex -history. The position is of course now governed by statutory provision - s.59 of the Highways act 1980, but this is itself based on earlier statutory provisions; and they, in turn, grew out from the pre-existing common law position; that is, the view of the matter which had already been reached by the ordinary courts of the land quite independantly from any intervention by Parliament.

2. The common law

The approach of the common law derives from the law of nuisance. Without going into the law of nuisance in any detail, it is the area of the law which operates in both the public an the private spheres to deal with situations where one person's use of land causes a nuisance to a neighbour or to the public at large. At common law, an action was therefore available at the suit of an individual, or a highway authority, for special damage in respect of a highway nuisance caused by use of excessive weights or traffic on the highway. Such an action was unrelated as such to any duty to maintain - that this is so is clear from the fact that it could be maintained by an individual as well as by the highway authority; and by the fact that an injunction could be sought in appropriate circumstances - that is to say, such excessive user could be restrained for the future. Such an action was therefore not primarily concerned in effect with shifting the burden of taxation, but rather with preventing such nuisances from occurring.

Once the statutory role of highway authorities became more clearly defined, there was clearly a logic to regulating the nuisance question in a related way; and specifically to enacting provisions by which those who make extraordinary use of the highway could be made to contribute to the costs of maintenance, rather than simply to pay damages to those to whom they cause damage, or be prevented from making such use of the highway at all. In an increasingly complex commercial world, highway use might be better allowed at the cost of specific users, rather than ruled out altogether.

The context of increasing use of highways by heavy vehicles at the end of the last century provided the necessary impetus for appropriate legislation, which was first contained in s.23 of the Highways and Locomotives (Amendment) Act of 1878. This was in its turn amended by s.12 of the Locomotives Act of 1898; and then replaced in succession by s.54 of the Road Traffic Act, 1930 and s.62 of the Highways Act, 1959; before taking on its current form as s.59 of the Highways Act, 1980. The modifications have been incremental, rather than revolutionary, and the basic form of the legislation has remained unchanged for a century.

It is an open question whether or not this is a good thing, just as it is an open question whether it is a good thing that the cases which decided what the section actually means date similarly from its early operation, and not its more recent use. From an optimistic point of view, perhaps this means that its proper use and meaning was so soon made clear by the courts that there has been no need in recent years to litigate. Those of you with experience of the section and its structure may, on the other hand, favour the sceptical thesis that the language is so general and obscure that no one has dared litigate in the context of such an uncertain possible outcome.

The important core of the section is as follows:

> "**59** (1) ... where it appears to the highway authority for a highway maintainable at the public expense, by a certificate of their proper officer, that having regard to the average expense of maintaining the highway or other similar highways in the neighbourhood *extraordinary* expenses have been or will be incurred by the authority in maintaining the highway be reason of the damage caused by *excessive* weight passing along the highway, or other *extraordinary* traffic thereon, the highway authority may recover from any person ("the operator") by or in consequence of whose order the traffic has been conducted the excess expenses."

It was claimed that this damage to a partly stone-surfaced unclassified road was caused by commercial 4WD safari outfits. The highway authority considered trying to pass on the repair cost on the grounds of extraordinary traffic. Would they have any grounds so to do?

3. Practical matters

To deal with some minor practical matters to begin with. It is clear from the case of *Wirral Highways Board v Newell* [1895] 1 Q.B. 827 that, although the necessary surveyor's certification must be in writing, it will not matter if it deals with more than one highway at a time, nor if it does not particularize the damage in great detail.

The certificate is not evidence of the measure of damage, but a condition precedent to the right to bring an action.

It should also be said that in the instance where the Minister is the relevant highway authority, then by subsection 5, the need for a certificate of any kind is dispensed with: the Minister can act simply where "it appears to him that" - although no doubt he would be held subject to standard *Wednesbury* controls (at the very least) as to how he might exercise that discretion.

The areas of the section which are of the most interest in practice, and which have given rise to the most difficulty, are those setting up the concept of "average expense of maintaining the highway or other similar highways in the neighbourhood" and the concept of "extraordinary expenses [which] have been or will be incurred by the authority in maintaining the highway be reason of the damage caused by excessive weight passing along the highway, or other extraordinary traffic thereon".

So far as the first notion is concerned, this began in the 1878 Act as "having regard to the average expense of repairing highways in the neighbourhood". This, hardly surprisingly, caused extraordinary difficulty in practice. Surveyors seem to have begun by entering into calculations of this kind: there are so many miles of highway in the parish; the annual expense of repairing them is so much; therefore the average expense of repairing highways in the parish is so much per mile or per furlong. This gave rise to several problems. To begin with, the section referred to "neighbourhood" not "parish". In some cases therefore, reference was made to all the parishes in the highway district; in others to three or four neighbouring parishes; and in others still to all those parishes through which the road in question passed.

The next step was to exclude the cost of maintaining the highway in question from the average cost calculation. Then, of course, account was taken of the widely differing types of highway, and so the idea took hold of taking the average expenditure on similar roads in the neighbourhood. This view was authoritatively stated as the correct approach by the Court of Appeal in *Billericay Rural District Council v Poplar Union and Keeling* [1911] 2 K.B. 801.

Similar uncertainty emerged as to what precisely was meant by "average". Was the actual cost of repairing the highway in question to be compared against the average for other similar highways during only the period of the excessive user, or would a "longer" average give a more realistic figure?

These difficulties have been more or less ironed out, originally by common law decisions such as in the *Billericay* case; and now also by slight changes to the language of the section in the later amendments and re-enactments. It is now clear that **for the purpose of determining whether the expense incurred was extraordinary, a comparison is to be made between the actual expense of repairing the particular highway after it has been damaged by the extraordinary traffic and the average expense of repairing comparable highways in the neighbourhood. In the context of the present section this may, of course, involve a comparison between the actual or likely expense of repairing the particular road and the average expense of repairing that road or similar roads in the neighbourhood.**

It is vital to keep in mind that all this goes to the first kind of extraordinariness relevant to the section, that is the extraordinary expense. But the word "extraordinary" appears twice. The second question is to what cause or causes can the extraordinary expense be ascribed, and is that extraordinary? What can count as "damage caused by excessive weight passing along the highway, or other

extraordinary traffic thereon", as opposed to extraordinary expense as a result, say, simply of a hard winter?

The important case here is that of the Court of Appeal in *Hill v Thomas* as long ago as [1893] 2 Q.B. 333. Finlay J. in the 1922 case of *Butt and Co. v Weston-super-Mare Urban District Council* [1922] 1 A.C. 340 described the decision as classical, and as leaving very little that may be said upon the law on the subject. If we had all been just a little more on the ball we could have held this seminar two years ago in honour of its centenary.

