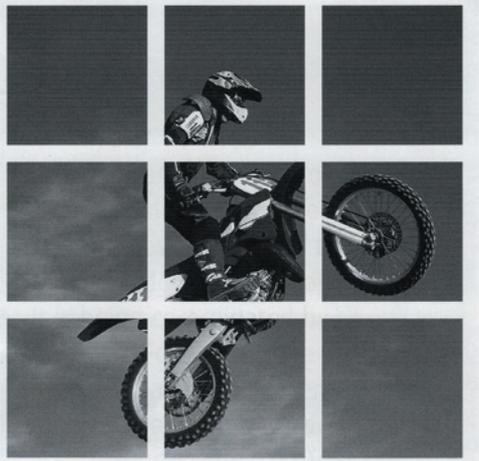


Off Road Motorcycling in Greater Manchester: Identifying Solutions



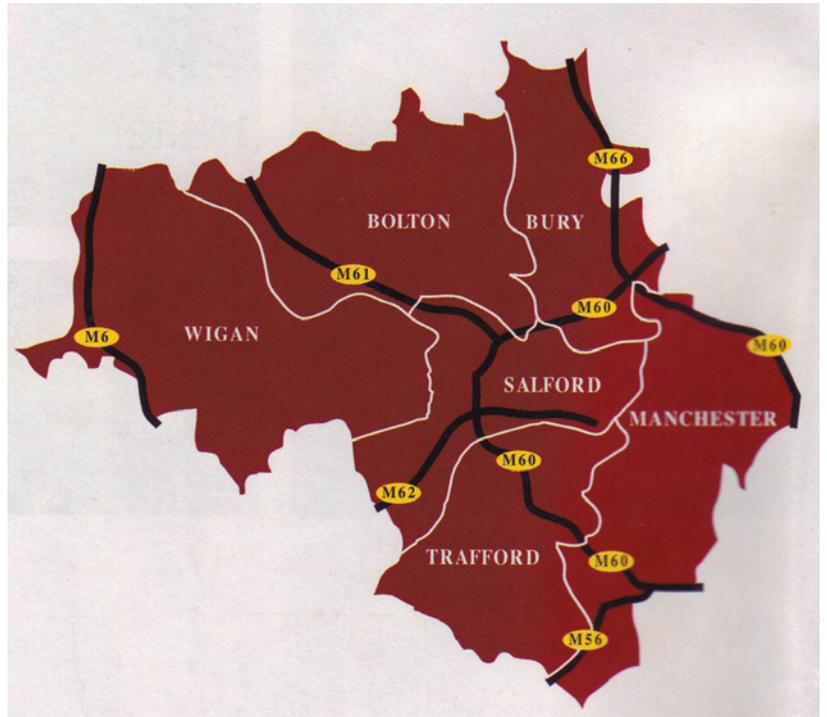
Red Rose Forest: March 2005



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Off Road Motorcycling

**A Greater
Manchester Approach**



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Executive Summary

This Study and Report were commissioned in August 2004 in response to an ever-growing problem in Greater Manchester caused by the unlawful use of off-road motor vehicles on open countryside, parks, country parks, public paths, conservation sites, playing fields, estates and back streets. Councillors in the ten Greater Manchester Townships, and Greater Manchester Police, were (and are) receiving a stream of complaints from the public and land managers about this problem, while largely anecdotal evidence suggested that the sales of off-road machines (particularly those for children) were rising, and that more adults were buying 'scramblers' with no intention of joining conventional motorcycle clubs in order to ride or race on designated sites.

Councillors, council officers, public body land managers, and the police, increasingly came together to discuss the problems and seek solutions. They had an awareness that not all of the illegal activity was rooted in 'wilful wrongdoing' – that some – perhaps many – of the people currently driving illegally might well go to, or be redirected to, a proper site(s) if such were made available. To that end this Study was commissioned by the Red Rose Forest to examine the nature and extent of the level of illegal use, the amount of existing designated site provision, the possibilities for providing more sites (and suggesting of what type), and how more effective enforcement could be carried out on an inter-agency basis.

The surveys for the Study took in sites used illegally, sites damaged by illegal use, existing designated site provision, and sites with potential for designation in Greater Manchester. The study offers an overview of current enforcement policies and methods, and an investigation into the law and what enforcement tools it offers, which may not already be used to maximum potential.

The Report shows that the level and impact of illegal use in Greater Manchester has not been overstated, and that Greater Manchester Police, and the various councils, do take the matter seriously. A real problem is the lack of resources, in the face of competing calls, to deal firmly with a highly mobile problem that tends to melt away when 'pressed' and then reappears somewhere else.

The Report looks at the type of provision of designated sites in Greater Manchester, nearby, and further afield. The study suggests that the type of provision that can survive commercially and administratively does not replicate the majority of current illegal activity; an initiative to provide a direct replacement site(s) would almost certainly fall foul of a risk assessment. Even so, there are types of designated site which could be provided and operated and which, together with ongoing enforcement and education initiatives, could provide a valuable component of a policy to eradicate illegal off-road motoring over a number of years.

A summary of the findings of the study and the key recommendations by the consultant.

1. The illegal use of off-road motor vehicles in Greater Manchester is widespread, causes considerable damage to parks, playing fields, country parks, conservation sites, and public paths, and presents a real noise nuisance and physical danger to residents and other uses of facilities and the countryside. Most of this illegal motor use is the riding of moto-cross, enduro, and trail motorcycles, quads, and children's motorcycles. There is some problem with 4x4 vehicles, but this seems to be concentrated in one or two places.
2. The character of the illegal motorcycle use varies, but falls mainly into two categories: the most widespread is people driving in and around their home locality, using back streets, parks, paths and open land; the other is people transporting their machines to popular spots (e.g. former colliery sites) thereby creating unofficial, but widely known, riding areas. Some of these sites have many years of such use, so eliminating, excluding, or displacing, the illegal use is very difficult.
3. Due to liability and insurance issues, there is no easy way that a site can be provided or facilitated by public bodies, where the current type of ad hoc, undisciplined, casual motorcycling, can be replicated. The provision of one or more moto-cross practice/race tracks would most-closely replicate the current illegal use, but noise issues make these the most difficult type of facility to accommodate.
4. The provision of sites for motorcycle trials riding, and for recreational quad bikes and 4x4 driving, is more possible due to these activities' relatively low noise emissions. However, it is not felt that provision of such facilities will be seen by most of the people who currently ride illegally as a comparable and acceptable substitute for what they already do – albeit unlawfully.
5. The provision of more sophisticated facilities, such as karting on surfaced tracks, rally cars, driver tuition, super moto, etc., is unlikely to provide a realistic alternative to the current types and levels of illegal use, although such facilities are valuable to the wider community. Publicly funding a sophisticated 'wheels park' facility might do serious economic harm to existing developed facilities in and near Greater Manchester.
6. The development of a community-based motor scheme, along the lines of Birmingham Wheels, or BUMPYs, in Leeds, should be considered because the charitable structure of these schemes appears to give financial and organisational stability. However, these schemes are not an alternative to the main type of illegal motorcycling, although they may well provide an alternative for parents thinking of buying their children off-road bikes, most of which would inevitably be used illegally.
7. Because of the absence of a 'good fit' between most of the current illegal use, and the ability of the public or private sector to provide similar riding, the public bodies in Greater Manchester have no alternative other than to continue with enforcement activities, while facilitating what motor sites are reasonably possible and sustainable to operate. The difference between users' expectations/wishes, and the reality of provision, will have to be closed by the users accepting the new realities, encouraged by enforcement, over a period of time.

8. The Project should identify and seek to make available sites for two (initially) moto-cross practice/race tracks. These sites will have to be located where planning/noise issues permit, even if these locations are not ideal in other respects. Public bodies would fund the development of these sites, but the day-to-day operation will be by the private sector, on lease, to the highest standards of health and safety in order to minimise the risk of injury and consequential damages claims. A full risk assessment must be carried out. The two existing commercial tracks at Abram Moto-Park (Wigan) and Hollingworth Leisure (Rochdale) should be investigated to see if some investment, or other support (e.g. insurance), could make these viable and sustainable operations; there seems little virtue in seeking and developing other tracks if these two can be viable.
9. The Project should identify and make available two sites for motorcycle trials riding. Because of the low noise impact, and the relatively low ground impact, these sites could be accommodated within existing recreational land. There is little potential revenue in trials riding, so the Project will need look to the existing motorcycle club structure, as well as the commercial sector, to administer and operate these sites on lease. A full risk assessment must be carried out. The new facility at Faccit Quarry, Whitworth, Rossendale, may prove to supply one such site – it is close enough for easy access.
10. The Project should identify and make available one site for recreational quad biking and 4x4 driving. This site will differ from the proposed motorcycle trials site in having made and marked ‘trails’ for the vehicles to follow, although it is possible that the activities could zone/time-share the same area of land. The management and operation of quads and 4x4s would be by a commercial operator, but this facility would be of great value to community schemes, so some system of guaranteed access for such schemes would be necessary.
11. The Project should discuss with the operators of the existing sophisticated recreational motoring facilities in and near Greater Manchester, the need for, and viability of, additional developed sites of this type. If such a need is identified, consider whether it can be met by expanding existing sites rather than by developing new sites. If necessary, commission an economic assessment of viability before proceeding.
12. Be conscious that provision of all the suggested facilities will not serve to divert much of the current level and spread of illegal use. Many of the current illegal users will not want the discipline or constraints of commercial sites, or club activities, and will continue their current pattern of use unless physically, or through force of law, prevented from doing so. The use of barriers and heavy fences will become increasingly unacceptable through the application of, and culture change brought by, the Disability Discrimination Act 1995. Continued law enforcement against offenders will be necessary, not only to deal with the current problems, but also to reinforce a culture change to the future generations of potential illegal users, that, increasingly, use of the legal sites and byways is the only way they will get to ride and drive off-road motor vehicles.

Alan Kind
March 2005.

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Motorcycle green road riding:

The Trail Riders Fellowship.
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The Provision & Management of Recreational Motorsport Opportunities in Greater Manchester.

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1. Introduction.

This project arises from an ongoing problem created by the illegal and frequently noisy and damaging use of off-road motor vehicles (predominantly motorcycles) on open countryside, country parks and reclamation sites throughout Greater Manchester and its bordering areas. The conventional response to such a problem is enforcement, principally through police intervention, but in Greater Manchester a multi-agency steering group, co-ordinated by the Red Rose Forest, has investigated the possibilities of providing, or facilitating, suitable facilities and organisational structures to cater for the legitimate recreational demand evidenced by the illegal use, while continuing enforcement where appropriate.

The ten townships of Greater Manchester, and various public agencies across the region, have together considerable experience of approaches to dealing with the problems of illegal motor use, and some experience in the

provision of legitimate facilities. This report brings together the experience, problems, knowledge and opportunities of a wide variety and spread of organisations, and builds on this to set out a multi-faceted approach relevant and appropriate to use in Greater Manchester.



2. Extent and character of the local problem.

Identification of some current ‘problem sites’ in each township, collected from council officers and police operation reports. This list is not exhaustive.

Site.	Character of problem (where identified).
Bolton.	
Red Moss – Futura Park.	Local motorcyclists.
Smithhills Country Park.	Local motorcyclists.
Middlebrook.	
Bury.	
Holcombe Moor.	
Snape Hill, Nangreaves.	
Gorses Quarry.	
Birtle Quarry.	
Chesham Woods.	
Kirklees Brook.	
Elton Reservoir.	
Giants Seat.	
Thirteen Arches.	Local motorcyclists – some from further afield.
Manchester.	
Broughton Park.	Local motorcyclists on playing fields.
CWP – Maitland Avenue.	Local motorcyclists.
Wythenshawe Park.	Local motorcyclists.
Northenden.	Local motorcyclists.
Didsbury.	Local motorcyclists.
Whalley Range.	Local motorcyclists.
Chorlton.	Local motorcyclists.
Clayton Vale – Edge Lane.	Local motorcyclists – trials bikes.
Oldham.	
Snipe Clough.	
Rochdale.	
Whitworth Quarry, Tong Lane.	
Salford.	
The Cliff.	Local motorcyclists.

Site.	Character of problem (where identified).
Blackleach Country Park. Brackley golf course.	Local motorcyclists.
Clifton Moss Farm. Brookhouse tip Barton – central.	Local motorcyclists crossing M60, activity both sides of m'way.
LIVIA (west of Lumn Lane). fencing.	Local motorcyclists. Heavier use diminished in places by fencing.
LIVIA (east of Lumn Lane).	Local motorcyclists – use mainly of bridleways & footpaths.
Stockport.	
Tameside.	
Trafford.	
Peaks Nook, Partington.	Large-scale motorcycling – bikes arrive by van, but problem lessened by fencing.
Visitor Centre – Rifle Road.	Local motorcyclists.
Sale Water Park – Rifle Road. Lesley Road.	Local motorcyclists.
Wigan.	
Ashton Road – opencast site.	Large-scale motorcycling – bikes arrive by van.
Plank Lane.	Large-scale motorcycling – bikes arrive by van, but problem lessened by fencing.

2.1 Project site visits.

In connection with this project, site visits to places affected by illegal off-road driving were made on: 26/27 August 2004, 19 September 2004, 8/9 October 2004 & 21/22 February 2005. Places visited included:

- The Lower Irwell Valley Industrial Area (LIVIA).
- Atherton (footpaths, open post-industrial land).
- Leigh (bridleway, open land).
- Westleigh ('rail trail', open post-industrial land).
- Bryn Gates (country park).
- Culcheth (footpaths, open land).
- Chat Moss (footpaths, open land).
- Warburton (bridleway, Ship Canal bank).
- The Thirteen Arches, Philips Park.
- Clifton Moss.

- Ashton Road opencast site.
- Plank Lane – Bickershaw.

At every site there was, variously:

- Motorcycle 'scrambling' (casual, not competition) in view.
- Motorcycles using, or having used, public paths and cycle routes.
- Off-road motorcycles in earshot but not visible (the sound did not recede as it would have done had the machines been on a road).
- Tyre tracks and ground damage in varying degrees.
- Signs that motorcycles could breach barriers and gateways.

2.2 The characteristics of the illegal motorcyclists.

The types of motorcycle/rider observed included examples of:

- Road legal, road motorcycle (a small capacity 'cruiser') driven by an adult, with a young child as pillion.
- Road-registered trail bike.
- Unregistered trail bike.
- 'Field bike' (e.g. old scooterette).
- Child's moto-cross bike (parents in attendance).
- Petrol-powered go-ped, teenager riding.
- Moto-cross bikes (children/young teenager).
- Moto-cross bikes (adult).

Other observations:

- No quads were observed, but there were quad tyre tracks in many places.
- Most motorcycle tyre tracks seen were moto-cross type tyres, rather than road bike, or road-legal trail bike, tyres (although this is not an infallible indicator of machine).
- Many of the tyre tracks were clearly made by one vehicle repeatedly using the same site, and the condition of the tracks (e.g. decay through rain) suggested this was repeated use on the same visit.
- Many of the tyre tracks crossed, or led to/from, surfaced motor roads.
- No vans or trailers were seen, suggesting largely local use in the instances observed.

2.3 Site survey day.

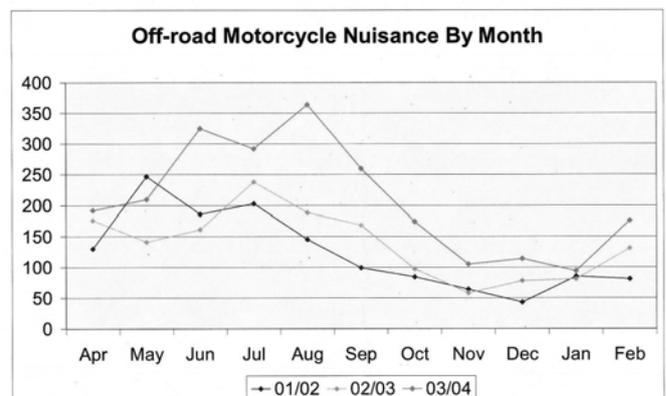
On 4 September 2004, partner organisations in the Greater Manchester Off-Road Motorcycle Project conducted an 'on-site survey' at thirteen (13) sites known to be used by illegal motorcyclists. The results were noted on survey sheets (see Appendix 1). At one site – Bickershaw Colliery, of eleven groups or individuals seen, ten were seen to arrive by car and trailer. The machines were mainly a mix of moto-crossers and road-registered enduro/trail. Reports from the other sites identify a range of machine types, rider ages, means of arrival, and type/quality of riding gear.

2.4 Other reports.

Other reports indicate that the use of motorcycle trials bikes is prevalent in some places – particularly old quarry workings, which also seem to attract some road-registered 4x4s. This would be consistent with experience in other places, where trials bikes get used in 'traditional' locations, and 4x4s return to sites offering challenging terrain, which are readily accessible from the public road.

2.5 Police statistics.

Greater Manchester Police has plotted statistics of 'off-road motorcycle nuisance' complaints (charts in Appendix 1). The instances plotted are only for those complaints given a 'force-wide incident number' – many complaints are less formal than this, and are not officially recorded, resulting in inconsistency of reporting. GMP's tabulation of 'off-road motorcycle nuisance by month' shows a small increase in logged complaints between 2002-3 over 2001-2 (plotted April – February each year) but a considerable increase in 2003-4 over 2002-3. The widest difference is in August – in 2003, approximately 370 complaints; in 2002, approximately 240 complaints; and in 2001, approximately 200 complaints. In the period January 2004 – December 2004, a provisional schedule of reported incidents in the Southern Division of GMP lists 208 "unauthorised motor bikes" – the highest number in any category of recorded incident.



Full size copies of Greater Manchester Police's charts of illegal motorcycling statistics are in Appendix 1 (copyright: GMP).

In February 2005, GMP launched a month-long 'Operation Motocross' in response to what the local press (South Manchester Reporter, 17 February 2005) called " ... a record number of complaints from park managers and people terrorised by bikers." Sergeant Sanson is quoted, "We are running this as a zero-tolerance measure because the amount of complaints we have had at weekends has reached ridiculous levels."

