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OXFORDSHIRE COUNTY COUNCIL

(EAST CHALLOW, CORNHILL LANE BOAT Nos. 196/3/10, 20, 30 & 40)

(PROHIBITION OF MOTOR VEHICLES AND CARRIAGES) ORDER 20**

Dear Council,

1. The Green Lane Association Limited ("the Association") is a not-for-profit national membership organisation representing over 25,000 affiliated members across 50 groups, alongside 6,000 individual members. We advocate for the lawful and responsible use of the country's ancient unsealed public roads and vehicular rights of way, and we work to promote inclusive countryside access for all, especially those who are underrepresented, disadvantaged, less mobile, or disabled.
2. This submission sets out the Association's formal objection to Oxfordshire County Council's proposal to introduce a Traffic Regulation Order ("TRO" or "the Order") on Cornhill Lane, East Challow ("the route"). The route is a public carriageway, designated a Byway Open to All Traffic ("BOAT"). The Order would prohibit the public from using motor vehicles and horse-drawn carriages wider than 1.5 metres ("the vehicles"), subject to defined exceptions.

3. We recognise that the proposed Order engages a wide range of public interests, and that those interests may be held in tension. Some stakeholders view motorised access as disruptive or environmentally harmful. Others see it as essential to inclusion, heritage, and lawful public use. The Association does not seek to diminish any of these perspectives. We seek only to ensure that all lawful users are fairly represented, and that decisions affecting public rights are made transparently, proportionately, and in accordance with statutory duty.
4. We understand that the decision whether to proceed with the TRO will be made by the Cabinet Member for Transport. Recognising that they may be unfamiliar with the individuals and groups most directly affected by the proposed Order, we respectfully invite review of our publication Inclusive Countryside Access, available at www.glass-uk.org/ica. It highlights how responsible access to unsealed rural roads contributes to mobility, wellbeing, and social inclusion across a diverse user base, including those whose access to the countryside depends on motorised transport due to disability, age, or rural isolation.
5. To further inform the Council's decision-making, the Association invited feedback from its members and groups. Their responses are compiled in Annex A. They offer valuable insight into the practical and personal impact of the proposed Order and reaffirm a shared commitment to inclusive access, responsible conduct, and constructive stewardship.
6. In addition, Annex B contains the Association's condition report for Cornhill Lane. This report documents the physical characteristics of the route, including surface condition, drainage, vegetation encroachment, and repair history. It is offered to assist the Cabinet Member in evaluating the route's suitability for shared use and

in assessing whether deterioration reflects deferred maintenance rather than incompatibility with lawful motorised access.

7. This submission does not seek special treatment. It seeks fair treatment. It does not oppose regulation. It opposes exclusion without evidence. It does not claim perfection. It claims lawful entitlement, and a willingness to collaborate.
8. We invite the Council to consider this submission not as a challenge, but as a contribution. It is offered in the spirit of constructive engagement, and in support of a decision-making process that reflects the principles of public trust, lawful stewardship, and inclusive access.

Section A

Our concerns

9. The Green Lane Association offers the following concerns in the spirit of constructive engagement. Drawing on our experience advising local authorities and contributing to national policy frameworks, we recognise the challenges involved in managing unsealed public roads. We do not oppose regulation. We support regulation that is proportionate, evidence-led, and inclusive, regulation that reflects the diversity of lawful users and the principles of public trust.
10. Cornhill Lane is a public carriageway of longstanding provenance. Its designation as a Byway Open to All Traffic is not incidental, it reflects its legal status, physical capacity, and historical function. The route has served generations of lawful users, including those whose access to the countryside depends on motorised transport due to disability, age, or rural isolation. For these individuals, exclusion is not a matter of preference, it is a matter of practicality and dignity.
11. The removal of public rights, particularly those long exercised lawfully and responsibly, is a serious matter. It must not be driven by preference, perception, or convenience. A Traffic Regulation Order represents the most severe restriction available to the Council, and its use must be justified under the Road Traffic Regulation Act 1984 by clear, proportionate, and evidence-led reasoning. In this case, the Council has presented a rationale, but has not disclosed the supporting documentation necessary to test that rationale. This omission makes it difficult for the Cabinet Member to reach a lawful and sustainable decision.
12. The Council has also accepted severe encroachment along the route without challenge or remediation, despite its statutory duty under section 130 of the Highways Act 1980 to assert and protect the full width of the highway. Historical

mapping confirms that the route was laid out to accommodate the passage and re-passage of vehicles. Its narrowing appears to reflect deferred maintenance and unmanaged vegetation, not structural unsuitability.

13. We are concerned that the Council has departed from established Government guidance on managing byways and similar unsealed roads. DEFRA's framework encourages condition surveys, stakeholder engagement, and proportionate mitigation. These steps have not been disclosed. Instead, the Council appears to have adopted unsupported criteria, creating a presumption in favour of prohibition rather than facilitating a balanced assessment.
14. This imbalance is especially problematic in the context of the statutory balancing exercise required under section 122 of the Road Traffic Regulation Act 1984. The documentation provided does not correctly address this duty and presents factors that bear little resemblance to the principal criteria set out in national guidance. The framing of the consultation materials risks procedural bias and undermines the integrity of the process.
15. Moreover, the Council's reliance on repair costs as justification for prohibition is legally misplaced. Financial considerations alone do not constitute a lawful basis for restricting public rights. To rely on cost-related concerns without publishing any impact assessment, maintenance audit, or causal analysis between specific vehicle types and deterioration amounts to a misapplication of statutory powers.
16. The Council must also consider its duties under the Equality Act 2010, particularly the risk of indirect discrimination against users who rely on vehicular access due to disability or mobility limitations. Blanket exclusion risks breaching these duties unless justified by proportionate evidence and reasonable alternatives.

17. A further concern lies in the legal reasoning underpinning the prohibition. The Council has misconstrued its statutory obligations under section 41 of the Highways Act 1980 to maintain the highway commensurate with its lawful use. It has substituted its own interpretation of maintenance responsibility, ensuring the route is “maintain[ed] ... suitable for Bridleway use” and “an asset to the local walking / horse riding / cycling community”, while neglecting its absolute duty to ensure the route is adequately robust to support the vehicles it now seeks to exclude.
18. Compounding these issues is the structure and presentation of the consultation itself. The Statement of Reasons and Supporting Statement suggest that the Order is a foregone conclusion rather than a proposal subject to genuine public input. The Council has curated the route in a manner that creates a presumption in favour of prohibition and has failed to disclose the evidential basis for its concerns. This omission undermines transparency and impedes the public’s ability to scrutinise the proposal. It also risks breaching the Gunning Principles and casts doubt on whether the Council has meaningfully engaged with all stakeholders, particularly those representing lawful motorised users.
19. We therefore urge the Council to reconsider the proposed Order in light of these concerns and to engage with stakeholders in developing a proportionate, evidence-led alternative. The Association actively supports the principles of transparency and solution-focused dialogue. We remain committed to regulation that preserves access for all lawful users and reflects the historic and cultural value of these routes. Exclusionary measures, particularly blanket prohibitions, are rarely conducive to long-term compliance and often provoke avoidable tension. By contrast, inclusive, evidence-led strategies are more likely to command public support and deliver enduring stewardship.

20. We extend an open invitation to convene inclusive dialogue, formal or informal, at the Council's discretion, and trust that it shares our aim of building a framework rooted in law, evidence, and fairness for all public stakeholders.

Section B

Government policy framework and national guidance

21. The Green Lane Association recognises that regulation must be grounded not only in statutory authority, but in the spirit and standards of national guidance. DEFRA's policy framework offers a clear and practical roadmap for managing unsealed rural highways, one that balances public rights, environmental stewardship, and inclusive access. It does not oppose regulation. It supports regulation that is proportionate, evidence-led, and shaped through collaboration.
22. The Association's approach is firmly aligned with this ethos. DEFRA encourages authorities to adopt tolerant strategies for shared use, recognising that the historic highway network forms an integral part of our cultural heritage and that the public has a right to enjoy it responsibly.
23. DEFRA's Rights of Way Circular (1/09) remains the principal Government policy document for managing the Public Rights of Way network. Section 6.5 of the Circular states:

Maintenance should be such that ways are capable of meeting the use that is made of them by ordinary traffic at all times of the year. Under appropriate circumstances this might require the importation and application of suitable hard materials. Maintenance need not conform to an arbitrary standard of construction or appearance, but it should harmonise with the general appearance and character of the surroundings. Guidance has been issued on best practice in the maintenance of byways.

24. This guidance affirms a simple but vital principle: maintenance must reflect actual use, not an arbitrary standard. The Council's assertion that BOATs should be maintained to Bridleway standards is inconsistent with both DEFRA's position and its statutory duty under section 41 of the Highways Act 1980.
25. Section 6.28 of the Circular directs authorities to DEFRA's companion publications: Making the Best of Byways (MBoB) and Regulating the Use of Motor Vehicles on Public Rights of Way and Off Road. These documents provide practical guidance on managing motorised use, assessing condition, and implementing proportionate regulation.
26. DEFRA's advice is clear: before considering prohibition, authorities should conduct condition surveys, assess seasonal stress factors, and evaluate the durability of the route. Section 2.4 of MBoB emphasises:

It is important to assess the condition of the byway when determining appropriate maintenance and repair options. Byway condition surveys provide authorities with current information on condition and on changes over time. Surveys can vary by scale and nature, from those collecting data to specify repair works for an individual byway, to those used to monitor the whole byway network.

The main aim of a survey is to record sufficient information to provide a representation of the byway at a particular time, and the survey should record details such as nature of the byway surface, culverts and drainage features. Digital cameras are particularly effective in supplementing hand written records.

27. At sections 3.3 and 7 of MBoB, DEFRA sets out guidance on how authorities should address each type of distress surveyed. The repair advice for rutting is laid out in Distress Information Sheets 1 to 6. Although the Association has not seen the surveys carried out by the Council, our initial assessment indicates Sheet 6, “Bearing failure of subgrade surface”, may be the most applicable to Cornhill Lane. DEFRA recommends:

There are two maintenance and repair solutions, ideally undertaken in combination:

- *Provide a more resistant byway surface and structural layer if necessary.*
- *Improve the drainage of the subgrade and clear vegetation.*

28. Section 2.5 further stresses the importance of understanding the stresses a byway routinely experiences, noting that seasonal vulnerability may justify temporary restrictions, but only once site-specific characteristics are properly understood:

The uses of the byway will determine the stresses it routinely experiences and are an important factor in assessing appropriate responses to byway problems. For example, a byway with an exposed clay surface used by land management vehicles when harvesting crops may suffer from rutting. Annual regrading of the surface may be a more appropriate response than the addition of a load bearing layer of aggregate material.

...

The level of use of a byway will vary during the year. Some byways may attract significant traffic during the winter but the majority is likely to be used most intensively between spring and autumn. Horse riders and walkers will

use byways all year if the conditions are suitable. Byways that provide access for land management and to dwellings will also be used all year round. In some cases farmers may use tracks more intensively in winter when feed needs to be taken out to livestock.

It is worth noting that a high-stress use may be related to the seasonal condition of the byway, as byways are more vulnerable to deterioration when wet. Therefore, it may be appropriate to restrict the level of use or the applied stresses at particular times of the year. This could be considered as part of the response to a problem once the site specific characteristics of the byway are understood...

29. Action Sheet 6 summarises the key actions a Council should take before making a TRO. These include:

- A condition survey indicating the byway is unsafe
- Substantiated reports showing risk to non-motorised users
- Multi-year data showing seasonal or permanent unsuitability
- Risk assessments showing ecological or heritage constraints

To date, the Council has not disclosed any condition surveys, seasonal stress assessments, or multi-year usage data. This omission represents a clear departure from DEFRA's recommended approach and undermines the evidential basis for the proposed Order.

30. DEFRA also encourages collaboration:

Develop a working relationship between local authorities, the local police and local motoring groups so as to improve coordination and use of the powers available.

31. Despite this clear recommendation, the Council has not engaged with the Association or other representative groups in developing its proposals. This failure to collaborate undermines both the legitimacy and the practicality of the proposed Order. It also risks breaching the Gunning Principles, which require authorities to consult meaningfully at a formative stage and provide sufficient information to enable intelligent response.

32. Where issues arise, DEFRA advises that authorities should examine the causes carefully and identify proportionate mitigations. Recommended measures include establishing local user groups, erecting signage, and developing codes of conduct, solutions that facilitate responsible use without resorting to blanket exclusion. These principles are reinforced in Section 2.1:

Where conflict occurs, authorities should examine the nature and causes of this conflict and establish measures to minimise its occurrence. This might include forming a local byway user group to discuss and resolve problems, erecting byway signs and developing a code of conduct.

33. DEFRA's guidance does not support financial burden alone as a justification for prohibition. Regulation must be based on demonstrable risk, not cost-saving preferences. To rely on cost-related concerns without publishing any impact

assessment, maintenance audit, or causal analysis between specific vehicle types and deterioration amounts to a misapplication of statutory powers.

34. These policy documents are not merely advisory. They inform how statutory duties under the Highways Act 1980 and the Road Traffic Regulation Act 1984 must be interpreted and applied in practice. DEFRA's guidance is routinely cited in judicial review as a benchmark for procedural fairness and proportionality, and its principles carry interpretive weight in assessing whether a public authority has acted reasonably.
35. This inclusive ethos is further reflected in the Quiet Lanes and Home Zones (England) Regulations 2006, which promote shared recreational environments. These regulations endorse road design that accommodates pedestrians, cyclists, equestrians, and motorists alike, conditions mirrored across much of the rural highway network, where DEFRA reports "minimal direct conflict between byway users."
36. Taken together, these documents establish a clear expectation: that regulation must be proportionate, evidence-led, and inclusive. The Council's current approach fails to meet these standards and risks rendering the proposed Order unlawful.
37. The Association respectfully invites the Council to reconsider its approach, not as a concession, but as a principled step toward lawful governance, inclusive access, and public trust. We remain ready to support the Council in strengthening its process and ensuring that all lawful users are fairly represented in the decisions that follow.