4. Summarising the priciples

The principles to be deduced from *Hill v Thomas* are well summarized in Pratt and Mackenzie's *Law of Highways* as follows:

(1) For traffic to be extraordinary it must either:

(a) be of such a weight or character as to be out of the common order of the traffic which normally uses the road, or

(b) be of greater volume than that which ordinarily uses the road.

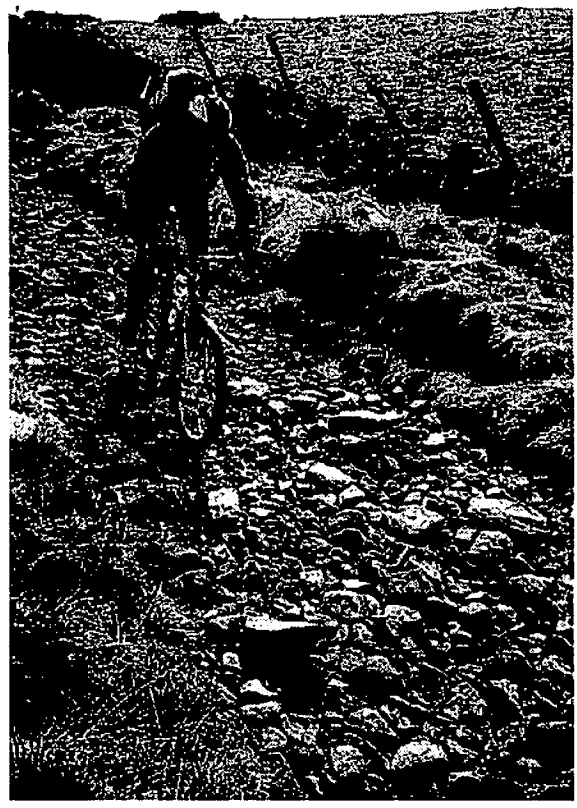
(2) The traffic must be extraordinary in comparison with that which ordinarily uses the particular road in question.

(3) Traffic which would otherwise be extraordinary is not so if it is of a type which is necessarily and commonly used on the particular road in question in the course of some locally recognised industry.*

could include leisure pursuits

(4) Mere long user by the undertaker or pioneer of extraordinary traffic does not make it any the less extraordinary.

(5) The fact that a vehicle is properly constructed according to statutory requirements is immaterial if the use of it constitutes extraordinary traffic within (1)(a) above.



This is an entrant in a mountain bike navigation event, using an unclassified road. The highway authority told the organiser that if the event went ahead they would regard such use as extraordinary traffic and bill him for any damage. Is that reasonable, or even possible?

These general principles extract the core from *Hill v Thomas* and a host of decisions which have fined down its conclusions since. Reference to each and every such authority is however not only time-consuming, it is also apt to be misleading. The question of whether or not traffic is extraordinary is a question of fact to be arrived at in the context of the particular matter before the court at any time. This has the further consequence - as well as making prediction difficult - that appeal courts are unlikely to disturb primary findings made by justices or county court judges, if there was evidence which could reasonably support the conclusion which was arrived at.

In the context of a short paper such as this, there is time to consider only a very small number of actual decisions, and thus a small number of questions which may arise. I am conscious of the material already covered by Alan Kind in the context of surface requirements, and also of the sort of problems you are to go on to discuss amongst yourselves after this session. I have therefore chosen a few cases to get a further flavour of the courts' approach, and tried, despite their antiquity, to consider how they might affect current scenarios which some of you may already face.

One of the most interesting questions - and most obviously relevant today - is that of how something becomes a recognised business of a particular neighbourhood. For example, quarrying in many of the early cases, or more topically, perhaps tourism or leisure pursuits today. In *Williams v Davies* (1880) 44 J.P. 347, 67 loads of timber were transported over a three month period. The loads were heavier than normal agricultural loads. This was held to be extraordinary: it did not matter that the timber was the natural produce of the land. What mattered was the extraordariness of such weight of natural produce being transported in such a concentrated time.

In *Hill v Thomas* itself, the carts used to carry the building materials to construct a fort were not in themselves bigger or heavier than those used for agricultural and other purposes in the neighbourhood. Nevertheless the decision by the justices that the increased amount of such comings and goings, and the extraordinary purpose of constructing a government fort, amounted to exceptional traffic, was not disturbed on appeal.

In *R v Ellis* (1882) 8 Q.B.D. 466, a traction engine was used twice a day, during a wet season, for the cartage of manure along a highway which communicated at either end with main roads, and was principally used by farmers and occupiers of land adjoining it for ordinary farm traffic. The engine weighed 8 tons and the road was worn into deep ruts. The metalled part was bulged into the ditches on each side, and the road was rendered unfit for use. This was held to be extraordinary, and the decision was not disturbed on appeal. The argument that the uses of traction engines was an ordinary incident of agricultural industry was not accepted. This might be so on some roads, but it was not so here. Having regard to the character of the road, and the mode in which it was generally used, it was impossible to hold that the use of such engines was an ordinary incident of the traffic upon it.

This case well demonstrates the difficulty which lies at the heart of the application of the section. When does the arrival of new technology - or merely of new fads and recreations -upon our highways become ordinary?

Certainly these cases suggest that because a route has been used before by, say, farmers with a particular sort of vehicle, that will not prevent a dramatic increase in the number of such vehicles from being extraordinary. It is also clear that although a certain kind of traffic is ordinary on certain roads in an area, it can still be extraordinary on others.

So far as the pioneer of a new industry is concerned, the position would seem to be this. First, the question will always be one of fact for the court. But, Parliament can hardly have intended that all highways should be stereotyped by this legislation in a particular state of construction and user; and where it is clear that traffic is a reasonable development of the natural resources of a locality, it is not obvious that increased maintenance costs should be borne by the entrepreneur and not by the local community which may benefit as a whole. That said, as the fourth of the principles set out above makes clear, a single pioneer cannot by his own persistence make ordinary what is otherwise extraordinary.

But, if a whole new industry develops in an area, and the highway authority is slow to act, then the courts' view of what is normal may well move on.

A further issue of obvious relevance in the modern context is that of the proper person to contribute, that is the person "by or in consequence of whose order the traffic has been conducted". Certainly the employer of an independant contractor may be liable under the current wording - indeed the additional wording "or in consequence of whose order" was added to make this point clear. He will not however always be liable, but only if it is a necessary consequence of his order that the damage is caused. If the contractor could reasonably have been expected to carry out the work without resorting to the use of extraordinary traffic, then the ultimate employer will not be liable.

It is also clear from cases such as *Windlesham Urban District Council v Seward* (1913) 77 J.P. 161 that there is no reason why two or three people should not be liable in respect of the same damage, for example the person by whose order and the actual user.