2.6 The scale of the problem in neighbouring areas.

The absence of 'hard statistics' on the illegal motorcycling problem can, to a degree, be overcome through corroboration of the general perception of the issue in other areas in the north of England. For example:

From the South Yorkshire Police 'Local Policing Plan 2004-5:

Anti-Social Behaviour

Anti-social behaviour is a wide-ranging problem, covering everything from fly-tipping to noisy neighbours, criminal damage to off-road motorcycling, youths gathering and creating a nuisance to late night town centre violence. This year the partnership has done more than ever before to address anti social behaviour throughout the borough. The remit of the anti social behaviour team has been extended to cover all forms of anti social behaviour irrespective of where it happens, and is now truly multi-agency with a police officer working full time in the unit.

Two Anti Social Behaviour Orders are now in force in the borough and over 55 Acceptable Behaviour Contracts have now been taken out. The nuisance and danger caused by off road motor cycles has been targeted this year. The Task Group have arranged for barriers and gates to be fitted to restrict access to areas where the problems are greatest, and a substantial increase in the prosecution of off road motorcyclists has taken place and many motorcycles have been seized. As a result of this and other activity complaints of anti

social behaviour including motorcycle nuisance have significantly reduced during 2003/04

From the Doncaster Metropolitan Borough Council website:

"Illegal motorcycling. Complaints have been received within our borough about the activities of illegal motorcyclists ... Several people have been killed in the South Yorkshire area during recent years ... If you have any information about persons committing these offences ... contact our information hotline ..."

From the West Yorkshire Police website:

[WYP has a 'dedicated off-road motorcycle unit at Killingbeck Road]
"Last summer the team had great success at an area known locally as the Blue Lagoon, tackling a long-standing problem of more than 100 people regularly congregating there to ride bikes. Working with Leeds City Council, signage was improved and access points blocked off. Each off-road motorcyclist caught riding where they shouldn't be by police is given a warning which lasts 12 months. If they are caught again, their bike is confiscated by officers and destroyed ... [note: this seems to be an exaggeration – confiscation powers apply only to known/suspected stolen vehicles].

The unit ... was cited as a model of best practice in a DEFRA consultation document about how to tackle the problem ..."

From the Northumberland National Park website:

"27th January 2004

"Clamp Down On Irresponsible Motorcycling In The Cheviots

A motor bike action group is tightening up on the irresponsible use of off-road motorbikes in the Cheviots. Recreational Motorcycles in the Cheviots Management Group is sending out the message that the irresponsible use of bikes in the area

will not be tolerated.

Police have been carrying out patrols in the Coquet and Rede Valleys and have stopped, checked and prosecuted a number of motorcyclists whose bikes were found to be illegal.

Rob Mayhew, Team Leader for Access and Recreation, Northumberland National Park Authority, said: "Northumberland National Park is a special place which is there for all to enjoy and we are not trying to stop legitimate responsible motorcyclists from enjoying the special qualities of the area. What we do object to are those motorcyclists who behave irresponsibly, worry livestock, damage the surface of tracks and put their own lives and the lives of others at risk. There are few off-road routes in the Cheviots and most do not have a surface that is sustainable for sustained motorbike use, bearing in mind that cyclists, horse riders and walkers also use these routes. We want to work with the motorcyclists for the benefit of all and in a way which does not detract from the special qualities of the National Park."

PC Keith Restall, Upper Coquetdale Community Liaison Officer, said: "The vast majority of existing motorcyclists behave in a responsible manner and they are being let down by the small minority who are behaving irresponsibly. We want motorcyclists to know that the Cheviots is being watched and we will not tolerate law breakers. The offences we have found people committing during these recent patrols include driving without insurance and licence and driving bikes which are not in an appropriate condition."

From the Nottinghamshire Police website:

Warning to motorbike menace

Police are concerned that illegal off-road biking is now a growing problem around the Oak Tree Lane Estate, in Mansfield and parts of Forest Town.

Riding on the road using vehicles such as gopeds, quad or mini motorbikes without insurance, a driving license or a crash

helmet is against the law. It is also illegal to use such vehicles off-road anywhere without the landowners' permission.

In a single night recently, Police Community Support Officer Ian Wright attended six separate reports of motorbike nuisance where crosser and scrambler bikes were being raced around residential areas and across playgrounds.

PCSO Wright warned that: "Riding motorbikes without insurance, and safety helmets, in a careless manner around housing estates and on common land is not only an offence but also has a major impact of peoples lives.

"Local residents report of noise late at night and also more recently a new £20,000 golfing green was being used for biking activities. Most reports state juveniles between the ages of 12-17 are riding these motorbikes and can clearly not understand the danger of what they are doing which is why we urge parents and guardians to be just as vigilant of the consequences."

The problem is not seen only from an 'authorities' perspective'; illegal motorcycling causes problems for motor clubs too. *From the Dyfed Dirt Bike Club website:*

"Future use of the Brechfa Forest is still dependant on illegal riders keeping out of the complex. It was the illegal riding of course that caused the withdrawal of the Brechfa Forest as a venue for authorised motorcycle sport in the first place. Dyfed Dirt Bike Club, being the most local club to the Brechfa, have agreed to assist the Forestry Commission in their battle to eliminate the illegal riding from the forest. During the past twelve months, the Forestry Commission, along with heavy Police presence (squad cars, helicopter patrols and officers mounted on off-road bikes), have carried out many raids in the forest, catching numerous illegal riders, cautioning them and threatening to confiscate their bikes as they can legally do, of course, if they are caught riding in the area again.

As a result, illegal riding has almost disappeared from the forest. However, the Forestry Commission have during the past month received information from numerous sources indicating that some people are still using parts of the forest. A few of these riders have been identified. More helicopter raids are therefore planned in the near future and anyone caught will this time be prosecuted and will watch their bikes being taken away by the Police and impounded. You have been warned - Illegal riding in the Brechfa Forest will result in you losing your bike!!!”

2.7 ‘Off-road’ vehicle sales statistics

Precise figures for all types of vehicle that might be used ‘off road’ are difficult to find. Where the vehicle is not intended for road use then it is not generally counted as a ‘vehicle’.

4x4 sales are on a steady upward trend (according to a specialist magazine editor asked) but most are now the ‘sport utility vehicle’ (SUV) type, e.g. the BMW X5 and Porsche Cayenne, which are primarily on-tarmac vehicles, and are so expensive that use in a potentially damaging situation is not likely. The earlier principal type of 4x4, the ‘dual purpose’ vehicle, like the Vauxhall Frontera, or Isuzu Trooper, have seen sales of new vehicles decline, but the secondhand market for these is now well established. Whether or not that results in more such vehicles being bought to be driven ‘off road’ is difficult to say, but the perception of land managers and motoring organisation officers asked in 2004 is that, overall, the level of use of 4x4s on green roads and (illegally) on open land and public paths, is not perceptibly higher now than, say, five years ago, and well down on the peak years of the ‘4x4 problem’ in the mid-1990s.

Motorcycles fall broadly into two categories for statistical purposes: those sold by the principal manufacturers and importers (both road legal and purely off road) and those brought in by smaller importers (mainly off road, or niche-market road vehicles). Figures for motorcycles with ‘off road potential’ from the Motor Cycle Industry Association (representing the principal manufacturers and importers) are shown in the table on this page.

Trials motorcycles and quads are not listed. The ‘children’s’ machines include small quads from the main manufacturers/importers. Trials bikes generally come from small manufacturers via independent small importers. Quads are handled in a similar way. Annual sales for each are probably in the low thousands (estimated 1250 for trials by an industry insider), but both types of vehicle are on a moderate upswing in popularity.

For the relatively new market sector of children’s motorcycles and quads, mini-motos, ‘go-peds’, and similar machines, there is no accurate figure, but an industry insider believes that there has been an ‘explosion’ in sales of such machines, usually imported from China, during 2004, to the point where there may now be 100,000 sold into the UK.



A new off-road child’s motorcycle for £375. From a Yorkshire newspaper advertisement.

Type of motorcycle.	2003	2004
Adventure sport (sold road legal).	6648	7898
Trail/enduro (sold road legal).	11428	10838
Children’s (not road legal).	3441	3105
Enduro (not sold road legal, may be made so).	3232	2747
Motocross (not road legal).	6627	7204
Total.		

From the Trafford Council website:

“Warning about mini motorbikes and scooters

31/01/2005

With many young people having received motorised mini motorbikes and scooters this Christmas, representatives on the Safer Trafford Partnership are issuing a warning about the law as regards using them.

A statement issued by Greater Manchester Police in September 2004 quoted a joint notice issued by the Department of Transport and Association of Chief Police Officers (ACPO) regarding the use of mini motorbikes. PC Paul Berry of the Safer Trafford Partnership Support Team said that “while the police and other agencies do not want to appear ‘killjoys’, young people must realise that these machines are categorised not as toys, but mechanically propelled vehicles, by law and as such their use on public roads is restricted. We have seen a dramatic increase in the number of these vehicles being used by young people, however, it is important that they make sure they abide by the law when it comes to where they ride them.”

2.8 Summary of trends.

- Sales of road legal motorcycles, and off road motorcycles sold through the conventional dealer network, remain reasonably constant, although motorcycle sales tend to vary up and down in a cycle across several years.
- The best available specialist, anecdotal and reported information indicates that the sale of cheap ‘mini bikes’ has rocketed during 2004, and there is no reason to suppose that the marketplace has yet reached saturation.
- There is a clear trend that people (adults) are buying proper motocross bikes and quads, but have no intention of racing in the traditional club structure – they simply want to ride for fun. This is indicated by the demand for, and upsurge in, motocross practice sites, and in illegal riding. (Source: AMCA and other informed opinion).

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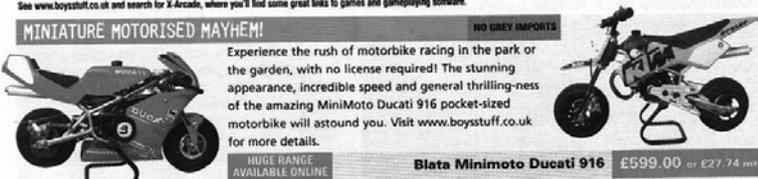
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An advertisement in a big-selling ‘lads’ mag’. The same machines are being sold via a website. Note the invitation to ride these in your local park.

3. Existing Provision in and around Greater Manchester.

This section looks at the existing motor sport and recreation sites in Greater Manchester, plus those sufficiently close to lie within reasonable travelling distance for regular use by Greater Manchester residents. Commercial sites are relatively easy to identify and locate because they rely on advertising and publicity to bring in the public. Sites used by motor sport clubs for their own events and practice sessions are harder to locate. Clubs are often reluctant to publicise their sites (usually used only on licence from the landowner) for fear of trespass by 'cowboys' and site poaching by other clubs. This section also contains information about 'trail riding' on BOATs and unclassified roads.



Legal trail riding with the Trail Riders Fellowship.

3.1 Sites and facilities used for organised events and activities.

(Information from councils and web search. There is a number of reports of 'events' that are probably regular and extensive illegal activity).

Bolton.	None known.
Bury.	Occasional organised motocross events on farmland only.
Manchester.	Indoor Karting Manchester.
Oldham.	Occasional organised events on council land only.
Rochdale.	Formerly events in a quarry at Whitworth – now ceased. Hollingworth Leisure Park: motocross track & indoor practice facility.
Salford.	None known.
Stockport.	None known.
Tameside.	None known.
Trafford.	None known.
Wigan.	Three Sisters (Bryn): tarmac race track, super moto. Abram Raceway: motocross race/practice track. Daytona indoor kart track.
Sites outside Greater Manchester.	TRAX – Preston: karting, quads, super moto, rally cars. BUMPY's – Leeds: motorcycle road training, 'trials park' & associated instruction. Peak Dale Youth Motorcycle Club – Buxton: off road club for youngsters run by parents & local enthusiasts. Faccit Quarry, Whitworth – Rossendale: a new (early 2005) motorcycle trials practice facility with planning permission.

3.2 Trail riding opportunities.

'Trail riding' as defined by its principal national organisation, the Trail Riders Fellowship (TRF), is the non-competitive use of road legal motorcycles on unsealed public carriage roads. Sometimes called 'greenlaning', trail riding is in many ways a manifestation of the conditions faced by all pioneer motorists a century ago: rough, stony, or soft roads, often with neglected drainage, sometimes indistinct, or with poor signage.

The routes used by trail riders are known generically as 'byways', this being a descriptive term, rather than a legal definition. Most of the routes in the North of England used by trail riders are not clearly 'defined' as to their legal status, and motorists have to rely on knowledge as to the 'underlying' status of each route, usually gained through archive research into historical documents. Each highway authority in England and Wales is obliged to make, and keep up to date, a public document known as the 'definitive map and statement of public rights of way'. In principle, 'byways' should be shown on the definitive map as a class of highway called 'byway open to all traffic' (known as BOAT), but most areas' definitive maps are as yet nowhere approaching accurate and complete as regards BOATs.

To complicate further identifying legal routes for trail riding, in most areas (and this is true of the North of England generally) many 'byways' are recorded as 'unclassified roads' on a register separate from the definitive map, known as the 'list of streets'. Where recording a BOAT on the definitive map is conclusive of public vehicular rights, recording an unclassified road (still often known as 'unclassified county roads' – a term dating back before the introduction of metropolitan and unitary authorities) is not of itself conclusive of public vehicular rights, but is strongly indicative of such.

The definitive map and statement, and list of streets, are available for inspection by the public at the offices of the council that makes and holds them. The information on each definitive map and list of streets also goes directly to the Ordnance Survey for depiction on commercial OS maps. BOATs are shown by a conventional rights of way symbol (see the

key on each map) and unclassified roads are depicted as 'other routes with public access'. There are other routes asserted to be public, and used, by trail riders that are not recorded as BOATs or unclassified roads. This knowledge generally resides within local groups of trail riders (particularly the TRF) and is not easy to obtain from outside.

Trail riding is by definition a 'legal use of the public highway', so the people and vehicles involved must be road legal: driving licences, insurance, construction and use, vehicle excise licence, registration plates, helmets, etc. It is therefore not an activity open to young people (except as passengers) or to the users of motorcross bikes and quads (unless registered, etc.).

In 2004 the Government issued a consultation, '*The use of mechanically propelled vehicles on public rights of way*', which set out a number of concerns about recreational motoring on byways and the current system of identifying vehicular rights of way. There was a very large response to this; the Government held a series of meetings with the motoring organisations during 2004, and is likely to announce the outcome of the consultations, and its preferred way forward, in early 2005. It is likely that trail riding will continue, but not necessarily on all the routes currently in use (for sustainability reasons). Any person or organisation looking to use byways in the future needs to consider the sustainability of their proposed activities, and liaise with the council's rights of way officers, and existing motoring clubs, in the area under consideration.

Anyone wanting to take up trail riding (or its less-common equivalent in 4x4 vehicles) should contact one of the national organisations for general information, and to be put in touch with local groups (see 'Contacts').

4. Illegal Use: Problem Identification.

4.1 Problem identification essential to targeting enforcement resources.

And also in providing alternative sites that go at least some way to satisfying the legitimate expectations of those who are currently offenders. There are four main issues to consider in any problem:

- User profiles: the 'character' of the people driving illegally off-road.
- Where are they from?
- When does the problem happen?
- The types of vehicles being used.

The first – the 'character' of the offenders – encompasses to a degree two other issues: where and when, and is particularly relevant to the provision of sites where they can lawfully and safely drive and ride. All these issues are relevant to enforcement initiatives.

4.2 User profiles

These profiles are not rigidly separated from each other – there is inevitably overlap – but observation suggests that most illegal off-roaders fall into one of these types at any time.

4.2.1 Children on motorcycles on land, with parents present.

This category is essentially where adults – usually parents – have bought a 'schoolboy scrambler' type motorcycle for a child, and then look for somewhere to use it, normally with the responsible adult in close supervision. The adults may well be driving a considerable distance to 'somewhere they have heard about', or may also use formal parks and beaches, because these are less intimidating to them than the type of waste and rough land that most 'cowboy' motorcyclists use. This user is almost always mobile – the adults will have a car – and normally willing and able to pay for access to a trail park. The main difficulty in facility provision lies in the liability implications for allowing children out on a track 'on their own', in the sense that even close supervision from the trackside by adults cannot impose adequate control over the child and vehicle. 'Schoolboy motocross racing' is widespread

and popular, but the whole ethos is one of only letting youngsters out on a track under a strict regime of discipline and progress through the ranks. In this way, actual racing events are easier to regulate than 'casual motorcycling', and thus less of an insurance risk. Commercial trail parks catering for children almost all opt to provide quads and karts, rather than two-wheelers, primarily for safety reasons.

Brief solution: where adults have bought a 'proper' motorcycle or quad for a child it is very difficult to provide a track facility where that 'own vehicle' can be used safely enough for the site operators to satisfy safety and insurance requirements. A trail park might be able to provide facilities for 'schoolboy motocross', or 'schoolboy trials' (these are still the terms used although girls do take part) but a specialist club, hiring the facility, and itself providing organisation, marshals, first aid and insurance, would normally run the actual events. In these competitive events the entrants almost always own, maintain, and transport their own machines. At the same trail park, but not necessarily on the same track, a commercial operator might hire out suitable quads and karts to youngsters. The trail park could also host activities for a 'local club' for youngsters where the activities are somewhere between competition and commercial hire – but this immediately reintroduces the difficulty of supervision, control and insurance.

4.2.2 Young persons on motorcycles, without adults present.

The classic image here is of youngsters on 'field bikes' – mostly old, formerly road-legal – thrashing around on what they think to be waste land, sometimes on public paths or parks and playing fields, making noise, frightening the public, and sometimes being a danger to themselves as well as others. This holds true, but increasingly this type of user will have a 'proper' off-road motorcycle – usually an old moto-cross bike; sometimes a quad or trail bike (not normally road-registered; the incidence of quads is increasing); and less often a trials bike. Nowadays fewer former road bikes become

field bikes due to the general unsuitability for off-tarmac use and the high cost of spare parts.

This type of user normally operates from home, although they may be transported further afield in the company of adults of similar interest. In general, these youngsters are not particularly 'clubbable' and, although they would probably be interested to use a trail park, cost, transport and rules/discipline would make the facility less attractive if the illegal driving alternative remained available. Further, most of the machines used by these youngsters would have defects in safety and noise sufficient that the trail park operators could not let them be used without remedial work – which might be very expensive.

