

Motor Sport in the Countryside is Under Threat Again.

Background & Briefing Notes from LARA.

The Government has published an *Issues Paper* which states that motor sport events (trials, moto-cross, etc.) give rise to 'significant concerns', and invites comments and views on changing the '14/28 Day Rule' under which most off-road sport is organised. Everyone involved in the Sport needs to reply to this consultation now.

The Government Paper.

Department for Communities and Local Government.

How change of use is handled in the planning system – tell us what you think. Issues paper. June 2011.

This is available as a PDF download at:

www.communities.gov.uk/publications/planningandbuilding/changeuseissues

You can read the Minister's announcement at:

www.communities.gov.uk/news/corporate/1930564

What is it all about?

Early in 2011 the Government announced a review of the 'Use Classes Order'. This order is a Statutory Instrument made under the provisions of Town and Country Planning legislation, and the review was stated to address the difficulties in changing the use of premises from (for example) business use to residential use. That has no bearing on land use for motor sport.

When the *Issues Paper* was announced to the press and then published for consultation (late June 2011) it became clear that the Government is looking beyond just the Use Classes Order, and is also inviting comments on the General Permitted Development Order, which is the Statutory Instrument regulating temporary changes of use of land. The General Permitted Development Order (GPDO) is the basis of the '14/28 Day Rule', under which the great majority of car and motorcycle events in the countryside are operated.

Under the 14/28 Day Rule an event organiser does not have to apply for planning permission for the 'change of use' of the land, on the day of the event, from agricultural to motor sport. To have to so apply would be an enormous burden on clubs, farmers and planning authorities for no real benefit.

Haven't we been here before?

Yes we have. Back in 2002 there was a Government consultation on restricting or scrapping permitted development rights (the 14/28 Day Rule) for motor sport. LARA carried out a survey of all motor sport events on one 'sample weekend' in that year, and followed that up with a survey of any problems arising from these events. Quite simply, the Government's consultants were confusing 'cowboy activity' with properly organised events. Following LARA's submission to the consultation the proposal was not taken further. Now it is back.

What is being proposed now?

Nothing is being proposed yet. This *Issues Paper* is simply seeking comments, but it is the premise in the *Issues Paper*, that motor sport causes problems, that we have to tackle straight away. This is what the *Issues Paper* says:

8. Are the current permitted development rights relating to the temporary use still appropriate? If not, how do you think they should be amended?
 - Permitted development also grants a general planning permission for the temporary use of land for up to 28 days in any calendar year, subject to a number of restrictions and conditions e.g. these provisions do not apply to the temporary use of buildings or to the use of land for advertisements. For some other uses, such as motor sports and markets, the permitted development rights are limited to not more than 14 days in total in the calendar year.
 - These provisions can provide an important flexibility which enables many small-scale commercial and community activities, in both urban and rural areas, to go ahead without the cost and delay of obtaining planning permission. This benefits the local economy and, particularly in the case of activities on farm land, often constitutes an important source of revenue at the margins.
 - However, we are aware that some temporary uses, for example, car boot sales and motor sports, even where they are operated for only for a relatively few days in the year, can give rise to significant concerns in some areas.
 - The last review of these temporary use provisions took place almost 10 years ago. While this review found that the provisions remained appropriate and that no changes were required at that time, it would be helpful to know whether this remains the case or whether changes should be made to grant more or restrict freedoms for the temporary use of land.

LARA's view.

In 2002 our rigorous investigations found no well-founded 'significant concerns' arising from properly run motor sport events, authorised by LARA Member Organisations. We have no evidence to suggest that this position has changed.

What does the Sport need to do now?

LARA is taking up the matter of the evidence that DCLG has regarding the alleged 'significant concerns'. In the meantime, the Issues Paper says:

23. We are not offering firm proposals for comment. Rather we want your thoughts and views on how change of use is currently handled through the planning system and areas for possible changes. A number of questions have been set out below to help focus responses and we would welcome your views on these in particular. We would also welcome more general views and evidence on issues that arise in respect of changes of use and the planning system, particularly any ideas on how the process of considering changes of use could be made less burdensome.

Anyone can reply to the *Issues Paper* before 1 September 2011. The address is:

David Wilkes, UCO Review Team, Planning Development Management Division, Department for Communities and Local Government, 1/E2 Eland House, Bressenden Place, London SW1E 5DU, or email to: UCOreview@communities.gsi.gov.uk

LARA's advice is that everyone who has an interest in off-road motor sport should make a response at this stage, stressing that Permitted Development Rights are essential to the continued running of a sport that now has over 100 years of tradition in the countryside, with over 5,000 events a year in England and Wales, which are run to strict safety and environmental rules, and which cause few if any problems. Simply, there is no evidence-based reason to change the current system.

Motor Club Chairmen (and anyone else) could usefully write to their own Member of Parliament (or go and see him or her) and ask their MP to take their concerns to the DCLG Minister responsible for this consultation: the Planning Minister, Mr Greg Clark (who is also the MP for Tunbridge Wells).

It would be helpful to have a copy of your letter or email to LARA at:

LARA, PO Box 142, Newcastle upon Tyne, NE3 5YP, or email to laragb@mac.com

For more information contact Alan Kind on laragb@mac.com