5. In conclusion

I have gone on for long enough, I fear, and there are no doubt further points which may arise in discussion. One such, is the measure of damages, about which I can in the briefest of outlines say that some allowance is made for what would have been fair wear and tear in any event; and so an extraordinary user is not liable for the cost of putting the road into perfect condition. And finally, subsection (3) of section 59 provides a useful procedure by which, if an operator admits liability **in advance** of extraordinary use actually occuring, then he may agree with the highway authority a sum that he should pay, or either party may put the matter to be determined by arbitration. Any such agreed costing will however only be possible where the operator admits liability in advance.

I have said enough. I am very happy to try to consider any questions which may arise now, although I suspect that it may be that they will arise more obviously from the particular problems that you are now to consider.

Surface standards and ordinary traffic

Alan Kind : Byways and Bridleways Trust

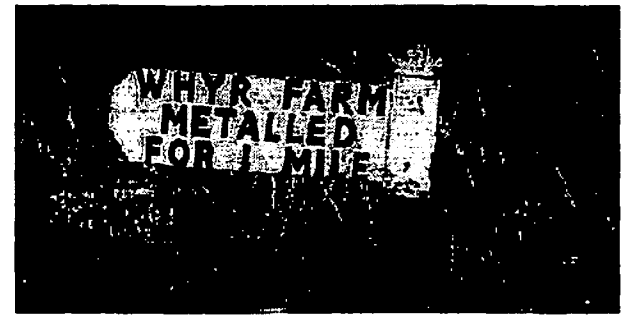
1. Introduction

This paper is not about the origins of the duty to repair highways, nor who must do it. It is not (directly) about the prioritisation of budgets, or the rights and wrongs of tractors, mountain bikes, four-wheel-drives, and the rest. It is about the standard of surface that highway authorities are obliged to maintain (or in some circumstances, ensure are maintained by others) on the various classes of minor highway. As set out in the training course brief, we are not looking specifically at footpath surface standards, but since bridleway and byway surfaces tend to be more problematic, the answers in those areas should cover any questions about footpaths. Neither are we looking directly at ploughing of public paths, but the surface standard of post-ploughing, reinstated paths is effectively the same as those which are not disturbed. The Byways and Bridleways Trust is the recipient of much information from across the country on the problems and concerns of byway and bridleway users. The principal concern reported is obstruction, because this sterilises the way, and probably adjacent ways, out of the available network. Most users are pragmatic. An obstruction that may be reasonably negotiated is a nuisance; it may be reported, but most are simply lived with. The second most important users' concern is surface condition. Again, most are realistic in their expectations, and want only a safe and reasonably passable highway surface. In general, across the whole path network, the public's expectations are not high. People want passability and adequate safety. How far must a highway authority go to provide these? How may an adequate level of maintenance be determined?

2. Who shall maintain: what is ordinary traffic?

Let us start from the premise that the minor highways network is maintainable at public expense. There are limited exceptions, such as Byways Open to All Traffic (BOATs) that were not reclassified from Roads Used as Public Paths (RUPPs)[1], general-purpose roads that came into being after 1835, but which have not been adopted for maintenance[2], and highways set out under inclosure awards where the maintenance responsibility is clearly pinned on to a certain person or persons[3]. Experience shows that many, perhaps most, public-to-user, but private-to-maintenance inclosure award roads have, through the passage of time, become regarded as publicly maintainable. Some are on the List of Streets as unclassified roads, others are on the definitive map as maintainable RUPP/BOAT or bridleway[4]. Known post-1835 unadopted roads tend to be an urban phenomenon. In general, then, the highway authority must maintain or repair a highway in *such a state as to be safe and fit for ordinary traffic*[5] and so as to be *reasonably passable for the ordinary traffic of the neighbourhood at all seasons of the year*[6]. You will see from the case citations that these judgements came in the period when non-motor vehicular use of highways was increasing as a result of increased trade, expanding population, and a move of that population towards living in towns and cities. The railways had temporarily destroyed most long distance use of the highway, be it for coaching or droving, but, overall, roads were probably then in greater use than ever before.

Another case, from the early days of the motor vehicle, considered the proposition that where the traffic develops, the roads that traffic may lawfully use must be developed to keep pace[7]. Jelf J: "The condition of this road was....partly by the traction [engine] traffic, partly by ..... carts and horses, partly by the weather, but primarily and chiefly by the failure of the county council to maintain the road in a fit state to bear the traffic, including the traction traffic, which was not more unusual or onerous than they ought to have expected to come upon it". In general, the highway authorities followed this guidance, in the years after, by tar-spraying thousands of miles of stone road to cope with increasing motor vehicle traffic.



It is therefore well established that a highway authority must keep a publicly-maintainable highway in sufficiently good repair to allow the free passage of 'ordinary traffic' or 'traffic that might be reasonably expected to use it' at all times of the year. Does this mean that a proper, made up surface must always be provided? The answer, *Brains Trust*-style, is: it all depends. In law, a highway is strictly just the right to pass and repass over someone's land[8], although the term is now often extended to include the physical roadway itself. That 'basic' situation is typified by most public footpaths, or by headland bridleways - there is little or no 'beaten track', almost never any made-up way. As long as the public is able to pass and repass over the ground, without undue difficulty or danger, then the fact that they get dirt on the top of their shoes in wet weather is not very likely to amount to the way being out of repair. That said, if the right of way is in

an urban situation, where people use it to go to work, or to the shops, in ordinary clothes, then it might be held that a higher standard of maintenance is necessary to satisfy the needs of local ordinary traffic. There is nothing to prevent a highway authority providing a made-up surface for a public footpath or bridleway. They do it all the time in urban areas and, of course, on significant lengths of the Pennine Way and other long distance paths which are gaining made-up tops that they traditionally never had. As regards the right of way, if not environmental impact, this is simply responsive maintenance.

The next consideration is the enclosure of highways. Historically, highways were unenclosed, or very wide between enclosures[9]. The later common law was clear: where the highway was foundrous, passengers could lawfully skirt around the bad bits, "even on to the corn"[10]. This was back in the days of repair by statute labour, repair that was little more than filling the worst bits with stone and gravelling over the top. But where a highway was enclosed by the occupier of the land it crossed, the maintenance liability passed on to that occupier. The justification is clear. The occupier gains an advantage by restricting the ability of the public to skirt around foundrous sections of highway; he must bear the necessarily higher cost of keeping the newly-enclosed highway in usable condition[11]. Inclosure awards followed this trend towards enclosing highways; after all, if the idea was to improve agriculture, there was little point in having the public - including huge droves of cattle - ranging widely across the land at the side of highways. The inclosure awards sometimes made these enclosed roads repairable by the public, sometimes by one or more occupiers of adjacent land, depending on the antiquity of a particular road, and who derived most benefit from its enjoyment[12].

