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MANAGE: DON'T BANISH, MINISTER TELLS THE DALES... ... BUT THE NATIONAL PARK THINKS IT KNOWS BETTER

From a Yorkshire Dales National Park Authority committee report of 30th November 1999, we learn that the Park's Chief Executive wrote to Michael Meacher, the Minister of State at the Department for the Environment, Transport and the Regions, pressing for new legislation to restrict the off-road use of vehicles in the National Park. This is in keeping with the Park's overt anti green road policy, now apparently extending to a dislike of bridleways and footpaths too.

The Minister's letter made it clear that the government had examined the issue and had considered the options available, to the extent of a total ban on such use, but "found no compelling evidence" to move in that direction. The YDNPA was referred to the government publication *Making the Best of Byways* as a guide for managing historic carriageways and the Minister hinted that forthcoming legislation might expand the possibilities for traffic management. The tone of the Minister's response was that users have rights (and responsibilities) and the highway authorities have duties – something too often forgotten in the Yorkshire Dales.

It was later reported in the *Craven Herald* that the National Park Chief Executive Heather Hancock considered the Minister's response to be superficial. "I think members will be disappointed, but it's difficult to know if this is just a first response and officials are really considering it or not," she said. "I don't believe the minister has really taken into account the fact that, as a national park, we're experts on recreation and management of the environment and this seems like a standard reply which anyone would've received." Mrs Hancock added that the national park would be continuing to consider traffic regulation orders and working with groups as a means of controlling vehicles in the Dales. But she said members believed these would not have the same effect as a complete ban. LARA's view is that the YDNPA's claim to be working with user groups remains about as superficial as they regard Mr Meacher's letter to be.



Positive management on Deadman's Hill

While the political points scoring continues, local motor recreation and sport clubs in North Yorkshire have negotiated with the highway authority and landowner and agreed a LARA-supported *voluntary restraint* of use on the unclassified road over Deadman's Hill to allow voluntary work parties the opportunity to make essential repairs. All drivers of 4x4s and motorcycles are asked to comply with the signs, shown here being erected in January 2000. Please contact the MRDO for more information and to offer help with the repairs.

ENGLISH NATURE PROSECUTES ILLEGAL RIDERS

Many of the expanses of open heathland along the M3 corridor to the south-west of London have been used as unofficial motorcycle and 4WD practice areas for many decades. However in recent years these tracts of land have increasingly been designated by English Nature as **Sites of Special Scientific Interest** (SSSI) as the pressures of agriculture and development have increased the importance of such land for conservation.

For a long time now LARA's David Kersey has been in dialogue with English Nature and the Trustees of one such area known as Windlesham (or Poors) Allotments. Site meetings have been held and, in more recent years direct liaison between local LARA-MFU Regional Officers and the Trustees, has resulted in progress being made towards preventing illegal use through the development of a properly managed off-road facility within the land in question. The most sensitive areas would retain their conservation status and remain protected, whilst off-roaders could continue to use a specified area for their sport and recreation.

English Nature has taken direct and immediate action to prevent damage to one site: Broadmoor and Bagshot Heath. Designated as an SSSI, this piece of land is governed by rules that do not allow the landowner or occupier from conducting "operations" likely to cause damage. However, SSSI rules do not normally bite on trespassers and, in this case, the many illegal off-roaders using the site every week cannot be prosecuted.

In April 1999, English Nature changed this situation when it applied for, and received from the Secretary of State, a Nature Conservation Order (NCO) made under s.29 of the Wildlife and Countryside Act, 1981. This NCO gives additional protection to this particular SSSI by extending the penalties for causing damage to all persons: not just the owner or occupier. The target was the illegal off-roaders and, sure enough, a prosecution swiftly followed.

In November 1999 five motorcyclists were convicted and fined for causing damage to the SSSI with the combined total of fines coming to £675.00 plus £300.00 costs. It is regrettable that at least three of these riders are thought to be registered competition licence holders who should know better.

At present English Nature must apply for a NCO on an individual site basis if they believe that a third party is damaging an SSSI. But this could all change as the forthcoming Countryside Bill is almost certain to include provision to extend this rule to all SSSIs all of the time. This will obviously give English Nature greater opportunity to take direct action

against any off-roaders damaging an SSSI.

