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No news yet on the 14/28 day rule The Government has received strong criticism of the ill- thought proposal to scrap or restrict permitted development rights

At the end of April LARA submitted its response to the Government's consultation exercise on proposals to scrap or restrict 'permitted development rights' – the system usually known as the '14/28 day rule' whereby motor sport can take place on land for up to 28 days in a year without the need to apply for planning permission beforehand. The Department for Transport, Local Government and the Regions' *Consultation on Possible Changes to the Use Class Order and Temporary Uses Provisions* appears to be prompted by concerns about take-away food shops and 'car boot sales', the latter being accused of being the means of disposal of stolen goods, whilst causing traffic problems, litter and disturbance.

The Welsh Assembly has not yet issued a consultation. The 'on the ground' situation for motor sport in Wales is similar to that in England. Our data for England can safely be used to illustrate to the Assembly that there is no case for change. This consultation and data summary does not apply in Scotland. Other legitimate activities benefiting from PDRs include clay shooting, farmers' markets, farm diversification schemes, and motor sport.

The DTLR commissioned planning consultants Baker Associates to investigate and report on the current situation and possible changes to the current regime. That report (received by the Secretary of State in 2001) has led to the issue of the DTLR consultation paper. The Baker Associates Report damns motor sport as a significant cause of nuisance and complaints, but that is a gross mis-statement of the findings and is based on a tiny national sample resulting in misleading 'percentages' being quoted.

LARA conducted its own survey on 9th and 10th March this year. On that weekend clubs belonging to LARA's various member organisations held 66 events across England and Wales, involving 4821 drivers and passengers and 6011 organisers, marshals and other helpers (10832 in total).

LARA wrote to every planning authority in England and Wales and asked if there had been any reports of problems arising from motor sport events that weekend. The 66 events recorded by us raised no problems. Only 4 authorities (1%) cited complaints that weekend that might on investigation prove to be other motor sport events. Several authorities reported ongoing problems with illegal and unauthorised motor activity (mainly 'cowboy' motorcyclists) and some mis-described this as 'motor sport events'.

Motor sport events at clubman level depend on the goodwill of landowners for the land on which to run, and also puts back a welcome income into the rural economy. Any requirement for full planning permission will almost inevitably mean the end of long-standing fraternal events that give thousands of people a great deal of pleasure every weekend of the year, without any effect on the illegal activity that is the real cause of nuisance.

Motor sport clubs and personnel have a vested interest in being 'good guys'. They try to influence and restrain cowboy behaviour. If the legitimate people are taken out of the scene then the number of illegal riders and drivers will increase – as will the nuisance. The police cannot cope at the moment and most forces regard such trespass as a very low priority.

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We think that the Government should be very cautious about radically changing a system that has served the community well for approaching four decades, on the basis of very spurious data. LARA's own data has been submitted to the Secretary of State and is open to testing. Clubman motor sport is for and about the ordinary man, woman and youngster, many of whom put a lot of effort into, and gain a great deal of enjoyment from, the many types of motor sport. Also there is the selfless input of the organisers providing an active sport programme at a time when too many people are becoming 'couch potatoes'.

The Government's range of options for change are unnecessary because the Baker Associates Report is seriously flawed. If car boot sales are a genuine problem this should be tackled by more appropriate means like Trading Standards and Customs and Excise.

What can *you* do to help? The closing date for the consultation responses has now passed and it does not serve much useful purpose for the DTLR officers to get repeats of the same

LARA Workshops for 2002

LARA's 2001/2002 training seminars going under the title of *Back To Our Routes* proved very successful, with dozens attending each of the fourteen sessions held. Most of these seminars were organised by local motor club people and at almost all there was at least one officer from the highway authority or national park, often to face some strong criticism of local policies and practices. This bravery was greatly appreciated! *Back To Our Routes* dealt mainly with the process of researching 'lost' rights of way and 'claiming' these to get them properly recorded on the definitive map, in anticipation of the forthcoming *Discovering Lost Ways* project under the tutelage of the Countryside Agency.