Where roads were physically enclosed ('enclosure' can include merely marking and delineating) the surfaces were almost always made-up to some extent. They had to be to reasonably cope with ordinary traffic at all times of the year. In many places that surfacing has eroded, sunk down, or been lost to local robbery, but it did once exist[13]. If a great many 'green roads' are, or once were, provided with a made-up surface, does this place a higher duty of repair on the highway authority? I can find no authority for guidance on this other than that which may be deduced from one of the more recent cases, *Hereford and Worcester County Council v. Newman*[14] in which the Court of Appeal held that 'out of repair' must be given its ordinary, natural meaning (it does not include obstructions). It might be held that where a made-up way is deficient, there is a higher imperative on the highway authority to repair it than there is on them to provide a new, or better, surface, on a highway which has never enjoyed such. Before any highway engineers throw themselves under a rapid transport module, I must qualify that by saying I do not think that anyone has a realistic chance of going to court and obtaining an order to oblige a highway authority to maintain to a high standard a made-up road that is now little used for everyday purposes unless the applicant can show that there is a real demand for the road which can only be satisfied by its upgrade. There is nothing remarkable in this, and Government advice in Circular 1/83 (albeit strictly for definitive rights of way) suggests that maintenance should satisfy current needs. Similarly, where the traffic on ordinary roads declines in volume, or perhaps in economic importance, a highway authority may be justified in adopting a policy of 'benign neglect'[15], at least as long as these roads remain 'reasonably passable' to ordinary traffic[16]. Thus the provision of a made-up surface for a highway is dependent on levels of traffic, the nature of that traffic, and the nature of the highway (especially enclosure). It is unlikely that a highway authority would be obliged to provide or maintain a made-up surface beyond the real needs of the traffic expected to make use of it, but where a made-up surface already exists, even low levels of traffic can expect that the surface be adequately maintained. For example, where a 3 mile long stony road is in generally good condition except for an eroded 'bombhole' in one place, it is more reasonable to expect good quality repair of that section than it would be to expect high-quality upgrading of a 3 mile long stony road that is rough for all its length. Why? Because of the clear passability of the smoother road to ordinary traffic when the repair is effected[17].

Liability to repair is one thing, but what are the standards of repair that the public might reasonably expect? If, one day, Leicestershire County Council said "We have decided that, henceforth, the B6047 will have a rolled stone surface instead of tarmac" as long as that surface is safe and adequate for the traffic it carries, then the decision would probably be beyond challenge (indeed, it might be a desireable piece of traffic-calming?). But if local residents and through-traffic complained of broken windscreens, skids, bumps and chipped paintwork, then on application to the justices under s.56 of the Highways Act 1980, it might well be held that such a stone surface does not satisfy the needs of modern day 'ordinary traffic', both in its nature (low-slung cars with wide tyres) and its density.

3. Standards for bridleways

What of a bridleway in Leicestershire or elsewhere? Horse traffic is plainly 'ordinary traffic' on bridleways, as are walkers. It might be argued that horses are no longer 'ordinary traffic' in its everyday sense - going to the shops, or going to work. But horses are ordinary traffic on a particular class of highway - the bridleway, and to say that because their use is now almost wholly recreational, bridleways need not be maintained, would seem to contradict the intentions of Parliament in creating the definitive map and continuing laws to protect horse riders' right of way. I would argue that it

is not only the mode of transport which is ordinary or not, but also, and equally, the reason for travelling. If this is not so then driving a car to the opera, or to go fishing, would be 'ordinary', but riding a horse to enjoy the fresh air would not. A nonsense, surely? Horse riders as ordinary traffic need a bridleway (or indeed, a byway) that is reasonably passable, as the law lays down. What is reasonably passable for a horse is very much a question of safety - can the horse make progress with minimal danger of slipping or dropping a leg into a pothole? I leave the detail of what is safe for a horse to Sue Hogg in the following part of today's programme. What of the difficult, but not uncommon, situation where a public bridleway is used by the vehicles of the occupier of the land it crosses? This is a difficult problem to resolve. In past years, such (predominantly) agricultural use would have been very similar in character to the public use - horse-powered. As modern farm vehicles have got bigger and more powerful, their impact on footpaths and bridleways has increased. How bad can this damage to the surface be before the occupier is in breach of the law? Unfortunately, there is no clear guidance on this as it is an area where highway authorities tend to be shy of taking action against landowners - a not unusual remedy, if any is sought, would be diverting the right of way away from the line of the traffic - something that the new NFU policy on access to the countryside suggests should be done almost as a matter of course[18]. It might be that the occupiers' use amounts to extraordinary traffic - which we will come to this afternoon - or it could be unlawful disturbance of the surface of the right of way under s.131A Highways Act 1980. A highway authority could seek an injunction against an errant landowner to prevent further damage, but it is not realistic to expect other than very infrequent use of such an uncertain remedy. Whatever, it would seem to be open to a member of the public to ask the justices to order a highway authority to put a bridleway into repair even in the situation where the problem is being caused by the occupiers' vehicles[19].

Walkers on bridleways could presumably expect a similar level of maintenance as for footpaths. It is inevitable that horse use on some surfaces will lead to a depth of mud, but it would be a question of fact, in each case, as to whether such renders the path out of repair for walkers. Again, the location, nature, and principal traffic of the bridleway would be material considerations[20]. Bicyclists, using bridleways by virtue of the right confered by s.30 of the Countryside Act 1968, have no power to seek an order for the maintenance of a bridleway to facilitate the passage of bicycles[21], but there is nothing to stop them seeking to have a bridleway put into adequate repair for the passage of walkers and horse riders.

4. Byways Open to All Traffic

BOATs, and to a lesser extent RUPPs, are undoubtedly the most contentious minor highway, with the newspapers regularly running articles on their use, abuse and reclassification. We can, perhaps deal with RUPPs briefly by stating the good practice of at least one county. Where there is good evidence that a RUPP bears public vehicular rights then that county treats it as a public vehicular highway (most likely a BOAT, but possibly an unclassified road). If there is doubt about vehicular status, and in the absence of firm evidence of its being only a footpath (something as cogent as a Quarter Sessions order) that county treats the RUPP as being a bridleway. This seems to be the fairest and most pragmatic approach until such time as reclassification is completed. BOATs are not all the same when it comes to surface repair. The most common situation is where a BOAT was formerly a RUPP and has been reclassified under the provisions of s.54 of the Wildlife and Countryside Act 1981. The other situations are i) where the BOAT was formerly not on a public record of rights of way, or on the definitive map as a footpath or bridleway, or ii) where the BOAT was originally only on the List of Streets (an 'unclassified road') and the highway authority has decided to modify the definitive map to show the way as a BOAT[22]. There are also quite a few BOATs that are concurrently listed as unclassified roads because the RUPPs they were reclassified from were 'dual-status' RUPP/UR.