Whilst this will obviously affect individuals, legitimate motorsport clubs should also take note. All too often clubs find that, unbeknown to them or, indeed the landowner, an SSSI has been declared on land they may have used for many decades. In such situations it is possible that the club, and its competitors, might be open to prosecution if damage is caused, after any new legislation comes into effect.

Our advice to clubs is "if in doubt" always consult the local authority planning department to identify if a piece of land has been designated an SSSI.

English Nature has stressed that its officers involved in making the prosecution are not anti off-roading. They will continue to explore the possibilities for legitimate alternative sites with Bracknell Forest and Surrey Heath District Councils, and the LARA-MFU Regional Officers.

STOP PRESS!

English Nature has placed a statutory notice in *Trials & Motocross News* (11 February 2000) announcing that the Nature Conservation Order on the heaths has been made permanent by the Secretary of State. The motorcycle press is not a normal place for such a notice to be published, so this must be taken as a clear message that English Nature will take action against any further misuse of these sites.

SSSI success story!

Another case illustrates that it is certainly not impossible to preserve motorsport in Sites of Special Scientific Interest. In Cumbria a number of traditional motorcycle trials sites have been designated as SSSI over the years, requiring that clubs get planning permission to continue doing what they have a long history of doing without problem.

One such site is the big SSSI at Whitbarrow in the Lake District, where the Northern Centre of the Auto-Cycle Union has won a five-year planning permission to hold three trials each year. The consent has some reasonable conditions attached, such as 28 days prior notice and environmental impact assessment if thought necessary. This safeguards another traditional trials ground for years to come and shows how motorsport and environmental sensitivity can co-exist.

LARA is also giving support to a proposed 'off-road park' on the fringes of the Lake District - more news on this later.

GREEN LANE DAY

Hard hat, steel toecaps and insurance

Like Christmas, *Green Lane Day* seems to come around sooner every year. This year it is on Sunday 26 March, and looks set to be the biggest and best yet. The national co-ordinator is Mike Dyer [tel. 01276 473907] but it is the local clubs and individuals from all types of motor sport and recreation that make it all happen. Highway authorities, once rather suspicious of volunteer projects from the motoring organisations, are increasingly recognising the goodwill on offer and the tremendous amount of clearance and repair actually done.

The LARA Steering Committee is concerned that *Green Lane Day* should pass off safely. All LARA member organisation clubs and individuals should be trained and properly supervised for all the tools they use and the tasks undertaken. Local groups and national organisations should ensure that the appropriate insurance cover is in place for all operations of which they are a part. LARA is not organising, managing or supervising the actual works done on *Green Lane Day* and cannot accept any responsibility or liability.



Chevy Chase! Lambing season is not far away, and LARA is continuing to work in the Cheviot Hills Motorcycle Access Management Group. All motorcyclists are asked to take extra care on the ancient roads during lambing. There are still reports of riders - some groups as big as 16 - using non-vehicular trails such as the Pennine Way and Border Counties Ride. The police will be monitoring illegal use and prosecutions may follow.

right of way. Invariably that council has received complaints from walkers that they could not follow the path because it was crossed by a moto-cross track, enduro course, or similar, and that they were kept waiting for a long time before they were allowed to proceed. The club officials only act in the best interests of the walkers' and competitors' safety, but clubs facing this scenario should be aware that any course crossing a footpath is illegal unless the proper authorisations have been obtained from the highway authority. Any club concerned about a public path or other highway across the land they use should contact the MSDO for a copy of LARA's guidance note.

Planning Permission for 'Two Dales'

The MFU is pleased to report that Derbyshire Dales District Council has granted planning permission, with certain restrictions, to this well-known motorsports venue. In the past it has been used for youth motocross and more recently 4WD events, and LARA has supported the planning application for a 4WD Training Centre and mountain bike facility. The permission is for twelve months initially, and the site can be used for 42 days per year provided a background sound limit of 42dba is not exceeded. The permission also includes up to eight competition days. Both the applicant and the MFU are reasonably satisfied with the outcome in that the objections of the only resident within the vicinity have been fairly weighed against the need to provide a well managed facility in the area.

Don't cross me!