Section C

Council Equality Policy and Minority Group Inclusion

The Council's Inclusion Commitments

38. Oxfordshire County Council's Including Everyone Equality, Diversity and Inclusion Framework (2024–2029) sets out a clear and commendable ambition: to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups. These duties apply not only to protected characteristics under the Equality Act 2010, but also to underrepresented and disadvantaged communities whose access to public services and spaces may be structurally limited, whether through regulatory exclusion, physical inaccessibility, or policy omission.

As Councillor Liz Leffman writes in the Framework's foreword:

"We want Oxfordshire to be a place where everyone can thrive, no matter their background. Our county is changing, and many of our communities have faced painful challenges in recent years with COVID-19 and the cost-of-living crisis, which have heightened inequalities in our communities. We know that the climate crisis will impact disadvantaged and marginalised communities more. As a council we must do our part to meet these challenges head on to help ensure that everyone can realise their full potential.

We take our obligations and commitments very seriously and we are determined to challenge discrimination and reduce inequality in all that we do..."

39. This inclusive ethos must extend to all lawful users of the public highway network, including those whose access is constrained by mobility, geography, or regulatory design. It must also shape the way public decisions are framed, consulted upon, and justified, particularly where those decisions may disproportionately affect structurally disadvantaged groups.
40. In the context of the proposed Order, the Council's commitment to inclusion is not merely aspirational, it carries statutory weight. The Equality Act 2010 imposes a Public Sector Equality Duty to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations. These duties apply to both the substance and the process of decision-making, including the design of consultations and the assessment of impact.
41. Where a proposed restriction risks excluding a minority user group, especially one with limited alternatives, the Council must ensure that its procedures are transparent, its evidence is disclosed, and its engagement is inclusive. These principles are not optional, they are foundational to lawful governance and public trust.

Motorised Users as a Structurally Disadvantaged Group

42. Responsible recreational motorised users, particularly those who rely on vehicular access due to disability, age, or chronic health conditions, constitute a minority group whose needs must be considered in any lawful balancing exercise. While they represent a small fraction of the overall rights-of-way user base, their lawful access is disproportionately impacted by exclusionary regulation.

43. This disadvantage is rarely explicit. It arises through structural limitations, a network that offers few viable alternatives, policy frameworks that overlook their needs, and consultation processes that fail to engage their lived experience. In this context, the proposed Order risks compounding a pattern of indirect discrimination, where access is not formally denied, but becomes functionally impossible.
44. Under section 149 of the Equality Act 2010, public authorities are required to have due regard to the need to:
- Eliminate discrimination, harassment, and victimisation;
 - Advance equality of opportunity between persons who share a protected characteristic and those who do not;
 - Foster good relations between different groups.
45. This duty applies not only to service delivery, but to the design and implementation of public policy, including decisions about access to the countryside. Where a proposed restriction disproportionately affects a group with protected characteristics, the authority must demonstrate that the measure is justified, proportionate, and supported by reasonable alternatives.
46. As the Green Lane Association notes in its publication Inclusive Countryside Access:

No one should be excluded from using our Public Rights of Way because of any physical, sensory, mental, cognitive, developmental, or intellectual challenges that they experience. The preferred choice of lawful transport on

a public highway belongs to the individual—they should not be excluded because of it.

47. This principle speaks directly to the Council's duties under the Equality Act and its own Including Everyone framework. It affirms that access must be judged not by majority preference, but by the needs of those with the fewest alternatives. Where motorised access is the only practicable means of experiencing the countryside, its exclusion demands careful justification and proportionate reasoning.
48. The proposed Order, by prohibiting motor vehicles and carriages without demonstrable justification or consideration of reasonable alternatives, risks undermining the Council's own commitments to inclusive service delivery and equitable decision-making.

Strategic Omission in the Rights of Way Management Plan

49. Oxfordshire County Council's Rights of Way Management Plan (2015–2025) sets out a statutory framework for countryside access. It rightly promotes walking, cycling, and equestrian use as sustainable and low-impact modes of travel, and these are consistently prioritised throughout its strategic objectives. As stated in Section 3.2:

The plan focuses on improving provision for walkers, cyclists and equestrians, and on ensuring that the network is accessible to as many people as possible, including those with mobility impairments.

50. This commitment is welcome. However, the Plan contains no strategic objective, policy commitment, or implementation measure relating to motorised access.

BOATs are mentioned only in terms of legal classification, without any recognition of their amenity value or the needs of those who rely on them due to disability, age, or chronic health conditions.

51. This omission is not simply a matter of wording, it has practical consequences. When a user group is absent from strategic frameworks, its needs are less likely to be considered in consultation, reflected in mitigation strategies, or supported through proportionate regulation. In the context of the Equality Act 2010 and the Council's Including Everyone framework, such underrepresentation warrants careful attention.
52. The Association does not suggest that this omission was intentional. Rather, we submit that the current Plan would benefit from a more inclusive framing, one that acknowledges the diversity of lawful users and reflects the Council's broader commitments to equity, transparency, and public trust.
53. Responsible recreational motorised access, particularly for those with mobility constraints, is not a fringe concern. It is a lawful mode of travel, recognised in national guidance and protected under statute. Its absence from strategic planning risks creating a procedural blind spot, where decisions affecting motorised users are made without a full understanding of their needs, constraints, or lived experience.
54. The Association respectfully invites the Council to review its Rights of Way Management Plan with this in mind. A more inclusive framework would not only strengthen the legitimacy of future decisions, it would help ensure that all lawful users, especially those with limited alternatives, are fairly represented in the development and stewardship of the public highway network.

Policy Framing and Procedural Imbalance

55. Oxfordshire County Council's Managing Motor Vehicles on Public Rights of Way Policy reflects a clear emphasis on protecting non-motorised users from perceived risk. Policy MMVP2 states:

OCC recognises the vulnerability of walkers, horse riders and cyclists compared to motor vehicles on PRow. OCC will therefore repair, maintain and improve PRow to benefit these vulnerable users, ensuring access is maintained for lawful motor vehicles.

56. While this acknowledges the legality of motorised access, it frames it as a secondary consideration, accommodated only insofar as it does not conflict with the needs of other groups. The language suggests that motorised users are tolerated rather than actively supported, and that their inclusion is conditional rather than integral.
57. This framing has procedural consequences. When a user group is positioned as peripheral, its needs may be underrepresented in consultation, overlooked in impact assessments, and insufficiently considered in regulatory design. The absence of any strategic commitment to motorised users, particularly those with mobility constraints, sits uneasily alongside the Council's broader commitments to inclusive access and proportionate regulation.
58. The Association does not suggest that this imbalance is intentional. Rather, we submit that the current policy framing may inadvertently marginalise a minority user group whose access is already structurally constrained. In the context of the

Equality Act 2010 and the Council's Including Everyone framework, such framing warrants careful review.

59. In the sections that follow, the Association explores how this under-recognition manifests in decision-making, route management, and public consultation. These observations are offered not as criticism, but as constructive support for a more inclusive and evidence-led approach.

Consequences of Limited Policy Recognition

60. The absence of strategic recognition for motorised users within the Council's planning and policy frameworks has tangible consequences. When a user group is not explicitly acknowledged, its needs are less likely to be considered in consultation, reflected in impact assessments, or supported through proportionate regulation. This underrepresentation creates a form of procedural exclusion, where lawful users are not formally denied access, but are functionally sidelined in decision-making.
61. This is particularly significant in the context of the Council's Including Everyone framework and its duties under the Equality Act 2010. Where access is structurally constrained, whether by physical limitations, regulatory barriers, or policy omission, public authorities are expected to take active steps to understand and accommodate the needs of affected groups. This includes ensuring that consultation processes are inclusive, that impact assessments are comprehensive, and that decisions are proportionate.
62. The Council's Rights of Way Management Plan (2015–2025) makes no strategic reference to motorised users as a constituency of recreational access. Nor does it

acknowledge the needs of those who rely on vehicles due to disability or mobility constraints. BOATs are mentioned only in terms of legal classification, without any commitment to preserving their amenity value or supporting inclusive use.

63. This omission stands in contrast to national guidance. DEFRA's Making the Best of Byways and Rights of Way Circular 1/09 both affirm that motorised access is lawful and manageable when supported by proportionate regulation and stakeholder engagement. As DEFRA advises:

Authorities should examine the nature and causes of conflict and establish measures to minimise its occurrence. This might include forming a local byway user group, erecting byway signs and developing a code of conduct.

64. These measures are designed to support shared use, not to exclude it. Their absence in the Council's current approach suggests that motorised access has not been considered in strategic terms.

65. DEFRA's Circular 1/09 further clarifies that:

Maintenance should be such that ways are capable of meeting the use that is made of them by ordinary traffic at all times of the year.

66. This guidance affirms that maintenance must reflect actual use, not an arbitrary standard. The Council's assertion that BOATs should be maintained to Bridleway standards is inconsistent with both DEFRA's position and its statutory duty under section 41 of the Highways Act 1980.

67. The practical consequence of this limited recognition is a narrowing of access for those with the fewest alternatives. Without explicit inclusion in strategic

frameworks, motorised users are less likely to be consulted, less likely to see their needs reflected in route management, and more likely to be affected by exclusionary regulation. This risks undermining the Council's commitments to inclusive service delivery and equitable decision-making.

68. The Association respectfully invites the Council to publish any internal guidance, consultation protocols, or strategic assessments that reference motorised access. If such materials exist, they would help clarify how the Council has approached its duties under the Equality Act and the Road Traffic Regulation Act 1984. If they do not, that absence may warrant further review.

Lived Experience and Inclusive Access

69. The policy omissions and procedural imbalances outlined above are not abstract. They have real consequences for individuals whose access to the countryside depends on lawful vehicular use. For many, motorised access is not a recreational preference, it is a practical necessity. It enables participation in outdoor life that would otherwise be inaccessible due to disability, age, sensory sensitivity, or chronic health conditions.
70. The Association's publication Inclusive Countryside Access documents these experiences in detail. It states:

For many individuals, vehicular use of unsurfaced rural roads is not simply a recreational preference—it is the only practicable means of experiencing the countryside. Users with disabilities, mobility limitations, sensory sensitivities, or chronic health conditions rely on lawful vehicular access to reach remote natural settings without hardship or exclusion.

71. This testimony reflects a broader pattern of exclusion that arises when policy frameworks fail to account for the diversity of lawful users. It reinforces the principle that access must be judged not by majority preference, but by the needs of those with the fewest alternatives.

Annex A offers compelling examples of this reality. One member writes:

I have a disability that prevents me from walking far. Without access to routes like Cornhill Lane, I simply cannot reach the countryside. It's not about convenience—it's about dignity and inclusion.

Another respondent highlights the emotional and social value of access:

I use my 4x4 to take my elderly father out into the countryside. It's one of the few things that brings him joy. These lanes aren't just roads—they're lifelines.

Others describe the practical barriers created by exclusion:

Walkers, equestrians and cyclists have a wealth of other routes to choose from, while vehicular users in the county have relatively few. If this lane is closed, we lose one of the last viable options.

Cornhill Lane has suffered years of neglect. The council have let the lane become overgrown... If the lane was properly cleared there would be plenty of room for all users to easily pass.

Simple maintenance and a few grips could easily solve this problem...

Simple traditional maintenance is all it needs, not just scraping the surface.

72. These accounts are not isolated. They reflect a consistent theme, that responsible motorised users are being excluded not because of evidence, but because of perception, and that this exclusion disproportionately affects those with limited alternatives.
73. Under section 149 of the Equality Act 2010, public authorities are required to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups. Indirect discrimination occurs when a policy or decision, though neutral in appearance, places a particular group at a disadvantage. Where exclusion is proposed, authorities must demonstrate that it is a proportionate means of achieving a legitimate aim, and that reasonable alternatives have been considered.
74. To date, no such demonstration has been made. The consultation materials do not reflect the lived experience of mobility-restricted users, nor do they offer any mitigation strategies or alternative provisions. The absence of this perspective risks rendering the proposed Order not only disproportionate, but procedurally incomplete.
75. The Association respectfully submits that inclusive governance requires more than legal compliance. It requires active engagement with those whose access is most fragile. We invite the Council to consider these lived experiences not as anecdotal, but as essential evidence in the statutory balancing exercise required under section 122 of the Road Traffic Regulation Act 1984.

Procedural Fairness and Consultation Integrity

76. The statutory balancing exercise required under section 122 of the Road Traffic Regulation Act 1984 depends not only on the substance of the evidence, but on the integrity of the process by which that evidence is gathered, disclosed, and weighed. The Council's Supporting Statement reflects an effort to comply with procedural norms. It references route vulnerability, repair history, and statutory powers. These elements suggest that the Council has considered its duties in principle.
77. However, the Association respectfully submits that the consultation process and supporting documentation do not yet meet the evidential and procedural standards required for a proportionate and inclusive decision, particularly one that risks excluding a structurally disadvantaged user group.
78. The Gunning Principles require that consultation be conducted at a formative stage, with sufficient information to enable intelligent consideration and response. While the Council has presented a rationale, it has not disclosed the underlying evidence, such as condition surveys, enforcement records, or Equality Impact Assessments, that would allow consultees to assess the validity of its claims. This limits the public's ability to engage meaningfully with the proposal and undermines the transparency of the process.
79. The Tameside duty, established in *Secretary of State for Education v Tameside MBC* [1977], further requires that public authorities correctly understand and evaluate the relevant facts before making a decision. The Supporting Statement refers to "monitoring the route for the last four years," yet the route has been subject to a Temporary Traffic Regulation Order for much of that period. It is unclear how the Council has assessed the impact of lawful motorised use, or

whether it has distinguished between responsible access and antisocial behaviour. Without published evidence, it is difficult to determine whether the Council's conclusions are based on representative data or assumption.