4.2.3 Young persons on the road, and land, with other mechanically propelled vehicles.

At the moment this is a relatively small problem, but it is growing and the influx of cheap vehicles from China and the Pacific Rim indicates that the problem will grow further. 'Other mechanically propelled vehicles' in this context means: go-peds (petrol engine stand-on scooters); electric stand-on scooters; powered skateboards; and mini-motorcycles (much smaller than 'schoolboy motorcycles'). These devices are marketed as toys (with no adequate caveat as to the constraints on lawful operation). Parents generally do not perceive the use by children as a 'motoring offence', or other nuisance. Much of the use of these devices is local to home – pavements, estate roads, parks – but observation suggests that it is spreading to countryside areas, particularly those with a pathway network. Once powered 'off-road skateboards' catch on, the terrain offered by country parks will attract users.

Youngsters using these vehicles will generally not see them as an alternative to a 'real' motorcycle – the skateboards and mini-motorcycles will build a new user sector – this offers some possibility of 'catching it early' by providing proper facilities, rather akin to rollerblade and skateboard parks, but the liability implications are rather worse, simply due to the use of engine power.



This noisy 'go-ped' was pictured in a country park at Bryn, Wigan.

4.2.4 Adults on off-road motorcycles on land.

This user class is akin to youngsters on off-road motorcycles, and some participants have certainly grown through the ranks, but there are three main differences: adults will generally travel considerable distances to regular sites; adults will generally have better machines – newer, more suited to off-road riding; and adults are often more aggressive towards complaints and enforcement attempts. Put simply, most adult illegal off-road motorcyclists use machines that could be used in organised competitive events, but they simply want to ride without the bother and discipline of racing or trials. This is reflected in the upsurge of commercial practice tracks catering for moto-cross bikes and quads; the legality and risk-covered-probity of these sites varies considerably. Machines – even new/recent ones, not subject to scrutineering for competitions, will tend to become and remain considerably noisier than when new, or when maintained for competitions.

Will adult riders use a trail park facility? Experience suggests that some will, but many – most – want either a proper moto-cross practice track (with noise and liability issues) or will prefer to ride unfettered by regulation as long as they can get away with it. There

is a considerable culture of folk knowledge of places to go (some, like the Horseshoe Pass near Llangollen, have been used for decades by people coming out of Greater Manchester and Merseyside), so enforcement in one place generally only displaces the problem elsewhere – for a time. Displacement of illegal drivers into organised motor sport is often suggested as a cure. Experience suggests that a number of illegal drivers already participate in organised events, and want somewhere to ‘practice’ between times.

4.2.5 Adults with road-legal vehicles driving unlawfully.

This is not particularly common in urban/urban fringe situations. Where there is regular use of land for off-road motorcycling some participants will use road legal trail bikes, but the inevitable damage to the essentials like indicators and number plates tends to attenuate their enthusiasm. Illegal use of road-legal trail and enduro motorcycles tends to happen in rural areas where use of a public path, or a forest, happens during a longer circuit into and through the countryside. Even in the countryside, most regular illegal use tends to be by (comparative) locals on unregistered machines.



This road-registered machine, driven by an adult, with a child passenger, was pictured in a country park at Bryn, Wigan.

Country parks, playing fields and urban/fringe public paths will get driven on by road-legal vehicles from time to time – motorcycles and cars. This is not usually use of the same character as ‘proper’ off-road motorcycling or 4x4 driving, in that off-road driving for fun is not the principal purpose of the driver – the reasons could be variously theft-related, poaching, drugs, vandalism, ‘hanging out’, or romance.

Road-legal drivers are the most susceptible to control by enforcement. By definition they have driving licences to endorse and insurance policies that cost more as a consequence. Occasional driving in country parks is more likely to be the result of an arrogant ‘I’ll go where I want’ attitude than ignorance, even if the latter is pleaded as a defence *in extremis*.

Car ‘cruising’ gatherings of noisy customised cars is a growing nuisance and anti-social behaviour issue. In general these cars require tarmac, so the problem areas are supermarket car parks and trading estates. This is treated more as a road traffic policing issue than an illegal access issue, although the Police Reform Act 2002 seems well suited to dealing with such gatherings.

Adults with road-legal motorcycles will not, in general, use a trail park with their own vehicle because it is not an alternative to their general driving. Some might well use hire facilities out of general interest.

4.3 Where are they from?

Identifying where the people driving illegally come from helps in developing an approach to enforcement and the provision of an alternative site for lawful recreation. If the drivers come significant distances by van or trailer, or have road-legal vehicles, then it is reasonable to suppose that they could also travel to a legitimate site. The registration numbers of the road vehicles used provide a means of identifying the people and their home address. If the ‘problem’ in an authority’s area is caused by people from another area, which authority should be providing the solution?

4.4 When do they do it?

The time and day of illegal activity can to a degree indicate the character of the people involved –

an upsurge in school holidays indicates people of school age; an upsurge in late December indicates children using Christmas presents. The time and day of problem activity mainly allows targeted enforcement initiatives, but it also indicates when alternative site provision would have to operate to be effective – there is little virtue in having ‘working hours’ provision for a weekend problem.

4.5 The views of the ‘illegal users’.

4.5.1 A ‘user questionnaire’.

During the course of this study the question was often asked “what are the views and aspirations of the people currently riding or driving illegally”? Asking direct questions of illegal users on site was considered unwise for health and safety reasons, but the police have a greater capacity to do this safely and, to an extent, extract reasoned responses. To seek this information a questionnaire was prepared for use by GMP and council officers during a ‘blitz’ operation in early 2005. The findings will be part of the follow-up to this report.

4.5.2 Current users coalesce into an organised group.

During the course of this study, but apparently disconnected from any of the existing schemes and initiatives in Greater Manchester, a group of local off-road motorcyclists calling themselves RochdaleOffRoad initiated contact with Rochdale Council (via the political, rather than officer, avenue) to seek the designation of sites where they could lawfully do the type of activity they already engage in elsewhere. The group provided this outline of their activities and aspirations:

“Who are RochdaleOffRoad?”

“Rochdale Off Road was set up to gain support and give a voice for the off road motorcycle/quad users in the Rochdale Borough. We are a club at the early stages of development gaining support for a designated area for off road motorcycling to be set up in the Rochdale Borough.

We are a non-profit making, non-biased and non-blinkered club who are open to all views

and comments from all interested parties in the Borough. By doing this we can show those who do not have an interest in our sport how a designated area will help reduce the illegal use of off road bikes.

“What RochdaleOffRoad do.

“Rochdale Off Road recognise there is problem in the community which needs to be addressed, and are actively, with support, suggesting solutions. We currently:

- Attend council meetings and voice opinions from both sides of the debate
- Actively promote safe use of off road bikes and quads
- Do not promote illegal use.
- Gain support through a petition
- Research information about the subject and the problems in the area.
- Liaise with local authorities and Greater Manchester Police.
- Listen to the views and opinions of the public
- Actively campaign for a designated and safe area for off road use.
- Approach land owners and farmers in a bid to find a suitable site

“What RochdaleOffRoad’s aims are?”

“Our aims are to have a designated area for off-road biking in Rochdale with the following features/benefits...

- Charity events
- Competitions
- Bike pick up service
- Repair centre - so kids can get involved with mechanics
- Bike and equipment hire
- Training and education
- Hygiene facilities
- Safety equipment and access for emergency services
- Marshals
- Media coverage
- Club meetings and outings
- To cater for motocross, trials, quads and scrambling bikes

“We not only want to assist the bikers in obtaining a legal, safe and designated area for

their sport, but also help the community fight against the nuisance of illegal motorcyclists. We want to hopefully ensure that all interested parties are satisfied.

“What problems we are experiencing.

“Rochdale Borough’s problems:

- Illegal use of off road bikes and quads
- Nuisance to residents, walkers, cyclists, horse riders, etc
- Policing the off road motorcyclists
- Damage to moor land, parks and countryside.

“RochdaleOffRoad have encountered problems from uneducated members of the public who only experience off road bikes and quads being used illegally, therefore express a biased opinion instead of addressing the problem sensibly – giving these riders a designated area and the support needed.

“The problems became apparent when the founders (Matt Deemer, Mick Saxon, Trevor Clegg) attended a meeting about the problem with off road riders in a local disused brick quarry. The quarry was put off limits to off road users, as has happened to most other land that was used by this community. This land is often already scarred through failed man-made developments. These areas have been used for decades.

“How you think these problems might be solved.

“Rochdale off-Road did not go into this blind, we were aware that off-road motorcycles are not everybody’s cup of tea. We are also aware that at the moment people who don’t necessarily like the sport/hobby have to see it out of their window or when they are out walking the dog etc, not just at one site (which we are suggesting), but also throughout the borough. “We are in this to try to stop mostly youths from riding uneducated, illegally in unsafe areas (with out helmets), to respect the countryside and people who may not choose to like motorcycles. We do not see pushing riders from one place to another a good option. The riders who looked for a site other than the streets (e.g. disused

quarries, wasteland and many more already scared sites, man made damage was already present, therefore the off road use causes little damage or impact to the environment) have been pushed out as now these sites have been closed off making the problem spill out on to parkland, moor land and public areas etc.

“What Rochdale Off-Road is suggesting, is that there should be a suitable designated area for the use of off-road motorcycles and quads within the borough of Rochdale in an attempt to reduce the amount of illegal use. In saying this you have to understand off-road motorcycles and quads are legal to buy along with all the equipment and clothing making it a multimillion-pound industry.

“We strongly believe that the problem is only going to get bigger as the price of such vehicles fall at a rapid rate, and more and more children are becoming interested in the sport. We have mentioned above on our views/aims how such a site should be organised.”

This proposal/wish list from RochdaleOffRoad is informative for two principal points: one that this is a group from within the community, entirely on its own initiative, trying to get a facility set up; and secondly, they are looking to facilitate lawfully the character of activity that currently takes place unlawfully – i.e. casual riding, rather than a circuit-based discipline.

4.5.3 An illustration of need.

In January 2005, a resident of Leigh wrote a ‘to whom it may concern’ letter to Manchester councils enquiring about the availability of land for use as a formal motocross practice track. The correspondent states that he and friends currently travel to Doncaster (presumably the site at Armthorpe) to practise, where they pay £20.00 per day each. The correspondent says that he would organise marshalling, portaloos, first aid, and planning permission. This enquiry is largely similar to the RochdaleOffRoad initiative except that it is looking more towards a practice race circuit, whereas the Rochdale people aspire to a casual riding site.

4.6 Identifying vehicle types

This is a listing of the types of mechanically propelled vehicles that might be used unlawfully, and their main identifying characteristics.

Road motorcycle. Modern road intended motorcycles are mostly of very little use off-road because of their design, styling, wheel size and type, and power characteristics. Motorcycles now tend to fit into specific categories: tourers (e.g. large BMWs), sports bikes (e.g. Honda Fireblades), cruisers (e.g. Harley Davidsons), etc. Even by spending considerable money these machines could not be made off-road capable. Any found being used off-road may have been stolen at some time.

Big trail bike / rally tourer. There is a class of motorcycle that looks like an off-road bike, but which is primarily a road bike with a limited amount of off-tarmac ability (e.g. Honda TransAlp, BMW R1000GS). Some of these can be made quite off-road capable by changing tyres and gearing, but the bodywork is usually vulnerable and expensive. It is unlikely that anyone would buy one of these with the intention of converting it to regular off-road use; any found being so used may have been stolen at some point.

Road scooter. There has been a boom in scooter sales over the last ten years. Most are small capacity (up to 200cc) and, like road motorcycles, have no inherent off-road ability, nor the scope for conversion. There are a few road scooters sold with some 'off-road styling', but this does not really confer off-road ability. There are also 'super scooters' – physically large machines intended for touring. Any scooter used off-road is very likely to have been road-registered in its early life, although many quickly deteriorated through neglect and abuse to the point where they ceased to be viable road vehicles.

Mopeds. The term 'moped' simply denotes a motorcycle of less than 50cc, and speed limited by engine power constraints. Mopeds come in a wide range of styles – trail bikes, scooters, race-style, and the traditional 'Honda Scooterette', which are so durable that many still end their days as 'field bikes'. All mopeds

will have started life road-registered.

Trail bikes. A trail bike is essentially a fully road-legal motorcycle that is designed to be reasonably competent on unsealed roads. It will have something of the 'scrambler' look – high exhaust, wide bars, large diameter, narrow wheels, etc. As sold, the tyres will be very tarmac-oriented, but these tend to be changed for something a little more knobbly, although still road-legal. Likewise the number plate tends to get downsized to the legal minimum or beyond. Trail bikes used for green road driving are generally road legal – taxed, registered, MOT, insured, etc., but old, no longer taxed and tested, trail bikes are a traditional source of machines for illegal off-rovers.

Enduro bikes. Enduro events are an approximate motorcycle equivalent of special stage car rallies – long distance events, often in forests, with speed tests along the way. Enduro bikes are a half-way house between trail bikes and moto-cross bikes – nominally road legal, but very durable and competent in off-road conditions. Over the past five years there has been a convergence in trail bikes and enduro bikes sold – in some cases they are now basically the same machine with road-legal bits added to the trail versions. Old enduro bikes find their way into the illegal off-road machine pool.

Trials bikes. Motorcycle trials – more properly 'observation trials' are events of pure skill where competitors tackle 'sections' of steep, rough ground, streams, tight turns, etc., where they lose points for 'dabbing' – putting a foot down, or for ceasing forward motion. Few modern trials bikes are sold as, or are capable of being, road legal, at least without significant modification. Trials bikes are used illegally, but often where a good 'practice ground' has been located, rather than roaming widely as other off-rovers do. New and well-maintained trials bikes are not particularly noisy.

Moto-cross bikes. Moto-cross is what was once called 'scrambling' – racing on a purpose-made closed-loop circuit with a dirt surface.

M-X bikes are high-tech, powerful, responsive, quite noisy (more so when not maintained to original specification) and are sold 'for competition' – they are not road legal. MX bikes are recognisable by their 'style' – high mudguards, upright fuel tanks and 'safety seats', tall suspension, competition number plates, etc.

Mini-moto-cross. There are two types of 'mini' off-road bikes. One is the now quite traditional child's MX bike – a small capacity motor (often 50cc or 80cc), small wheels, and a general design to be suitable for children. These machines can be raced in organised competition – usually called 'schoolboy moto-cross', although girls certainly do take part.

The other type of mini off-road bike is a new idea – a moto-cross styled bike with relatively small wheels and a small engine (maybe 100cc) but styled (seat, handlebars, etc.) so that adults can ride them. There is a huge marketplace for 'custom and tuning parts' for these machines, but they are more likely to be ridden 'for fun' than raced in conventional moto-cross race meetings. The image of these bikes attracts mature owners with sufficient funds to buy the tuning parts on offer – e.g. noisy exhausts – and reports suggest these machines are becoming part of the illegal off-road problem.

Moto-cross quads. Quad racing on moto-cross tracks is now an established branch of off-road sport. Race quads are powerful, sophisticated machines capable of great speeds on loose ground. Observations suggest that race quads are bought specifically, or principally, to be used on illegal sites rather than for organised racing.

Agricultural quads. These machines are heavy, durable, relatively slow, and expensive. Observations suggest they are only infrequently used for illegal off-roading in the usual sense, although some owner-use may well stretch beyond the bounds of legality. The durability of these machines means that they tend to be kept in agricultural use throughout their viable life.

Recreational quads. There is a significant level of illegal use of non-road-legal recreational quads. These are not race-worthy, but provide enjoyable off-road driving at a comparatively low purchase price. There are different engine and machine sizes, with many 'mini quads' available for children.

Road-legal quads. These are a new development. Under European harmonisation it is now legal to sell and use on the road 'quadracycles' – these are essentially quads with sufficient equipment to make them road legal – lights, mudguards, etc. Manufacturers are now selling a limited range of road-legal quadracycles in the UK – the models have to be 'type approved' like cars – but it is also possible for people to get race or recreational quads registered for road use under the Government's 'single vehicle approval' scheme. If road-legal quads are bought, the question arises: where will their intended off-road capability be exercised?

Four-wheel drives. 4x4 vehicles are not a major factor in illegal off-roading, although it does happen, with some hot spots of activity. 4x4s are almost without exception road registered (how else would they be moved around), expensive to buy, and the drivers licensed and insured and thereby vulnerable to enforcement measures.

'Go-peds'. The 'go-ped' is the generic name for petrol-powered stand-on scooters. These are usually sold with some 'grey' disclaimer like 'not suitable for highway use', but because they generally need firm, smooth surfaces, roads, pavements, parks and some public paths become their habitat. These machines go fast enough and are noisy enough, to be a danger and a nuisance. There are also electric-powered scooters – these tend to have saddles and be more like a mini-motorcycle in concept. These vehicles are not exempt from the Road Traffic Act or construction and use regulations in any way unless they fall into the class of 'electrically assisted bicycle' – which observation suggests none do.

Powered off-road skateboards. The idea of putting a petrol engine on a skateboard is not new – the go-ped grew from this – but there is now a new type coming in, purpose-designed for off-road use. The board is articulated, with the rider's feet clipped one to each part, so the machine can be steered and manoeuvred.

Mini motorbikes. Mini motorbikes started out as 'mini motos' – a form of recreation and racing machine that are scaled-down replicas of full-sized racing bikes, on to which the riders (mostly adults) squeeze themselves, like circus clowns. The cost of mini motos was initially so high that most use was by way of promoters offering recreational sessions in car parks and similar places. Now the machines are being made in the Far East and imported to sell cheaply into the general market for self-ownership. They are starting to be used in parks, on pavements, and on public paths.

4.7 Summary of illegal use in Greater Manchester.

The findings of the site visits, surveys, reliable reports from land managers, and a 'body of evidence' over many years, all go to show that Greater Manchester has a significant and widespread problem with illegal off-road vehicles – primarily motorcycles. The use is not confined to 'waste ground' – it is also in country parks and on public paths – and there are some sites that have plainly become 'traditional' to which people travel, taking off-road motorcycles on trailers and in vans.