There is a not-uncommon view that highway authorities are not under a duty to maintain BOATs for the passage of vehicles. This arises from s.54(7) WCA81: "Nothing in this section or section 53 shall..... oblige a highway authority to provide, on a way shown in a definitive map and statement as a byway open to all traffic, a metalled carriage-way, or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles". But ss.53 and 54 are only concerned with modifying the definitive map to properly show the public rights of passage that exist over land. If vehicular user over a piece of land, that is mainly used for the purposes for which footpaths and bridleways are so used, gives rise to a successful claim to modify the definitive map to show therein a BOAT, then the highway authority is not under any obligation to provide a 'proper' surface for vehicles. Indeed, such a way is not publicly-maintainable anyway as it falls outside the maintenance criteria of the Act of 1949. If a BOAT was reclassified from a RUPP it will be publicly-maintainable regardless of whether or not the RUPP itself was. It is also necessary to consider the meaning of "provide" in s.54(7). The dictionary has provide as "furnish or supply", so does s.54(7) apply only to the provision of made-up surfaces where none existed before? I quail before the obfuscation of parliamentary draughtsmen and fall back on the official response: "It would be for the courts to interpret".

The Fosse Way. Centuries of neglect. Years of use with ever-heavier vehicles. Whatever happened to the original surface?

Many BOATs, in the various types outlined above, were public highways before the introduction of the Highways Act 1835. That means that they were, and still are, publicly-maintainable highways - ordinary, common law highways. That 'pre-1835' status is a separate issue to ss. 53 and 54 of the Act of 1981. Thus, a BOAT might be publicly-maintainable because it was reclassified from a RUPP, or because it was a pre-1835 public highway, or both. Where a BOAT is also a pre-1835 maintainable highway, that is a concurrent status, not a former status now restricted by the way being shown in the definitive map as a BOAT. It would be iniquitous for a highway authority to be able to say to residents who are obliged to use an unclassified road, or people who wish to pass along in the course of ordinary journeys, "We think that this road should be shown as a BOAT, therefore we will add it to the definitive map and then we do not have to repair it anymore such that you can pass along". A better approach is to apply 'benign neglect' to such a road and maintain it to minimal standards. A highway authority may say "Frontagers have private rights over such a road anyway - their use is irrelevant and they can maintain it themselves if they wish". This would be incorrect. Occupiers' and frontagers' rights of passage along a public carriageway are subsumed into the public right, at least until such time as that public right is lawfully stopped-up[23].

Regardless of whether or not a highway authority is obliged to provide a surface for vehicles, the limitation in s.54(7) is of small use to a highway authority seeking not to repair a BOAT. An out of repair BOAT would still have to be maintained to a standard high enough for the 'reasonable use' of walkers and horse riders, and that would be quite adequate for the passage of trail bikes and mountain bikes, if not ordinary road bicycles. The level of maintenance would have to be at least as high as it would if the BOAT were only a bridleway and, as said above, if there is an existing 'proper' surface, then the standard of that surface should be the guideline for any repairs.

5. Unclassified Roads

Rough unclassified roads are the Cinderella of minor highways. They are almost invariably maintenance-funded from the same budget as the authority's 'more important' roads and, as might be expected, get only the left-overs, if anything. Footpaths and bridleways (and increasingly BOATs) have a separate maintenance budget. This might not be as big as it should be, but at least the officers responsible know what they have to spend and may allocate accordingly. Unclassified roads, below the standard of local, frequently-used motor road, range from quite good rough tarmac, to a faint track over open land. Most, though, of interest for recreation, are (or were) properly-made roads that, for whatever reason, never received the tar-sprayers' attentions. Popular with all types of recreational users, such unclassified roads in many, perhaps most, highway authority areas, have now deteriorated through neglect to the point where use is difficult or impossible. Faced with a potentially high maintenance bill, highway authorities are looking to close some roads, and make others 'access only' by means of traffic regulation orders. The fairness and effect of such 'traffic management' is not the concern of today's seminar. In recent years the combination of long wet periods, almost total neglect since the last county lengthsmen were redeployed in the post-war years, and the impact of heavy vehicles, has resulted in unclassified roads deteriorating much more quickly than before - some to the point of impassability. What can and should be done? The knee-jerk reaction is to follow the ancient tradition of blaming the traffic rather than the road, and to reach for the blank pad of traffic regulation orders. In some cases, particularly where the road was never more than an unsurfaced mud track, a weight restriction is probably the fairest and most practical form of traffic restriction, especially if combined with some positive management work. In other situations - where the road has, or has had, a stone surface, and the problems are localised - washouts, bombholes, etc - then it would be difficult for a highway authority to refuse such basic repair, especially where it has a budget for purely

recreational footpaths, many of which are hardly ever used.

There has never been enough money for repairing roads. Read the *Journal of the House of Commons* for 25 years either side of 1800 and you will see that often half the day's business is about road repair and upgrading. How to fund the repair of the bottom end of the unclassified road network is starting to become one of the most important issues in recreational access to the countryside. These are often the most attractive minor highways, and they certainly get the widest range of use. If they do not get the highest level of use that is because the public cannot recognise them from the Ordnance Survey map[24], yet their mostly robust surfaces are able to withstand regular recreational traffic with minimal maintenance.

What standard of repair and maintenance should unclassified roads enjoy? Most users would say to the highway authority "follow the law and keep them in reasonable repair for ordinary traffic". By that they mean treat them much like bridleways and byways: fill the holes (to be safe for horses and cyclists), keep on top of drainage, and cut back the vegetation - exactly what the lengthsmen did for generations. A simple care and maintenance regime. If the demands of local traffic are such that the condition of a road has to be improved, then the highway authority must react accordingly, just as they have done for hundreds of years.

6. Ancient monuments

One question posed on the seminar booking form was "What about the surface of roads that are ancient monuments?". I confess that I cannot see any clear guidance from the law on this. Some roads are designated as monuments - the Roman roads Wade's Causeway and (parts of) Stane Street are examples. Such designation does not stop them being highways, but does affect the way the highway authority can treat them in matters of repair, improvement and disturbance. There is a clear parallel in minor highways whose surface is designated as a *Site of Special Scientific Interest*. Again, the public's right of way is not affected, but the freedom of the highway authority to manage is fettered by the designation. Perhaps the classic ancient highways should be somehow designated as monuments to protect them from upgrading and interference, but perhaps that, more than anything, would take them out of the ambulatory, historically reactive, system of highway law, and turn them into country parks?