80. The Local Government Transparency Code 2015 and the Openness of Local Government Bodies Regulations 2014 reinforce the public's right to inspect documents that inform significant decisions. The continued withholding of background papers, impact assessments, and supporting documentation undermines the legitimacy of the process and impedes the exploration of workable alternatives.
81. The inclusion of horse-drawn carriages within the scope of the proposed prohibition is a case in point. These are longstanding, legitimate users of rural carriageways, and their exclusion appears procedurally unsupported. The Supporting Statement offers no evidence of harm, conflict, or incompatibility associated with carriage use. Their inclusion risks conflating lawful activity with nuisance and undermines the principle of proportionate regulation.
82. The Association does not suggest that the Council has acted in bad faith. Rather, we submit that the process would benefit from greater transparency, fuller disclosure, and more inclusive engagement. This is especially important given the severity of the proposed restriction and its disproportionate impact on users with limited alternatives.

Network Scarcity and Comparative Disadvantage

83. Responsible recreational motorised users face a structurally limited network. BOATs constitute only a small fraction of Oxfordshire's overall rights-of-way

provision. According to Appendix 1 of the Council's Rights of Way Management Plan (2015–2025), the approximate mileage of each route type is as follows:

<i>Route Type</i>	<i>Approximate Length (miles)</i>
Footpaths	1,800
Bridleways	1,000
Restricted Byways	100
BOATS	50–60

84. This means BOATs account for less than 2% of the total network. Yet they serve a diverse cohort of lawful users, including those with mobility constraints who cannot access footpaths or bridleways. The proposed Order would further reduce this already scarce provision, disproportionately affecting those with the fewest alternatives.
85. This disparity has practical consequences. For users who rely on motorised access due to disability, age, or rural isolation, the closure of a single BOAT can mean the effective loss of countryside access altogether. Unlike walkers or cyclists, these users cannot simply divert to adjacent routes. Their exclusion is not incidental, it is structural.
86. In this context, the proposed prohibition must be assessed not only for its local impact, but for its contribution to a broader pattern of network attrition. The Council's statutory duties under the Equality Act 2010 and the Road Traffic Regulation Act 1984 require it to consider the cumulative effect of restrictions on

minority user groups. Where lawful access is already scarce, further exclusion demands a particularly high evidential threshold.

87. The Association respectfully submits that this threshold has not yet been met. The Supporting Statement does not quantify the impact of the proposed Order on motorised users, nor does it assess the availability of alternative routes with equivalent amenity, accessibility, or legal status. Without such analysis, it is difficult to determine whether the proposed restriction is proportionate, necessary, or inclusive.
88. This is not a theoretical concern. It is a lived reality for those whose access depends on lawful vehicular use. The proposed Order would remove one of the few remaining routes in the district that is both legally accessible and geographically viable for responsible motorised users. It would do so without a published Equality Impact Assessment, without evidence of irreparable harm, and without meaningful engagement with those most affected.
89. The Association invites the Cabinet Member to consider whether the proposed Order reflects not only statutory compliance, but the principles of fairness, inclusion, and public trust. Where access is already scarce, further restriction must be justified with care, clarity, and a full understanding of its human impact.

Disproportionate Impact and Policy Inconsistency

90. The proposed Order must be considered not in isolation, but in the context of a broader pattern of regulatory attrition affecting motorised users. BOATs already constitute less than 2% of Oxfordshire's rights-of-way network, and many have

been subject to seasonal or permanent restrictions in recent years. Each prohibition narrows the available network, concentrating lawful use into fewer routes and increasing pressure on those that remain.

91. To assist the Cabinet Member in visualising this cumulative effect, the Association has included an extract from its national database of green lanes, showing BOATs in the surrounding area. Routes marked with red circles indicate those already subject to Traffic Regulation Orders. As the image illustrates, the proposed closure of Cornhill Lane would further isolate motorised users in the Vale of White Horse, reducing viable access to a handful of fragmented routes.



92. This is not a theoretical concern, it is a lived reality for those whose access depends on lawful vehicular use. The proposed Order would remove one of the few remaining routes in the district that is both legally accessible and geographically viable for responsible recreational motorised users. It would do so without a published Equality Impact Assessment, without evidence of irreparable harm, and without meaningful engagement with those most affected.
93. In this context, the impact is not merely disproportionate, it is structurally exclusionary. The Council's statutory duties under section 122 of the Road Traffic

Regulation Act 1984 and section 149 of the Equality Act 2010 require it to consider the cumulative effect of restrictions on minority user groups. Where lawful access is already scarce, further exclusion demands a particularly high evidential threshold.

94. Moreover, the Council's approach risks inconsistency in its treatment of lawful users. The Supporting Statement frames the route as "an asset to the local walking / horse riding / cycling community," yet proposes to exclude other lawful users whose rights are equally protected. This framing suggests a hierarchy of amenity, rather than a balanced assessment of public value. It also sits uneasily alongside the Council's duty to secure the safe and convenient movement of all classes of traffic.
95. The Association respectfully submits that the proposed Order cannot be considered proportionate or lawful without a full assessment of its cumulative impact, both locally and across the wider network. The Council must consider not only the immediate effect of the prohibition, but its contribution to a broader pattern of exclusion that risks undermining the principles of inclusive access and responsible stewardship.

Invitation to Reconsider

96. The Green Lane Association respectfully invites the Council to reflect on whether the proposed Order aligns with its statutory duties, policy commitments, and the lived experience of those most affected. The Equality Act 2010 requires public authorities to avoid indirect discrimination and to advance equality of opportunity, especially where access is structurally constrained. The Council's Including Everyone framework reinforces this obligation, affirming that inclusion must extend

to all communities, including those whose access to public spaces is limited by mobility, geography, or regulatory design.

97. The proposed prohibition would disproportionately affect a minority user group whose lawful access is already scarce. It would do so without a published Equality Impact Assessment, without evidence of irreparable harm, and without meaningful engagement with those most affected. In this context, the impact is not merely disproportionate, it is structurally exclusionary.
98. The Association's publication Inclusive Countryside Access (available at www.glass-uk.org/ica) offers detailed insight into how responsible recreational motorised access to unsealed rural roads supports inclusion, wellbeing, and mobility for individuals with protected characteristics. It highlights the lived experience of users who rely on vehicular access due to disability, age, sensory sensitivities, or chronic health conditions, many of whom are otherwise excluded from outdoor recreation.
99. Inclusive governance requires that all lawful users, especially those with limited alternatives, be given fair and proportionate consideration in the management of public rights of way. The Association does not oppose regulation. It supports regulation that is evidence-led, proportionate, and inclusive, regulation that reflects the diversity of public need and the principles of lawful stewardship.
100. The following sections offer further evidence to assist the Cabinet Member in undertaking the statutory balancing exercise required under section 122 of the Road Traffic Regulation Act 1984. They examine the route's public value, physical characteristics, repair history, and legal status, and propose practical measures to support proportionate regulation. These observations are offered not as criticism, but as constructive support for a lawful and inclusive outcome.

Section D

Public Value and Connectivity

Historical Status and Legal Provenance

101. Cornhill Lane is a public carriageway of longstanding provenance. Its designation as a Byway Open to All Traffic reflects not only its legal status, but its original function, to support the passage and re-passage of lawful traffic across open countryside. This is not a matter of interpretation, it is a matter of statutory designation.
102. The route's alignment through open farmland, its connection between settlements, and its physical characteristics all suggest that it was laid out to serve more than local access. It forms part of a wider network of ancient highways that have historically supported regional movement, linking the Vale of White Horse with the North Wessex Downs and beyond.
103. To support this provenance, the Association exhibits a map extract from the 1801 Enclosure Award for Letcomberegis and East Challow. It clearly identifies Cornhill Lane as a public carriage road and highway, laid out to connect the Turnpike Road between Wantage and Faringdon with the Ickleton Way. This alignment reflects a deliberate effort to facilitate regional movement and affirms the route's strategic character.



104. Early Ordnance Survey mapping further confirms the route's continuity and physical capacity. Its present-day designation as a BOAT affirms its status as a highway open to all classes of traffic, and its historical function remains embedded in both its legal status and physical form.
105. These foundations carry statutory implications. Under section 41 of the Highways Act 1980, the Council is required to maintain the full extent of the highway commensurate with its lawful use. Under section 122 of the Road Traffic Regulation Act 1984, it must consider the effect of any proposed restriction on all

classes of user. These duties are not discretionary, they reflect Parliament's intent to preserve public rights and ensure proportionate regulation.

106. Cornhill Lane is part of a wider network of unsealed public roads whose historical character and legal status continue to support inclusive access. Its designation as a BOAT reflects a recognition that the route remains suitable for lawful vehicular use, and that its public value extends beyond any single user group.
107. This is precisely the kind of route the Green Lane Association was founded to protect. As a not-for-profit organisation, the Association exists to preserve and promote public access to the ancient highway and byway network, ensuring that these historic routes remain open, usable, and inclusive for all lawful users. Cornhill Lane exemplifies the kind of heritage, connectivity, and amenity that the Association seeks to safeguard, not only for its members, but for the wider public.
108. The Association respectfully invites the Cabinet Member to recognise this provenance as part of the statutory balancing exercise, and to ensure that any decision reflects the route's lawful character, physical capacity, and enduring public purpose.

Amenity Value to our Membership

109. Cornhill Lane holds enduring amenity value for the Green Lane Association's national membership. It is a route of character and connection, linking landscapes, communities, and generations through responsible recreational use. Its alignment through open countryside offers not only scenic immersion, but a sense of continuity with the region's rural heritage. For many, it is not simply a means of travel, but a place of engagement, reflection, and quiet stewardship.

110. Prior to the introduction of the Temporary Traffic Regulation Order in 2019, affiliated groups used the route lawfully and with care. Their visits supported local economies, fostered informal monitoring, and contributed to the upkeep of the route through voluntary reporting and engagement. Feedback compiled in Annex A confirms that users coexisted harmoniously, with no documented conflict between motorised and non-motorised groups.

As one member writes:

I object to the proposed TRO on this wonderful little lane.

Another reflects on the practical experience of shared use:

I've used this lane for many years (25+), while living in Oxfordshire and Wiltshire, in my 4x4 and I've never had an issue passing other users... just like any other lane (tarmac or unsurfaced), you reverse and find somewhere to pull in to let others pass.

111. These accounts are not anecdotal, they corroborate a pattern of lawful, peaceful use over decades. They speak to a user group that is often overlooked in policy framing, yet whose presence is both lawful and constructive.
112. Cornhill Lane is one of a dwindling number of Byways Open to All Traffic within Oxfordshire that remain viable for motorised use. The surrounding network has seen progressive restriction, and the loss of this route would further narrow the options available to those who rely on vehicular access, whether due to disability, age, or geographic isolation. For these individuals, Cornhill Lane is not simply a

preferred route, it may be one of the few remaining opportunities for meaningful countryside engagement.

113. In this context, the route's amenity value must be assessed not only in terms of landscape character or recreational enjoyment, but in its capacity to support inclusive access and lawful public use. The Association respectfully invites the Cabinet Member to recognise this value as part of the statutory balancing exercise, and to ensure that all lawful users, especially those with limited alternatives, are fairly represented in the decision-making process.

Recognition and Balance

114. The Association respectfully submits that the amenity value of Cornhill Lane to its members is integral to its lawful designation, historical function, and continued public utility. It supports inclusive access, responsible recreation, and cultural continuity across a user group whose opportunities for countryside engagement are already limited. These values are not abstract, they are reflected in lived experience, in the quiet enjoyment of rural landscapes, and in the stewardship offered by those who use the route lawfully and with care.
115. While the Council's consultation materials commendably highlight the interests of walkers, cyclists, and equestrians, they omit any meaningful recognition of responsible recreational motorised users, despite their lawful entitlement and longstanding presence. This absence is not merely rhetorical. It risks overlooking a minority group whose access is structurally constrained by geography, mobility, and network scarcity. For many, routes like Cornhill Lane are not a matter of convenience, but of necessity.

116. This is especially significant given the historical character of the route and the wider network it represents. Cornhill Lane is part of a centuries-old system of public highways laid out to connect communities, support rural livelihoods, and enable lawful passage across open countryside. These routes are not relics, they are living infrastructure, embedded in the landscape and sustained by generations of public use. Their preservation is not only a matter of statutory duty, but of cultural stewardship.
117. The Green Lane Association was founded to protect this legacy. Its purpose is to preserve and promote public access to the ancient highway and byway network, ensuring that these historic routes remain open, usable, and inclusive for all lawful users. Responsible recreational motorised users are part of that public constituency. Their presence affirms the continued relevance of these routes and contributes to their informal monitoring, maintenance, and public value.
118. In undertaking the statutory balancing exercise required under section 122 of the Road Traffic Regulation Act 1984, the Cabinet Member is invited to consider this omission with care. The evidence confirms that motorised use has coexisted peacefully with other groups, that the route's physical characteristics support shared use, and that its exclusion would fall most heavily on those with the fewest alternatives. In this light, continued motorised access is not simply compatible with the route's public value, it is essential to preserving it.
119. A decision that affirms this access would reflect both the letter and spirit of the law. It would honour the route's heritage, uphold the Council's commitments to fairness and inclusion, and ensure that regulation remains proportionate, evidence-led, and publicly legitimate. The Association trusts that these considerations will be weighed with care, and stands ready to support any outcome that reflects them.