The types of machine used encompass a wide spread – moto-cross bikes, road-legal enduro bikes, trials bikes, mini-moto-crossers, quads. There is a relatively small amount of illegal 4x4 use, but this seems to be concentrated in certain places.

In all this, Greater Manchester's problem is much the same as in almost every other conurbation with post-industrial land and islands of population surrounded by countryside. The scale of the problem is sufficient to cause considerable nuisance and damage, but is probably no worse than, or different from, that in (for example) industrial Yorkshire and Humberside.

5. An integrated enforcement strategy: the local approach.

5.1 Enforcement strategies: general considerations.

5.1.1 A local approach

There is no statutory requirement for a council, police force, or other public body to have any strategy for enforcing against illegal off-road driving, but there are benefits in having such.

5.1.2 Internal information and training.

The control of off-road driving is a technical and complex matter. It requires an understanding of the law involved that is often lacking in both police and council officers, other than a relative few, many of whom are essentially self-trained. Job rotation and natural wastage lead to loss of these skills. An enforcement strategy will provide the necessary training and support materials for officers who need to use it.

5.1.3 Creating and using enforcement protocols.

Having a strategy that orders or encourages enforcement against offenders is only part of the job. The officers on the ground need 'protocols' to tell them how to set up and carry out enforcement operations. These would deal with: health and safety issues like confrontational situations, threats of violence, gathering and reporting evidence (e.g. photographs and descriptions), liaison between council officers and the police, follow-ups to cautions and court, local and national offender reporting systems, gathering, collation and reporting of data on initiatives and outcomes. This is particularly important in maintaining records for the purpose of the Police Reform Act 2002.

5.1.4 Political profile.

Having an enforcement strategy, and mounting operations against offenders in a consistent way, raises the profile of both the problem and the solution(s) with decision-makers – councillors and senior police officers.

5.1.5 Publicity.

A standing enforcement strategy and its appropriate implementation in operations keeps a high media profile for the problem, what the authorities are doing, and solutions other than bare enforcement (e.g. trail parks). This stands with 'political profile' in helping maintain a suitable level of priority and funding.

5.1.6 Information and change of mindset.

The standard 'defence' of illegal off-road drivers is "I didn't know I was doing anything wrong," and, "where can I go legally?" Having a publicly available enforcement strategy defeats, or at least diminishes, the credibility of this response. Part of the strategy can be the preparation and distribution of information leaflets to schools, shops, cafes, garages, etc. This is particularly important and effective where seizure and (potential) confiscation powers may be exercised – the 'fear factor' can be an excellent deterrent to law breakers.

5.1.7 Continuity and value for money.

Experience shows that in many places 'blitzes' on illegal off-road driving happen, get repeated, then drop down the list of priorities, sometimes for years. Having a strategy allows a continuity of approach that can be varied in 'intensity', i.e. how often targeted operations are mounted, but which maintains the outward appearance of a consistent approach over a period of years. This yields good returns on the initial set-up and training costs.

5.1.8 Cross-boundary liaison and initiatives.

Maintenance of similar enforcement strategies by neighbouring councils and police forces allow a co-ordinated approach to what is often a mobile and transitory problem. With planning it makes sense to push enforcement in one area at a time to 'chase' the problem constantly, allowing no period, or place, of respite for the offenders. Wearing them down can, ultimately, destroy their enthusiasm for committing the offence. This is where good records for the

purposes of the Police Reform Act 2002 will be of immense value.

5.2 An approach for Greater Manchester

5.2.1 Local agencies & enforcement.

The local agencies concerned with enforcement against illegal recreational motor use – the Greater Manchester Police (GMP); the various councils; and the public and private land holding and management bodies – have, through this project's steering group, indicated a consensus view that 'law enforcement' is only one tool in a 'toolkit' of approaches to stopping problems where and when they arise. Across the ten Greater Manchester unitary authorities there is already a wide range of approaches, some of which are working with GMP, and some independently 'at point of application'. The steering group believes that there is no 'single approach' that could, practicably, be adopted across the whole region, and that having a range of approaches available will work better within the constraints of local authority individuality. This section sets out current approaches across the region.

5.2.2 How Greater Manchester Police currently approach enforcement.

Up to 1999 there was a special 'off-road unit' with one sergeant and six constables, equipped with proper enduro motorcycles. This kept a reasonably tight lid on the problem, with fewer complaints from the public as a result of the operations. This off-road unit received considerable national attention in the motorcycle media. GMP reprioritisation caused the unit to be closed in 1999, but it was reformed about two years later when complaints from the public increased significantly. It is now a 'part time commission' for officers – one sergeant and twelve constables out of forty-five officers in the general motorcycle unit. The off-road unit is now deployed more selectively.

All uniformed officers are informed on the issues of illegal motor use, but they need specific training to tackle motorcycle problems effectively. They will tackle, for example, an off-road bike being pushed or driven on the road

where they find it, but they are not equipped for 'chasing across fields'. The force has community support officers (CSOs) and they work out of the Community Beat Office. None are trained up specifically for countryside issues.

Rooley Moor is a recent example where the off-road unit has been deployed to target a known situation. Three operations have been mounted, and fifteen motorcyclists warned and 'logged for seizure' under the Police Reform Act 2002 procedures. Each report gets a unique reference number on the Police National Computer (PNC) so that previous offenders can be identified in future operations. GMP officers work with council environmental health officers in setting up and mounting 'targetted' operations in response to complaints. There are 4x4s being used unlawfully on Rooley Moor – and quads. The 4x4s seem to respond to warnings (the vehicles are road registered).

GMP will work with councils to use noise abatement notices as a 'first line of attack' against cowboy motorcyclists, either as a stand-alone measure, or as the 'trigger caution' for a PRA2002 seizure. There is a 'merged database' of offenders. The force maintains a register of people who have been warned or cautioned as an alternative to being reported.

The offence of no insurance on the road, or on public paths, would always be reported for prosecution, but at the moment people driving without insurance on open land would not necessarily be reported – officers would use discretion depending on the circumstances. Ten-Twelve machines have now been seized, mainly under the Police Property Act 1997 on suspicion of being stolen. This is on officers' own initiative. Seizures under Police Reform Act 2002 powers have happened.

GMP has produced leaflet advice, 'Crimestoppers', which gives advice to parents buying machines for their children. The police also pursue media initiatives where available.

Where 'blitz' operations collect information on vans and cars/trailers used to transport off-road motorcycles to illegal use sites, GMP officers follow-up the operation by writing to the registered keepers of the road vehicles, warning them as to the consequences of further illegal use of the site.

The integration of GMP and council initiatives is essential to maximise the effectiveness of operations, and needs to take place at various levels. At the 'on the ground' level, GMP officers work with council community safety teams, bringing in the warden and ranger personnel of the councils' countryside and parks departments. At a higher level, GMP and the councils must plan and maintain joint initiatives through the 'crime and disorder reduction partnerships', joining up the various places and authorities within Greater Manchester through the forum of Greater Manchester Against Crime (GMAC). This gives the whole initiative a higher political profile and thereby maintains essential resources.

To have effective local police input requires illegal motorcycling to be in the Force Strategic Plan. The officers who set the agenda for the Force Strategic Plan are influenced by public opinion and inputs. GMP are seeking a culture change over 5 years, rather than attempting an 'overnight solution' through vigorous enforcement.



STOP!

THINK BEFORE YOU RIDE!

Wigan Council and Greater Manchester Police are working together to reduce complaints of anti-social behaviour involving motorcycles, quad bikes and 4 x 4 vehicles using the former Bickershaw Colliery Site, off Plank Lane, Leigh.

This site is owned by Wigan Council and the North West Development Agency and neither party gives permission or authority for any person to ride, or drive, any vehicle on the site.

Riding or driving illegally a motor vehicle in a park, public place or on private land without the landowners permission and you could be committing a number of serious offences, which include:

- Prosecution under the Road Traffic Act 1988
- Prosecution under the Public Order Act 1986
- Prosecution for trespass

- Application for an Anti-Social Behaviour Order under the Crime and Disorder Act 1998
- Service of notice/prosecution under the Environmental Protection Act 1990
- Confiscation of the motor vehicle under the Police Reform Act 2002

Wigan Council and Greater Manchester Police will not hesitate to use these powers and no further warning will be issued.

As well as this site it is unlawful to ride or drive a motor vehicle illegally on any other Council Land or other public places (which include, parks, playing fields, canal banks, disused railway lines, former colliery sites, etc.)

Should you wish to ride legally please contact the ACU (Auto Cycle Union) Tel. 01788 566 400 who will be able to give you information on legal off road sites.

**YOU'VE BEEN WARNED
DON'T LOSE YOUR BIKE,
QUAD BIKE OR 4 X4**

Inspector S. Wilkinson
Greater Manchester Police

Mr. S. Jones
Chief Executive
Wigan Council

5.2.3 The approach of the individual councils.

(Information collected by questionnaire).

Council.	What are your local methods of tackling illegal motorcycling & 4x4 use? How do you issue warnings to offenders and record these?	What are your local education initiatives – e.g. trading standards officers visiting motorcycle dealers?
Bolton.		
Bury.	Barriers and notices. Occasional coordinated actions with Police. Distribution of leaflets. The council's Security Service, Ranger Service occasionally apprehend offenders and issue a verbal warning and take details if they are forthcoming. The rangers are not encouraged to be confrontational due to the risk of assault etc.	Talking to bikers on site if safe to do so. Distributing leaflets. Occasional press coverage.
Manchester.		
Oldham.	Mainly contact Police. Pass registration numbers on if available. Where we can restrict access onto sites at entry points although this is not always feasible. These points can be subject to a lot of vandalism. There was a small Police/ Community led initiative [Operation Ravi] where after complaints from local residents in the Medlock Valley the Police targeted a couple of our sites re enforcement. This required the Countryside Service to carry out a small number of access began. I believe the operation led to the confiscation of a couple of machines although I am not sure exactly of any other outcomes. One result was that an individual was prosecuted following an assault on a police officer.	None.
Rochdale.	Warnings are via signs at some sites though we have managed to get some press coverage. On sites that the council manages e.g. nature reserves/ country park and urban parks we try to deal with the problem both by use of rangers talking to bikers etc, erecting stiles and kissing gates at as many entrances as possible and occasional combined activities with police etc targeting	None.

	<p>a site. We've tried logging numbers and photos that again can be useful if the police are on board. In order to maintain access for legitimate users we use a large kissing gate with RADAR key for disabled users. Sites that are not managed by the council are a much harder issue and one which to be honest we haven't got to grips with. A particular problem to the N and E of Rochdale are moorland areas that cross council, county and police area boundaries and hence are always some one else's problem.</p>	
Salford.		
Stockport.		
Tameside.		
Trafford.		
Wigan.	<p>Partnership approach with Local Authority. Joint initiatives to target hotspots using criminal law and environmental legislation. Joint general information leaflets and specific warning letters to support enforcement. Use of ASBO's and housing legislation. Physical measures inc signage, barriers and bunding. Media strategy eg annual warning at Christmas time about parents not buying motor bikes/quads. Item in <i>Trials and Motocross News</i> Warnings given are recorded on intelligence system.</p>	<p>Media strategy including annual warnings at Christmas.</p>

5.2.4 Current 'best practice'.

It is invidious to single out any current approach within Greater Manchester as representing 'best practice' because circumstances vary widely across the townships, but the application of the partnership approach between police and council in Wigan has a lot to commend it.

Here, GMP and Wigan Council have tackled illegal use on core sites through warning notices and handouts (Appendix ?); 'blitz' operations by the police, with warnings and reports for prosecution as appropriate; follow-up letters to known and suspected offenders (Appendix 1); erection of berms, fences and barriers; follow-up swoops on the same sites; and concurrent serious attempts to find suitable sites for legitimate activity.

5.3 A toolkit for enforcement.

This section lists the individual 'tools' available to the police and councils (variously, individually and jointly) to be deployed against unlawful off-road motor use. All the resources listed here are considered in context elsewhere in this report.

5.3.1 Codes of conduct.

'Code of conduct' is a generic term for simple leaflets setting out the basic law and good practice in the use of off-road vehicles. A variety of these have been developed by the national recreational motoring organisations and are usually available copyright free for use in enforcement initiatives. One leaflet specifically aimed at the ill-informed recreational vehicle user is 'Questions of countryside motorsport' by LARA (Appendix 2). Leaflets like this need to be kept available at libraries, garages, post offices, schools, police stations, etc, on a permanent basis.

5.3.2 Site-specific leaflets and posters.

Where a particular site is being misused, it is good practice to make a simple leaflet/poster that addresses that site specifically. The leaflet version can be put in schools, shops, post offices, be distributed with local free papers, and can form the basis of a press release. Site posters will be torn down, so regular replacement is essential. This counts when seeking political backing within councils, and when looking to

prosecute offenders. Where there are proper sites available, provide details.

5.3.3 Press releases.

Never underestimate the power of the press! "Hooligan bikers" seems to be a perennial favourite of local press editors, particularly if photographs are available. Offering the press the use of good pictures can secure coverage.

5.3.4 Photograph problems.

Site managers should keep a photographic record of the impact on sites caused by illegal motor use. Do not try to photograph offenders if this places staff in any sort of risk situation. Date-and-time pictures. Recording the severity of the problem can be useful in seeking resources to 'blitz' offenders, erect barriers, and in seeking *asbos* against particular offenders.

5.3.5 Use a 'community approach'.

Simply cracking down on illegal motor uses 'because it is illegal' has much less moral authority than cracking down because the illegal use is antisocial and damaging. In all publicity materials stress that the council/police have nothing against off-road motor use per se, but will come down hard on dangerous, damaging and disturbing use of sites. Stress that motor users should go to 'proper sites', or 'join a club'. This may not be a realistic expectation, but it is important to state the alternatives to the illegal use.

5.3.6 Use the power of trading standards.

Where dealers/outlets are selling 'mini bikes' to customers without clearly explaining both the legality of use, and the difficulty in finding anywhere lawful to use the machines, consider asking the trading standards department for the area to have a firm word with the retailers about misleading customers and 'goods not fit for purpose'.

5.3.7 Consider barriers.

The use of barriers is an emotive subject without much science behind it. In some places experience shows that erecting a relatively simple barriers discourages the illegal use; in

other places the users will bypass or smash barriers, even to the extent of cutting them with power saws, or ripping them out with vehicles. The combination of a barrier with signage seems to send a clearer message than an 'unexplained barrier'.

5.3.8 Hit hard, then hit again.

The nature of police resource availability indicates that an occasional 'blitz' operation on one or more sites is more realistic than expecting a constant level of police presence over a period of time. Experience suggests that some offenders return to 'blitzed' sites quite quickly, thereby encouraging the more cautious to return as well. Consider repeating the crackdown operation after a few weeks, without prior warning. This may well net some illegal users warned in the first operation, thus allowing stronger action to be taken – removal of actual problem, plus a clear warning to others.

5.3.9 Follow up with warning letters.

In any crackdown operation, not all illegal motorists will be apprehended, but some of these will have arrived at the site by van or trailer. The police and/or council can write to the registered owner of these vehicles saying that their use of the site is unlawful. This may count as a first warning for the Police Reform Act 2002.

5.3.10 Know the law.

Police officers involved in crackdown operations will be fully aware of the extent of their powers and the nature of offences under road traffic and anti-social behaviour statutes. Council officers are generally less well informed, but knowing the nature of the offences, as set out in this report, enhances the ability to apply solutions.

5.3.11 Power to the people.

Experience shows that where a site becomes more used by the general public, it reaches a point where this legitimate use displaces the illegal use, at least to a significant degree. This is rather a chicken-and-egg situation, but land managers may be able to invest in attracting more of the general public, more of the time,

thus displacing the unlawful use.

5.3.12 Name and shame.

Public transport companies now regularly name people who have been fined for fare dodging. Consider doing the same to illegal motor users. Also report names of people convicted/warned to the main motor sport organisations – if they are members, the organisation may well invoke internal discipline powers.

5.3.13 Use asbos.

In 'hard cases' seek an anti-social behaviour order against an offender. Such an order can be expressed widely enough to prohibit the offender using an off-road vehicle anywhere in the area. This may seem harsh at first glance, but regular illegal, damaging and annoying motor use is anti social, and does blight the lives of the local community.

5.4 A five-year programme against illegal off-road motoring?

Greater Manchester Police, the councils, and associated public bodies (e.g. Forest Enterprise, Red Rose Forest and British Waterways) are already seeking a culture change over a period of years. That is a firm foundation on which to base a lightly revised, integrated enforcement strategy/policy, and around which to base education and information initiatives. It will also tie-in with the development of alternative off-road driving provision, but will not allow the absence of this to be an excuse for illegal activity in the meantime. The Red Rose Forest Off-Road Site Initiative is not likely to 'roll out' until mid-2005; five years on goes to 2010 – a nice 'round date'. Greater Manchester Police's enforcement strategy and implementation policy, dovetailed with the initiatives of the public bodies, *could* have the following as its key elements:

- A commitment to maintain and fund the Off-Road Motorcycle Unit for the five-year period until 2010.
- A policy that every 'off-road offender' will, at least, be formally warned for the purposes of the Police Reform Act 2002, and that these warnings will be logged on the Police

National Computer, or another database available across force boundaries.

- A policy that where anyone is warned under the Police Reform Act, and then apprehended again inside one year, seizure of machine will be the normal course.
- A policy, in line with the intentions of the Government, that driving a motor vehicle without insurance in a public place will normally lead to the offender being reported, and the vehicle may be seized.
- A policy that, initially at least, offences in busy or sensitive public places, e.g. country parks, will be clamped down on harder than offences in less-sensitive places. [This allows a degree of unofficial displacement as enforcement gradually bites everywhere].
- The creation with partner bodies of an ongoing information and signage programme that sets out enforcement policies clearly, and warns against the acquisition of any motor vehicle where the owner does not have anywhere to use it lawfully.
- The designation of 2010 as a date on which Greater Manchester will be 'free from illegal off-roaders', but there will be 'somewhere for legal off-roaders to go'.
- The creation of a 'hand-in amnesty' where any off-road motorcycle can be handed in to the police (or council) and there will be no questions asked if the vehicle is believed formerly stolen, but it is unreported and any legitimate owner cannot be found.

