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AN ACCESS GUIDE

for Motorised Recreation and Motorsport in the Countryside

A simple guide to the law for recreational and sporting vehicle enthusiasts
and organisers

If this booklet whets your appetite for more information, the libraries and specialist bookshops are full of weighty tomes on planning and environmental law, rights of way, use of the countryside, nuisance, local government, etc; not all of them necessarily accurate or relevant. If you want more detail, either on a specific problem or on these matters in general, then please contact the LARA office:

For motorised recreation—

The LARA MRDO
P O Box 19
GOSFORTH
Newcastle Upon Tyne
NE3 5HW

For motorised competition—

The LARA MSDO
Auto-Cycle Union
Wood Street
RUGBY, Warks
CV21 2YX

Alternatively, contact the relevant LARA member organisation listed in the appendix.

(Please note: the laws of access in Scotland differ in some ways from those in England and Wales, but most of the general principles in this guide are applicable)

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Chapter One: Access to the Countryside

1. Who Owns What?

Every inch of Britain is owned or governed by somebody and, as a general rule, there is no such thing as '*public land*' where you can do as you please. If you go on to land without permission of the occupier then you are probably committing a trespass and could face legal action, especially if you do any damage. In cases where people persistently go on land without permission the occupier can apply to the courts for an 'injunction' to stop them. It is not, usually, a criminal offence to trespass on land, but there are some cases where it is.

2. The National Parks

There are eleven national parks in England and Wales, covering about 10% of the land area. The latest, the Norfolk Broads, has only recently been created. They are areas of great beauty and environmental importance. This makes them popular with all sorts of sportsmen and visitors. With only a few exceptions, the land in the national parks is still in private hands. Farmers must work their farms like any other, but with the added burden of strong planning restrictions and hordes of visitors. Each national park is administered by a structure headed by a national park officer. Each park has a plan—a document containing statements of policy within the park. Each plan must be approved by the Countryside Commission and most have strong presumptions against sports which they regard as '*disruptive or intrusive*'. On the other hand, some park officers recognise the recreational value of disciplined use of vehicular rights of way and readily admit that their problems come from illegal and anti-social misuse. All national parks have full-time and part-time rangers and wardens whose job is to look after sensitive areas, patrol public paths, construct picnic areas, help and advise the public, etc. They do not have police powers. Motor sport is under pressure in national parks. Although the national park authorities may not usually have powers to close green roads or ban trials they can make life very difficult for clubs. Two national park boards (Lake District, Peak District) have been designated as planning authorities for their parks which may mean even greater reluctance to sanction any development involving motorsport.

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In 1991 the Government conducted an investigation into the workings of the national parks. This was published as the 'Edwards Report' and it reinforced the view that only quiet recreation is really welcome in the national parks, but it did say that there should not be any automatic ban on motor sport and recreation. Thus, motorsport can continue responsible use of national parks, but must be alert to further threats and restrictions.

3. The National Trust

The National Trust is a charity devoted to protecting the nation's heritage. Until recently the Trust was best known for buying-up, restoring, and opening to the public, old houses and castles. Increasingly, the Trust is acquiring areas of countryside, some of which may have a history of use for motorsport. The National Trust does not have a policy of excluding motorsport, but looks at each application on merit.

4. English Nature

English Nature (formerly the Nature Conservancy Council) is a government agency charged with formulating policies to protect the nation's wildlife and environment. English Nature owns and manages some conservation sites itself, but works mainly through supplying expertise where needed. English Nature takes a largely neutral stance on motorsport, but is concerned about illegal riding and driving on sensitive sites. English Nature is largely responsible for designating and superintending Sites of Special Scientific Interest (SSSIs).

5. The Royal Society for Nature Conservation

The Royal Society for Nature Conservation is an umbrella organisation for local wildlife and conservation schemes. It is very active at a local and national level in formulating policies for conservation while actually doing the necessary hard work in setting-up schemes. The Royal Society for Nature Conservation claims instances of illegal vehicular use damaging conservation sites nationally and is concerned to prevent this happening in the future.

6. Areas of Outstanding Natural Beauty (AONBs)

These are areas that encompass important landscapes and are important to amenity interests. The present AONBs cover some 10% of the country. They are, effectively, a second division of national park, but do not have a specialist staff administering them—the work is done by one or more of the county councils inside the AONB. Again, there is a general presumption that so-called '*noisy sports*' are not to be encouraged in AONBs.