Section E

Surface Condition and Repair History

120. The Council's Supporting Statement attributes deterioration on Cornhill Lane to motorised use, citing "frequently occurring damage" and the need for repeated repairs. Yet the only incident referenced in detail occurred during Christmas 2019, coinciding with severe winter storms, Ciara and Dennis, that brought prolonged rainfall and widespread surface stress across the nation. Since then, the route has been subject to a Temporary Traffic Regulation Order, precluding lawful motorised use for nearly six years. No evidence has been disclosed to show that repairs undertaken during this period have been tested under responsible use. Subsequent deterioration appears linked to storm-related obstruction and unauthorised access, not to the lawful activity now proposed for prohibition.
121. The Council's repair methods, primarily "regrading and discing," may temporarily smooth the surface, but they do not address underlying drainage, subgrade resilience, or vegetation management. These techniques fall short of the standards recommended by DEFRA's Making the Best of Byways and LARA's Surface Standards for Unsealed Public Roads (2019), which advocate for:
- Drainage improvements to prevent waterlogging
 - Vegetation clearance to promote drying and visibility
 - Surface reinforcement using context-sensitive materials
122. Photographic evidence compiled by the Association shows blocked drainage ditches, collapsed grips, and unmanaged vegetation including brambles, overhanging branches, and invasive growth. These features compromise surface integrity, restrict usable width, and prevent adequate drying. Their persistence

suggests that deterioration has been permitted through omission, not caused by use.



123. A second image, taken recently, depicts dense overgrowth on both sides of the lane, with overtopping vegetation forming a shaded tunnel across the carriageway. The surface beneath remains visibly damp, and the lack of daylight penetration inhibits evaporation and prolongs moisture retention. This shading effect increases the risk of rutting and bearing failure, especially on clay subgrades. The byway extents lie between established field boundaries, yet the mass of overgrowth now encroaching into the carriageway visibly demonstrates the scale of maintenance neglect. The narrowing is not structural, it is symptomatic of deferred intervention and unmanaged vegetation.



124. DEFRA's Making the Best of Byways affirms that vegetation clearance is essential to promote drying and surface resilience. The Council's duty under section 41 of the Highways Act 1980 includes the obligation to manage environmental factors that affect usability. The failure to clear vegetation and expose the surface to daylight is not a matter of aesthetics, it is a functional omission that contributes directly to surface degradation.
125. The February 2024 incident, involving access around a fallen tree, resulted in further surface failure. While regrettable, this event indicates that the design of the surface repair lacked the necessary structural resilience, rather than that motorised use is inherently incompatible. The Association respectfully submits that the route's vulnerability may reflect under-maintenance rather than inherent unsuitability.

126. This vulnerability is compounded by a flawed assessment of the route's ordinary traffic. Cornhill Lane is a public carriageway, designated as a Byway Open to All Traffic. Its lawful use includes motor vehicles and horse-drawn carriages. Yet the Council has adopted a repair standard more suited to bridleways, without any published assessment of actual use, traffic composition, or surface stress. DEFRA's Rights of Way Circular 1/09 is unequivocal:

Maintenance should be such that ways are capable of meeting the use that is made of them by ordinary traffic at all times of the year.

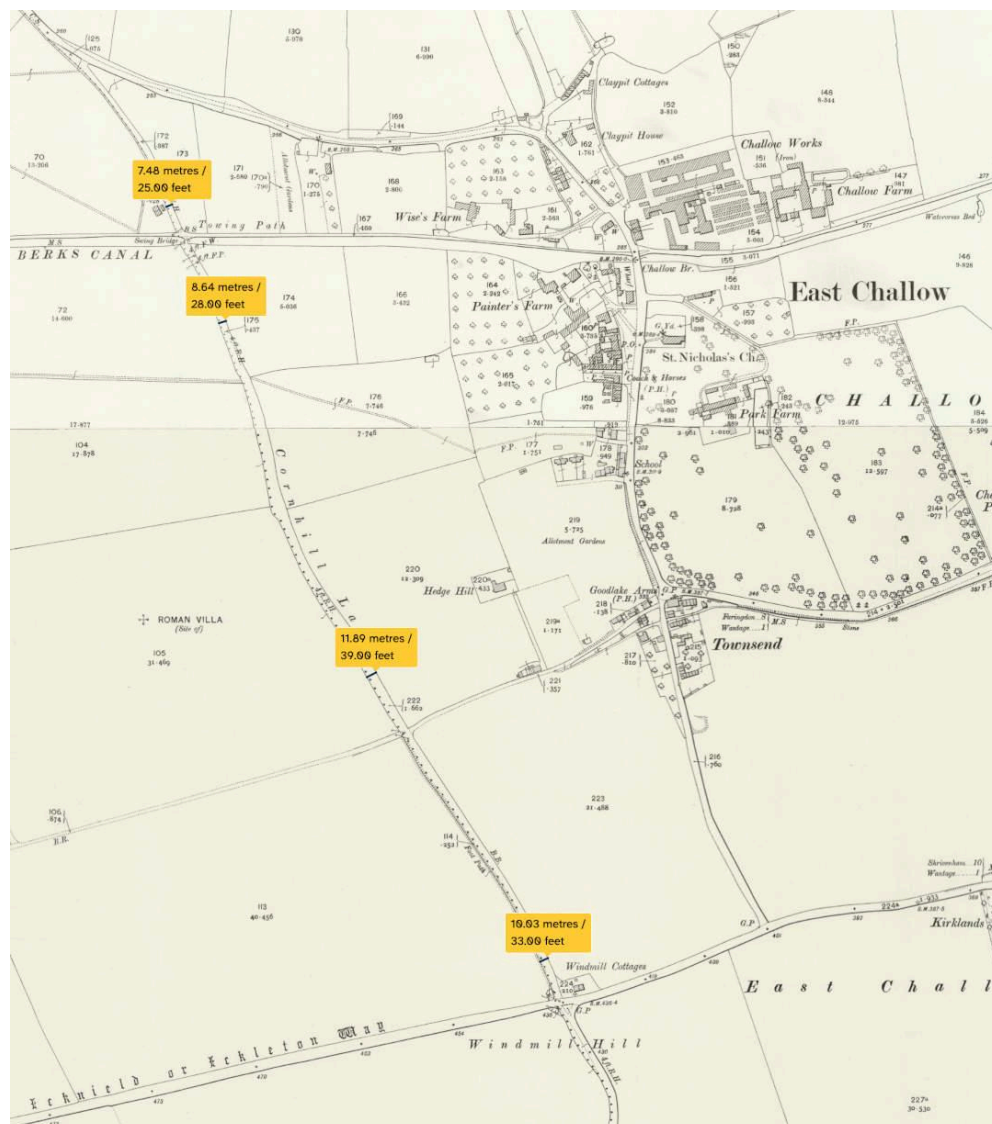
127. This guidance affirms that repair standards must reflect actual use, not an arbitrary or preferred standard. The Council's assertion that Cornhill Lane should be "maintained suitable for Bridleway use" is inconsistent with both DEFRA's position and its statutory duty under section 41 of the Highways Act 1980.
128. The Supporting Statement refers to "monitoring the route for the last four years," yet no condition surveys, drainage assessments, or vegetation audits have been disclosed. Nor has the Council published any causal analysis linking specific vehicle types to deterioration. It is also unclear how the Council has assessed the success or failure of past repairs. No performance criteria, inspection records, or post-repair evaluations have been disclosed. Without testing the surface under lawful use, and without evidential support, the assertion that motorised access is incompatible with route integrity remains unsubstantiated.
129. The Council's reliance on repair costs as justification for prohibition is also procedurally misplaced. Financial concerns, while relevant to operational planning, do not constitute a lawful ground for restricting public rights under the Road Traffic Regulation Act 1984.

130. DEFRA's Making the Best of Byways affirms that unsealed rural roads are inherently variable and that their management requires proportionate, site-specific responses, not blanket exclusion. The Council's statutory duty under section 41 of the Highways Act 1980 requires it to maintain the highway commensurate with its lawful use. That duty applies to all classes of traffic, including motor vehicles, and must be discharged through appropriate maintenance, not regulatory avoidance.
131. The Association does not dispute that unsealed routes are vulnerable to seasonal stress, nor that unmanaged motorised use can contribute to surface wear. However, where deterioration stems from deferred intervention, the appropriate response is not prohibition. The Association respectfully invites the Cabinet Member to consider whether the evidence presented more clearly supports a case for proportionate maintenance and inclusive stewardship. That distinction lies at the heart of lawful governance and public trust.

Section F Route Width

Historical Width and Legal Status

132. Cornhill Lane is historically documented as a public carriageway of substantial width. Large-scale Ordnance Survey mapping published in 1899 & 1912 records the route at between 8 and 12 metres along most of its length, narrowing to 7.5 metres adjacent to residential properties (now named Alhambra and Cornhill House). These measurements are taken directly from the surveyed map and are reproduced below:



133. This mapping evidence is prima facie evidence of the physical extent of the highway as surveyed at the time. It is routinely relied upon by courts and highway authorities as part of the wider evidential picture when assessing the historical character and extent of public rights of way.
134. Unless a legal event has stopped-up part of this width, the full extent remains vested in the public and protected under section 130 of the Highways Act 1980. This duty is not discretionary. It is absolute, and it applies not only to the surface condition of the highway, but to its lawful extent and intended use. The Council is required to assert and protect the full width of the highway and to maintain it in a condition that supports its designated status as a Byway Open to All Traffic.
135. To now claim that the route is “narrow” mischaracterises the underlying highway. It substitutes present appearance for lawful reality and risks enabling a prohibition process that is not grounded in fact. The narrowing observed today may reflect deferred enforcement or under-maintenance, but it does not alter the legal status or physical capacity of the route to permit the passing and repassing of vehicles.
136. The Association respectfully submits that any assessment of route suitability must begin with a clear-eyed appraisal of its lawful extent. The physical evidence from the 1899 survey supports the conclusion that Cornhill Lane was laid out to accommodate the passage and re-passage of vehicles. This foundational point is developed further in the following subsection, which examines the causes and consequences of apparent narrowing, the feasibility of shared use, and the evidential thresholds required to justify exclusion.

Statutory Standards for Reinstatement

137. In assessing the physical suitability of Cornhill Lane for shared use, it is instructive to consider the standards Parliament has set for reinstating highways following interference. Schedule 12A of the Highways Act 1980 sets out minimum widths that must be restored when a highway is disturbed, obstructed, or otherwise interfered with. These standards are not aspirational, they are statutory. They reflect Parliament's considered judgment of what constitutes a safe and functional carriageway in the context of reinstatement.
138. For a rural carriageway of the type represented by Cornhill Lane, the minimum reinstatement width is 3 metres. This figure is not arbitrary. It represents Parliament's view of the minimum width necessary to support the safe passage and re-passage of lawful traffic, including motor vehicles. While Schedule 12A does not prescribe design standards for all highways, its thresholds are routinely cited as indicative of what Parliament considers viable for continued use. This benchmark provides a useful reference point for assessing whether a route is physically capable of supporting inclusive access.
139. In this context, the surveyed width of Cornhill Lane, recorded at 8 to 10 metres along most of its length, exceeds the statutory minimum by a considerable margin. Even at its narrowest point, the route remains above the 3-metre threshold. This physical capacity supports the conclusion that the route remains suitable for inclusive access, provided it is maintained and managed appropriately.
140. The Council's assertion that the route is "narrow" is therefore problematic. It is made without reference to any published standard and appears to rely on subjective impression rather than statutory or evidential criteria. In the absence of condition surveys, width audits, or comparative benchmarks, this characterisation

risks becoming a tool of convenience, used not to inform balanced decision-making, but to justify a predetermined outcome. The Association is concerned that “narrowness” is being interpreted not as a factual constraint, but as a constructive interpretation of the Council’s desire to prohibit motorised access. This approach reinforces existing prejudices against vehicular users and substitutes perception for principle.

141. The Council’s Supporting Statement claims that “the route is unsealed and highly vulnerable following damage caused by motorised vehicles. It is narrow in places and not suitable for modern four-wheeled vehicles.” Yet this assertion is made without reference to published design criteria, without published survey data, and without any technical standard defining what constitutes “suitability.” In the absence of such evidence, the Cabinet Member is respectfully invited to conclude that the Council’s assessment of route width is flawed. It fails to engage with statutory standards, misrepresents the physical reality of the route, and risks enabling a prohibition process that is not grounded in law.
142. To assist in visualising this mischaracterisation, the Association includes the following illustrative photograph:



143. This image was taken at a representative location along Cornhill Lane. A survey pole has been extended to 5 metres, not to assert the legal width of the highway, but to illustrate how the visible corridor, constrained by overgrowth, compares to the underlying extent of the public carriageway. The chosen length was a convenient and practical reference point, sufficient to demonstrate that the route's physical capacity exceeds its present appearance.
144. This visual evidence is offered in support of the conclusion that the route retains sufficient physical capacity for inclusive access and that the Council's framing of "narrowness" reflects its appearance rather than lawful reality.