6. Physical exclusion

6.1 General issues on physical exclusion.

6.1.1 Physical exclusion has a serious negative side.

- The barriers used exclude many legitimate users.
- The barriers used may now be contrary to access requirements for disabled people.
- The barriers and fences used are unsightly.
- The barriers are costly.
- Against motorcycles, barriers are not particularly effective.

6.1.2 Stopping motorcycle access.

Off-road motorcycles are not particularly heavy, tall or wide, and designed to be ridden over rough ground and physical obstacles. Riders can either ride, or lift (maybe with two people) the machine over 'step', or 'box trap' obstacles without much difficulty. Any width or height barrier, low or narrow enough to stop a compact off-road motorcycle, will stop horses and the disabled, and may be a disincentive to site access for some cyclists and pedestrians.

Fences that will stop determined illegal motorcyclists from access to a popular riding area have to be capable of withstanding 'hand tool attack'. Experience shows that chain-link fencing will be cut, or rail fences smashed, particularly adjacent to heavy barrier access control points.

6.1.3 Balancing physical exclusion with other approaches.

If it is accepted that complete physical exclusion of motorcycles from 'open' sites like country parks is not either possible, realistic (cost), or desirable (visuals, collateral exclusion), but that exclusion of cars and trucks (and hence fly-tippers) is acceptable, then a 'gateway' approach can be adopted. All public sites have formal access points, and these should be welcoming to the visitor, rather than be ugly structures of steel and stone. People do not mind passing through a constructed access gateway – which can include barriers and

bollards – because they can see the desirability of separating motor vehicles from the public at play. These gateways can therefore be made sufficiently 'firmly' that they both exclude cars and trucks, and give the message that motorcycles (and quads) cannot pass this point. That message would be conveyed by simple iconic signage – possibly reinforced with a 'threat' warning notice – but the removal of illegal motorcyclists who might still be minded to pass through the gateway would fall to the police / councils' enforcement powers, possibly with the 'carrot' of the availability of a legitimate riding site elsewhere.

This is, at bottom, a matter for local council and police enforcement policies. The powers now exist to seize offenders' machines, and there are sufficient Road Traffic Act penalties available to the courts to make re-offending unlikely. Having a zero tolerance approach to motorcyclists breaching the 'gateways' of country parks, cycle tracks, and similar areas, and maintaining this approach in the long term, will steadily remove the problem both by punishment and the progressive change in attitude by the public. One message that comes across from countryside managers is that illegal motorcycling flourishes where the public does not go in any numbers. Often the public is dissuaded by the presence of illegal motorcycling. Reclaim the territory from the law-breakers, and the public will return to 'own' the site. Once people use the site legitimately in numbers, illegal motorcyclists tend to keep away, not least because the public will make the illegal use a matter of repeated complaint to the police and councils.

6.2 Types of barriers and gates

The 'typical costs' quoted in this section are for a 'single installation', using local contractors, with local materials where necessary (e.g. soil backfill) and basic landscaping, and were supplied by hardware manufacturers and local authority countryside departments 'off the record', as prices vary considerably between places.

6.2.1 Bollards.

The simplest form of anti-vehicle barrier is the concrete bollard. Bollards are cheap to buy and install, durable, and not unduly unsightly, particularly in site gateway applications and near carparks. Bollard can be paid in a pattern allowing all, or most, traffic other than four-wheeled motor vehicles to pass through. One pattern, known as the 'Kent carriage gap' (Appendix ??), will allow horse drawn vehicles to negotiate the barrier while excluding cars and commercials. The main disadvantage of bollards is that they cannot be used to exclude motorcycles.

Cost for a typical installation as pictured: £285.



6.2.2 Stone gabions.

Stone gabions are metal mesh cages filled with graded stones, forming substantial barriers – usually rectangular – that make ideal flanks to gateways. Gabions are so robust that they can be used as retaining walls for earth embankments, with water able to drain through and, over time, plants growing through to make them much more natural than bollards or metal structures. Gabion walls can be high enough to make it impossible to lift, or ramp, a motorcycle on-and-over, but at this height tend to be oppressive and undesirable in gateway applications. Lower gabions are vulnerable to motorcycles being lifted over (although this is a substantial task) or having vans reversed up close, and motorcycle unloaded over from the van. Placing bollards in front of the gabions stops vans approaching, but is unsightly.

Cost for a typical installation as pictured: £340 per linear metre, using local backfill.



This gabion installation is on the LIVIA site near Clifton Green. At this height it is possible to reverse a van close enough to unload an off-road motorcycle. An additional half-metre height would make that harder, but would be less sightly, and would introduce an injury risk for pedestrians and youngsters on bicycles.

6.2.3 Metal zig-zag barriers / horse step-overs

Metal barriers in the form of a zig-zag passage for pedestrians and, with a squeeze, pedal cyclists, are reasonably effective against motorcyclists, although trials bikes can be stood on the back wheel and threaded through by two people. These barriers are almost impossible to negotiate with an outdoor wheelchair – some have adjacent ‘duck-under’ bars to accommodate wheelchair-bound people. Where horse access is needed this is provided by an adjacent ‘step over’ barrier for horses. In practice, almost any off-road motorcycle can negotiate a horse step-over, rendering the pedestrian zig-zag rather superfluous.

Cost for a typical installation: difficult to say because this type of barrier seems to be a custom-build, rather than an off-the-shelf type. Best estimate, manufactured and installed by local contractors: £1150.



6.2.4 Horse gates.

These are increasingly common in rural locations, particularly on rights of way to control access by larger motor vehicles. They take the form of a wide metal gate, normally locked to its post, with a reduced height section where a horse can step over, but (in theory) a motorcycle cannot pass. Again, in practice, these will not present much of an obstacle to an off-road motorcyclist, but make a complete barrier to wheelchair users unless there is an adjacent gap or other means of passage.

Cost for a typical installation: £650.



Picture courtesy of Centrewire Ltd., who also make a lighter-duty version.

6.2.5 Field gates and side gaps.

Field gates – often known as ‘five-barred gates’ – are perfectly at home in the countryside, so much so that the public would assume any such gate was for agricultural purposes, rather than access control. Field gates tend to be heavy and potentially dangerous to operate – particularly in strong winds – so they are not generally used where the public would need to open and close them frequently. Field gates can be used to prevent the passage of cars and commercial vehicles, with a gap left alongside – usually bracketed by two substantial gateposts – for pedestrians, disabled people, horses and cyclists, but motorcyclists can readily pass too.



Picture courtesy of Centrewire Ltd.

Cost for a typical installation: £520.

6.2.6 Motorcycle ‘inhibitor’

This is a steel structure where the gap is wide enough to permit the passage of a pedestrian or cyclist, but narrows towards the top, supposedly preventing the passage of motorcycles by blocking the handlebars. These are relatively cheap and easy for pedestrians to use, but there is doubt as to their efficacy against motorcycles.

Cost for a typical installation: £410.

6.2.7 Step stile

The traditional step stile for pedestrian use on public footpaths remains a common sight in rural locations. It is cheap to make and install, easy to repair, durable, in keeping with surroundings, and generally very effective against all vehicles other than pedal cycles carried/passed across. The serious downside is that the stile is also an effective barrier against all users other than fit and mobile pedestrians: the passage of disabled people, the elderly, prams, small children, and even dogs, is effectively barred.



This ‘motorcycle inhibitor’ is installed on a former railway line - now a recreational trail - in Wigan. As the tyre track shows, small off-road motorcycles can get through quite easily.

6.3 The Disability Discrimination Act 1995

The Disability Discrimination Act 1995 introduced, by a series of staged provisions, a duty on 'service providers':

- not to refuse service;
- not to provide a worse standard of service; and
- not to offer a service on worse terms.

Part III of the Act came into force in October 2004, implementing a requirement that 'service providers' will have to take all reasonable actions to remove, alter or provide reasonable means of avoiding physical features that make it impossible or reasonably difficult to use a service. Alternatives to expensive alterations to existing service provision may be considered, such as changing management arrangements so that disabled people can be assisted to use alternative access points to premises.

The Countryside Agency has published brief guidance for countryside land managers, offering the view that providers of public paths and similar facilities should plan provision (and review existing provision) on the 'least restrictive access' principle. This means that the structure of a path (or similar) should be to as high a standard as possible in the circumstances – surface, width, furniture, gradient, etc., thereby making it available to as many users as possible.

If taken to the extreme, such a policy would require the removal of all gates, stiles and barriers with consequent negative effects – stock straying on to roads, flytipping, and illegal motor access. The new law offers land managers sufficient flexibility to maintain barriers and other access controls provided they address access for disabled people by other routes – both physical routes in the sense of designated access points, and management routes, by providing necessary staff and advice to help.

If, for example, a country park has six access points – say two main gateways and four public paths – then a strict application of the least restrictive access principle to all points essentially leaves them vulnerable to motorcycle access; it is difficult in reality to admit wheelchairs yet exclude motorcycles. In



such a situation is it 'reasonable' in the terms of the Act to make four of these access points unavailable to disabled people, while improving the other two? There is no hard-and-fast rule or guidance available on this, and no body of case law as yet to drive policy and practice.

In the view of practising countryside access professionals asked for the purpose of this report, it would not be reasonable to completely close-off a country park (or similar) to disabled people in order to prevent illegal motor cycle access. It probably would be reasonable to keep some access points closed to motor cycles and thereby closed to disabled people if there was adequate disabled access elsewhere, particularly if the closures are part of a programme to remove the illegal access problem, with the intention of opening all access points to disabled people as soon as is reasonably possible. Land managers should be advised to express such an intention in any policy initiative aimed at illegal motor use of sites where physical barriers are to be used.



Pictures on this page courtesy of Centrewire Ltd.

6.4 Physical exclusion: recommendations.

Whilst heavy barriers and fences plainly work against most potential offenders, the costs of using these – monetary and environmental – make them an unattractive option if illegal motoring can be reduced in other ways. Effective barriers tend not to remove illegal motoring, but to deflect it to other sites. This is only an acceptable intentional policy if the community is content to let the less-well-barriered sites be used for off-road driving, because that is where it will go.

If there is to be a project in Greater Manchester / Red Rose Forest, to have proper off-road motoring site provision, and if there is to be an integrated, sustained and adequately vigorous approach by the police and councils towards offenders, then, on balance, further heavy fencing and gating of sites is not the best way to go in the future. Indeed, if there is a policy statement to move away from heavy gating (i.e. progressively remove it in places towards a more user-friendly approach) then this is a further reason to introduce and sustain proper alternative sites and an effective enforcement policy.

A move towards reducing gating/fencing is desirable, but it has to come when the effects of alternative site provision and enforcement are seen to be working. Red Rose Forest and the other public bodies involved need to establish a common 'gating policy' which aims for a minimum structural level consistent with keeping out fly tippers and discouraging casual off-road motorcyclists (as much by informing/shaming as by physical obstruction), while not being unattractive to the public, or an undue (or unlawful) impediment to disabled people and equestrians/cyclists (where they have site access).



7. Education and information: local initiatives.

7.1 Proactive education and information exists in two principal forms:

Leaflets and 'codes of conduct'; and signage in the areas where unlawful use takes place. There is a third type of education – the 'example' of enforcement against offenders, both through peer group contact and in the local media. Leaflets and signage tend to be a lot more effective with the occasional prosecution of offenders to add a little 'steel' to the message. Drafting and producing a leaflet (or a poster version of the same message) is not difficult – ensuring consistency of supply, and delivering it to 'the customer' is somewhat harder. Leaflets can be specific to a site, and area, a police authority, or just general. The national organisations for motor sport and recreation produce 'codes of conduct', and the message in these can usually be reproduced free of charge. There is a difficulty in, within the constraints of a folded A4 leaflet, conveying a simple message of dos and don'ts, and at the same time setting out the underlying legal situation in more than very basic detail. The leaflet 'Questions of Countryside Motorsport' issued by LARA remains one of the best examples of its kind, and can be adapted to location-specific uses (see Appendix 3).

7.2 Distribution of leaflets and posters.

The conventional route for leaflet and poster distribution is through motorcycle shops. This is not particularly effective. To be effective, leaflets and posters have to be in sufficient places that they have a 'repeating impact' on passers-by. This means using the potential of:

- Schools (as part of social and environmental education).
- Supermarkets (on the free notice boards).
- Petrol stations.
- Motorcycle dealers.
- Libraries.
- Information centres.
- Web sites.

7.3 Signage on site.

Sites with illegal driving problems often have signs erected saying, for example, 'no motorcycling'. These often have a short life. Putting an A4 cardboard sign on a wooden post is short-term and largely ineffectual, unless quickly followed-up with a local enforcement sweep. There are also statutory constraints on signage that can be put up on highways – including public rights of way – and this restriction can prevent effective information in the very places that the problem might occur.

Signage that is both legal and unobtrusive (there is a potential conflict in wanting such signs to be both effective and unobtrusive in the countryside) can be achieved, but it requires an effective and consistent 'application approach', both in installation and in the replacement of lost signs. This approach uses small circular signs, three inches in diameter (75mm), which is the size of a standard rights of way waymark. The sign has an icon of an off-road motorcycle, with a bold 'X' over the top. The meaning is clear.

This sign was developed for use in the Cheviot Hills in the Northumberland National Park – a sensitive landscape and an area with a periodically serious illegal driving problem. It is not used on rights of way, but is used at illegal access points on to rights of way, and at boundary crossing points (gates, mainly) on open countryside. The three-inch disc is simply nailed to the gate or fence posts and is therefore hard to remove – and quite hard to destroy in passing – but easy and cheap to replace.

The idea behind these signs is that they are widespread – they state the message that the whole area is a no-go for illegal driving, taking away the defence (legal or internal) that "I did not know I was doing wrong." This consistency of message is important in any area where a co-ordinated approach to removing illegal motoring is planned.

7.4 An education approach for Greater Manchester.

7.4.1 Education leaflets.

The various information leaflets put out by councils and the Greater Manchester Police are worthy efforts, but there needs to be a co-ordinated, region-wide approach using standard elements of information, tailored if necessary to a smaller location. The format of education/information materials will depend on the adoption of a 'five year plan' to provide proper off-road sites, and to clamp down hard(er) on illegal off-roading straight away.

7.4.2 There should be a 'menu of clauses' to go into educational material on these lines:

- Off-road motor sport is an exciting and rewarding activity, but it has to take place only on designated sites because:
- Driving in the wrong place can be dangerous to participants, the general public and the environment.
- Noise from recreational vehicles is a real nuisance to many people.
- Off-roaders on non-designated sites are breaking the law and run the risk of fines, penalty points, and seizure of their machines. Ignorance of the law is no defence.
- Greater Manchester Police have an Off-Road Motorcycle Unit and will take enforcement action against anyone found riding or driving illegally.
- Councils and other public bodies in Greater Manchester are working in partnership with motorsport clubs and commercial operators to increase the provision of legal off-road driving sites.
- The police and public bodies have a stated policy of eradicating illegal off-road motoring by 2010. Anyone considering buying a machine for themselves or their children should choose a type that can be used on proper sites – seek advice from your dealer or your local motorsport club.
- Try before you buy. There are already well-established commercial motorsport sites in the region. Visit these for advice on taking up motor sport and buying machines.

- Cartoon characters and location images should be developed that are relevant to the Greater Manchester situation.

7.4.3 Standard signage

A region-wide standard 'off-road vehicles prohibited' small sign should be introduced for widespread use. This 'icon' sign would be nailed to gateposts, fences, access points, ways on to public paths, etc., in sufficient numbers that it is, and remains, clear that the sites regularly being used for off-road driving are not lawful. This signage, together with information leaflets and enhanced police enforcement, form the spearhead of the five-year culture change approach.

7.4.4 A central information point.

If there is to be a carrot-and-stick approach over a five-year programme, then it is essential to have one well-informed 'information point' to which members of the public can turn to find out about machine legalities, sites, dealers, clubs, etc. The same resource can also provide a problem-reporting facility for the public. It might even list the names of people who have been convicted of an off-roading offence, rather like bus and train companies name and shame fare dodgers. This information point would really need to be a website so that it can have links to, for example, all the partner organisations, environmental health officers, national motorsport organisations, commercial sites, responsible bike dealers, etc. Web sites require setting up and, importantly, maintaining. Once a project-led off-road site is up and running, this overall website could be managed by that site's management team. Until then one public authority will need to take the lead on this.

8. Off-road sites: examples of operational sites.

8.1 'Trail parks' – a brief history.

Sites specifically provided for 'off-road' motor sport and recreation are commonly known as 'trail parks' (the original term, inferring a motorcycle-based provision), 'wheels parks' (sometimes indicating car sport activity; sometimes BMX and skateboards), or 'off-road driving areas' (this term more often used in connection with 4x4 driving).

These sites differ from traditional site-based motor sport in that they are intended to cater for a wide range of interests and to provide recreational, rather than purely competitive, motoring opportunities. The conventional idea of an alternative site is of a facility provided by a local authority, or other public agency. This is how the first wave of such sites started.

The very first initiatives were more properly called 'motor projects', were usually run by the Probation Service, or other agencies involved with young offenders or young people at risk of offending, and were mostly structured around banger or stock car racing on city sites. The key idea was to engage the beneficiaries into a club-style project that instilled ideas of discipline, education, and inter-personal relationships; in some ways the actual driving was secondary to the processes that made the driving possible.

In the early 1980s the first trail parks were developed, mainly providing non-competitive, but supervised and disciplined, off-road motorcycling available to the general public, either on hired machines, or with people's own machines (where suitable). In the late 1980s and early 1990s many councils across England and Wales started and ran sites of varying size and sophistication. One common feature was that almost all failed, at least in their original formats. For a number of reasons, council-owned sites have since found it possible to make revenue and operate safely only by offering karting, quadbikes, and 4x4 driving facilities; there is very little provision available for people who wish to ride a motorcycle off-road 'just for fun'.