Every now and then a local authority highways department will contact the MFU regarding a motorsport facility that is crossed by a footpath or other

Noise code not applicable

Noise remains the biggest problem for clubs in terms of the number of complaints received by local authority Environmental Health (EH) Officers. Just lately the MFU Office has received a number of calls from EH Officers, regarding various facilities, requesting the latest sound levels for our sport. The MFU is happy to supply this information, but has become aware that many local authorities are still referring to the long-out-of-date **Noise from Off-road Motorcycle Sport Code of Conduct** that was co-ordinated back in the early 1990s by the Noise Council, but never adopted nationally.

Clubs should note that if an Environmental Health Officer arrives at an event brandishing this document then he/she should be politely informed that it never applies and that each event is run to the levels given in the current governing body handbook. All venues are therefore assessed on their individual merits, not on the flawed guidance given in the Code of Conduct. This is very important and if anyone requires further clarification, please give the MFU a call.

LARA Training Workshops 2000

LARA is proposing to increase the level of training and advice for volunteer officers this year. But to do this effectively we need to know just what you want in training provision. This can be recreation or competitive sport and, where possible, we will stage the seminar in the region that requests it.

Please contact the MRDO with your ideas and requirements as soon as possible to allow the production of a planned programme of training.

Whitty comments

Extract from *House of Lords Hansard*.

11 January 2000: Column WA110

Long-distance Footpaths: Unauthorised Use of Motor Vehicles - Lord Hardy of Wath:

“What damage has been done in recent years to long-distance national footpaths through the unauthorised use of motor vehicles [HL336]?”

Lord Whitty: “The nationally recognised long-distance trails in England are made up of footpaths, bridleways, and byways open to all traffic, roads used as public paths and unclassified roads (and in some places metalled roads). Over some lengths of these trails there is a right of vehicular access and it is on these routes that there are some examples of damage being caused by motorised use. However, neither the Countryside Agency nor ourselves are aware of significant damage having been caused to long-distance footpaths by unauthorised use of vehicles.”

[Lord Whitty is The Parliamentary Under-Secretary of State, Department of the Environment, Transport and the Regions]

LARA wrote to the Countryside Agency to ask for help in identifying those ‘examples of damage’ to which Lord Whitty refers, so that sensible management solutions can be applied. No response has been forthcoming. It is not known from which source, other than the Countryside Agency, Lord Whitty’s information could have come.

TSOs move forward – slowly

LARA’s radical proposal for *Traffic Suspension Orders* by which to regulate minor highways used for motor and other competitive sports, was considered by the *Rights of Way Review Committee* on 23 February 2000. This committee, chaired by Mr Peter Pike, MP, is the top national forum for all rights of way interests to discuss proposals for legislative change and other national issues. Ian Davis of the MSA, representing LARA, asked the Committee to endorse the proposal and pass it up to Government for further action. RWRC members have had the TSO proposal since last summer and little adverse comment has been received, so Ian was taken aback by unforewarned attacks on the TSO philosophy by the British Horse Society and Open Spaces Society representatives.

Dr Alan Chesters, the Bishop of Blackburn, and the Countryside Agency’s voice on RWRC was “supportive of the need” for a proper framework in which to run competitive events, while support of the need for clarification came from the Institute of Public Rights of Way Officers, the County Surveyors Society, and the Local Government Association. In the end the RWRC “endorsed the need for change” and with that comment the TSO proposal is now to be presented to Kate Hoey, the Sports Minister, with a request for action in the current legislative round.

MSA TO INSTIGATE REVIEW OF RALLY SAFETY

The Motor Sports Association has formed a working group to review all aspects of safety in British rallying. The group will be chaired by Tim Stock (Chairman of the Motorsport Safety Fund and Chairman of the BRSCC); other members will be Stuart Turner (former head of European Motorsport at Ford), John Richardson (Chairman of the Motor Sports Council Rallies Committee), Tony Newsum (MSA Rallies Executive) and John Symes (MSA Safety Executive).

MSA Chief Executive John Quenby said: “A number of safety issues occurred with spectators on our own Network Q Rally of Great Britain last November, and further problems were encountered on this year’s Monte Carlo Rally.

“When these international problems are considered alongside recent incidents at domestic rallies, it seems clear that the time has come for some fresh thinking. For this reason I am particularly pleased that Tim Stock has agreed to chair the group: he has extensive experience of safety in motor sport, but does not come from a rally background. Thus I believe he is very well placed to consider fresh approaches to these vital issues.”