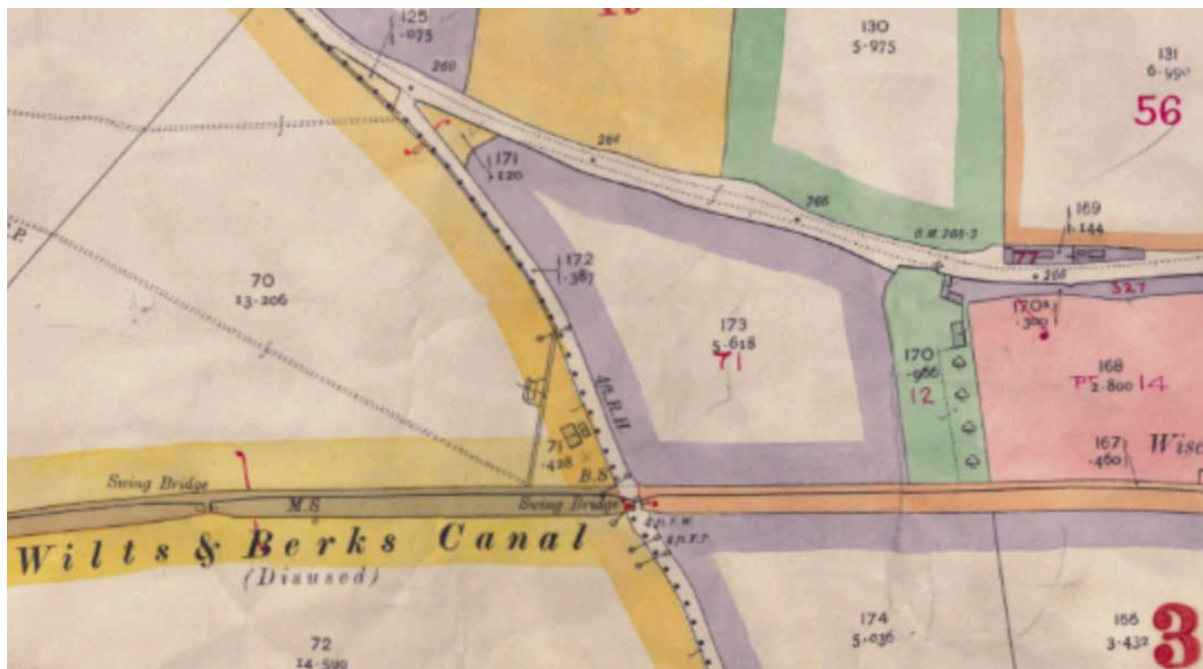
Encroachment and Apparent Narrowing

145. The narrowing observed along Cornhill Lane is not the result of lawful design or structural constraint, it is the consequence of unmanaged encroachment. Overgrown vegetation, informal boundary creep, and a conspicuous absence of enforcement have progressively obscured the route's lawful extent, creating the misleading impression that the highway is physically constrained. This impression has been adopted by the Council without challenge, despite its statutory duty under section 130 of the Highways Act 1980 to assert and protect the full width of the highway.
146. No legal event has been disclosed to suggest that the highway has been stopped-up or reclassified. In the absence of such an event, the full extent of the highway remains vested in the public and must be protected accordingly. Apparent narrowing caused by surface neglect or boundary intrusion does not alter the legal status of the route. Nor does it justify exclusion of lawful users whose rights remain intact.
147. To illustrate this point, the Association includes a sequence of evidential maps and images, focusing specifically on the northern end of Cornhill Lane, where the most significant narrowing and encroachment have occurred, particularly adjacent to the properties now known as Alhambra and Cornhill House:
148. This first map shows the 1843 East Challow Tithe Map. Cornhill Lane is excluded from the taxation of surrounding land parcels, confirming its status as a public road. The route is clearly delineated and unnumbered, consistent with its function as a highway rather than rateable land. This exclusion from tithe apportionment is

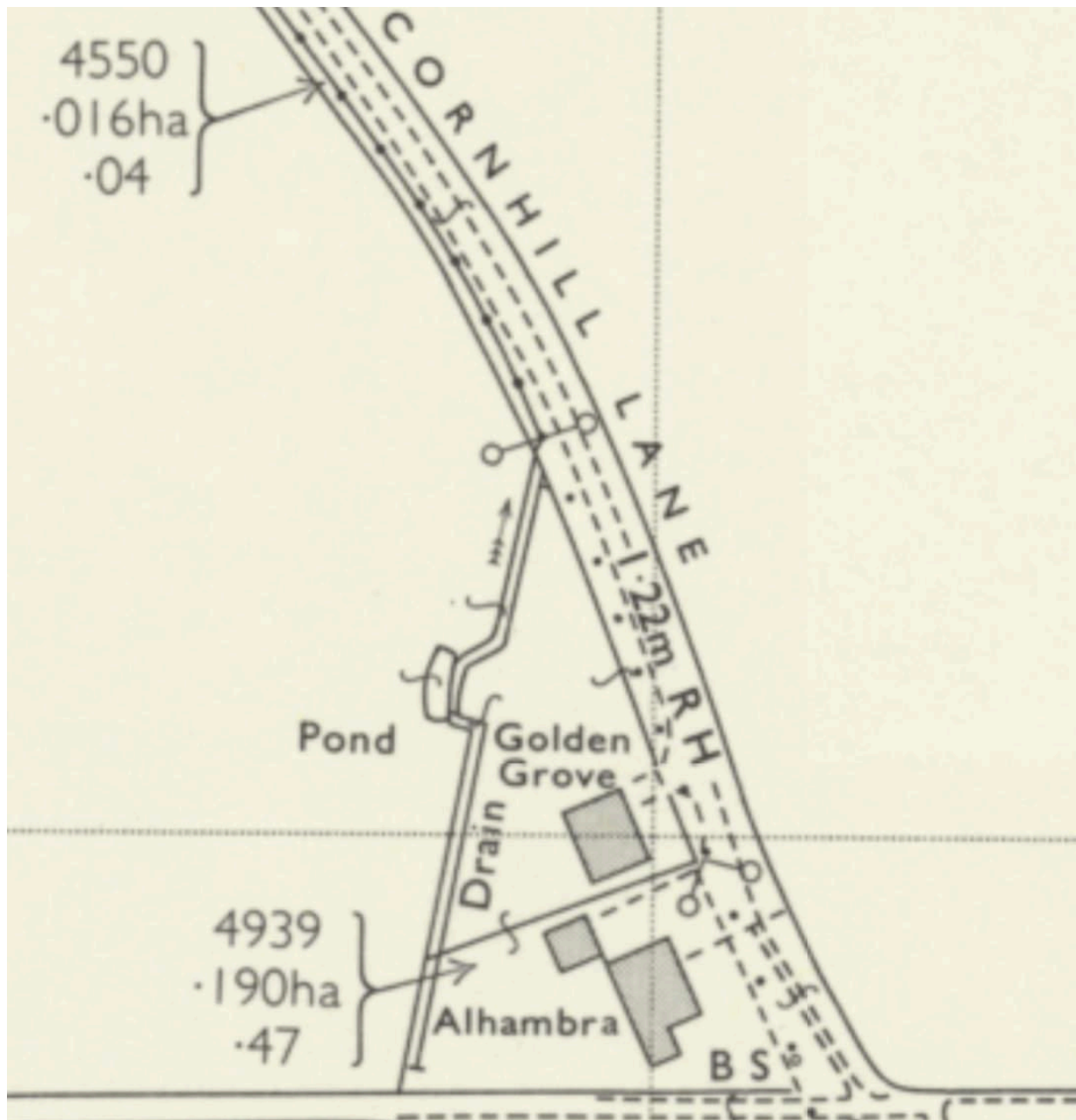
a strong indicator of public status and reinforces the conclusion that the route was historically laid out and maintained for vehicular passage.



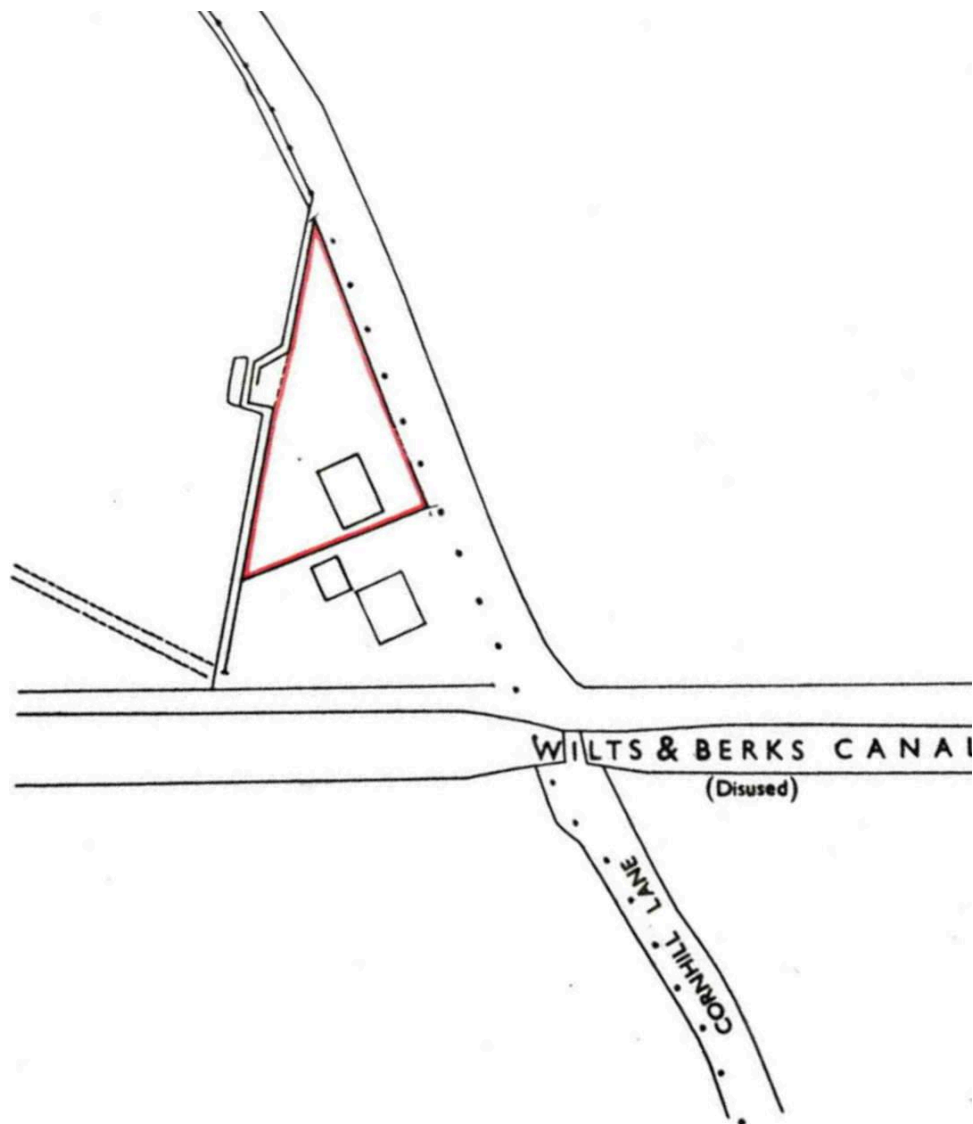
149. The second map is an extract from the 1910 Finance Act records. Based on Ordnance Survey base mapping, it shows Cornhill Lane as a clearly defined public route of substantial breadth as it passes north of the canal and alongside the properties now known as Alhambra and Cornhill House. No boundary features are shown encroaching into the highway corridor at this location, and the route's alignment remains consistent with its historical function as a public carriageway.



150. This third image is an extract from the 1970 Ordnance Survey Map at a scale of 1:1,250. This modern large-scale mapping confirms that the section of Cornhill Lane north of the canal retained its full physical extent well into the late 20th century. The corridor is shown with a consistent and substantial width, clearly distinguishable from adjacent land parcels. No narrowing or encroachment is recorded at this scale.



151. This fourth image is an extract from the Land Registry entry for Golden Grove (now Cornhill House). It clearly shows the full width of Cornhill Lane retained within the public highway corridor, consistent with earlier mapping and legal records. The alignment and extent of the highway are unambiguous, standing in stark contrast to the situation on the ground today, where hedgerows and fencing have been introduced within the highway boundary. This discrepancy underscores the extent of encroachment and reinforces the need for enforcement and restoration.



152. Finally, this fifth image is a contemporary photograph taken outside Alhambra and Cornhill House. A hedgerow and fence line have been planted within the historic highway corridor, reducing the visible width and creating the false impression of private frontage. Their alignment does not correspond with the original highway boundary shown on historic mapping. As previously evidenced, the surveyed width of the highway at this location is 7.5 metres, well above the statutory minimum and sufficient to support inclusive shared use.



153. In addition to these boundary features, the Association notes that a garage now appears to occupy part of the highway's curtilage. This building is situated within the property known as Alhambra, and its footprint appears to intrude into the corridor previously shown as uninterrupted highway on the Tithe Map, the Finance Act map, and Ordnance Survey maps from 1899 and 1970. No stopping-up order or lawful reclassification has been disclosed to justify this intrusion. While further

investigation may be required to confirm its legal status, its presence reinforces the extent of encroachment and raises further questions about the Council's enforcement posture.

154. The Association understands that one of the adjacent property owners is, or was, a councillor or someone with influence. This fact is not incidental, it raises legitimate concerns about impartiality and procedural conduct. The presence of planted hedgerow and fencing within the highway corridor, without any disclosed enforcement action, suggests that encroachment has not only been tolerated but may have been politically shielded. If, as reported, this individual has actively campaigned for the prohibition now under consideration, the Council's failure to assert and protect the highway risks appearing compromised.
155. The Cabinet Member is respectfully advised that this matter may warrant further scrutiny. The Council's apparent reluctance to challenge encroachment, particularly where it aligns with the interest of political expediency, risks undermining public confidence and may expose the authority to reputational and legal consequences. Any decision made under such conditions must be subject to heightened transparency and evidential rigour. Where encroachment has distorted the physical reality of the highway, and where political influence may have shaped the regulatory response, the justification for prohibition cannot be considered sound.

Section G

Shared Use and National Guidance

156. National guidance affirms that shared use is not only feasible on unsealed rural roads, it is expected. DEFRA's Making the Best of Byways reports "minimal direct conflict between byway users" and encourages authorities to adopt tolerant, evidence-led strategies. These include signage, codes of conduct, seasonal restraint, and stakeholder engagement, measures that facilitate responsible use without resorting to blanket exclusion.
157. The Association respectfully submits that Cornhill Lane is well suited to such an approach. Its surveyed width (up to 11 metres) exceeds the statutory minimum for reinstatement under Schedule 12A of the Highways Act 1980. Its alignment is relatively straight, its visibility is good, and its historical function as a carriageway is well established. These characteristics support the feasibility of shared use, provided the route is maintained and managed appropriately.