As the multi-discipline, recreation oriented sites have faltered, so the demand for, and

reactive provision of, moto-cross practice tracks has risen sharply. Almost all of these are commercially owned and operated, sometimes with dubious planning, environmental, and health-and-safety credentials, and they generally cater for the type of rider who is able, through skills, inclination and finance, able to compete in club-organised moto-cross races – although many choose not to. These sites plainly fill a real need and some of the users they attract would otherwise be a component of the illegal use problem.

There has also been a proliferation of 4x4 driving sites, often based on farm diversification, and karting centres, these sometimes indoors, or even on ice rinks.

The land use planning system has seldom acknowledged the need for these sites and, where far-sighted councils have designated land in local plans for such activities, the sites have seldom been selected on rational criteria. It is something of a paradox that sites that could help in alleviating the local blight of noisy illegal motorcycling themselves face an uphill battle to get planning permission – because of the fear (sometimes real, sometimes imagined or exaggerated) of noise.

8.2 Examples: current and past.

Walker Wheels, Newcastle upon Tyne.

Walker Wheels was an inner-city site-based project on the reclaimed, formerly derelict banks of the River Tyne, close to an area of poor housing and social deprivation. Starting in the early 1980s, it was more a social project using karts and trials motorcycles, rather than an off-road motor site for the public. The project received a lot of favourable reports and had the enthusiastic support of a council chief executive with a love of outdoor activities, but it was almost entirely dependent on continual funding by the local authority. The funding plug was finally pulled in the mid-1990s.

Warden Law, Sunderland.

Warden Law is an area of post-industrial poor land about five miles out of Sunderland, in

open countryside. Situated in an area blighted by illegal motorcycling, the site was designated in a local plan for recreational motoring and in the late 1990s an ambitious partnership scheme (council, probation, and others) initiated a wheels park project. This used a lot of 'Manpower Services' personnel to build tracks, bought in a fleet of new Kawasaki trail bikes, and organised group sessions for the public and for young people referred by probation



and social services. Two clear lessons were learned during this period: one that where a site is not securely fenced and patrolled at night (this one was not) anything left on site – even in metal lorry containers – will be stolen, and, two, that trail-type motor cycles used by the public on a 'hire' basis, will be reduced to scrap in a matter of weeks.

The site passed through a number of iterations (largely politically driven) and is now a successful privately run karting circuit, also offering quad bike hire and super moto race facilities, but not general off-road motorcycling. (see Appendix 3).

Shildon, County Durham.

The idea for an off-road site at Shildon – which was seriously socially deprived in the 1980s – was driven by the energy and imagination of the then town clerk, and was intended to give local youth 'something to do', and to improve the general environment by reducing illegal motorcycling. The site was a former landfill tip on post-industrial ground, and a remarkably good track was built (under the site management of Fred Wright, who remains a fund of knowledge on the pitfalls of such projects) using Manpower Services personnel. The site was expensively fenced with post-and-chain-link. Within days much of this fence had been stolen and carried away, and the site was continually vandalised. The project died when funding dried up.

Warden Law, Sunderland. This sophisticated site started as an off-road motorcycling facility - and failed.

Teesside Motorsports, Redcar (formerly Langbaugh).

This is probably the most ambitious council-led motorsports site of all (including Three Sisters and Pembrey), but it never fulfilled its potential. The site was based on 30 acres of a former steel mill in South Bank, Teesside, adjacent to the council's offices and bounded by two roads and industrial sites. At inception (late 1980s) there was a large fund of money for former steel site regeneration. The spark for the site came from councillors concerned at illegal motor cycling in the Eston Hills (which continues largely unabated to this day). Development funding was secured to allow the construction of a top quality half-mile long race track, with plans to extend this to over one mile, thus admitting top-rank motor and motor cycle racing. The first stage of the circuit was regarded as probably the best kart race track in the UK. A moto-cross track was built on an adjacent site, and a clubhouse, workshops, carparks, and a hard motorcycle road training area made.

The site ran into a problem of some embarrassment when the council's own environmental health officers demanded the cessation of kart racing and moto-cross due to noise suffered in nearby properties (many of these now gone through redevelopment). This

problem spoiled the plans to develop using commercial money – there was even talk at one time of a Formula One team using the planned full circuit for testing – and although the kart track remained viable for recreational karting (let on a franchise) there was never sufficient grant money or gate income to realise the site's full potential. The race track has now been extended, and the site offers quad biking, rally cars, corporate days, 4x4 courses, and more – but not a direct substitute for the local illegal off-roading. Like Warden law this site, for a while, had off-road motorcycles available for use by the public. These were variously wrecked and stolen.

Even with its potential unrealised, this site offers impressive facilities and should be visited by anyone thinking of developing a similar 'super facility'. The original project managers, Peter Lane (Redcar Council, retired) and Jeff Sadler, should be located and asked for advice on the realities below the surface. (see Appendix 3)

TRAX, Preston.

TRAX is one of the most impressive sites currently operating. It is a relatively small site on an industrial area, with a surfaced kart track (which can take rally cars), a quad track, and a super moto track. The 'clubhouse' is well run – clean facilities, warm, food and drink, shop for essentials, etc. Local enquiries indicate that some residents consider the site to be a noise nuisance, and it appears that the management addresses this by limiting or not providing the noisier activities – moto-cross, super moto, etc (Appendix 3).

Three Sisters, Bryn, Wigan.

The Three Sisters facility is conceptually similar to the Teesside site (which it post-dates) in being set up for a wide range of motor sport activities, but now catering (albeit very well) for comparatively few: karting, motorcycle racing, car racing, super moto, driver training. Local

enquiry suggests that residents consider it to be a noise nuisance, although visits for the purpose of this report found that kart racing was not particularly noisy even close to the gates of the facility (Appendix 3).



Three Sisters: Bryn, Wigan.

BUMPYs, Leeds.

BUMPY is the 'Birstall Urban Motorcycle Project for Youth' and is backed by The Coalfields Regeneration Trust and West Yorkshire Police. The project, which has charitable status, started in 1988 and centres around motorcycle road training, with an off-road facility offering hire bikes – mainly trials-type. The operation of the site seems to have a high 'leverage' – a lot of close supervision for the number of participants, and this level of discipline is probably why it can offer hire bikes and limited 'recreational circuit riding' without undue damage to participants or machines. The supervisory staff seems to be drawn largely from the ranks of on-road motorcycle training instructors, many of whom do this work as a part-time job, or on a voluntary basis. This type of training-based project may be an avenue to pursue for a similar scheme in Greater Manchester, but it is not a direct replacement for much of the current illegal motorcycling that takes place. (see Appendix 3)

Moto-cross practice tracks.

Moto-cross practice tracks are a growth area in

motorcycle sport provision, but are frequently hampered by noise and visual intrusion issues when seeking planning permission. Some of the long-established sites started as race tracks, or even illegal riding areas, and acquired a 'lawful planning use' over time. Enquiries suggest that most such sites are operated by motorcycle businesses or enthusiasts, who either own/lease suitable land already, or have the funds to buy such, so there is no mortgage to service at commercial rates. Three such sites currently operating are:

Doncaster Moto Park (Armthorpe). This is hugely popular and must make the owner/operator a lot of money. There are historic planning and health and safety issues with the site, and any council planning such a site might be advised to speak to Doncaster MBC planners.

Apex Motocross (Worcester). Sited immediately adjacent to the M5 motorway (thus reducing noise issues) this is an established site offering what amounts to a 'race meeting environment' for pay-as-you-go customers, with safety marshals, first-aiders, and clubhouse facilities. The site's website states 'third party liability insurance'. Whether or not the customers are insured against site operator's liability is another matter.

Tonymoto, East Leigh, Hampshire. This facility is closely tied to an existing dealership, and recently won planning permission in the face of strong opposition. Again, this facility closely replicates a race meeting, thereby imposing quite stringent discipline on track users.

8.3 Summary of current off-road facilities.

The current provision of off-road facilities (leaving out those within the confines of the big race tracks like Brands Hatch) seem to fall into three main types:

- Kart/race tracks, usually with quads and super moto (usually with past or present public funding), e.g. Teesside, TRAX, Three Sisters.
- Moto-cross practice tracks (usually private enterprise), e.g. Doncaster, Tonymoto.
- Training-based schemes (often charity-structured), e.g. BUMPYs, Birmingham Wheels Park.

8.4 Do off-road facilities reduce illegal motorcycling in their area?

Enquiries were sent to seven councils in whose area there are developed facilities mentioned in this report, encompassing the three basic types described here. Two replies were received.

In respect of BUMPY's, Leeds City Council observed, "We currently have a large problem with unauthorised off-road motorcycling in Leeds which appears to fall into two types. There are users who are operating with large disposable incomes using trails bikes transported in vans or on trailers, and then another group who are usually local youths who are often to be found using stolen bikes of any description from moped to large capacity road bikes.

"On the question of legal sites reducing illegal usage I have to say that I don't believe that they have helped in any noticeable way. We have not conducted any studies on this and this observation is very subjective. The first group of owner/riders will use any site that is perceived to be available including public owned countryside sites, private quarries etc. The youth group on ad-hoc machines will typically use local open spaces and parkland as they usually ride the machine to the site in transgression of highway regulations."

In respect of TRAX, Preston Council observed, "As you rightly point out, we have a recreational motorsport site in Preston at TRAX. Whilst this is a useful site for those who can pay, the frequency and extent of illegal motorsport seems to have increased considerably in recent years. Most of the illegal activity seems to occur in areas of high deprivation, on parkland and open spaces. This can and has involved motorcycling across sports pitches i.e. football, playgrounds etc , whilst in full use. Schemes which have funded activity and trips (i.e. Positive Activities for Young People, PAYP) to facilities like TRAX may unwittingly have fuelled interest which cannot be sustained through regular visits, which can cost a considerable amount of money. So, in effect illegal motorsport activity may well have increased as a result. Whilst this is a growing problem in Preston a solution has not been found ..."

9. The selection, design and operation of off-road sites.

This section looks at the concept, design, management and operational issues that must be addressed in setting up any off-road driving site, particularly one that is intended to be an alternative to illegal off-road driving. The keys areas are:

- Types of activity.
- Types of site / land requirements.
- Planning and noise issues.
- Commercial or publicly funded?
- Operating structures.
- Liability issues.
- Examples.

9.1 Types of activity.

9.1.1. A starting point.

Site promoters and developers have to start from the premise that the type of activities that can safely be accommodated and offered on an off-road driving site are not exactly the same as the character of most illegal off-road driving – particularly off-road motorcycling. There are three areas where this is most apparent:

- The casual 'roaming free' nature of off-road motorcycling cannot be provided in an off-road driving site.
- Some types of activity will only be available using machines provided/hired on site.
- Some types of activity will only be available within the confines of a 'club structure'.

The reasons for these constraints are primarily risk management and revenue generation.

9.1.2 The types of motor activity that a site might usefully offer fall under two headings:

Type of site provision.	Activities that are a direct substitute for current illegal activities.	Other motor sport and recreation opportunities for the wider community.
Moto-cross / quad practice track.	*	*
Moto cross / quad race track.		*
Motorcycle trials practice area.	*	*
Recreational motorcycling/quad tracks/area.	*	*
Karting track.		*
4x4 driving area.	*	*
	(limited degree)	
Banger/stock car race oval.		*
Speedway circuit.		*
Motorcycle/driver road training		*
Mini-moto circuit	*	*
	(limited degree)	
Rally car/supermoto track.		*

9.2 Types of site and land requirements.

9.2.1 ‘Types’ of site have varied considerably over the twenty-five year history of off-road driving sites.

- The earlier ‘motor projects’ were usually housed in, and used, existing facilities such as banger-racing tracks, or the workshops of council vehicle fleets.
- The first trail parks were mainly just naturally suitable areas of land, with some roping/taping/land sculpting, rudimentary user facilities (shelter, toilets, etc.). Not all used fenced/secure areas.
- Some early council schemes used remote land for projects that were physically based elsewhere (e.g. council workshops) and took the vehicles and people out to the site by minibus/van. The riding areas used were often not fenced and were left open to illegal use.
- The evolution through the well-funded council-led trail parks of the late 1980s, to the more sophisticated sites operating

today, has seen a growth in site security, more on-site infrastructure, and, with the ‘natural selection’ of the types of activity catered for, a move away from remote sites towards sites that are easier to make secure and inherently less vulnerable to intrusion - e.g. surrounded by industrial units.

With this lengthy period of experience to call on, there is no virtue in trying to accommodate the wrong type, or mix, of activities on a particular site. It may well be that if there is a need to provide certain activities then more than one site will be required.

9.2.2 Motor activities and outline land requirements.

Activity	Typical land requirements
Moto cross / quad race track.	<p>The track would be laid out much like a racetrack – a course delineated by paling fences, post-and-rope, and tape. The surface would be natural soil, with stones removed, and additional materials (soil/sand) imported. A typical MX track would be at least X metres wide and Y metres long, with the course repeatedly turning back on itself to fit maximum distance into the plot. Car tyres can be used for marking corners. Most MX tracks are on sloping ground to allow climbs and ‘drop offs’ as well as flat turn. Most tracks have jumps, but care in design is essential to suit these to the ability of riders. Regular grading is necessary and the outside of corners may need to be formed into resilient ‘berms’ to delineate the track and retain the soft materials.</p> <p>Quads can use MX tracks, but climbs and particularly jumps can pose different hazards. Quads are much heavier than MX bikes and may well need additional ‘catch fencing’ at corners to stop cross-over collisions and risk to pedestrians. Moto-cross tracks can follow some basic design precepts laid down by the national organisations, but the character and value of a track arises from design by a competent and intelligent rider.</p>
Moto-cross / quad type practice track.	<p>In general practice tracks are somewhat less challenging than MX racetracks because the concentration levels of riders will be lower than in a race. There is also the operational issue that fewer marshals will be available for the duration of practice sessions, so all parts of the track need to be visible from the site operator’s base, and the likelihood of hazards arising in the course of operation must be minimised below a level that might be acceptable in race events. There is also the safety issue of allowing quads on the track at the same time as motorcycles.</p>
Motorcycle trials practice area.	<p>Trials are relatively easy to cater for. ‘Real’ trials use natural hazards (known as ‘sections’) – slopes, watercourses, tree roots, large rocks, loose stones, etc., but the nature of the competition is to move events around temporary sites to maintain fresh challenges. A practice site can have a selection of ‘improved natural’ and man-made hazards – piles of boulders, large logs, mud pits, engineered slopes, etc. These can be graded in severity such that riders of differing abilities can enjoy the same site, but not all the same ‘sections’. Degradation through use is low, as are machine speeds, so marshalling and supervision is less onerous than for a MX track. Section design has to be by a competent and intelligent trials rider, capable both of riding the sections and assessing their difficulty for others.</p>

Recreational motorcycling/quad tracks/area.	Design and provision of a recreational track is both simpler and more difficult than a MX track. Simpler because the level of speed should be lower, and there is no racing (or should not be), but harder in that the ability levels of riders may vary considerably, there will inevitably be examples of bad behaviour that track design should attenuate, and unlike for multi-lap racing, the course will need to be quite long to bring sufficient enjoyment that people want to come back. Design issues include surfacing, sight lines, route marking (to avoid counter-flow incidents) and physical constraints to keep riders on the course (e.g. high soil berms with half-buried tyres on the top).
Karting track.	Leaving aside the specialist areas of 'dirt karting' (or, even, ice karting) a kart track is a proper blacktop-surfaced racetrack, although if it is intended only for karts (and, possibly, as part of a supermoto or car rally stage) it can be relatively narrow and have relatively tight bends. There are two main aspects to kart track design. One is the width, length and bend shape of the track, plus the 'cut-throughs' necessary to provide variety – this information would come from the national governing bodies of kart racing. The other is the civil engineering aspects – ensuring the sub soil is adequate to take the load, that earthworks are properly formed, and that the correct type of sub-base and top layers of track are specified and installed properly. A high quality kart track is likely to be the biggest single investment in an off-road driving centre, leaving aside the cost of the land itself.
4x4 driving area.	A site that provides varied, safe and exciting 4x4 driving is surprisingly easy to provide. Compared to motorcycles or quads, road-registered 4x4s need much less dramatic hazards, travel at low speed, and can safely carry passengers to share the experience. Natural landforms can often be improved for 4x4 use, and simple hazards built from rocks and logs, rather like a less-radical motorcycle trials course. Serious 4x4 trials or safari (speed event) drivers may well be able to use part of the motorcycle trials and MX tracks by arrangement. Equally, if the site is big enough, a 'perimeter track' incorporating hazards for competition 4x4s could be provided at low cost.
Banger/stock car race oval.	<p>A simple 'dirt oval' for banger racing, with permanent trackside safety fencing, is relatively cheap to set up, although to maximise its attraction it will need to be floodlit for night time operation. Depending on the natural land conditions, the oval would need regular regarding and rolling, and might benefit from the importation of materials like sand and clay. In the past dirt ovals have been treated with old oil, but this is unlikely to be acceptable now.</p> <p>Stock car tracks are made to a higher standard than banger ovals, using traditional cinders, or sometimes asphalt, and are generally larger because of the speed the cars can reach.</p>

Car grass track. 'Autograss racing'.	Car grass track is something of a hybrid between banger racing and autocross. Traditionally circuits have been temporary uses of pasture and stubble fields, but safety fencing demands mean that tracks are steadily becoming permanent or semi-permanent. Autograss tracks tend to be longer than banger ovals (because cost is not normally an issue), but these disciplines may be able to share a track facility with suitable design considerations.
Speedway circuit.	Motorcycle speedway is not really a conventional motor sport in that there are few participants and the racing is all commercial and run by 'promoters'. Speedway is increasing in spectator popularity again and a track could be a significant source of income – but would require considerable capital investment and a lot of car parking, if public transport is not a realistic alternative.
Motorcycle/driver road training.	Requires sufficient a tarmac area to set out cones for basic rider/driver training. If space, a 'dummy road network' (as, e.g. Hendon) can be popular. Requires classroom facilities.
Mini-moto circuit.	Can use a coned-off course on a tarmac car park or similar. A purpose-made asphalt-surface track would not require much room – requires safety features like 'run off' and bales in front of hard objects – like a scaled-down normal road race circuit.
Auto tests.	Auto testing involves precision driving of cars – usually standard road cars, but sometimes 'specials' – in and out of 'gates' marked by cones. Surface often depends on what is available – tarmac car parks, or open areas of smooth natural ground.
Rally car/ supermoto track.	It would be beyond the scope of a 'normal' off-road driving area to offer enough space and variety for a single-venue car rally, although competitors on local stage rallies could visit for one of more special stages – with the possibility of this attracting the viewing public. By designing the ability for a length of dirt road to link into a blacktop race circuits, with some open areas too, the site could be used by a rally school, or a rally car driving experience company, Supermoto motorcycle racing could use a similar combination of blacktop track and dirt sections.
Skid pan.	Skid pans have been superseded somewhat by 'skid cars', where a control system on the vehicle induces a skid on ordinary tarmac 'roads'. Skid training is popular – and good for road safety. A permanent skid pan would require careful design to avoid ground pollution from oil.