7. Sites of Special Scientific Interest (SSSIs)

Sites of Special Scientific Interest are being designated, almost unbeknown to the general public, all over the country. They are often in the very places that suit motorsport—old quarries, steep valley-sides that have never been intensively farmed, stretches of moorland and woodland. Often the SSSI and motorsport activity can occupy the same site with no harm to the ecology of the land. In some cases motorsport was being enjoyed there long before the site was designated an SSSI.

SSSIs are created as a result of the *Wildlife and Countryside Act 1981*:

S28(1) Where the Nature Conservancy Council is of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features, it shall be the duty of the Council to notify that fact:

- (a) to the local planning authority in whose area the land is situated;*
- (b) to every owner and occupier of that land; and*
- (c) to the Secretary of State.*

When this is done, the owners and occupiers of the land are prevented from carrying out on the land any operation that has been listed as potentially harmful by English Nature, unless they first gain their agreement.

On SSSIs of greater ecological importance the controls give greater protection. Under section 29 of the Act, the Secretary of State can, effectively, stop unwanted development altogether, but it is possible that the owner and occupier of the land will be able to claim compensation for any loss he has suffered, though not for any reduction in value of the land.

Even though the owner or occupier of the land can be prevented from allowing off-road vehicle use on the SSSI, there is no way that he can be made to take active steps to prevent trespass and illegal use. A report (1987) by the Royal Society for Nature Conservation highlights the serious problem of damage to some SSSIs by illegal users of motorcycles and 4WD vehicles. LARA has been unable to obtain copies of the research which formed the basis of this report, and is consequently inclined to regard its conclusions as dubious.

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In the first edition of the Access Guide it was stated that '*this illegal use will lead to organised events being banned from sites where they have run harmlessly for many years*'. This prediction has now become a fact. Under regulations introduced in 1991 (*SI No 2805 Town and Country Planning, England and Wales*) the Government has restricted motorsport on SSSIs. Whereas in the past organised events could use SSSIs under the 14/28 day rule (see chapter 4), the new rules require that full planning permission is obtained before events can take place on SSSIs. English Nature will always be consulted when such permission is sought. Failure to obtain planning permission does not appear to be an offence in itself, but the planning authority can stop events by use of planning law. Motor club secretaries who suspect they may be using SSSIs should contact LARA for further information. The Association of District Councils (see appendix) can assist with general advice on seeking planning consent.

8. Environmentally Sensitive Areas (ESAs)

ESAs represent a new approach to conservation of the countryside. As part of a five year experiment, certain sensitive areas of countryside are being designated ESA by the Ministry of Agriculture, Food and Fisheries (MAFF), which appoints project officers to administer the scheme. Farmers within the designated area may opt to take payments from MAFF in return for treating their land in accordance with set rules. There are two 'tiers' of land—Tier 1 which is land already in arable or pasture use, and Tier 2 which is rough pasture land that has not been intensively farmed. The restrictions on Tier 2 land are much greater. What may not be done on land within the scheme depends, to an extent, on the nature of the land and the local policy of the project officer. However, it seems that wide-ranging motorsport, such as trials, may not be permitted. Even if the event itself is appropriate, the use of the land for mass car parking is unlikely to be sanctioned. Events that use just a small area of land, such as moto-cross, may not be so badly affected. Rights of way are not directly prejudiced by ESA status.

At the time of writing (June 1992), MAFF are extending the ESA scheme into other upland areas traditionally used for motor sport. Club secretaries are urged to liaise with landowners whose land they use, in case these landowners intend to join an ESA scheme. Careful explanation to the MAFF project officer at an early stage may safeguard access to the land for events. Contact LARA for further information.

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9. The Countryside Stewardship Scheme

This is another experimental scheme designed to enhance the conservation and amenity value of farmland by paying landowners to look after it in certain ways. For example, landowners are paid to provide permissive footpaths, protect wild-life habitats and clean up eyesores. In joining the scheme, landowners may be required to exclude motorsport activities from their land. Recent enquiries suggest that such requirements can be negotiated so as to allow long-standing events which do not damage the land. The Countryside Stewardship scheme is managed by the regional offices of the Countryside Commission (see the addresses at the back of this Guide). Where club secretaries think that any land they use for events may be included in a Countryside Stewardship scheme, they should ask the landowner to negotiate with the Countryside Commission so that non-damaging events may continue.

