

CONTACTS:

Tim Stevens
*Motor Recreation
Development Officer*
Tel: 01630 657627
Fax: 01630 658928
E-mail: mrdo@laragb.org
Post: PO Box 20
Market Drayton
Salop
TF9 1WR

ALL MAIL & ENQUIRIES
FOR LARA NEWS TO
PO BOX 20 PLEASE

Alan Kind
*Motor Sport &
Planning Officer*
Tel: 0191 2364086
E-mail: mspo@laragb.org
Post: PO Box 142
Newcastle upon Tyne
NE3 5YP

Find more information
about current issues in
our web pages at:

laragb.org

SUPPORTED BY



14/28 day rule safe for now but 'exemption certificates' for caravans are under threat

Following motor sport's successful campaign in 2002, the government has now confirmed that there are no current plans to change the system of permitted development rights, which allow motor sport to take place on most land for up to 28 days a year (14 days for racing) without the need to apply for and get planning permission first. A paper from the Office of the Deputy Prime Minister: *Review of Permitted Development Rights*, September 2003 (available on the ODPM website at www.publications.odpm.gov.uk) summarises the government's review process and, for Class B permitted development rights (which include motor sport) concludes "No changes are recommended to this part ..."

That is excellent news, particularly for the large majority of clubs which rely on permitted development rights to be able to run occasional events on a number of different sites. But there is a dark cloud on the horizon with a set of recommendations that the current rules controlling caravans should be more restricted. At present, organisations can apply to the government to be listed as 'exempted organisations'. This allows clubs to have caravans (and people sleeping in vans) staying overnight at motorsport events, without the need for planning permission, as long as a code of practice is applied. The current rules for this process are available in LARA's *Planning GuideNotes*. Recommendations in the new *Review* include: removal of permitted right in and immediately adjacent to sensitive areas; limiting the number of caravans; and limiting the number of uses per site to five days per year. This obviously needs watching and, if proposals for unreasonable restrictions are brought forward, motorsport clubs and participants will once again need to visit their Member of Parliament to make our case.

LARA's workshops on *Motorsport and the Planning Process* are lined up for October and November 2003

Planners: if you can hear us, why can't you see us?

The way the planning process impacts on motor sport changes all the time, and LARA's *Planning GuideNotes* are now under review. Similarly, current cases show that planning professionals are not well informed on motor sport issues, so LARA is hosting a short cycle of one-day workshops for both planners and event organisers. These will also be of interest to land managers such as national park and conservation officers.

We plan to hold workshops at three locations, provisionally Cardiff, southeast England, and the north of England or the north-midlands. If there is demand we will stage weekday events for professionals and Saturday workshops for volunteers. The cost will be as low as possible and, for professionals, the workshops should count as up to five hours CPD. An outline programme is on page 4 of this issue, but please help us by registering your interest and stating your location and preference for a weekday/weekend as soon as possible. Please e-mail or write to the Motor Sport & Planning Officer at the address on this page.

Motor sport success for the TRF!



Richard Fordham (left in picture) and Roger Peters of the Northumbria TRF were television personalities in early September, when BBC *Look North* wanted to do a story about the public inquiry at Slaley to decide an order to record a pattern of ancient highways as BOATs. Inevitably the local 'antis' tried to spin the story as 'scramblers opening up large areas of countryside for motorbikes and 4x4s', but Roger and Richard's polite and amusing performance came across rather better than the local Ramblers' Association's usual rant of 'we just don't think they're appropriate on our paths ...'

No, that heading is not a misprint!

Richard Fordham, a planning officer with North Tyneside Council, and the TRF's man on the LARA Steering Committee, has won the Royal Town Planning Institute's annual prize for the 'best young planner' with a paper on motor sports and the planning process. Part of the prize was the opportunity to address many of Britain's top planners at the RTPI summer school in Bangor.

Tram lines

LARA has had a letter from Mr Peter Seaman, clerk to the Talybont-on-Usk Community Council, telling us that there is motorcycle and 4x4 use of the Brinore Tramroad, near Tredegar, which is a public bridleway. Mr Seaman is concerned about danger and damage, and points out that the Community Council is certainly not 'anti off-road vehicle', having supported improved facilities for enthusiasts in South Wales. The police and park wardens are aware of the issue, so unless there is good evidence of underlying public vehicular rights (not usual with tramways or wagonways) motor users may find themselves on the wrong end of a prosecution.

Success in the Isle of Wight

Congratulations are due to the Vectis MotoCross Club based in the Isle of Wight for winning planning permission for a new MX circuit at Arreton in the face of stiff opposition. The planning application was passed by the Isle of Wight Council in mid-summer, just in time for the club to stage a round of the national championship, but the formalities of the permission were not completed (although the event went ahead very successfully) and a further consideration of the application was made in early September. The planning committee was again considerably in favour of a 'trial period' and passed the application.