9.3 Site considerations in Greater Manchester.

9.3.1 Criteria to consider.

In deciding what types of off-road site are needed, and possible, in Greater Manchester, there is a number of criteria that must be borne in mind:

- There is a lot of illegal motorcycling (including quads), and a little 4x4 use, spread right across the Greater Manchester area and beyond.
- There are pockets of concentrated use where the offenders arrive by trailer and van. This seems well established – almost ‘traditional’. These people generally have the financial ability to change their type of activity to such that can be made available on a designated site.
- There is a lot of spread out illegal motorcycling that appears to be mostly locals riding from home, albeit often over considerable distances. Many of these people will not have the financial ability easily to shift their activity to a form that can be accommodated on a designated site.
- No designated site can safely offer the public the opportunity to ‘razz about’ in a similar way to what they are currently doing illegally. Users must be disciplined into a narrower scope of activity, which may seem boring, or they will have to shift into club-based racing/trials events, which is currently available to them if they want anyway.
- Offering off-road motorcyclists karting, or 4x4s, as a ‘direct substitute’ is not likely to prove successful.
- There are already four well-developed facilities within reach: Three Sisters (Wigan), Indoor Karting Manchester, Daytona Karting (Trafford Park), and TRAX (Preston). None seems ‘booked solid’ for karting or quads. None offers what might be thought of as a traditional motorcycle ‘trail park’ facility. None directly services the need shown by illegal activity. Constructing yet another kart facility might well damage these operations commercially, while not itself being commercially viable in a finite marketplace.

9.3.2 To provide off-road facilities that go as far as legally, commercially and sensibly possible to replicate what people are already doing illegally, the region needs:

- o *At least one moto-cross / quads practice track, up to race standard. This would be noisy (location issues) and the operation would have to be strapped down very tight for safety, insurance and liability reasons. This facility could make enough income to be commercially viable except that this could probably not cover land purchase/lease costs at commercial prices. If this is a stand-alone facility (due to noise) it could be operated by a commercial contractor. Mini-moto-cross could be accommodated on a special junior track, allowing family groups to go riding together. Greater Manchester may well be able to support two such sites located east and west of the conurbation.*
- o *At least one trials practice area. This could cater for (primarily) motorcycles, cars and 4x4s if sufficient space. If not, it should be biased towards motorcycles. This site could also house motorcycle training schemes for local youngsters, subsidised, where trials riding is part of a social development programme. This would replicate the motor clubs of bygone decades, where youngsters coming in had a social discipline from adult members, and the actual riding was only part of the membership benefits. Again, a trials area could be a stand-alone site, perhaps a quarry. The investment in ground development is relatively low, but so is potential gate income. This site would have to operate more as a ‘club’ than a commercial enterprise. All users would have to be club members, and their machinery would have to be up to scratch. This is probably an insurable risk. The traditional trials*

heartland is in the Pennine Dales north of Manchester – it would make sense to look here for a suitable first site.

- o *A quad / 4x4 recreational track. This is a facility that bridges the gap between heavily developed sites like TRAX, and rough-and-ready sites like a trials practice ground. The activities would use only on-site hire vehicles (with the opportunity for people to use their own, or dealers' 4x4s, by arrangement) so that maximum control is kept over performance, safety, and discipline in use. If road-going 4x4s and selected recreational quads are used, this type of site could be accommodated on, for example, one of the Irwell Valley sites, without there being a noise problem. These activities are ideal to be commercially run, although the income levels are not likely to be high enough to pay for land (and track building / fencing) at commercial rates. Such a site, if large enough, could later be expanded to include a purpose-built kart track (again, recreational karts should not be a noise problem). It is also feasible to put a trials practice facility on the same site, but most would need some landform work doing for trials, while better suited, and better sited, trials sites might exist elsewhere.*

9.4 Commercial or publicly funded sites?

9.4.1 This issue might best be addressed by looking at examples in the organisation of motor sport and off-road driving centres:

- **Leading race circuits:** Brands Hatch, Silverstone, etc. Most of these developed from humble beginnings after WWII. Brands Hatch was a motorcycle grass track, Silverstone was a wartime airfield, and Donnington, Mallory, Oulton and Cadwell were made in the grounds of stately homes.

All are now multi-million pound businesses, run for profit. Leaving aside small circuits like Pembrey, Three Sisters, and Teesside, only one new race complex has been built in recent decades – Rockingham Speedway at Corby.

- **Small race/kart circuits and 'sophisticated' off-road driving sites:** Pembrey (west Wales), Three Sisters (Wigan), Tracks (Preston), Warden Law (Sunderland) and the Teesside track (Redcar, formerly known as Langbaugh) have all had considerable local authority investment. It is believed that in all these cases the local authority still own the freehold/lease of the site, sub-leasing all or parts to operators. All of these sites have some additional activities (e.g. quad hire, supermoto racing, 4x4 driving) but the centrepiece of their provision is the race/kart track.
- **Karting/quad centres:** There are now many karting centres around the country as the brown 'tourist facility' signs on roadsides confirm. These are variously outdoor, indoor (in industrial buildings), or 'ice' (on ice rinks). All seem to be run as a straightforward commercial enterprise, owning or leasing the site. Karting centres generally hire out machines to customers – practice/race sessions for people with their own karts do happen at set times. Commercial quad tracks are generally less sophisticated than karting centres, but these also seem to survive over years, indicating a viable commercial return. Commercial quad tracks hire out machines – they are generally not suitable for race quads, and liability issues reportedly stop their use by people with their own machines.
- **4x4 driving sites:** 4x4 sites generally require little infrastructure development – sufficient rough land and some earth-moving suffices. Many have come about through farm diversification initiatives – farms can provide adequate tracks and 'sections', while the 4x4 activity does not adversely affect the farming operations. 4x4 sites have a significant advantage in planning terms – the vehicles are almost always road-legal, and planning officers

know that this means there is unlikely to be a noise problem. Almost all 4x4 site provision and operation is commercial. 4x4 sites seem to last, so this suggests a viable commercial return is available.

- **Off-road motor racing – moto-cross, quads, grass track cars, etc.:** Most competitive racing motor sport is organised by clubs, rather than by commercial promoters, although the latter are making inroads. Most tracks used are occupied under the 14/28 day rule on a temporary basis, with the club or operator paying a rent, or licence, to the landowner. Many sites are not used for the full 14 days available per year to racing because the noise nuisance would cross the threshold from acceptable to intolerable, and complaints might well lose the site altogether. These planning and noise issues are a problem because the aspirations of the competitors, and safety, demand increasingly sophisticated, i.e. engineered and permanent, tracks. In recent years there has been a move towards 'indoor moto-cross' – sometimes called 'supercross' – inside industrial buildings. Noise nuisance is not then an issue.
- **Off-road race practice tracks:** The considerations are similar to those for race events, but the tracks are generally owned or leased by the operator (sometimes by a club) and access is on an individual, rather than a club/entry, basis. Such sites should have planning permission; how many do is another matter. Noise control is likely to be less strict than at club race meetings where noise meters are used in accordance with standing procedures. The proliferation and longevity of practice tracks illustrates a need and a viable commercial return. Observation of some large sites, some with a 'free for all' attitude to safety of customers, suggest that there is a lot of money to be made, most of which is cash-in-pocket. The better sites have strict rider discipline, akin to that at a race meeting.
- **Off-road trials:** Motorcycle, car and 4x4 trials events have a low 'intrusion footprint' due to the absence of speed, general quiet nature of the vehicles, and the scatter of

competitors often across a large area of land. Because of this, trials are almost always organised by clubs using land on a temporary permissive basis. There are some trials practice sites, mostly operated by clubs, and over a number of years 'motorcycle training schemes' for youngsters have based their activities on trials bikes and suitable sites. There is very little money in trials, so commercial provision of sites is not viable as a stand-alone facility.

- **Rally cars:** Rally training schools can use a surprisingly varied range of sites including trading estate roads and relatively small areas of commercial woodland. Because sites are not generally rally-specific, the school providers negotiate commercial access agreements where suitable land can be found.
- **Speedway / stock cars:** Traditionally, speedway and stock car ovals are purely commercial enterprises, often in or near centres of population, although noise issues have tended to push them into more rural locations. These are spectator sport businesses and are run as such.

9.5 Use of own vehicles.

It will be seen that none of these types of facility caters for people to bring along their own motorcycle, or quad, and ride around recreationally, except for 'moto-cross practice tracks', but these will generally allow on only suitable machines (i.e. relatively modern, purpose-designed, race bikes) and properly equipped riders (suitable helmets, boots, gloves, armour, etc.). There are two principal reasons: liability/insurance, and that 'kids on old bikes' cannot/will not pay for access to such sites – if they can get there in the first place.

9.6 Commercial viability.

So – leaving aside the larger race circuits and spectator sports like speedway – which activities can charge, and get, a viable commercial income from the public while complying with health and safety requirements and general good management? Current sites operating indicate:

- Karts (leaving aside the issue of

development/start-up costs, which have sometimes been carried, then written off, by councils).

- Recreational quads.
- 4x4 driving (including tuition).
- Moto-cross/quad race-quality practice tracks.

9.7 Checklists for assessing possible sites.

This checklist summarises the wider considerations in the section on the types and nature of off-road sites in respect of the types of facility that directly address the needs in Greater Manchester – essentially a realistic alternative to current illegal use, and facilities not already available within a reasonable distance (i.e. Three Sisters, TRAX). See also 9.2.2 ‘motor activities & outline land requirements’.

9.7.1 Basic site potential assessment.

Activity:	Moto-cross practice / race track.
Noise.	Noisy by most people's standards. Difficult to accommodate within half a mile of habitation unless well screened or masked. 'Screening' noise is possible by siting the facility in a 'hole' (e.g. an old quarry), or natural declivity facing away from the sensitive site. Trees screens and earth bunds can be installed to catch noise, but achieving effective screening, experience suggests, is more an art than science. 'Masking' noise is often effective, but this can be achieved only by selecting sites where considerable existing noise exists – adjacent to motorways, etc. Even then, the different character of the moto-cross noise can sometimes be noticed by nearby residents. Wherever possible, sites should be assessed early on with a proper noise test using two or more moto-cross bikes, riding around the site in normal daytime conditions. It is not the noise on site that is crucial, but the 'carry' of the noise to sites (housing, workplaces, country parks, etc.) that might be adversely affected.
Site size.	A good track with sufficient parking for everyday use can be accommodated on 15 acres. Moto cross tracks are compact to facilitate fencing, supervision and viewing. There is a growing trend for moto-cross riders to have large 'race transporters' – sometimes converted coaches – and getting these on and off the site, and accommodating them in accordance with health and safety, and fire, procedures, must be borne in mind. The trend towards large support vehicles is due to the general absence of changing, accommodation, workshop, and toilet facilities at most moto-cross tracks (due to their operating under permitted development rights). On-site provision of facilities needs to be considered when assessing the site – a suitable location, water, waste disposal, security, etc.
Terrain.	<p>Moto cross tracks have evolved from 100% natural terrain as far as 100% man-made, in some cases. Land with natural bumps, hollows and banks, is a good start, but earthworks will be necessary on most sites. Practice tracks tend to be high maintenance, so a more engineered track may be better than more natural.</p> <p>Suitable materials must be usually be imported – clay and aggregates for the landforms, sand and loam for the surfacing. In general, a moto cross track can be built on any natural form of land, given sufficient materials and the necessary permissions for development. The biggest difficulties arise on polluted, or very stony, land, where the available soils cannot be used as any sort of top surface.</p> <p>An engineered track is usually adequately drained for all-year operation, but having natural (or available) water on site can be very useful in prolonged dry weather, in order to water the track and lay the dust caused by use (subject to abstraction rules).</p>

Activity:	Motorcycle trials.
Noise.	Not particularly noisy. Could be accommodated in a country park without blighting the whole facility. The noise from trials tends to be in 'blips' of engine revs, where the riders are going up short, steep, 'sections'. This could be enough to be a nuisance if sited close to an area in general use – e.g. a play area, or café, within a country park. Trials – competitions and practice – tend to be carried out at low speeds.
Site size.	To a degree, the bigger the better. Most competition trials use wholly natural 'sections', but there is an indoor variant using man-made, and practice grounds do engineer and vary the terrain. 5 acres is probably a realistic minimum without a lot of engineering to provide sections. Traditionally, countryside trials offer no 'spectator or participant facilities', but a permanent site would need parking, toilets, shelter, administration, first aid, etc., to be housed, much as for moto cross. Trials riders still tend to transport their machines by trailer, small(er) vans, and car racks.
Terrain.	The rougher and more varied the better: stream crossing, steep banks, mud, tree roots – all provide essential trials terrain. Sections can be engineered with imported rock, soil, tree trunks, telegraph poles, etc. Disused quarries are very popular, both for organised events and illegal practice, because 'rock sections' are a favourite with riders, generally offer many variants of sections within a small area, and are robust and 'low maintenance'.

Activity:	4x4 recreational driving.
Noise.	Not noisy – vehicles are predominantly road legal. Could be accommodated in a country park without blighting the whole facility.
Site size.	An engineered track could be fitted on 10 acres, but good 4x4 sites use natural terrain as well – although this is generally not so severe as for motorcycle trials. Facility requirement – much as for moto cross and motorcycle trials, except that 4x4 vehicles are almost always driven to the site (serious competitions excepted), reducing the need to accommodate transporters.
Terrain.	Short steep banks, water splashes, mud, off-camber tracks, trees to navigate through, bridges, etc. Anything free from pollution could be 'improved' by importing materials and basic engineering works.

Activity:	Quad bikes.
Noise.	Not noisy if the machines are restricted to low power recreational, or agricultural, types. Could be accommodated in a country park without blighting the whole facility.
Site size.	An engineered track could be fitted on 10 acres, but good quad sites use natural terrain as well – although this is generally not so severe as for motorcycle trials. 'Quad trails' are increasingly popular, where riders follow a track winding through countryside – to achieve this needs at least 20 acres. Facility requirement – much as for moto cross and motorcycle trials.
Terrain.	Short steep banks, water splashes, mud, off-camber tracks, trees to navigate through, bridges, etc.

Activity:	Motorcycle training sites.
Noise.	Low if restricted to road-legal, or small recreational, machines. Could be accommodated in a country park without blighting the whole facility.
Site size.	Depends on the character/purpose of the scheme – basically much like trials and quad sites.
Terrain.	A variety of terrain – some as extreme as for motorcycle trials – some easier.

9.7.2 A simple site ‘rating system’.

It is not realistic to advocate a standard ‘scoring system’ by which to assess potential sites, because the various inherent factors of any site can be outweighed by external considerations such as available funding for noise control, and excellent existing access. The closest it is possible to get to a ‘rating system’ is:

Noise.	Is noise likely to be a major problem for the discipline proposed?	
	If no, rate the site as:	Good.
	If yes, rate the site as:	Poor.
	On best advice, could screening attenuate noise issues? If yes, and the funding is available, rate the site as:	Promising.
	Could the site be developed for an alternative discipline (if there is a need for such)? If yes:	Promising.
Site size.	Is the site big enough, with adequate access, to accommodate the activity? If yes:	Good.
	If no, could expenditure on better development (if the money is available) compensate for lack of space? If yes:	Promising.
	Otherwise:	Poor.
Terrain.	Does the natural terrain, together with available imported material, suit the proposed activity? If yes:	Good.
	If no, can the terrain problems (e.g. buried pollution) be overcome by available expenditure? If yes:	Promising.
	Otherwise:	Poor.

9.7.3 Track design issues – finding expertise.

This checklist section does not contain advice on actual track design and construction on any potential site. This is intentional, because design of a track/area requires a considerable level of expertise as a participant and organiser (and, where the discipline has such, coach or training officer) in order to know what type and form of land is needed by each activity and

each ability level. Once this design expertise is applied to a site, it then requires conventional civil engineering expertise to put the design into effect – basic drainage, excavation, compaction, and simple constructions, such as retaining walls and banks. Where a public body is proposing to develop a site for recreational motoring, once a site’s potential has been

assessed (using the criteria above) it is essential to locate, usually through the appropriate national motor sport organisations, a suitably qualified person to advise on track design issues, in partnership with the civil engineers responsible for the engineering works. A track designed by a moto cross world champion may end up as an excellent track – but only for riders of high calibre, as a world champion may not be able to ‘think down’ to the ability level of the ordinary participant. (This actually happened at a track in Berkshire in the 1970s).

9.8 Noise management considerations.

The volume of noise produced by the machines is only one consideration in selecting and assessing possible sites. Machine noise has a ‘character’ – road vehicles produce a ‘soft’ noise, while modern four-stroke moto-cross bikes and race quads emit a real ‘bark’ that seems to carry a long way before dissipating. Where the earlier two-stroke MX bikes made an irritating rasp, that noise seemed to decline quite quickly as distance from the site increased. The character of the noise therefore has a direct bearing on the proximity of sites to habitation and places like country parks, where people will be out enjoying the open air.

There are five other factors that affect the nuisance level of noise from sites, and these are all, to a degree, management tools available to site operators:

- Duration of operation. Local people may be more willing to accept a level of audible noise during reasonable hours, particularly at weekends.
- Number of vehicles. The Amateur Motor Cycle Association has found from experience that limiting the number of vehicles in a moto-cross race significantly reduces the noise levels escaping from the site. There is no hard-and-fast figure for this, but experience again suggests that 12 vehicles operating together may not be a significant problem, where 20 would.
- Screening. Screening comes in various forms – trees (quite effective); earth banks and bunds (a bit hit-and-miss – more guesswork than science); and landforms (former quarries and natural deep valleys

do trap sound within).