10. The Beach and Dunes

The only right the public has over the foreshore (the area between high and low water) is the right of navigation—the taking of boats over it. Some areas of foreshore are owned or administered by the local council (very occasionally by a private individual) or a government body such as the Ministry of Defence. These bodies may grant permission for the public to use beaches—there is seldom a restriction on people walking or sunbathing—or they may choose to exclude people completely for safety reasons. There is no general right to drive vehicles along the beach. There are a few instances of old highways crossing beaches. Some authorities allow people to drive road-legal vehicles on stretches of sand and some allow clubs to organise beach races. There is, similarly, no general right to take vehicles into sand dunes, which are often ecologically sensitive areas. Many dunes are in national parks, AONBs and SSSIs.

11. Common Land

It is a misconception that '*Common*' means open to all—it does not. It means that a group of people have '*common interests*' in the land—perhaps the right to graze animals or collect firewood. Some commons, especially those near towns, have access agreements whereby the public may walk or, occasionally, ride horses at will. Most commons are just like any other private land—you must have permission of the landowner to take vehicles onto them. There are, of

course, roads and rights of way crossing many commons and the public's right on these remains unaffected. Section 34 of the Road Traffic Act 1988 states that it shall not be a criminal offence to drive 15 yards off the highway for the purpose of parking, although such an action may still amount to a trespass against the landowner.

12. Forestry Commission Plantations

As with beaches and open country, there is no general right of access to Forestry Commission plantations (nor to most private forests) and any '*scenic trails*' provided are usually for walkers, horse riders and cyclists. There are some '*scenic drives*' provided for motorists, but these are permissive⁺ routes for road-legal vehicles only. There are a number of rights of way for vehicles passing through forests. These are not legally affected by the planting and may still be used.

Motor Sport organisers are sometimes asked to pay high fees to use forestry tracks. Where these tracks carry 'forgotten' vehicular rights, paying to use existing rights can jeopardise any future claims (eg for Byway status). Co-operation with well-informed recreational users is essential if all rights are to be protected.

** 'Permissive' means that the public have no right to use the road—they do so at the owner's choice and the permission may be withdrawn at any time.*

13. Trespass

Trespass is, usually, an offence against the owner of the land and does not involve the police. If you are on land without permission the landowner may require you to leave. If you do not leave when he asks you to (the conditions must be reasonable) then he can use reasonable force to eject you. The landowner can take you to court for the trespass alone, but this is more likely if you have done damage at the same time. Some cases of trespass may also involve a criminal offence—riding motorcycles along railway lines (even if disused) or on Ministry of Defence property—and here you may find yourself involved with the police and the magistrates court.

Chapter Two: Touring & Recreation on the Highway

There are three types of highway:

CARRIAGEWAY: Where you may drive any vehicle (including horse-drawn), drive animals, ride a horse, or walk.

BRIDLEWAY: Where you may ride a horse or a pedal cycle, or walk.

FOOTPATH: Where you may walk.

These are all ancient classifications—they go back to Roman times—and, as circumstances have changed, so the law has changed too. Obviously, a hundred years ago almost all wheeled road vehicles were horse drawn; but as motor vehicles became more common Parliament and the courts decided that they were also 'carriages' and could use all carriageways.

Over the years, the terms *road* and *highway* have been used almost synonymously. Strictly, a highway is just the right of passage over the ground and highways are always public. *Road* is more often used to describe a recognisable track across the ground; there are both public and private roads. A private road may also have a highway along it in that a private road, say, to a farm, might also be a public bridleway. In law, all bridleways and footpaths are highways, but there is some confusion; Acts of Parliament often refer to highways and roads when they seem to mean carriageways.

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Drivers of vehicles have a right to pass and repass along carriageways. The land underneath the road is (usually) still in the possession of the adjacent landowners and anyone doing something inconsistent with passing and repassing—perhaps deliberately bogging a vehicle and recovering it—may be liable to both criminal and civil actions.

Nobody may unlawfully obstruct any highway. The police may stop a vehicle if they so wish, but fences, locked gates or wires across a carriageway, or threats or obstruction from a landowner or other user, may well be offences, eg under *s137 of the Highways Act 1980*. The highway authority has a power to take action in such cases and any user encountering such an obstruction in the course of a journey should report it. They may also remove as much of the obstruction as is necessary to permit them to continue their journey. Never set out intending to remove an obstruction—that may amount to trespass, and causing criminal damage. Report the problem, in writing, to the highway authority and ask them to inform you of when the highway will be clear. A detour of reasonable length to get around an obstruction is legally permissible, but you must regain the course of the highway as soon as possible and not do any unavoidable damage.