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[1] S.47 of the National Parks and Access to the Countryside Act 1947 made all then-existing, and some later-added, footpaths and bridleways publicly maintainable. S54(4) of the Wildlife and Countryside Act 1981 makes all reclassified RUPPs publicly maintainable, even if they were not before. BOATs added to the definitive map under s.53(3)(c)(i) does not automatically become publicly maintainable, but may be because it was a highway before 1835.

[2] S.23 Highways Act 1835

[3] For example, *Haresby Lonnen*, Northumberland

[4] These highways might carry a dual maintenance liability: both the highway authority and the person(s) named in the inclosure award.

[5] *Burgess v. Northwich Local Board* (1880) QBD 264

[6] *R v. High Halden* (1859) 1 FF 678

[7] *Attorney General v. Scott* [1905] 2 KB 160

[8] *Ms Salisbury v. Great Northern Railway*, 28 L.J.C.P. 40

[9] The Statute of Westminster, 1285, required a clear space of 200 feet to either side of inter-market town highways.

[10] G. Jacob, Law Dictionary, 1772

[11] G. Jacob, Law Dictionary, 1772

[12] The interpretation of user and maintenance clauses in inclosure awards has caused much argument in recent years. The matter was recently aired in the Court of Appeal in regard to the reclassification of an RUPP at Glatton, Cambridgeshire. See various *Byway and Bridleway* for further information.

[13] The Roman roads are a good example. Even ones that archeological excavation has proved to be well built have, in places, the appearance of unsurfaced lanes - muddy, grassy, potholed, yet the original stone construction may lie deep below this covering. Even stone roads that have dropped out of regular, heavy use only in the last 200 years can be covered with mud deep enough to suggest to a passer-by that no surface ever existed.

[14] [1975] 1 WLR 901

[15] As is tacitly admitted in Cumbria, Devon, Cambridgeshire and others.

[16] Does a strip of grass growing in the middle of a tarmac road really matter to users? Might deliberate neglect of minor roads amount to 'traffic calming' and a disincentive for too much visitor traffic, such as is currently being mooted in the Lake District?

[17] Local authorities seem ready to use one problem area on a road as a reason to close or restrict it in total, rather than repair, e.g. Pockstones Moor, Fangdale and Black Hambleton, North Yorkshire.

[18] Published by the National Farmers Union, October 1994.

[19] The author instigated a s.56 procedure against the highway authority for a bridleway that was rendered impassable by agricultural and military vehicles seeking access to streetward land. The highway authority ultimately repaired this stretch of the longer bridleway to a standard adequate to withstand these vehicles.

[20] For example, the bridleway stretches of the Pennine way probably see hundreds of foot journeys for each on horseback.

[21] S.30(3) Countryside Act 1968

[22] Perhaps the best example here is Northumberland County Council which, aware of the public's lack of knowledge of unclassified roads, resolved, where appropriate, to show these on the definitive map as BOATs so that riders, cyclists and walkers could see how they link with the bridleway and footpath network.

[23] Frontagers' private rights might be argued for where they clearly own the subsoil of the whole width of the road, but what of where they own only 'their half', or post-inclosure, none at all?

[24] The Ordnance Survey is to test a system of marking unclassified roads on the Dolgellau sheet of the *Landranger* series.

The surface of bridleways: A user's and practitioner's view

Sue Hogg : South Pennine Packhorse Trails Trust

The Author on the flagged packhorse route across Inchfield Pasture, Walsden.

1. First, a little bit of history.

For centuries the predominant means of transport was the horse, either under saddle or carrying a pack. Then everything changed. "Suddenly ... this is a rattling, rowling, rumbling age ... the world runs on wheels" - so wrote John Taylor in 1622.[1] Not everyone was happy at the prospect of roads being improved for carriages and wagons. In 1710 Sussex agriculturalists petitioned Parliament against a proposed turnpike, claiming: "The roads are already good enough for horses to go; ... the roads are better for cattle to go on as they are now, than amended, because the stones will cripple and lame them before they come to market."[2] What we have left by way of bridleways and minor highways are the remnants of those unimproved roads of a former age, and the history of bridleways is really one of progressive loss, in the face of 'improvements' to cater for wheeled transport.

We have also lost sight of what horses can cope with and what makes riding out enjoyable. To quote the Webbs: "For horse ... traffic ... minor irregularities of surface; ruts and holes; unbridged rivulets crossing the track; streams to be forded; deep hollow ways; the narrowness of old causeways; ups and downs, and even steep hills, were no great disadvantages; and it was certainly not worth whole avoiding such obstacles even by a short detour, let alone by anything like road engineering."[3]

And in 1813 Charles Vancouver wrote of Devon: "It is truly surprising to see with what speed and security the native horses of the county will pass over ... rough and broken places, whether burthened or otherwise.... The rapidity with which a gang of packhorses descend the hills, when not loaded, and the utter impossibility of passing loaded ones, require that the utmost caution should be used in keeping out of the way of the one, and exertion in keeping ahead of the other...."[4] We need to be aware of the agility and versatility of the horse when considering how to maintain a historic relic that has become a recreational resource.

2. A user's view

There is an old adage 'No foot, no horse'. Unlike vehicles, it is impossible to get spare parts for a horse. If a horse breaks a leg, it has to be destroyed. Bearing this in mind, it might be best to start with what horseriders don't like by way of surface:

- **tarmac**
- **concrete** (ready-mix)
- **loose aggregate** (limestone chippings, flint)
- **demolition waste**
- **broken bricks**
- **deep mud**
- **bog**
- **standing water.**

To take each in turn:

Tarmac:

This comes in three forms: (i) new tarmac purpose-laid for vehicular use; (ii) old tarmac used for patching; (iii) tarmac planings (often used for surfacing). The problems are:

(i) New tarmac rapidly becomes slippery - a shod horse can slip and fall even on a level tarmac surface, but it is a particular problem on gradients (as steep as 1:3 where I live). The result, if a horse falls going uphill, is broken knees (either abrasions or fractures); going downhill the horse is continually sliding, which can result in strained tendons or ligaments. If a horse falls on tarmac, the rider is also likely to suffer some kind of injury.

(ii) Old tarmac used a fill is almost as undesirable as demolition waste and to my mind aesthetically and environmentally inappropriate in a rural location. It is lumpy and bumpy to ride on (causing strain), and tends to consolidate over time, particularly if the bridleway also has vehicular use. It can end up being both slippery and uneven, and potentially more damaging than smooth tarmac if a horse goes down.