The latest news on *Discovering Lost Ways* is that the funding for the current financial year is in the bank, and the Countryside Agency, having received the consultants' report of the scheme in the Spring, is pushing ahead to get things started for real quite soon. There will be a need for a lot more training for participants in the *Discovering Lost Ways* project, but until the syllabus for the project is published it is almost impossible to know exactly what is needed - so all potential researchers please be patient.

criticisms and comments dozens of times. What really is effective is for everyone involved in motor sport to write to, or better still visit, their Member of Parliament and explain just what is proposed and how much damage the changes will do if the more radical options are put through. We have already seen copies of correspondence from motor sport people to and from Members of Parliament that must be making the Minister aware of our concerns. The information you need to inform your MP is on our web site at laragb.org, or from your own national organisation's representative on LARA.

You can be sure that the anti-motor sport organisations like the Campaign for the Protection of Rural England (CPRE) will be lobbying hard behind the scenes to make every motor sport event apply for planning permission - and the NIMBYs will then oppose each and every application. If you do not know who your MP is ask at your nearest public library and please remember these proposals are not your MP's fault - he or she may well not even know this is going on - so ask for help rather than firing a broadside of complaint.

For 2002 LARA intends to run a series of seminars on *Motor Sport in the Planning Process*. There is no doubt that, regardless of the outcome of the Government consultation on the 14/28 day rule, many motor clubs will have to look seriously at protecting the future of their events by getting express planning permission, while others will continue to fall foul of the planning rules and find themselves facing enforcement action. Each seminar will look at:

- The planning framework - local plans, etc.
- Permitted development rights.
- Engineering works and change of use.
- Lawful development certificates.
- Enforcement notices.
- Applying for planning permission.
- Special land designations.
- Noise abatement orders.

These seminars are aimed at motor club officers who have to deal with finding and securing sites. As in the past, LARA will supply the main speaker(s) and the seminar papers, while it is up to local club officers to organise the venue and the attendance. LARA would like to run up to six seminars on a regional basis, so if you are prepared to help organise one, please contact the MSPO.

Court of Appeal decision upsets current thinking

It has long been the accepted view of most planners that where a motor sport event takes place on land under permitted development rights (the 14/28 day rule) then the planning permission deemed to be granted to the event is purely temporary as regards both the change of use and any associated engineering works. What this means is that (within reason) the land has to be left much as it was before the event took place, and you could not, for example, build a permanent moto-cross track under permitted development rights. This view seems to have been seriously questioned by a decision of the Court of Appeal in *Ramsey and another v. Secretary of State for the Environment, Transport and the Regions*, 1st February 2001 (a report is available in the *Estates Gazette* series at [2002] 07 EG 120 (CS)).

Mr Ramsey built a motor cycle track on his land at Hill Farm, Ipswich, but operated training (not, we believe, racing) for only 28 days a year under permitted development rights. The temporary change of use of the site had deemed planning permission, and Mr Ramsey applied for a lawful development certificate for the track itself. The application was rejected by the planning authority and turned down on appeal to the Secretary of State. The inspector hearing this appeal held that because the features of the track remained all year round, this amounted to a permanent, albeit intermittent, vehicular use. Mr Ramsey next appealed to the High Court, where the judge upheld the inspector's decision.

All change at the top

LARA's officer posts have undergone something of a shakeup following the annual general meeting in April. Geoff Wilson has stood down as Chairman after being involved with LARA at a variety of levels since its inception in 1986.

The new Chairman is Bill Troughear, the Chairman of the Association of Northern & North-Eastern Car Clubs, and like Geoff a resident of Cumbria. Although he is primarily a car sport man today, Bill has a background in the two-wheel game and knows the importance of land access issues.

Ian Davis (MSA) steps down as Deputy Chairman to be replaced by Richard Fordham (TRF). Richard is a qualified planner, currently working for a northern planning authority, and his technical knowledge of the planning system is proving very useful. Although mainly a trail rider at

The bench of three appeal judges did not agree. They held that any lawful alterations to the appearance of the land made to facilitate the temporary change of use were irrelevant unless they prevented a reversion to the normal use between the periods of temporary use. It would, they said, be a question of degree in each case, and the question was whether the extent of the interference with the normal use was sufficient to prevent a use from being temporary.

The Court of Appeal held that Mr Ramsey's normal agricultural use of the land was not affected by the racetrack features. Further, the court held that there would be no permanent mixed use of land arising unless each of the uses of the land continued for a substantial part of the year - and a new use for no more than 28 days could not amount to a mixed use.