The legal status of roads or highways is recorded in a number of places. The most important sources of information are:

A. The list of Highways Maintainable at Public Expense (or 'List of Streets'):
This list (which is usually in map form) shows all the roads which the Highway Authority (normally the County Council) has a responsibility to maintain. It is usually held by the highways department at the council headquarters and must be shown to the public on demand. The main interest to vehicle users of the list lies in the *unclassified county roads (UCRs)*. These typically are minor country lanes. Some have a sealed surface, some are rough stone and others are green roads.

Green road is not a term that has any legal meaning—it simply implies a road that does not have a sealed surface. A lot of green roads are carriageways. Some are bridleways or footpaths, others may be private. In most counties it is safe to assume that all unclassified county roads are open to vehicular traffic *but* some may be subject to Traffic Regulation Orders (TROs – see below).

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B. The Definitive Map:

This records highways known as *public rights of way* (approximately 120,000 miles in England and Wales). Rights of way can be carriageways, bridleways or footpaths. Those of carriageway status are called *Byways Open to All Traffic (BOATs)* and there are not many of these in comparison to the thousands of miles of footpath and bridleway. There is another classification of right of way on the definitive map in some counties. This is the *Road Used as a Public Path (RUPP)*—another source of argument and debate. Some people say that RUPPs are vehicular rights of way; others argue that the status means nothing more than bridleway. In practice, in counties where RUPPs still exist, vehicle users regularly drive and ride most RUPPs without problem. Local authorities have an obligation under the Wildlife & Countryside Act 1981 to classify all RUPPs as byway, bridleway or footpath.

The Definitive Map can be inspected at county headquarters and, in most areas, at the District Council offices also. Do not think that the representation of rights of way on *Ordnance Survey (OS)* maps is necessarily accurate—it is not. Maps are often years out of date, some were inaccurate from the start, and rights of way information cannot be taken on face value. RUPPs, especially, may have been reclassified since the map was printed. OS maps do not identify unclassified county roads. Do not think that any road shown on a map is public, many are not, just as some public roads are omitted. Neither should you regard the Definitive Map as 'definitive' in the everyday sense of 'limited, not subject to revision'.

You may legally take a vehicle on a public carriageway. Various rules apply to all vehicles so used. Your vehicle must be fully road-legal in the usual way—number plates, vehicle licence, insurance, MOT certificate, suitable tyres, effective exhaust and silencing systems, audible warning of approach, use of lights in bad visibility, etc. Drivers must be of age, have a licence and wear helmets or seatbelts as required by law.

The 'definitive map' and 'list of maintainable highways' do not tell the whole story. There are a great many green roads (and a few surfaced ones) that have been recorded as footpaths or bridleways, or even claimed as private, when they should properly be BOATs or unclassified county roads. The legal principle is that, where you can prove that a road has vehicular rights, then you can still use it, even if it is recorded as, say, a footpath. To prove this you would need evidence that the road has been used by the public with vehicles for a long period or, perhaps, strong documentary and historical evidence. This is an area best left to the specialist until a path user gains the necessary experience: join a club, ask the experts, and try to become one.

Some roads are subject to *Traffic Regulation Orders (TROs)* whereby the highway authority can impose rules governing the type of vehicle allowed, time of day when use is allowed, restrictions on routes which may range from bank-holiday regulation, through weekend controls, to total exclusion. It is very hard to appeal against TROs and some authorities use them to reduce carriageways in effect to footpaths or bridleways without any public hearing. Watch for them in the local press and inform the nearest motor club and the LARA office so that objections can be made. Once a TRO is in force, all routes affected must carry proper traffic signs so that users can be aware of details of the order.

Chapter Three: Competition on the Highway

Motor Racing on public roads has been banned for many years and it is a serious offence punishable by fine, disqualification or imprisonment. However, while there is no doubt that this rule applies to carriageways, competitions have been run on bridleways and footpaths for many years under the commonly-held interpretation of the Road Traffic Acts. Competitions on these public paths are run under a set of rules which must be obeyed:

1. Permission of the landowner and occupier is necessary before events can use, or cross, footpaths and bridleways.
2. The highway authority must be consulted before the event is held and their own rules as to submission of routes and local liaison must be followed.
3. The handbook of the organisation under whose rules the event is run and authorised must be consulted to see what additional rules and codes of conduct apply where events use public rights of way.
4. Events using surfaced public highways ('ordinary roads') and/or public paths must be properly authorised. The *Motor Vehicles (Competitions & Trials) Regulations 1969* make it a legal requirement that events have authorisation from the Royal Automobile Club Motor Sports Association Ltd. This applies to almost all events; the main exceptions being where there are less than 12 entrants, or there is no set or suggested route and no time schedule.
The RACMSA authorises all such events—not just those run by RAC clubs. Fees on a Government-set scale are charged, based on distances covered and number of entrants.
5. Recent court cases suggest that vehicles used on footpaths and bridleways must be road legal. Therefore it would seem not to be permissible to run 'schoolboy' classes in trials and enduros that use or cross public rights of way.
6. Events that use carriageways, such as byways open to all traffic (BOAT) and unsealed unclassified county roads (UCR), use them as members of the public exercising their right to pass and repass. In traditional observed sections on public roads (such as classic trials) organisers and competitors should ensure that members of the public are not impeded if they wish to pass along the road.

7. Where the police or highway authority co-operate with the organisers of events by closing access roads to the public for reasons of safety and good order, the closed roads are still public highways and must be used by authorised vehicles with care and restraint.

8. Tyre manufacturers may certify their tyres as being suitable for public highway use in competition while stating that they are not suitable for everyday highway use. It may be necessary to check with the manufacturer.

9. Even where an event is duly authorised to run on public rights of way both organisers and competitors owe a duty of care to other users of the highway. For example, a competitor scaring a horse would be both unpopular and liable to prosecution. Any organiser risking the staging of an event without authorisation (apart from being foolish) is in contravention of the *Road Traffic Acts* and could be held liable for any accident involving a competitor or helper regardless of who was to blame.

10. The *Road Traffic Act 1991* extends the offences of dangerous driving and careless driving to 'public places' as well as roads. There is no clear definition of a 'public place', but it is believed that many motorsport venues would be so classified. To prevent responsible motorsport organisers and competitors being liable to prosecution under the new rules, the Government has granted a limited exemption. Under this, properly authorised events, and people competing in them, are exempted from the new rules as regards 'public places', but not as regards roads. This exemption extends only to potential criminal offences, it does not give any exemption from liability in civil actions (injury to third parties, etc). The Government has appointed a limited number of major motorsport organisations to give the necessary exemptions for authorised events. These 'authorising bodies' are obliged to give authorisation to any applicant, so long as that applicant meets reasonable safety requirements. A complete list can be found in the Appendix.

Organisers and entrants in any motorsport event that does not have the necessary authorisation giving exemption from the new offences are in danger of being prosecuted under the provisions of the *Road Traffic Act 1991* (which amends the *Road Traffic Act 1988*). Club secretaries should obtain more information on the new requirements from the organisation that issues their event permits.

Chapter Four: Planning for Motorsports: Development Control

The Town and Country Planning Act, 1990 lays down rules governing the 'development' of land. Development is defined in s55(1) as:

the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Put simply, this means that you cannot build anything, change the shape of the land itself, or change the purpose for which the land is used, without planning permission. Planning permission, for motorsports, is not easy to obtain.

However, motorsport can take place without the need for planning permission by virtue of the *General Development Order 1988*, a series of rules designed to make the working of the 1990 Act much easier for all concerned. This allows certain activities that are temporary changes of use to take place on any land for a set number of days in any year:

Permitted development: Class B.

The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2 and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted: B.1

Development is not permitted by Class B if:

- a) the land in question is a building or is within the curtilage of a building, or*
- b) the use of the land is for a caravan site.*

Interpretation of Class B: B.2

The purposes mentioned in Class B above are:

- a) the holding of a market.*
- b) motor car and motorcycle racing including trials of speed, and practising for these activities,*
- c) clay pigeon shooting.*

This means a club can gain the permission of a landowner and move onto his land in advance of a Sunday race meeting, erect temporary structures such as marquees or caravans, hold the racing and move off the site again, without having to seek any planning permission, so long as the total number of days they are in occupation does not exceed 28 in any year, on only 14 of which is a wheel allowed to turn in practice or race.

If land is used for non-racing events such as motor cycle trials it would seem that the whole 28 days can be used for wheeled activity if desired. Remember that this 14/28 day rule no longer applies to land in Sites of Special Scientific Interest (see chapter 1)

This is a simple rule and one which is obeyed by the vast majority of motor clubs. Some clubs have fallen foul of the rules more by accident than intent. This is usually because they have failed to leave the land exactly as they found it, often by leaving caravans or equipment on the site. The other occasional error is to undertake 'improvements' to the course. These usually take the form of small-scale earthworks such as digging bomb-holes or constructing table-tops and fences. Unless these works are so small in relation to the land to be dismissed as *de minimis* (such a small deviation from the rule as not to be worthy of sanction) then they must have planning permission.