Shortly afterwards, a local resident initiated judicial review proceedings in the High Court against the council to try to get the decision reversed. After the usual 'legal spar-

ring' behind the scenes, the applicant withdrew from the action, leaving the way clear for the Vectis Club to investigate hosting a world championship round in 2004 - the track is that good! LARA was present at both planning committee meetings and the objectivity and fairness of the officers and members of the Isle of Wight Council was a real breath of fresh air compared to other cases we could name.

Underhand in Wiltshire?

Quite out of the blue has come a proposal by Wiltshire County Council to put a 'no motor vehicles' traffic regulation order on a green lane that is part of the Ridgeway National Trail at Smeathes Ridge (not, we believe, actually the historic Ridgeway itself). LARA had not heard any reports of damage or other problems, and certainly there had been no approach for joint management solutions from Wiltshire County Council. Local people tell us that it looks very much as though pressure has been put on WCC at a high level, and the council discussed the issue with anti-vehicle groups, but declined to talk to vehicular users. We are told that this stretch of the green road is in very good condition (so the vehicular traffic can hardly be accused of damage!) and that the underlying purpose of the order may be to claim, in the future, that the use of the TRO here has 'prevented damage', making a justification for applying more, elsewhere.

Meanwhile, the government's study of alleged vehicular damage and conflict on BOATs continues its enquiries. Smeathes Ridge might make interesting reading for the Minister on the everyday application of prejudice?

The LARA workshops on planning and motorsport

Motorsport and the Planning Process

If planners can *hear* us, why can't they see us too?

For planners: *This is motorsport – why can't the planning process see it?*

For motorsport: *This is the planning process and how it affects motorsport*

The purpose of these workshops is to improve the understanding of motorsport facility provision – safeguarding and developing facilities in an environmental context – while recognising and enforcing against illegal and harmful activity.

Session 1: The coin has two sides

If you are a planner, your job is to balance regulation and provision – two sides of one coin. But from the perspective of the motorsport enthusiast, if that coin is tossed it will tend to land on one side about 98% of the time. There is no prize for saying which side is uppermost. This session will challenge the planning profession to examine its track record over the last 50 years – two working generations of planners. How has this lack of dialogue – interface – come about? Is it deliberate? Negligent? Justified? Appropriate? Was it ever appropriate and, if so, is it appropriate now and into the future?

Session 2: What is motorsport and recreation?

This session explains what motorsport and recreation is all about – and it may surprise you! Motorsport is not 'rich'. It is not a Michael Schumacher lifestyle, and, except at the very highest levels, people put a lot of money into it and get none back. Ordinary people take part (even the odd chartered planner) and motorsport has a heritage of 100 years – two-thirds that of the noisy, filth-belching steam trains which attract so much affection, nostalgia and positive planning provision! In motorsport, Britain has always been a world power, and this remains true in most disciplines and at most competitive levels. There is comparatively little 'built provision' in motorsport, whereas tennis and golf cannot take place without a court or course. Most motorsport uses land on a temporary basis, with the site reverting to its principal use in between – there is some undeveloped 'dedicated land' that sits in a grey area in planning terms.

Session 3: Motoring on unsealed roads ('greenlanes'): is this a planning issue?

Recreational and 'sport' motoring can take place on the public highway. Is this just a highway law/management issue, or is it something that does – or should – involve the planning profession? The law here is complicated and the issues often misrepresented.

Session 4: Tackling the 'cowboy' element – the law, the practice and the facts.

Illegal motor use – trespass – noise – harassment – damage – traffic offences. Whose problem is it: planners or police?

Session 5: Motorsport within the planning system

What permissions does motorsport require to stage events? What does it seek and what does it get? How does permitted

development fit into this? What does permitted development allow? How much 'flexibility' is there in permitted development rights in practice? SSSIs, SPAs, SACs, NPs, AONBs. Planning Policy Guidance: PPGs 7, 9, and 17. Environmental Impact Assessments and scoping. Sustainable development. Temporary change of use: can operational development be carried out on the back of a legitimate temporary change of use? Certificates of lawful use. Article 4 Directions. Enforcement: planners – are *you* too ready to draw your gun?

Session 6: Noise

If we were to tell you the biggest complaint about legitimate motorsport is dust, or traffic generation, or pollution, then we'd be telling a lie. The single biggest complaint is *noise*. The biggest complaint about illegal motor use is *trespass* and its associated loss of amenity – noise is a factor here too. What is the view of planners on noise in life? Motorsport is not always totally quiet. Nobody says it is ... are only quiet sports acceptable?