(iii) Tarmac planings are a favoured surfacing material with some highway authorities because they are supposedly cheap. Again, if the bridleway has a high

level of vehicular use, planings consolidate into a hard road; if there is little or no vehicular use they remain loose, and if fine enough are perfectly good to ride on, but in time they simply get washed away, causing drainage problems.

One argument advanced in favour of tarmac planings is that they are 'green' - recycling old materials - and therefore environmentally acceptable. My view is that tarmac in any form is entirely inappropriate for bridleways, which should have as natural a surface as possible, and that every yard of bridleway that is covered in tarmac is one yard lost in recreational, amenity and environmental terms. There is one instance where we have had to use tarmac planings, but we try to avoid them if possible.

Concrete:
Harder than tarmac to fall on, slippery under any conditions, aesthetically unpleasant. Often used where bridleways pass through or past farmyards. As with tarmac, this sort of surface is a net loss in recreational terms and is just as hazardous to ride on.

Loose aggregate:
This is often a favoured material for surfacing bridleways. I cannot fathom out why, but the fact that aggregate is frequently found on tracks that also serve forestry or water undertakings may have something to do with it. However, for a horse, it is rather like a human having to walk barefoot over sharp stones. A horseshoe is designed to protect the outer rim of a horse's hoof from wear on hard surfaces. It doesn't cover the sole of the hoof or the sensitive frog (the triangular protuberance underneath the heel). Loose stone causes bruised soles and consequent lameness; it is also enervating because the surface is unconsolidated.
Flint never breaks down or beds down. Limestone doesn't break down very easily; if it beds down the track can become unacceptably hard.
The other problem with loose aggregate is that, like tarmac planings, it gets washed away, and ends up causing more problems than it solves.

Demolition waste:
This is frequently used for cowboy repairs by farmers or turns up on bridleways because they offer a convenient free tip. It is rarely clean, often containing a mix of rusty metal, wood with nails, and various other nasties with jagged edges. It requires prompt action to enforce its immediate removal.
Accidents resulting from this type of material range from bad cuts and severed arteries to puncture wounds. The latter are difficult to spot immediately and after the initial injury the horse might appear sound. Problems occur later as infection builds up inside the hoof. Although this can be treated, long-term it can lead to navicular disease, which is a crumbling of the bone at the back of the foot. This condition is rarely curable and in most cases the horse ceases to be usable and has to be put down. Tetanus can also occur if a horse has not been vaccinated and the injury is not treated immediately.
Clean demolition waste can safely be used as fill, but needs topping off to a good depth.

Broken bricks:
These are simply nasty as a finished surface, and can cause lameness in the horse. As with clean demolition waste, they are perfectly acceptable as fill if properly topped off.

Deep mud:
Horses don't, of themselves, make bridleways muddy. Bad drainage makes bridleways muddy, and deep mud is the result of heavy use by all sorts of traffic, ranging from vehicles (usually tractors), to cattle, mountain bikes, mass walks and horses. From a horserider's point of view, deep mud is an unknown factor; the critical question is how deep is it? If it has a solid base, then it is passable with care, although a horse may lose a shoe in the process; if there is no solid base, then it is simply impassable. The problem is deciding whether to risk crossing deep mud and hope it does have a solid base or to turn back.
Riding through long stretches of heavy ground will put strain on horses' tendons, ligaments and joints. The older and fitter the horse, the less it will suffer this sort of damage, but no rider willingly wants to put his/her animal through this kind of hazard.

Bog:
In upland areas such as the South Pennines, peat bog presents a distinct problem, and in my experience one that many rights-of-way and countryside officers fail to appreciate, to judge from the number of waymark signs I've come across newly erected in the middle of a bog. The fact is that a horse simply cannot cross peat bog in safety. A small light pony or a native pony with relatively big feet may manage to negotiate soft ground; a large horse will simply sink up to the belly. I have come across cases where a horse has been lost (drowned) in wet peat bog or where it has trapped its rider underneath it. In dry conditions peat forms a crust, which gives way under the weight of a horse, which effectively falls into a dry, apparently bottomless, hole (in our area the average depth of blanket peat is 9 feet). This is a frightening experience, as the horse will struggle frantically to climb out, damaging itself and its rider in the process. If it fails to extricate itself and has to be pulled out, it can suffer irreversible damage to its back and spine.
The traditional method of crossing peat bog was to avoid it. If an old bridleway crosses very soft ground,

then there will probably be a stone road buried somewhere underneath the surface.

Standing water:
No problem if you have a horse that goes through water and there is nothing nasty underneath; but how do you know before you venture?

3. The practitioner's view

I have been repairing bridleways in the South Pennines for the past five years. I would like to dispel a few myths.
The first is that bridleways are expensive to repair, compared to footpaths. They aren't if you consider that more categories of people may use them, and therefore they represent good value for money, particularly if you concentrate on the strategic ones that open up a significant amount of access. It might be relatively expensive to lay 30 yards of stone causeway across a section of peat bog, but if that means that you have thereby opened up a 2-mile bridleway linking two local networks, then it is extremely cost-effective. And a well-laid surface will last a long time if the drainage is maintained. Our costs (what we pay our contractor) are roughly 20-25% of costs quoted by highway authorities using their DLO or approved contractors whose main experience is repairing motor roads.
The second is that horseriders want a super surface. They don't; they simply want to be able to get from A to B in safety, preferably on as natural a surface as possible. For horses the ideal surface is a solid, well-drained base with natural vegetation over the top (ideally short coarse grass, which is resistant to the action of hooves). A drained surface of this sort won't cut up.
The third point is that a variety of surfacing - ranging from relatively hard to relatively soft - is less tiring on a long ride, both for horse and rider. Opportunities for a change of pace are important. Fifteen miles at a slow plod leads to stiffness, and a bored horse. There should be stretches where it is possible to have a canter or gallop on grass. It may be stating the obvious, but it is not a good idea to trot, canter or gallop on hard ground. It shortens a horse's working life.

Where I work, in the South Pennines, we have many examples of stone causeways and pitched stone roads which are still perfectly usable. These were purpose-built for horse traffic and have lasted for centuries. One feature of causeways is that they often have a narrow strip of small stones on either side, which are held in place with kerbstones. These are usually covered by natural vegetation, but they enable a rider to ride either on the causeway, or just off to one side, without falling into a bog or causing erosion.
We work on the principle of minimum intervention. This is partly because we started off from small beginnings, and had to raise the funds to pay for the work ourselves. Also we try to use traditional techniques wherever possible to blend in with what is already there.