These rules apply to 'land'. They do not specify one field or one farm. It has been suggested that a club could move its events round one field and be on different 'land' each time. That is not likely to be acceptable to either planning authorities or the courts. Planning law tends to apply to the 'planning unit'—those pieces of land that would tend to be considered together, such as all the fields of a small single unit farm. You might get away with holding events at opposite ends of a decent sized farm, but if the site is genuinely suitable for the full 14 days of racing in any year then it might be worthwhile applying for full-time planning permission and developing the facilities accordingly.

It should be remembered that the motorsport must only be a temporary use of the land which must revert back to its normal full-time use after each event. It is not a common situation, but it is possible that a well-used motocross or autocross track may, in fact, be the major use of that particular piece of land with agriculture taking a back seat. In that situation the local planning authority could say (and it has happened) that the motorsport is a concurrent

and alternative use to the agriculture and hold that the temporary use under the *GDO* is no longer allowed. In that situation genuine reversion to less frequent motorsport would restore the balance and allow the 14/28 day rule to operate again.

Clubs or landowners should be cautious of acquiring land primarily for motor-sport unless they are confident of gaining permission for permanent use.

The local authority has an ace up its sleeve if it really wants to stop motorsport on any site. This is the *Article 4 Directive* under the *GDO*:

4(1) If either the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development of any of the classes specified in Schedule 1 to this order should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out, unless permission is granted on an application in that behalf, the Secretary of State or the appropriate local planning authority may direct that the permission granted by article 3 of this order shall not apply to:-

(a) all or any development of all or any of those classes in any particular area specified in the direction, or

(b) any particular development, specified in the direction, falling within any of those classes.

Thus, if the local authority decides that motorsport is 'inappropriate' (sometimes a euphemism for 'we don't like you, so go away') they can direct that the 14/28 day rule shall not apply to the site you want to use and say that you must seek planning permission if you want to continue. You will not, of course, get the permission easily. If this happens (and Article 4 Directions are not unknown in some parts of the country) the only recourse is to ask the Secretary of State to refuse to allow the Directive to remain operational. You will need a good case to make him take that decision.

The 'temporary' nature of so much off-road motorsport, coupled with the bad image that the sport often suffers, has led to confusion in the minds of local authority officers between the problems caused (as they see it) by noisy road bikes and cars, by casual, illegal activity (usually motorcycles) and by legitimate motorsport in the same area. This interest from the council officers is more

likely in urban fringe areas where they receive a steady stream of complaints about motor vehicle activity. The overwhelming majority of these concern youngsters riding (usually illegal) motorcycles on parkland and rights of way, and noisy motor vehicles (again, mostly motorcycles) on the road, congregating in groups during the evening.

The council officers concerned with these problems are likely to be planners and/or the environmental health officers. Both know how to use the existing rules to seek to control the problem as they see it and those controls are far more effective against the (probably innocent) legitimate, organised motorsport than against the street corner cowboys.

It might go against the grain for motor clubs to 'seek problems' by discussing their programme of events with their local planning officers, but, in many areas, it could be safeguarding their future by making it clear that organised motorsport activity is not causing the reported problems. Local authority planners have indicated that such a liaison could actually be beneficial to motorsport clubs as authorities often have parcels of disused land that could be made available to the clubs—clubs which must make their specific needs known to these professionals to whom the nature of motorsport is often unknown.

Any club wishing to start a liaison with their local authority can contact the Chief Planning Officer of the District Council in which they operate and ask for an informal meeting. There may well be a committee of councillors, officers and local recreational groups, or an active local Sports Council group in which the club can participate.

5. Identify some likely areas of land: remember that planning officers do not, usually, have much idea of the sort of terrain necessary. Give them some examples—even if that land is not available, it will help them identify other areas that may be ideal.

6. Be diplomatic but persistent: Councils have a very limited budget these days and there is always competition for the money. You may be up against competing schemes such as country parks and golf courses. State your case clearly and provide as much information for the Council as possible, including the numbers of existing golf courses, parks, etc, and any assistance available from local motoring clubs. Lobby influential councillors—show them the advantages of your scheme. If the council is against you then you face an uphill battle.

7. Learn from others: a number of wheels parks are operating successfully. Many more are in the planning stages. More still have failed for a variety of reasons. In 1992 a conference dealing with wheels park issues was held in Gateshead. The papers from this conference: '*Motorsport in the Community: The Way Ahead 1992*' are available from LARA.