Session 7: Development plan processes

Will the proposed changes make development plans better at seeing and facilitating transient activities and 'noisy' activities?

Session 8: Bringing it together

Motorsport: what should we do with it? Ban it? Provide for it? Change it? Ignore it? Influence it?
Planning: what should we do with it? Ignore it? Change it? Seek to work with it, because it isn't going to go away?

Session 9: Open discussion

You can e-mail questions, comments and issues to us in advance of the day, and we will try to work them into the programme.

This event is intended to assist RTPI members and other professionals with their CPD requirements. Please note – the responsibility for judging the relevance and value of events and other forms of CPD lies with the individual RTPI member.

Papers issuing will form an update of the LARA Planning *GuideNotes* (web format only).

Dates, times and locations: please see the latest position at www.laragb.org

Fighting blind prejudice

Horseriders and motorists work together to save a lost 'green lane', then find that the highway authority proposes to prohibit vehicles with no consultation or good reason



In July 2003, a joint team of Chris Clark (Cumbria Bridleways Society), Geoff Wilson, Tim Stevens and Alan Kind (TRF/LARA/local resident/interest) gave evidence and legal argument at a two-day public inquiry at Newbiggin, Cumbria, called to consider an order to add a public footpath to the definitive map. This 'footpath' lies in Ravenstonedale parish, with a continuation (already recorded as a footpath) in Orton parish, where it is recorded in an inclosure award as *Mereslack Road*: a public carriage road (pictured above). At the end of the inquiry, Cumbria County Council's

solicitor Alan Tiffin, had the good grace to concede that the evidence points more to carriageway status than footpath. It is also a fact that there is no history of 'problems' with public vehicular use of this route.

Almost immediately after the close of the public inquiry (the Inspector's decision is not yet issued) and without any consultation at all, the Eden Area Committee of Cumbria County Council resolved to put a traffic regulation order on the route if it is confirmed as a BOAT. Geoff Wilson's letter to the *Cumberland and Westmorland Herald* (below) tells the story ...

The Editor, *Cumberland & Westmorland Herald*

Dear Sir,

CUMBRIA COUNTY COUNCIL'S GAMBLING

The *Herald* (13 September) reported that at the 3 September meeting of Cumbria County Council's Local Committee for Eden councillors were urged to take "a gamble" on action to restrict possible lawful use of a right of way across Ravenstonedale Moor. Forgive me for asking, but isn't it unlawful for councillors to use public (tax and rate payers) money to gamble? Yet that's what they agreed to do, and in doing so compounded a gross, and avoidable, waste of public money on this storm in a tea-cup.

By taking the first decision, a gamble contrary to legal advice, to designate the route in question as a footpath the council unnecessarily incurred a cost of many thousands of pounds through having to call a public inquiry into the matter. Now, in fear that the inquiry inspector will make a decision against them the council has been convinced that it should take a further gamble to prematurely prevent use of the route by those who the inspector may agree can do so lawfully.

The reason for this waste of our money? A totally un-researched and consequently unfounded presumption that a change of status to the route will lead to wholesale destruction of the habitat over which the route passes. If current use of the route in question by agricultural vehicles hasn't destroyed the habitat; or current use of nearby road verges for parking hasn't destroyed the habitat, or current use of other green road routes

in the area hasn't destroyed nearby habitat; or if in the next year or so the lawful tramping over the area by walkers exercising the new open country *Open Access* rights causes no prospect of destroying the habitat; then why should a rather arbitrary change of status cause any significant habitat change?

Did the council seek the views of English Nature before considering this case? I don't believe they did. To take such a presumptuous decision without having done so is negligent and irresponsible.

A conservative estimate is that the council will already have squandered in excess of £10,000 of our money in reaching a position that it could have reached at no cost had it done what government recommends it should do in such cases, and sought agreement with recreational users for a management plan for the route. And there is prospect that the council has now got itself into a corner that will cost it even more to get out of.

Yet in only the previous issue of the *Herald* (6 September) we read that "due to cuts in highways budget there were no finances available to pursue the proposed waiting restrictions in the vicinity of [Lazonby] school". Restrictions that were aimed at preventing possible injury or loss of life to school children and improving residents' quality of life and overall safety, and which would have cost only around £1,000.00 in labour and road paint.

Cumbria County Council needs to get its priorities sorted out, and remind itself that it is no more acceptable to flout democratic processes or to "gamble" with our tax money than it is to gamble with people's safety in the villages.

Yours faithfully,

Geoff Wilson