DEFRA's Rights of Way Circular 1/09 reinforces this principle:

Maintenance should be such that ways are capable of meeting the use that is made of them by ordinary traffic at all times of the year.

158. This guidance does not prescribe a single standard, it invites authorities to consider the actual use of a route and to maintain it accordingly. In the case of Cornhill Lane, the lawful use includes motor vehicles. The Association acknowledges that the Council has made repeated efforts to repair the route, but notes that these efforts have not always reflected the route's full legal status. Maintenance to bridleway standard, while beneficial to some users, does not

discharge the duty under section 41 of the Highways Act 1980 to support all classes of lawful traffic.

159. The Council's Supporting Statement references DEFRA guidance, but does so selectively. It omits the hierarchy of response set out in Making the Best of Byways, which prioritises:
1. Assessment – condition surveys and photographic records
 2. Maintenance – drainage, surface reinforcement, vegetation clearance
 3. Mitigation – seasonal restrictions, signage, voluntary restraint
 4. Engagement – codes of conduct, user group collaboration
 5. Regulation – only where risk remains demonstrable and unmanageable
160. This hierarchy is not advisory, it reflects best practice and procedural fairness. The Council's current approach appears to invert it, proposing prohibition without first demonstrating that appropriate maintenance has been attempted, assessed, or deemed insufficient. This departure from national guidance risks rendering the proposed Order procedurally unsound and legally vulnerable.
161. Moreover, the Association cautions against the use of width alone as a proxy for risk. A route's breadth, in isolation, tells us little about its safety. The Council maintains numerous highways of equal or lesser width in urban settings, often with higher traffic volumes, greater pedestrian density, and significantly higher vehicle speeds. Yet these roads are not subject to prohibition. They are managed through signage, speed limits, and behavioural expectations. To suggest that Cornhill Lane

is unsuitable for shared use based solely on width, despite its low speeds, low traffic density, and open visibility, risks applying a double standard.

162. This principle of inclusive shared use is further reinforced by the Quiet Lanes and Home Zones (England) Regulations 2006, which promote the designation of rural roads as shared recreational environments. These regulations explicitly support the coexistence of pedestrians, cyclists, equestrians, and motorists, recognising that rural highways can, and should, accommodate a diversity of lawful users. The statutory framework encourages local authorities to manage traffic through design, signage, and behavioural cues, rather than exclusion.
163. Cornhill Lane, with its generous width, rural setting, and historical function, aligns closely with the characteristics of a Quiet Lane. The route's amenity value is not diminished by motorised access, it is enhanced when all lawful users are supported through proportionate management. To exclude one class of user without evidential justification risks undermining the very ethos of shared rural space that the Quiet Lanes framework was designed to protect.
164. The Association's own publication, Inclusive Countryside Access, offers further insight. It documents how responsible vehicular access enables participation for individuals with mobility limitations, sensory sensitivities, and chronic health conditions, users who may be otherwise excluded from outdoor recreation. For these individuals, routes like Cornhill Lane are not a preference, but a necessity.
165. The Association does not oppose regulation. It supports regulation that is evidence-led, inclusive, and proportionate. Shared use is not only compatible with the route's physical characteristics, it is consistent with its legal status, historical function, and public value.

166. The Cabinet Member is respectfully invited to consider whether the proposed Order reflects these principles, and whether the Council has explored all reasonable alternatives before resorting to prohibition. A decision that affirms shared use would honour the route's heritage, uphold the Council's commitments to fairness and inclusion, and ensure that regulation remains proportionate, lawful, and publicly legitimate.

Upholding Transparency, Law, and Public Confidence

167. Taken together, the evidence presented in this section confirms that Cornhill Lane remains physically capable of supporting inclusive shared use. Its surveyed width exceeds statutory thresholds, its historical function as a public carriageway is uncontested, and its present-day constraints arise not from structural limitation, but from deferred enforcement and mischaracterisation.
168. These are not incidental observations. They go to the heart of the Council's statutory duties and the evidential threshold required to justify prohibition. Apparent narrowing, selective framing, and the absence of disclosed condition surveys cannot lawfully support the removal of public rights. Nor can they be reconciled with the principles of transparency, proportionality, and inclusive governance that underpin the Council's own policy commitments.
169. The Association does not seek to restate what has already been shown. Rather, we invite the Cabinet Member to reflect on whether the proposed Order is grounded in the physical and legal reality of the route, or in a perception shaped by appearance, omission, and procedural imbalance.

170. Cornhill Lane is not an anomaly. It is part of a wider network of ancient highways whose continued use depends on careful stewardship, not exclusion. Where the evidence supports shared use, and where the law affirms public rights, the case for prohibition must meet a particularly high threshold. That threshold has not yet been met.
171. A decision that affirms shared use would not only uphold statutory duty, it would honour the route's heritage, support the Council's commitments to fairness and inclusion, and restore public confidence in the integrity of the process. The Association stands ready to support any outcome that reflects these principles.

Section H

Vehicle Type Differentiation

172. The proposed Order seeks to prohibit motor vehicles and horse-drawn carriages wider than 1.5 metres, subject to defined exceptions. We respectfully submit that this threshold does not reflect a lawful or evidence-led assessment of vehicle impact. It appears to have been selected for its enforceability, not its proportionality. The Order prohibits public use of motor vehicles and horse-drawn carriages exceeding this width, yet exempts vehicles used for agricultural purposes and private access, regardless of their size, weight, or operational characteristics.
173. This distinction invites scrutiny. Agricultural vehicles, often exceeding 2.5 metres in width and weighing upwards of 30 tonnes laden, are permitted without restriction. These vehicles exert significantly higher axle loads, operate year-round, and may traverse the route during periods of ground vulnerability. Their impact on surface integrity is demonstrably greater than that of lighter recreational 4x4s, which are used infrequently and typically under voluntary codes of conduct that promote seasonal restraint and responsible passage.
174. If surface damage is the Council's primary concern, the exemption of heavier, more impactful vehicles undermines the rationale for prohibition. It suggests that the restriction is not based on demonstrable need, but has been reverse-engineered for administrative convenience. Regulation must be consistent. It must apply the same evidential standards to all users, not exempt those whose impact is greater simply because their use is private or agricultural.
175. The inclusion of horse-drawn carriages within the scope of prohibition is similarly problematic. These vehicles are lawful users of public carriageways and have long

formed part of the rural transport landscape. The Supporting Statement offers no evidence of conflict, damage, or incompatibility associated with carriage use. Their exclusion risks conflating lawful activity with nuisance and undermines the principle of proportionate regulation.

176. The Order does not differentiate between vehicle types in terms of weight, tyre pressure, turning radius, or surface impact. Instead, it applies a blanket width threshold that fails to account for the diversity of lawful users. A particularly striking example is the exclusion of horse-drawn vehicles with four or more wheels that exceed 1.5 metres in width. These vehicles are often designed for low-speed, low-impact use and are operated by experienced drivers with a strong tradition of countryside stewardship. Their exclusion, while narrower and faster vehicles such as motorcycles remain permitted, highlights the perverse logic of the threshold. Not because motorcycles are problematic (they are not), but because the regulation fails to distinguish between fundamentally different modes of use.
177. The Association does not seek to prioritise one group over another. Both motorcyclists and carriage drivers form valued parts of our membership. Their responsible use of unsealed rural roads contributes to monitoring, stewardship, and inclusive access. But regulation must reflect reality. It must consider how vehicles behave, not merely how wide they are.
178. It is also important to recognise that many users of horse-drawn vehicles, particularly those operating traditional four-wheeled carriages, belong to communities with a strong sense of countryside stewardship and are structurally underrepresented in policy frameworks. These users may fall within protected categories under the Equality Act 2010. Their access to the countryside is not merely recreational; it is often cultural, familial, and historically rooted. The proposed exclusion risks disproportionately affecting individuals whose lawful use

of the highway is tied to identity, heritage, and community practice, often passed down through generations and sustained by custom rather than convenience.

179. The Supporting Statement offers no evidence of harm, conflict, or incompatibility associated with carriage use. Yet the Order proposes to exclude these vehicles based solely on width, without any assessment of their operational characteristics, surface impact, or social context. This approach risks indirect discrimination, where a neutral criterion, such as width, produces disproportionate disadvantage for a minority group.
180. The Association respectfully submits that any restriction affecting structurally underrepresented communities must be subject to heightened scrutiny. The Council's duties under section 149 of the Equality Act 2010 require it to consider not only the legality of access, but the lived realities of those whose access is most fragile. In this context, the exclusion of traditional horse-drawn vehicles demands a clear evidential basis and a proportionate justification. Neither has been provided.
181. DEFRA's Making the Best of Byways and LARA's Surface Standards for Unsealed Public Roads both emphasise the importance of understanding vehicle characteristics when assessing route vulnerability. Width alone is a poor proxy for impact. Responsible use, surface compatibility, and seasonal timing are more reliable indicators of sustainability. The Council has not disclosed any analysis of these factors.
182. It is further noted that the 1.5 metre threshold appears to reflect not an evidential assessment of vehicle impact, but the practical limits of physical barriers that could be installed to enforce the prohibition. This suggests that the restriction has been reverse-engineered to match the dimensions of infrastructure, such as bollards or gateposts, rather than derived from a lawful assessment of route suitability.

Regulation must be based on demonstrable need, not on the convenience of enforcement. Where the threshold is dictated by what can be physically installed, rather than what is legally justified, the resulting restriction risks being procedurally unsound and substantively disproportionate.

183. The Association respectfully submits that the proposed width threshold lacks evidential foundation and fails to differentiate between vehicle types in a meaningful or lawful way. In the absence of vehicle-specific analysis, and in light of the apparent reliance on enforcement convenience, the proposed restriction cannot be considered proportionate, inclusive, or procedurally robust.

Section I

Inclusive Access and Public Responsibilities

184. Oxfordshire County Council's Including Everyone Equality, Diversity and Inclusion Framework (2024–2029) affirms a commitment to eliminating discrimination, advancing equality of opportunity, and fostering good relations between different groups. These duties apply not only to protected characteristics under the Equality Act 2010, but also to underrepresented and disadvantaged communities whose access to public services and spaces may be structurally limited, whether through regulatory exclusion, physical inaccessibility, or policy omission.
185. In the context of the proposed Order, these commitments are not aspirational, they carry statutory weight. Section 149 of the Equality Act 2010 imposes a Public Sector Equality Duty requiring public authorities to have due regard to:
- Eliminating discrimination, harassment, and victimisation
 - Advancing equality of opportunity between persons who share a protected characteristic and those who do not
 - Fostering good relations between different groups
186. These duties apply to both the substance and the process of decision-making, including the design of consultations, the assessment of impact, and the justification of restrictions.
187. The proposed Order would disproportionately affect a minority user group, responsible motorised users, including those who rely on vehicular access due to disability, age, or chronic health conditions. For many, motorised access is not a

recreational preference but a practical necessity. It enables participation in outdoor life that would otherwise be inaccessible. Their exclusion is not incidental, it is structural.

188. Yet the Council has not published an Equality Impact Assessment (EIA) to demonstrate that it has considered the needs of these users, assessed the proportionality of the proposed restriction, or explored reasonable alternatives. This omission is procedurally significant. Without an EIA, the Council cannot demonstrate that it has discharged its duties under the Equality Act 2010. It cannot show that it has understood the lived realities of those most affected, or that it has taken steps to mitigate disadvantage.

189. This gap is especially troubling given the Council's own inclusion commitments. As Cllr Liz Leffman writes in the Framework's foreword:

We take our obligations and commitments very seriously and we are determined to challenge discrimination and reduce inequality in all that we do...

190. The Association respectfully submits that these obligations must extend to all lawful users of the public highway network, including those whose access is constrained by mobility, geography, or regulatory design. Where a proposed restriction risks excluding a structurally disadvantaged group, the Council must ensure that its procedures are transparent, its evidence is disclosed, and its engagement is inclusive.

191. The absence of an Equality Impact Assessment, coupled with the lack of mitigation strategies or alternative provisions, risks rendering the proposed Order not only disproportionate, but procedurally incomplete. Inclusive governance

requires more than legal compliance, it requires active engagement with those whose access is most fragile.

192. With this section, the Association brings its evidential and advisory observations to a close. We have outlined the statutory framework, identified procedural gaps, and presented the lived realities of those most affected. What follows is not further critique, but constructive dialogue. The next sections offer practical solutions, compromise proposals, and collaborative pathways forward, designed to support proportionate regulation, inclusive access, and lawful stewardship.
193. The Association remains committed to working with the Council to achieve these outcomes, and trusts that the Cabinet Member will approach the remainder of this submission in that same spirit: not as opposition, but as principled partnership.

Section J

Measures proposed to ensure proportionate regulation

194. The Association recognises the Council's challenge: to balance competing interests, uphold statutory duties, and secure public confidence in a complex regulatory landscape. In that spirit, the Association offers a suite of workable, precedent-based measures to assist the development of a proportionate and enforceable scheme.
195. These proposals are advanced constructively, in good faith, and without exclusivity. They reflect a willingness to compromise, a respect for lawful governance, and a shared interest in preserving inclusive access for all. They are designed not only to meet legal thresholds, but to foster long-term legitimacy, operational clarity, and public trust.
196. The Association reaffirms its commitment to support the implementation of a workable and enforceable scheme, provided that safeguards negotiated in good faith are duly incorporated. These measures are essential to ensuring that any scheme remains proportionate, legally sound, and operable in practice.
197. To this end, we advance a series of practical concessions, grounded in operational precedent, to support the development of a framework that upholds statutory duties, enables effective regulation, and secures long-term public confidence.
198. These concessions are expressly contingent on the incorporation of a formal mechanism for periodic review, ensuring that all restrictions remain necessary, evidence-based, and subject to revision in light of operational experience and stakeholder feedback. We acknowledge the Council's responsibility to engage equitably with all interested parties and support a transparent decision-making

process that balances competing interests. In this context, we respectfully invite the Council to convene a stakeholder forum or working group to support collaborative development, inclusive engagement, and lawful implementation.