[Editor's note: clubs should not take this decision as a ticket to buy land, build a proper race circuit, and then run for up to the permitted 14/28 days in a year. The whole nature of permitted development rights is that they permit a temporary change of use, that reverts back to a normal use in between times. If land is held without any 'normal' use (such as grazing) between events then the motor sport may be not temporary, but an intermittent primary use. As always, each case will be different, but having stock grazing between events looks to be a sound safeguard.]

present, Richard has a background in moto-cross and will be helping to present the LARA *Motor Sport in the Planning Process* seminars.

Don Green (AMCA) has stood down as Honorary Treasurer after doing this essential but often thankless task since 1986. He is replaced by Keith Freak (csma) from the West Country.

The contract officer roles within LARA have also changed subtly (see 'contacts' on page 1). Tim Stevens remains in his Motor Recreation Development Officer role, while Alan Kind's Planning Officer post shifts slightly to become the Motor Sport and Planning Officer.

These changes are intended to retain LARA's coverage across all aspects of motor recreation and competitive motor sport.

Pressure builds on green road access

The 'antis' are on the move again! Public access to green roads is coming under a renewed and co-ordinated attack in a number of places. In the **Yorkshire Dales National Park** the ruling committees are effectively controlled by anti-motor elements, and a proposal has been made and accepted that 'experimental traffic regulation orders' should be applied to four green roads to see if this is a way of 'managing' recreational motoring. At a public meeting in Grassington in February 2002, the Park's head of access Jon Avison braved a turnout approaching 150 people to explain that this was a committee decision and that the same committee did not regard voluntary restraint, or any hierarchy management approach, as acceptable. The 'experiment' of the orders, said Mr Avison, would be that if people complied with them they would be deemed a success and made permanent. What will happen if people choose not to comply was not stated. By June 2002 there have been no further developments – the 'four roads' do not seem to have been selected. The highway authority - North Yorkshire County Council – now has a large postbag of objections.

There is also now a *Yorkshire Dales Green Lane Alliance* dedicated to closing the relatively few ancient carriage roads in the area to all other than the privileged few who would qualify for permitted access. The success of the local vehicle groups in selflessly mending Deadman's Hill and Pockstones Moor Road for all users to enjoy seems to carry no weight with this 'Alliance', whose principal supporters include Janet Street Porter and Colin Speakman.

Over in the **Lake District National Park**, the Park Authority has resolved to make an experimental traffic regulation order on Gatesgarth Pass, although it is unclear just what the 'experimental' element is – the order as drafted appears to be a bare temporary prohibition of traffic. But in the spirit of the ongoing *Hierarchy of Trail Routes* project, there is at least to be a public inquiry into the Gatesgarth proposal. Anyone interested in making representations to this inquiry should write to Geoff Wilson (who co-ordinates the vehicle users' side of the *Hierarchy*) care of the LARA office (Market Drayton).

Our old chums *The Friends of the Ridgeway* have been rejuvenated by a new chairman, Mr Ian Ritchie, and are back campaigning vociferously for all 'non-essential'



Undeterred by prejudice - volunteers from vehicle groups are continuing minor highway renovation in the Lake District National Park.

motor vehicles to be prohibited from all of **The Ridgeway**. As an opening gambit the *Friends* made a public show of demanding that their name be removed from the long-standing (and apparently successful) *Ridgeway Code of Respect*. At the time of writing, Swindon Council has announced its intention of putting a temporary TRO on its stretch of the Ridgeway, while the *Ridgeway Management Group* (councils, Countryside Agency, users, etc.) is planning to conduct a survey to ascertain the true situation regarding levels of use and surface damage. And now the Ramblers' Association has joined the call for a total ban.

Meanwhile, up in **Rochdale** officers recommended to members of the Pennine Townships Committee that an experimental TRO be made, prohibiting motor vehicles from Tunshill Lane, with the caveat that if they declined to make such an order, the council might be held liable for any 'accident or fatality' (no authority was cited for this paradigm-shifting assertion), and that "whilst meeting the aspirations of the motorised users this fails to meet the wishes of the majority of local groups consulted" (ramblers, of course). The Milnrow and District Bridleways Group confirmed there was 'no problem' in sharing the road.

Members heard the report, saw sense, and declined to make the order on the basis that it would be unenforceable.