Most of the time we are repairing old tracks which, for the most part, were properly built at some time in the past, with proper drainage which has simply become

blocked in recent years. What we are actually doing is putting right years of neglect. Quite often what appears to be a major problem has a very simple solution which only becomes apparent when we actually start work. It does, however, sometimes make it difficult to cost a job in advance.
Most of our work involves drainage. Basically, if the water problems can be sorted out, we find that in most cases the surface will look after itself. The knack is finding where the water is coming from, channelling it off the bridleway, and finding somewhere to put it so that it will not cause problems for anyone else lower down. We tend not to use plastic pipe, which can easily become blocked and is unsightly (it always seems to work its way up to the surface). Where water has to run along a track, we grade the track with a fall to one side, so any surface water naturally drains to the side. This avoids the need for open ditches which can easily become blocked or overgrown, thus presenting an unseen hazard. Where water has to be taken across a track, we use traditional-style stone turnbyes, which are easy to keep clear.

If we have to lay a new surface, we use the local sandstone, which is friable and beds down well. We use large stone for the base, and top it off with fine, sometimes cut with a lean cement mix to keep the topping in place until it has time to revegetate. Revegetation occurs naturally and helps to hold the

road together so that it doesn't swill away. The result is a firm sandy track with grass verges.

4. Examples

Now I would like briefly to show some examples of the problems we have tackled and the solutions we have come up with. [Slides]

Haigh Gutter: stone ford and causeway across peat bog

Dunnock Road: clay base with vehicular use on contour bridleway; cured by sandstone surface and stone crossdrains

Old Great Lane: clay bog and example of injury

Scout Road: water erosion caused by highway improvements (tarmac surface) higher up

Beaumont Clough Road: broken drainage channels and poaching by cattle; cured by relaying culverts and laying sandstone surface (natural revegetation)

Ox Lee Lane: sunken lane acting as watercourse; excavation to original roadway and side drainage into existing watercourses

Hollingworth Lane: dumped materials; excavation to reveal existing road

London Road: deep mud; cured by clearing, cambering and laying sandstone surface; need for routine maintenance; example of stone turnby

Gisburn Old Road: flooding and dumped building rubble; clearing drains and laying limestone surface

Halifax Lane: cambered surface left to vegetate (nonvehicular)

Burnt Edge Lane: rebuilding roadway to cure water erosion; example of surface with tarmac planings (high vehicular use)

Second Standedge Turnpike: stone pitching to repair erosion caused by pedestrians; compared with Pennine Way flagstone path (modern attempt to build traditional causeway)

Rough Hey Lane: waterlogged sunken lane; cured by clearing and renewing drains, and clearing track to natural base

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[1] John Taylor, Works, part ii, p. 242; quoted in Sidney and Beatrice Webb, The Story of the King's Highway, Longmans Green, 1913; reprinted by Frank Cass, 1963, p. 69.

[2] House of Commons Journals, vol. ii, p. 306, 10 February 1710 (Evidence on Sevenoaks and Tunbridge Turnpike Trust Bill); quoted in Sidney and Beatrice Webb, The Story of the King's Highway, p. 69.

[3] Sidney and Beatrice Webb, The Story of the King's Highway, p. 69.

[4] Charles Vancouver, General View of the Agriculture of Devon, 1813, p. 269; quoted in David Hey, Packmen, Carriers and Packhorse Roads, Leicester University Press, 1980, p. 87.ans Green, 1913; reprinted by Frank Cass, 1963, p. 69.

A perfect green road? The inclosure-awarded carriage road, Baybridge Road, Slaley, Northumberland

THE SURFACE OF MINOR HIGHWAYS : ATTENDANCE LIST

NAME	ORGANISATION	GROUP
John Rogers	Wiltshire County Council	1
Keith Wheal	Oxfordshire County Council	1
R Patterson	Derwentside District Council	1
Jackie Warren	Metropolitan Borough of Stockport	2
David Munn	East Sussex County Council	3
Richard Hall	Bedfordshire County Council	4
S Tivey	Cheshire County Council	1
R King	Cheshire County Council	2
M Nutkins	Cheshire County Council	5
J Krause	Cheshire County Council	7
Sue Arnott	Consultant in Countryside Access	8
Chris Fairbrother	Barnsley Metropolitan Borough Council	1
T A Knights	Devon County Council	2
Karl Gerhardsen	North York Moors National Park	5
Fiona Sturgess	British Horse Society	6
G Ibbott	East Hampshire District Council	1
Sue Pearce	Oxfordshire County Council	4
Gary Dawson	Individual Subscriber	8
D Coleman	Gwynedd County Council	5
B Lockyear	Hampshire County Council	1
P Watson	Hampshire County Council	2
I Lawrence	Hampshire County Council	3
M Johnn	Hampshire County Council	4
S Barnett	Hampshire County Council	5
M Meeks	Hampshire County Council	6
Malcolm Ainsworth	Cheshire County Council,Countryside Management	6
Ken Watt	Cheshire County Council,Countryside Management	4
Mike Taylor	Cheshire County Council,Countryside Management	3
J King	Brodsworth Parish Council	1
tbc	Brodsworth Parish Council	5
Chris Smith	Northumberland County Council	2
Brian Thompson	Northumberland County Council	5
Vicky Allen	Leicestershire Bridleways Association	8
Eric Fletcher	Erewash Borough Council	8
Jonathan Roger	Hereford and Worcester County Council	2
Mary King	Hereford and Worcestershire County Council	3
Geoff Allen	Hereford and Worcester County Council	4
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D W Lepper	Countryside Commission,Midlands Regional Office	7
Richard Marshall	Trail Riders Fellowship	2
Joe Greeves	Trail Riders Fellowship	7
Linda Smith	Dept. of Environment Countryside Division	3
C E Langham	British Horse Society, East Midlands	8
Caroline Garfield	Motoring Organisations' Land Access & Recreation Ass'n	8
P G Dugdale	Norfolk County Council,Planning & Transportation Dept.	4
P W Barber	Norfolk County Council,Planning & Transportation Dept.	3
Barry Wylie	Fenland District Council,Development & Leisure Services	6
Clive Williams	West Glamorgan County Council	7
Mark F Holland	Trail Riders' Fellowship	8
Mike Walker	Buckinghamshire County Council,Planning & Transportation Dept.	7
Simon Humphries	Northamptonshire County Council	7
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Phil Staples	Leicestershire County Council	5
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Andrew Perry	Leicestershire County Council	7
Douglas Coombs	Byways and Bridleways Trust	7
Steve Tatlock	Lake District National Park,Countryside Recreation	7
Charlie Morriss	Trail Riders Fellowship	8
Roger Hooper	Roger Hooper Associates	6
Robert Hancock	Kent County Council,Highways & Transportation Dept.	6
Linda Jewell	Wiltshire Bridleways Association	5
G Stewart	Gloucestershire County Council,County Surveyors Dept.	4
Gerry Francis	Gloucestershire County Council	3