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Chapter Six: The Rates Trap

At the time of writing (September 1992) the Government is deciding exactly how to replace the Community Charge system of levying local taxation. Whatever system is chosen, it is likely that some motorsport events may still bring a liability to business or agricultural rates, depending on the nature of the event and where it takes place.

Agricultural land is not, normally, subject to rates, but as is made clear by *The Local Government Finance Act 1988, Schedule 5*:

2 (2) *Agricultural land does not include —*

(d) *land used mainly or exclusively for purposes of sport or recreation, or...*

(e) *land used as a racecourse...*

There are two aspects to this that need consideration. The first is '*land used mainly or exclusively for purpose of sport or recreation*'. Does this mean that any land used for, say, car or motorcycle trials is liable to be rated?

It is a question of degree of sporting use in comparison to the degree of normal agricultural use. If a farm is properly farmed and motorsport takes place occasionally on that farmland, then it would seem that there is no liability to pay rates.

However, the second aspect is the inclusion of the term '*racecourse*' in the Act. The Act says '*land used as a racecourse*', not '*land used mainly as a racecourse*'.

The question of degree of use was considered in a recent case, *Hayes v Loyd*, which went on appeal right to the House of Lords. In this case a circuit was laid out on farmland for one point-to-point type horse race meeting per year. A few fences were left standing permanently, but in all other respects the racing was organised like any autocross or motocross. The landowners argued that the racecourse use was so small that it was *de minimis* or, alternatively, that it was of such a small degree in comparison to the year-round agriculture that it could reasonably be ignored. Their Lordships held that the words of the Act were clear. The land was '*used*' as a racecourse, albeit only once in the year, and rates could be levied.

Another course of action open to anyone with enough money to pursue it is to go to the High Court and seek an injunction against all persons causing the nuisance. That is not a cheap remedy, but once the injunction is given, it will involve the club and/or landowner in considerable expense seeking to have it lifted. Injunctions against allegedly noisy motor sport sites are not unknown.

Experience shows that compromise between the local authority and the club/landowner is probably the best course of action. Reducing the number of events in any year, avoiding two-day meetings, abiding strictly by noise control procedures—these are all good bargaining counters and, while not always welcome to the club, are better than a complete ban or conditions so difficult to fulfil that they amount to a complete ban. The best advice is never to ignore complaints about noise, but to seek an amicable solution while making it plain that the club will fight if necessary.

A 13

THE DRIVERS COUNTRYSIDE CODE OF CONDUCT

Using vehicles on unsurfaced roads (Green Lanes) is an emotive subject. There are some organisations which would like to see recreational motor vehicles confined to major surfaced roads. LARA believes that all users of the countryside can enjoy their pastime without upsetting others so long as we all exercise a little care and consideration. This Code of Conduct is intended to help you gain the most from your recreation and to protect our future access to the countryside.

- 1. Use only vehicular rights of way; not all green lanes have vehicular rights.**
- 2. Keep to the defined track. Detour only to pass immovable obstructions. Report any obstructions (including low branches) to the highway authority. If the route is not obvious on the ground, ask locally, or check on the maps held at the highway authority offices.**
- 3. Travel at a quiet and unobtrusive pace, and when travelling in groups, keep to a small number.**
- 4. Ensure your vehicle and yourself are fully road-legal. Green lanes are subject to the same laws as surfaced roads. There is no public right to drive on common land, moorland, sand dunes, or beach.**
- 5. PAY ATTENTION TO 'THE FOUR Ws'**
 - Weather:** Do not travel on green roads when they risk being damaged beyond a point of natural recovery when the weather improves.
 - Weight:** Do not use lanes which may be seriously damaged by the wheel pressure applied by your vehicle.
 - Width:** Do not use lanes which are too narrow for your vehicle.
 - Winches:** Use only when unavoidable and take great care not to damage trees, walls, etc while recovering.
- 6. Remember that wildlife faces many threats and green lanes can be valuable habitats. Take special care in spring and early summer.**

LAND USE—CODES OF CONDUCT FOR COMPETITION EVENTS

Whilst it is appreciated that clubs to a great extent already carry out many of the elements of this code, it is essential to the continuance of orderly motor sport that the code is adopted without delay.

A. TIME AND REGULARITY EVENTS

This code for Time and Regularity events on footpaths or bridleways will supplement the standing regulations for the organisation of these events. Where necessary disciplinary action will be taken if this code is not fulfilled.