199. Specific measures proposed by the Association include,

- **Weather-Linked Access Restrictions:** Where adverse conditions risk route integrity, the Association supports the use of externally verifiable weather triggers to guide temporary access suspension. For example, Met Office red or amber alerts may provide a clear and defensible basis for restricting access. Such measures should be transparent, published in advance, and subject to stakeholder review to reinforce operational clarity and public trust.
- **Group Size Limitations:** To support route manageability, coordination, and predictable user expectations, the Association proposes a maximum of four recreational 4x4 vehicles per group. This figure reflects established good practice and promotes harmonious interaction across the wider user base.
- **Daily Access Cap:** Under normal operating conditions, a ceiling of five recreational groups per day provides a straightforward framework for scheduling and oversight. This measure helps structure lawful activity without implying adverse impact. The Association welcomes opportunities for periodic review based on route-specific operational data.
- **One-Way Traffic Provision:** Where topography, route width, or visibility limit feasibility for bidirectional use, the Association is open to exploring one-way traffic designations for specific segments. Such measures should be based on published evidence and introduced proportionately to preserve access

continuity and operational simplicity. Any proposals should be subject to stakeholder engagement to ensure lawful use remains viable.

- **Review Mechanism:** All measures should be subject to scheduled twice-yearly review, enabling timely assessment of their proportionality, practicality, and public legitimacy. The process should be publicly documented and open to input from affected users and stakeholders, in accordance with transparency obligations. This review process also supports the Council's duties under the Equality Act 2010, ensuring that any restriction remains proportionate and does not produce indirect discrimination against users with limited mobility or constrained alternatives.
- **Integration with Permit Scheme:** While the Association remains open to engaging with the development of a permit framework in line with DEFRA's guidance, we recognise that such schemes are not universally popular and must be approached with caution. We have not yet seen a draft proposal and therefore reserve our position on its detailed structure and scope. Subject to statutory compliance and consultation transparency, we support incorporating proportionate safeguards, such as those outlined above, where feasible and appropriate.
- **Support for Route Maintenance and Stewardship:** In keeping with our commitment to constructive partnership, the Association is willing to explore ways of supporting the Council in maintaining the route. This may include the provision of volunteer labour, logistical coordination, and, where appropriate, financial contributions toward remedial works or vegetation clearance. Any such support would be contingent on lawful access being retained and coordinated through an agreed framework that ensures transparency, safety,

and operational oversight. We offer this not as a substitute for the Council's statutory duties, but as a gesture of goodwill and shared responsibility.

200. We welcome the opportunity to contribute constructively, alongside other stakeholders, to any future consultation regarding the design of a future scheme. Such input can help ensure that the resulting framework reflects statutory requirements under the Road Traffic Regulation Act 1984 and is developed transparently, proportionately, and in the public interest.
201. In keeping with our values of transparency and solution-focused dialogue, the Green Lane Association remains ready to support the design, refinement, and implementation of any scheme that aspires to long-term legitimacy and community support. We extend an open invitation to convene inclusive dialogue, formal or informal, at the Council's discretion, and trust that it shares our aim of building a framework rooted in law, evidence, and fairness for all public stakeholders.

Section K

Grounds for Reconsideration

202. The Association appreciates the Council's efforts to navigate a complex and sensitive regulatory landscape. We recognise the challenge of balancing competing interests, safeguarding public rights, and maintaining public confidence in decisions that affect access to the countryside. Our proposals are offered in a spirit of cooperation, not to oppose regulation, but to help shape it in a way that is fair, workable, and inclusive.
203. That spirit of collaboration rests on a shared understanding that process matters. When decisions affect long-standing public rights, especially those exercised by minority groups with limited alternatives, it is essential that the process be transparent, evidence-led, and open to scrutiny. Without that foundation, even well-intentioned proposals risk losing legitimacy.
204. The Council's Supporting Statement outlines a rationale for the proposed Order, referencing route vulnerability, repair history, and statutory powers. These are important considerations. But the consultation materials do not include the underlying evidence, such as condition surveys, enforcement records, or Equality Impact Assessments, that would allow consultees to understand how those conclusions were reached. In the absence of that evidence, it becomes difficult to engage meaningfully with the proposal or to explore alternative approaches.
205. Consultation, at its best, is a conversation. It invites challenge, welcomes insight, and helps shape better outcomes. The Gunning Principles remind us that consultation must happen early enough to influence the decision, and with enough information to allow a considered response. In this case, the rationale has been presented, but the supporting documentation has not. That gap matters, not

because it casts doubt on the Council's intentions, but because it limits the ability of stakeholders to contribute constructively.

206. The reference to “monitoring the route for the last four years” raises similar concerns. Cornhill Lane has been subject to a Temporary Traffic Regulation Order for much of that time. It is unclear how the Council has distinguished between lawful and unlawful use, or whether it has assessed the impact of responsible motorised access separately from antisocial behaviour. Without published data, it is difficult to know whether the conclusions drawn reflect representative evidence or assumption.
207. The inclusion of horse-drawn carriages within the scope of the proposed prohibition is also worth revisiting. These are legitimate users of rural carriageways, with a long history of peaceful coexistence alongside other groups. Yet the Supporting Statement offers no evidence of harm or conflict associated with their use. Their exclusion feels disproportionate, and risks conflating lawful activity with nuisance.
208. None of this is to suggest that the Council has acted improperly. But we do believe the process would benefit from greater clarity, fuller disclosure, and more inclusive engagement, especially given the severity of the proposed restriction and its impact on users with few alternatives.
209. We invite the Cabinet Member to reflect on whether the procedural foundations of the proposed Order are sufficiently robust to support a lawful and inclusive outcome. Where evidence is incomplete, where engagement has been selective, and where the rationale remains untested, the risk is not merely one of legal challenge, it is one of public trust.

210. The Association remains committed to constructive dialogue and principled collaboration. We believe that regulation, when shaped through open process and inclusive engagement, can command legitimacy and deliver lasting stewardship. We stand ready to support the Council in strengthening that process and ensuring that all lawful users are fairly represented in the decisions that follow.

Section L

Conclusion and Final Reflections

211. The Green Lane Association has approached this consultation with care, clarity, and a genuine desire to assist the Council in reaching a proportionate and lawful outcome. We recognise the complexity of the issues at hand and the competing pressures that shape decisions about public access. Our submission does not seek to obstruct regulation, but to support its refinement, so that it reflects not only statutory duties, but the lived realities of those most affected.
212. Cornhill Lane is not an abstract case. It is a real route, with real users, and a long history of lawful public use. Its designation as a Byway Open to All Traffic is not incidental, it reflects its legal status, physical capacity, and historical function. The route has long served a diverse range of lawful users, including individuals whose ability to access the countryside relies on motorised transport, whether due to disability, age, or rural isolation. For these individuals, exclusion is not a matter of preference, it is a matter of practicality and dignity.
213. The proposed Order would remove one of the few remaining routes in the district that is both legally accessible and geographically viable for responsible motorised users. It would do so without a published Equality Impact Assessment, without condition surveys, and without evidence of irreparable harm. It would also do so in a way that risks conflating responsible use with nuisance, and procedural omission with justification.
214. We do not suggest that the Council has acted improperly. But we do believe that the process, as it stands, falls short of the evidential and procedural standards required to support a restriction of this severity. The absence of key documentation, the lack of engagement with affected groups, and the framing of

the consultation materials all point to a need for reconsideration, not as a retreat, but as a principled recalibration.

215. Throughout this submission, we have offered practical, precedent-based measures to support proportionate regulation. These include seasonal access restrictions, group size limits, signage improvements, and collaborative stewardship. We have also invited the Council to convene a stakeholder forum to explore these options together. These proposals are not exhaustive, but they are workable, lawful, and grounded in shared experience.
216. We have also drawn attention to the broader context in which this decision sits. The cumulative impact of route closures, the structural disadvantage faced by motorised users, and the absence of strategic recognition within the Council's own policy frameworks all contribute to a pattern of exclusion that cannot be ignored. Where access is already scarce, further restriction demands a particularly high evidential threshold. That threshold has not yet been met.
217. The Association has taken care to present its concerns in a constructive and respectful manner. We have not sought to challenge the Council's authority, but to support its duty to act lawfully, transparently, and in the public interest. We have grounded our submission in statutory duties, national guidance, and lived experience. We have acknowledged areas of common ground and proposed practical solutions. We have done so because we believe that regulation, when shaped through inclusive dialogue and transparent process, can command legitimacy and deliver lasting stewardship.
218. We respectfully invite the Cabinet Member to pause and reflect, not only on the legal framework, but on the human impact. To consider whether the proposed Order, in its current form, reflects the principles of fairness, transparency, and

inclusion that underpin public trust. And to ask whether the voices of those most affected have truly been heard.

219. Cornhill Lane is not just a route, it is a thread in the fabric of rural life. Its continued accessibility matters not only to those who use it, but to the integrity of the network, the credibility of the process, and the principle that public rights should not be removed without clear and proportionate justification.
220. The Green Lane Association remains committed to constructive engagement and principled collaboration. We extend an open invitation to continue the dialogue, and trust that the Council shares our aim of building a framework rooted in law, evidence, and fairness, for all who rely on it.
221. And if there is one final thought to leave with the Cabinet Member, it is this: regulation is not merely a technical exercise. It is a reflection of how we value public space, how we balance competing needs, and how we honour the rights of those whose voices are least often heard. In that spirit, we ask not for favour, but for fairness. Not for exemption, but for inclusion. And not for silence, but for a process that listens, weighs, and responds with integrity.

Yours faithfully,

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20 October 2025

OXFORDSHIRE COUNTY COUNCIL

(EAST CHALLOW, CORNHILL LANE BOAT Nos. 196/3/10, 20, 30 & 40)

(PROHIBITION OF MOTOR VEHICLES AND CARRIAGES) ORDER 20**

Annex A - Lived experiences from members of the Association

To ensure the proposed Order is considered with a full understanding of its practical impact, the Association invited comments from its members with direct experience of the affected route. Their responses, excerpted below, offer insight into the personal, lawful, and inclusive use of these lanes, reflecting both recreational engagement and broader public interest. These accounts reinforce the submission's central themes of accessibility, procedural fairness, and responsible stewardship, and should be considered alongside the Council's own representations to inform any final decision.

Member A

I object to the proposed TRO on this wonderful little lane.

Cornhill Lane has suffered years of neglect. The council have let the lane become overgrown which makes the lane feel narrow even though it isn't and prevents the sun from drying the surface out when wet. I understand they reject user requests for voluntary clearance work. If the lane was properly cleared there would be plenty of room for all users to easily pass. However having said I have used this lane for many years (25+), while living in Oxfordshire and Wiltshire, in my 4x4 and I've never had an issue passing other users, and, just like any other lane (tarmac or unsurfaced), you reverse and find somewhere to pull in to let others pass.

Cornhill Lane has drainage ditches, but these have become choked over the years (see attached images) which means the lane can become waterlogged in places after heavy rain. Simple maintenance and a few grips could easily solve this problem, perhaps with a little local stone in places, just like roads used to be maintained by the local parish in years gone by. Simple traditional maintenance is all it needs, not just scraping the surface.

Walkers, equestrians and cyclists have a wealth of other routes to choose to use, while vehicular users in the county have relatively few, mainly because the county was pretty poor at their reclassification programme prior to NERC. Why yet again, should the minority user take a hit? I have a bad back which often limits my walking or cycling capacity. Being able to access the countryside in a 4x4 gives me a freedom that I wouldn't normally have. Taking this route away from people like me, or maybe those with a heart condition or other limited mobility issue, is discriminating against those less able. Forget wheelchairs and powered mobility conveyances – they can't cover many miles. There are plenty of people well enough to drive many green lanes in a day, but not well enough to walk them.

A suggestion. Why not make it a one way TRO downhill? That will limit rutting.

Cornhill Lane is a key part of the limited unsurfaced vehicular network in the area and help give connectivity in the larger scheme of things, as in the snippet of a Deverall's to Wantage run I created in 2015.

May I take a moment to remind Oxfordshire that they have a DUTY to assert and protect the rights of all users (HA1980), so finding a solution to accommodate everyone is key. Unfortunately it seems it's all too easy to ignore a legitimate user group by banning them. Fix the lane and fix the problem. Job done.

Perhaps take a look at these videos which may go some way to explain why routes like these are so important to retain:

<https://www.youtube.com/watch?v=zy9Ok5UsYtM><https://www.youtube.com/watch?v=TIMYqhPM0g0>

<https://www.youtube.com/watch?v=UBbu5USZY1M>

<https://www.youtube.com/watch?v=H44X-5vcgMc>

Member B

I've been a member of the Green Lane Association since Nov 2011 and I'm currently [redacted]. I've been laning for almost 20 years. I also lead a local 4x4 group and drive local lanes around once a month.

Prior to leading this group, I used to follow a disabled driver (no use of his legs) on laning trips in a group of 4 vehicles, in and around Wilts and Oxon. He then became my passenger when his vehicle became too much for him to maintain. I remember this area in particular because of the tight scratchy nature of the lane. This was 2008 to 2012. I have used it annually since then, while it was open (trying to balance out the areas we go).