- 1. Any competitive event that is routed along, or across, footpaths or bridleways must be endorsed in advance by the Highway Authority for the area.**
- 2. The Organiser is responsible for obtaining authority from the landowners over whose land the event passes.**
- 3. The Organiser is responsible for ensuring the event meets all requirements of the Road Traffic Act 1988 and the Statutory Instruments made thereunder.**
- 4. Where practicable the Organiser shall make available a temporary alternative to a footpath or bridleway for the duration of the event, using suitable signposting. Where necessary such areas shall be marshalled by officials who are well briefed and properly identified to ensure that the event is seen not to unduly inconvenience other users, such as horse-riders, walkers, cyclists and other members of the public. The marshals should also have a working knowledge of the Rights of Use applying to the section.**
- 5. The Organiser shall appoint an officer responsible for event liaison. The Liaison Officer is to submit his name and address to the local Highway Authority, the Parish Council, the Police and landowners over whose land the event passes. The Liaison Officer will thoroughly investigate any complaints and try to resolve any problems arising from the event.**
- 6. Wherever possible the Liaison Officer shall maintain good relations with other path users in the area, such as horse-riders, walkers, cyclists, recreational motoring groups and orienteers. The Liaison Officer shall notify these groups in advance of an event where they are known to him.**
- 7. All competitors must follow the Country Code.**

MOTORSPORT CODES OF CONDUCT (continued)

B. OTHER MOTORSPORT EVENTS (Competitive, but not speed-based)

This code for other Motor Sporting Events on footpaths or bridleways will supplement the standing regulations for the organisation of these events imposed by the Governing Body. Where necessary disciplinary action will be taken if this Code is not fulfilled.

1. Any competitive event that is routed along, or across, footpaths or bridleways must be endorsed in advance by the Highway Authority for the area, unless the route of the event is on a highway of higher status.

2. The Organiser is responsible for obtaining authority from the landowners over whose land the event passes, unless the route of the event is on a highway of higher status.

3. The Organiser is responsible for ensuring the event meets all requirements of the Road Traffic Act 1988 and the Statutory Instruments made thereunder.

4. The regulations, final instructions and signing-on sheet of an event shall display the following sign:

'This event is routed along and/or across public rights of way. Competitors must exercise caution and reduce their speed accordingly near other path users. Be especially careful near horses. Slow down, stop and switch off your engine if necessary'.

5. The Organiser shall appoint an officer responsible for event liaison. The Liaison Officer is to submit his name and address to the local Highway Authority, the Parish Council, the Police and landowners over whose land the event passes. The Liaison Officer will thoroughly investigate any complaints and try to resolve any problems arising from the event.

6. Wherever possible the Liaison Officer shall maintain good relations with other path users in the area such as horse-riders, walkers, cyclists, recreational motoring groups and orienteers. The Liaison Officer shall notify these groups in advance of an event where they are known to him.

7. All competitors must follow the Country Code.

USEFUL ADDRESSES

Motoring Organisations' Land Access & Recreation Association (LARA):

Motor Recreation Dev't Officer
P O Box 19
Gosforth
Newcastle Upon Tyne
NE3 5HW

Motor Sport Development Officer
% Auto-Cycle Union
Wood Street
RUGBY
CV21 2YX

Association Members:

Auto-Cycle Union
ACU Headquarters
Wood Street
RUGBY, Warks
CV21 2YX Tel: 0788 540519

Amateur Motor Cycle Association
Darlaston Road
WALSALL
WS2 9XL Tel: 0922 646552

Association of Rover Clubs
65 Long Mead Avenue
Hazel Grove
STOCKPORT, Cheshire
SK7 5PJ Tel: ?

All Wheel Drive Club
P O Box 6
FLEET,
Hants
GUI3 9YB Tel: ?

British Motorcyclists Federation
Jack Wiley House
129 Seaforth Avenue
Motspur Park, Surrey
KT3 6JU Tel: 081-942 7914

Civil Service Motoring Association
95 Queens Road
BRIGHTON, Sussex
BN1 3WY Tel: 0273 21921

Motor Cycle Industry Association
Starley House
Eaton Road
COVENTRY
CV1 2FH Tel: 0203 227427

National Autograss Sport Ass'n
The Beeches
6 Crab Lane
Crossgates
SCARBOROUGH
XX? ?XX Tel: ?

RAC Motor Sports Association
Motor Sports House
Riverside Park
Colnbrook, SLOUGH
SL3 0HG Tel: 0753 681736

Trail Riders Fellowship
% Brian Wright
99 Boundary Road
Wallington, Surrey
SM6 0TE Tel: 0637 872813