For the disabled driver (and leader of that group), this was his access to the countryside. He was unable to get there and enjoy it any other way. For me, I just love getting to the open spaces, taking in the views, spotting wildlife.

Cornhill Lane, and others in the small cluster near it, are one of the few groups that remain accessible in Oxfordshire. As a natural extension of those in the Lambourn area of Wiltshire, these extend the range of our countryside exploration.

This lane has always been a tight, scratchy one, particularly at the southern end. I don't recall it being particularly difficult to drive, just narrow. Because it adjoins a couple others to the south, which are equally scratchy it didn't seem out of the ordinary.

If this were cut back and widened a little it would allow more light, heat, and airflow to dry the surface, making it more sustainable. Perhaps impose a seasonal closure, like those in the neighbouring Lambourn area, to avoid the typically wetter winter months. This would allow access when conditions are favourable, but not so when conditions are poorer. Cutting back would still be beneficial even with a seasonal TRO in place.

I am conscious that the nearby lanes to the south have also had issues, typically fallen trees which have taken long periods to remove. These lanes too, would benefit from more care to open them up, to allow for drying out and improving access for all. The risk of closure of the above lane, or the adjacent ones would be that the “natural” pushing back of hedges by 4x4’s (and the occasional trimming by 4x4 users) would not occur. This would result in the lanes becoming unusable by all unless more closely monitored and maintained... in which case, why not do this anyway without banning the 4x4 users?

Member C

I am a member of the Green Lane Association (GLASS) and have been for the past two years (although I have had 4x4s, off and on, and enjoyed responsibly driving non-paved routes since I first learnt to drive). I have also been a resident of [redacted], where Cornhill Lane is located, since Spring 2022. I have not driven Cornhill Lane as it has been a) blocked by large concrete blocks and b) very overgrown with large branches, for all the time I have lived nearby. As such, any evidence of use by 4x4s is going to be necessarily lacking- the blockage with concrete at the canal end makes it impossible to pass (even a walker you have to either climb over them or go off-piste to get past) and the lane is sufficiently narrow and, in places, steep, that turning a vehicle or reversing all the way out would be a challenge (if even practically possible currently).

I regularly use the route on foot (multiple times per week, weather and other commitments depending), but have been using it less frequently for the last few months, as I typically walk it with my daughter in a child carrier backpack, and it has become so overgrown with low-hanging branches in places that it is very difficult to pass. In practice, 4x4s driving the route from time to time would help to keep the lane open and accessible for other users (for example, currently, it would be inaccessible to a horse and rider). Equally, the lane is in

such a poor state of repair that it would not be accessible on foot currently to those with mobility problems. The impact of the poor state of maintenance can also be seen in the heavily used 'informal' footpath that many users have made on top of the bank, along the edge of the neighbouring crop field. It is very difficult for much of the lane for two pedestrians to comfortably pass each other, let alone cyclists, motorcyclists or 4x4s.

Oxfordshire has so few remaining green lanes that it would be a real shame to lose legal vehicle access to one of the very few that we have. Beyond one Facebook post from a councillor around a year ago complaining about one 4x4 on the route, I have never heard a complaint or even a comment by a fellow resident about vehicular use of the lane. Closure seems to me to be an unnecessary and counterproductive measure that will harm rather than improve the practical use of a community resource for local people.

Member D

As a resident of Oxfordshire from 1994 to 2022, and an owner of 4x4's for all of that time I have driven Cornhill Lane on numerous occasions, including before the advent of online mapping. I would expect to drive the lane at least once every couple of years, subject to suitable ground conditions. It is an interesting lane, providing access to the (currently abandoned) Wilts and Berks Canal.

I have been a member of GLASS since 2016 and a member of the local [redacted] group for over 20 years.

For the Council to simply TRO it as a way of avoiding their obligations to maintain public rights of way is unacceptable. If ground conditions are vulnerable, then a policy of active management should be employed to ensure access is maintained while the ground conditions are preserved.

Member E

I moved to the [redacted] 2 years ago and this lane is right on my doorstep. I've been a member of GLASS for the last 2 years. It looks terribly overgrown that you wouldn't even get a car down there as are most of the byways in our local area.

My kids love going off roading so doing little days out and going down a couple lanes is great family/boy time but unfortunately, we now mainly go to either Salisbury Plain or Wales for a trip away.

It's a shame that they are looking at closing more lanes as we really have to travel some way to be able to use any decent tracks. I personally reckon they leave many of them "scratchy" so people avoid using them and then they can justify closing them down. - assuming it falls down to the Council's responsibility to maintain the lanes. I know GLASS do have volunteers trimming back and maintaining popular lanes but I'm sure every lane is not your responsibility.

If more lanes in our local area were maintained then we would definitely be using these ones instead of having to travel around the country for a day trip out, meaning less CO2 emissions and traffic on the roads.

It would be a shame to see another lane go.

Member F

I have been a member of the Green Lane Association for around 4 - 5 years now, since owning my 4x4. Before that, for 18 or so years before that, I used to jump in as a passenger with my friends enjoying many laning trips both locally and beyond. Although I haven't driven Cornhill Lane since owning my 4x4 as it's been closed, I regularly drive routes around the local area so it would be good to have this route kept open to link up with the wider network of lanes.

I find driving these lanes is a great way of relaxing as you get to see different things and enjoy nature and the outdoors. It also has many benefits for my wife as she has MS. She has trouble moving and experiences pain issues so driving green lanes enables her to get out and about in nature, something she wouldn't be able to do if lanes like this are closed to motor vehicles as there would be no way of her getting to them.

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20 October 2025

OXFORDSHIRE COUNTY COUNCIL

(EAST CHALLOW, CORNHILL LANE BOAT Nos. 196/3/10, 20, 30 & 40)

(PROHIBITION OF MOTOR VEHICLES AND CARRIAGES) ORDER 20**

Annex B

Survey of Cornhill Lane carried out on 19/10/2025

OCC Ref 196/3/20, 196/3/30, 196/3/40

Trailwise UID SU3787-05

By GLASS Representative for Oxfordshire

The Byway known as Cornhill Lane was walked from it's junction with footpath 196/7/10 to its junction with the B4507 Ickleton Road, from north to south.

It was notable when crossing the canal bridge that the byway has been allowed to become very overgrown (Images 1, 2). At this point it is only accessible on foot with clearance work being necessary to allow for the passage of all byway users with the exception of able-bodied pedestrians. It was not possible to see any evidence on the ground of equestrian use, indeed the overgrown nature of the byway would make it very difficult to ride a horse. Despite encroaching undergrowth along much of the lane, just after the bridge it was possible to place a 5m survey pole on the ground (Image 3).

On the eastern edge of the byway is a ditch, overgrown, that follows the byway until it intersects with bridleway 196/12/10. There were no apparent cuttings into this ditch from the main surface of the byway at any point. The boundaries of the byway were visible through the undergrowth, but it was not possible to gain access to the boundaries to measure the width at the canal bridge. It was possible to do this at SU 3755 8831 due to animals and people crossing the boundaries. At this point the byway was measured at greater than 7.5m (Images 4 - 7).

In many places substantial trees have been allowed to grow inside the boundaries on the byway. At SU 3756 8828 the width of the byway between the undergrowth on the edge of the ditch and a tree was measured at 4m (Images 8 – 10 & 12 – 14).

In several places it was possible to see evidence of vehicle tracks with walkways either side, suggesting that there is room for pedestrians, horse riders and vehicles to pass without removal of some of the substantial trees (Image 15).

At SU 3759 8821 where footpaths 399/3/10 and 196/6/10 meet the byway the width between boundaries was measured at over 11m (Image 19). A 5m survey pole was used at several points along the byway to record widths between boundaries in excess of 10m (images 17, 18, 20, 21, 22, 26, 27, 30 – 32).

On the lower sections of the byway the surface did appear to be compacted clay but higher up it was noticeable that a much more robust surface was visible below, compacted gravel/hoggin being observed at SU 3776 8784 (Image 29). It would appear that water that has flowed down the byway for many years rather than the ditch on the eastern boundary, causing build up of clay in the lower section.

The OCC statement suggests that there is little room for motor vehicles and pedestrians/equestrians to pass on Cornhill Lane. Along the whole length the boundary of

the lane exceeds 8m with a few restrictions that bring it down to 4m, however there is still adequate room behind the trees that have grown into the lane to support segregate routes. However where the byway meets bridleway 196/12/10, there is a tarmaced surface of a lane running to Cornhill Farm. Beside a 'Beware Children' sign and a 'School' sign the right of way is restricted to 2.8m with no opportunity for pedestrians or equestrians to avoid motor vehicles (Images 23 – 25).

The southern section of the byway from bridleway 196/12/10 to the B4507 Ickleton Road has evidently had less pedestrian traffic but does show some attempts to cut back the encroaching undergrowth. At SU 3786 8769 it was possible to place a survey pole extended to 4m into the undergrowth to the byway boundary from the western side of the used surface (Images 30 – 32). A little further, at SU 3791 8761, on it was possible to measure from distance between boundaries at 8.7m (Images 33 & 34).

At the southern end of the byway where the boundaries have been deleted, presumably to allow farm vehicle access, at SU 3794 8755 it is very apparent how much undergrowth has been allowed to encroach on the byway and that, if cleared there is ample room for access for all (Image 35).

The following images were taken at grid reference SU 3753 8835:

Image 1 & 2 – brambles have been allowed to cover a section at least 4m deep on the west side of the byway.

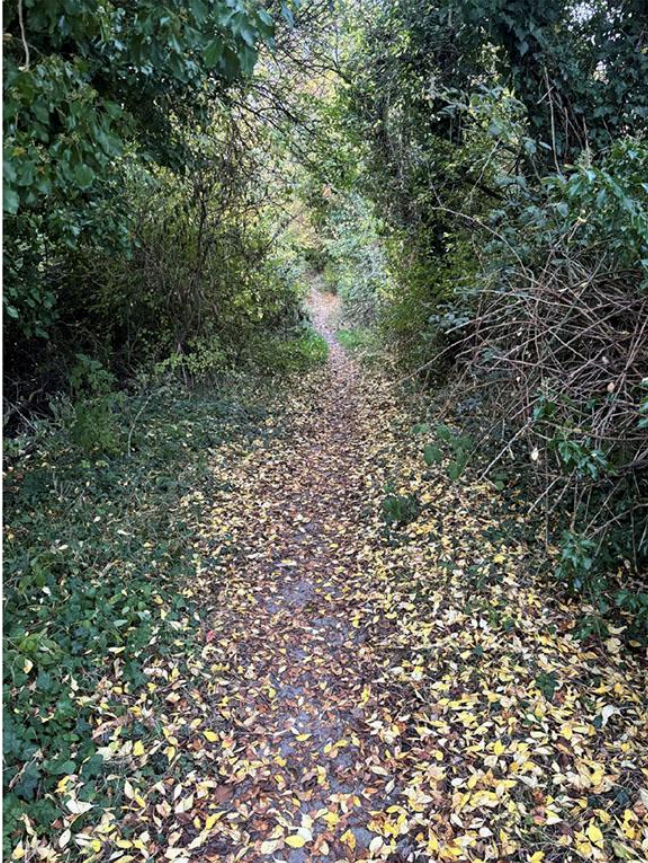


Image 3 - 5m survey pole showing 2m to the east of the worn path to an overgrown ditch.



Images 4-7 - width of byway at SU3755.



Images 8-10 – byway is wide enough to accommodate multiple types of user even around trees that have been allowed to grow into the surface of the byway.



Images 11-14 – At SU 3756 8828 while the byway appears narrow, between edge of ditch trees 4m of width is available.



Image 15 - At SU 3758 8825 it was possible to see that there were motor vehicle tracks and evidence of pedestrians creating a worn path either side of the vehicle tracks.



Images 16-18 – Although the byway may look narrow to the casual observer it is possible to place a survey pole extended to 4m on the surface.



Image 19 – At the junction of footpaths 399/3/10 and 196/6/10 with the byway, at SU3759 8821, the boundaries are 11m apart.



Images 20 & 21 – Survey pole extended to 5m showing a width in excess of 10 between boundaries at SU 3764 8806.



Image 22 – survey pole extended to 5m to show width of byway at SU 3772 8791.



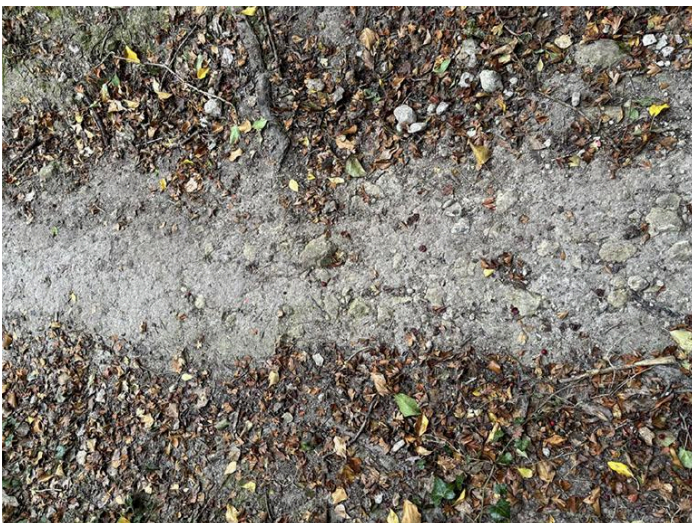
Images 23-25 – width of bridleway 196/12/10 just off Cornhill Lane byway at SU 3780 8782.



Images 26-28 – width of byway at SU 3779 8779.



Image 29 – Surface of the byway at SU 3783 8773.



Images 30-32 – survey pole extended to 4m to show width of byway at SU 3786 8769.



Images 33 & 34 – width of byway at SU 3791 8761 measured at 8.6m,



Image 35 – image clearly showing the extent of untended undergrowth across the byway at SU 3794 8755.