- Track layout. One a moto-cross racetrack, the position and direction of the start-gate significantly affects the pulse of sound from the start of an event. Siting tight corners in screened areas helps mask the noise of downshifts into the corner and acceleration out. Again, there is no real science to this, but track operators have built a degree of knowledge from experience.
- Masking. Siting a track close to a noisy road can mean that the site’s noise is subsumed by the (greater) road noise. This is not always the case – one planning inspector recently held that he did not think a main road would stop a proposed moto-cross track being an additional nuisance to residents – but it does indicate that otherwise unattractive sites by busy roads could be ideal locations.

9.9 Site security.

The basic issue on site security is whether or not the site will be fenced (and possibly patrolled) primarily to stop illegal motor use and, where there is any, to protect the infrastructure from theft or vandalism.

Security needs therefore depend largely on the type of infrastructure proposed for the site, and the likelihood of illegal users gaining access. The cost, appearance, and maintenance of fencing is very high, particularly if it is intended to stop determined thieves or illegal users gaining access. Lighter fencing is adequate to stop the public wandering in to the middle of motor activity, particularly when combined with signage.

Where a track area is made in a larger site, control of public pedestrian access is important, but it can be achieved by a ‘visible cordon’ – i.e. a temporary fence/tape – that is taken down after sessions of use. It is important to try to ensure that the site being used for the motor activity is not, at least for the duration of the activity, a public place.

9.10 Infrastructure.

In assessing a site it is important to have an idea of the proposed infrastructure to be put on the site to facilitate the activity: accommodation, toilets, parking, storage, etc. Traditional motorsport events use portable infrastructure (if they have any), e.g. portaloos and event controls in vans. This is fine for occasional use of sites, but would not be practicable for a site in regular use. Sites may be close enough to static facilities (e.g. council offices and workshops) that schemes using the site can readily take all equipment with them. This may still require safe highway access and sufficient hard standing.

10. Planning and noise pollution issues.

10.1 Planning permission

Planning permission will be required for the development of an off-road driving site because the development will entail both a change of use of the land and engineering works – tracks, building, etc. Most off-road motorsport takes place on sites on a temporary basis under the provisions of the General Permitted Development Order, which allows a maximum of 28 days motor sport on a site in any calendar year, of which not more than 14 days can be motor racing, or practising for motor racing. This is commonly called the ‘14/28 day rule’ and it removes the requirement to obtain planning permission for each event, or for each site. In general, no infrastructure can be left on the site between events (ropes, toilet trailers, loudspeakers, etc.) and each site should revert to its principal use between events.

Some practice tracks operate on the 14/28 day rule (some seem to exceed the limits and get away with it) but any site intended to be permanent, and developed, will have to have planning permission. If the planning authority for the area sees such a site as beneficial in reducing the illegal driving problem, and in providing local residents with a worthwhile recreational facility, then the main planning ‘problem’ is likely to lie in finding a suitable site – noise, disturbance, security, road access, etc. Experience shows that the permanence and physical appearance of off-road driving sites can lead to local opposition. There is always a very real fear of noise nuisance, particularly if there is intended to be long hours of operation.

10.2 Noise.

Noise (and the fear of noise) is the single biggest cause of local opposition to the establishment of any permanent motor sport or recreation facility, even though such a site may well assist in reducing the noise nuisance from illegal driving. There are a number of points to be borne in mind when considering which motoring activities might be accommodated on a particular site:

- Competition racing machines are generally considerably noisier than road-going machines. Trials motorcycles are mostly not

a noise problem.

- The number of vehicles operating at any time makes a considerable difference, but this is not a linear relationship.
- Public address systems can sometimes be a bigger nuisance than engine noise.
- It is very difficult to stop noise escaping from a site (trees, embankments, etc.) – it is easier to stop noise escaping from each machine in the first place.
- Vehicles owned and operated by schemes / companies on site can be regulated – vehicles brought in by members of the public tend to be noisier, and may not be amenable to additional silencing.

The granting of planning permission for a site does not, of itself, grant a licence to make a noise nuisance. How much additional noise can be generated before rules are breached is both difficult to specify and very difficult to predict. The Environmental Protection Act 1990 requires that a council’s Environmental Health Officers (EHO) shall take action where they feel a statutory noise nuisance is happening. In general this will require noise testing at various points in the area to establish an ‘ambient’ and the increase caused by the alleged nuisance. If the EHO believes a noise nuisance is being caused the council will serve a noise abatement notice. The course of appeal against this is to the local magistrates’ court; experience shows that the prospects of a successful appeal against a well-presented and technically correct noise abatement notice are low. Just because an off-road driving site is council-owned, or council-supported, does not give it immunity from noise control actions – the EHOs are under a statutory duty to take action where a nuisance appears to exist.

10.3 Other site issues.

There are other site selection issues such as whether the prospective site is designated for conservation purposes, zoned for other uses, or impracticable for user access, but these are general planning issues that would be obvious to a planner or architect from the outset.

11. The costs of site development.

Potential commercial income is not the only criterion for a public body thinking of developing off-road driving facilities.

The cost of the development is also important. Some activities –e.g. a motorcycle trials practice area based on natural terrain – need very little development investment (leaving aside the cost of the land itself) yet provide a high social return. This can be tabulated (in broad generalities, and leaving aside land purchase/lease cost):

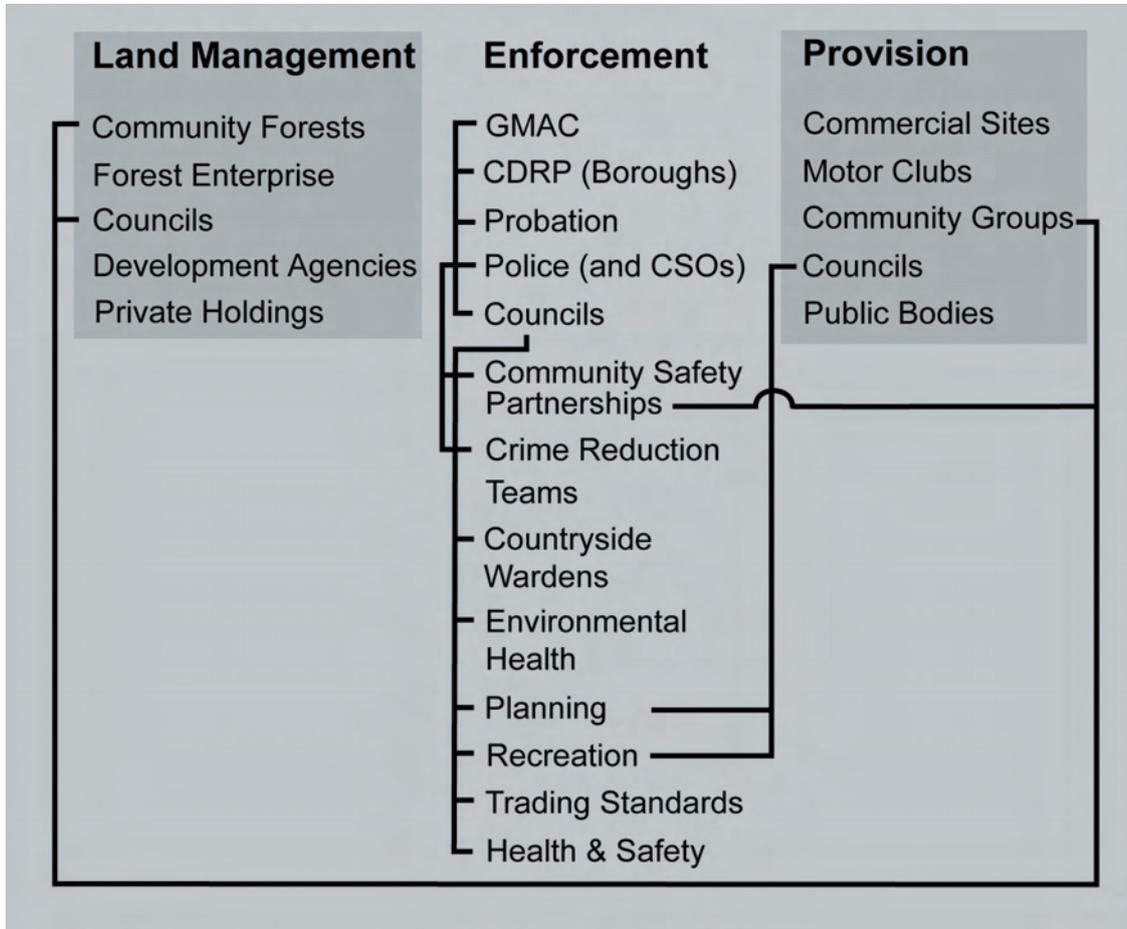
Activity.	Site development cost.	Potential commercial income (relative to investment).
Moto cross / quad race track.	Moderate.	Moderate.
Moto-cross / quad type practice track.	Moderate.	High.
Motorcycle / 4x4 trials practice area.	Low.	Low.
Recreational motorcycling/quad tracks/area.	Moderate.	Low.
Karting track.	High.	Moderate.
4x4 driving area.	Low.	High.
Banger/stock car race oval.	High.	Moderate.
Car grass track. (Autograss racing).	Moderate.	Moderate.
Speedway circuit.	High.	High.
Motorcycle/driver road training.	Low – if a suitable site is selected.	Low.
Mini-moto circuit.	Low.	Moderate.
Auto tests.	Low.	Low.
Rally car/supermoto track.	Low.	Moderate.
Skid pan.	High.	Moderate.

Estimating the actual cost of developing a particular type of facility on a particular site depends so much on site-, infrastructure- and location-specific factors that it is very difficult to come up with anything like a realistic figure. But there is a pool of experience that can illustrate the extremes of costs.

- The construction of the surfaced half-mile race track at the Teesside (Langbaugh) site in the early 1990s cost well in excess of £125,000 – excavation, sub-base, high-quality specialist asphalt, kerbing, run-offs.
- Given a suitable site of good natural terrain, with no ground pollution, constructing a moto-cross track suitable for regular practice use, by importing materials and sculpting a track, would cost approaching £25,000. The track may also require a watering facility (a lagoon plus pumps and pipes) to be usable all year round – maybe £10,000. (source: AMCA).
- Given a suitable site of good natural terrain, with no ground pollution, constructing a motor cycle trials site suitable for regular practice use, by importing materials and sculpting sections, would cost approaching £5,000

12. Site operating structures.

12.1 The inter-relationship of agencies and organisations engaged with enforcement and additional site provision issues in Greater Manchester, 2004.



12.2 In the context of off road driving sites, operating structures essentially address:

- Who owns the land?
- Who pays for the necessary site development?
- Security of tenure issues.
- How is the day-to-day operation structured: leasing, licensing, self-operation, etc?
- How will potential liability issues be addressed: insurances, vicarious liability, limited liability, etc?
- Where there is more than one site within a 'scheme' how will the sites be co-managed, particularly given that they will have varying development costs, different operational costs and varying income potential?
- Site security – operation and costs.
- A project management team and operational / business plans.
- On-site management.
- Commercial development / fund-raising.
- Integration with enforcement and education initiatives.

12.2 Other elements.

Experience shows that off-road driving site initiatives – particularly those with council / social agency involvement – have sufficient skills available to cover business plans and fund-raising. Where they are lacking is in developing an ‘operational plan’ covering the basics of site safety, skills assessment, track discipline, emergency procedures, staff health and safety, good housekeeping, etc. In summary, sites tend to be run like a hobby instead of a business. The standards for operation must be as rigorous as those for a manufacturing industry because the possibility of injury through negligence is similar. There must be procedures and protocols in place that prevent dangerous situations arising, rather than for what to do when an incident happens.

12.3 The costs of operating structures.

The costs of the operating structure for a site depends on the basis on which the site is owned/operated. Where a local authority develops its own site and provides staffing and management, the costs are immediately so high that they cannot be recovered from income from use – they must be covered by council revenue or other grant aid. This is one reason why council-run sites have regularly failed over the years, and have survived by evolving to a structure where the council owns and provides the basic site (usually at a very low rate) and the commercial, or charity sector comes in and runs the actual operation, taking the gate receipts as income.

Setting up from the start on this public-private basis also allows a council (or other public body owning the site) to require an operator to bear some or all of the cost of site development/enhancement as an offset against low leasing costs, either as a start-up, or permanent, arrangement.

Taking the realistic types of sites that could be found and developed in Greater Manchester:

- Moto-cross practice / quad tracks. Ideally the council promoting such a facility would fund the construction of the track, which

would cost a ‘hard figure’. The facility would then be leased to a key operator who would provide all or some of the facilities (buildings, personnel, etc.) and who would recoup costs and gain profit from the gate receipts. Where other local agencies and groups wished to use the site (e.g. probation- and community-based schemes; corporate entertainment) these would contract with the site operator. The council site owner could have a claw-back so that where site profits exceed a set threshold, money goes back to repay the original construction costs. There would also have to be a sinking fund from income against site refurbishment.

- Trials practice areas. There is no significant money in trials riding. If a suitable site was designated, improved, and made available, a commercial or local club operator would no doubt take the lease, but it would be basically a ‘ranching’ operation. There would be no significant profit.
- 4x4 tracks. There is a potential income stream in 4x4 site use in that drivers are ready to pay a fair price to use a site (but tend not to be regular returnees). There is also potential to have links with dealers for customers’ use as ‘test drive’ and recreational facilities. Given the low set-up cost of a 4x4 site on promising land, it should be possible to find a commercial operator to assume day-to-day running of the site in return for the income.

Where existing community schemes like Oldham’s Kickstart run, these schemes could themselves become site operators/users on sites set up by, but not run by, other councils and agencies in Greater Manchester.

13. Liability issues

13.1 Motor sport is dangerous.

At most motor sports events a standard sign is displayed 'Motor Sport is Dangerous'. This is actually a warning to spectators, but it is true of the activity itself: risk and thrill are part of the attraction. Different types of motor sport and recreation have different degrees of risk. In motorcycle trials a competitor will probably fall off at least once in every event. This is because the skill required to succeed exists at the very limits of machine control – a slight miscalculation can bring the rider to a halt – or off – yet because of the slow speeds and terrain, anything worse than bruises or sprains is unusual. In recreational karting the relatively low speed, the stability of the vehicle, and track safety features, mean that injuries are rare – probably far fewer than, say, rugby, martial arts, or mountain biking. Moto-cross ('scrambling') with motorcycles or quads is one of the more dangerous disciplines because of the element of speed and the characteristics of the vehicles – yet moto-cross most closely resembles the type of illegal motorcycling that a diversionary trail park seeks to alleviate.

13.2 Reducing the risk of claims for damages.

We live in a litigious age where anyone suffering an injury is likely to look for someone to blame and from whom to seek compensation. Contingency fee lawyers exacerbate this trend. Yet, perhaps curiously, moto-cross and similar events flourish in the United States of America, where society is even more litigious than in the United Kingdom. Anyone thinking of facilitating or operating a trail park needs to consider the risk of being sued very carefully – it is one of those areas of law where even following current best practice may not be enough in the end – but it helps to understand how risk resulting in blameable injury can be described and minimised.

Where people take part willingly in dangerous activities they accept the risk of injury and cannot always complain when hurt –

the principle of *volenti non fit injuria*, or consent to risk. This is why participation in moto-cross, of itself, does not automatically give rise to a cause of action if a participant gets hurt. Motor racing is dangerous – assuming the participants are of sound mind and old enough to make their own decision to assume the risk, or their guardians assume it for them – if they simply fall off and get hurt, then that is their hard luck.

13.3 Designing-out and managing-out risk.

What site owners and operators need to understand is the concept and application of what might be called 'design risk' and 'operational risk'. Design risk would arise where a track is laid out such that it is inherently dangerous – say a type of asphalt is used to surface the track that has no tyre grip, or there is an absence of run-off areas where such could easily be provided, or a sign gantry is placed where it is reasonably foreseeable that a competitor might hit it. Design risk also arises in consideration of the ability of the people using the track. A track that gets plaudits from an expert status moto-cross rider may well be inherently dangerous for a beginner, or young person; the expert could 'fly' over jumps, where the competitor of less ability or strength would hit these in trying. It may seem so obvious as to be hard to believe, but a successful claim for compensation has reportedly arisen where the builder of a moto-cross track left a large chunk of reinforced concrete sticking up because it was difficult to remove and 'riders could see it and avoid it'; not all did.

Design risk can catch 'interested parties' unawares. In a recent case a national major organisation in motor sport inspected and gave 'approval' to a moto-cross track. Later, at a race meeting staged by another organisation altogether, a competitor was injured. In a court action for damages the track was held defective. The organisation that gave the 'approval' was held liable, but because the event was not one of their events, that organisation's insurance cover was not operational to cover the risk.

This was a totally unforeseen situation and, even if it had been anticipated, probably hard to insure against. It shows that every body and organisation 'in the loop' on track design and approval-for-purpose is ultimately at risk.

13.4 Operation risk and examples.

Operational risk arises out of situations that change unexpectedly from day to day. Take a moto-cross track of typical design. The course is marked out with 'post and rope' fences, although nowadays most 'rope' is often plastic tape, with stout rope used at critical points to catch crashing machines. This is a well-trying system that is reasonably safe – there must be fencing and course delineation. In one case, a rope became detached and riders started course cutting on that corner. Marshals did not take steps to stop the race, or to guide riders away from the fallen rope. One rider was caught up and injured. Although this rider had been breaking the rules of the event by course cutting, the organisers were held liable (at least in part) due to their failure to remedy the danger when this was so easily in their power and control.

In another case, at a race circuit, the standing rules of the organising club required X number of marshals at a particular point during racing. A race started with X-1 marshals at this point, where a competitor later crashed and was injured. In a claim for damages, the court held the club partly responsible due to this technical breach of its own rules, although it appeared that the absence of one marshal had not caused the injury, nor materially contributed to the harm suffered.

In a recent case the owner/operator of a trail park has been convicted of corporate manslaughter due to gross negligence, where he neglected properly to supervise activities on the track during which time a member of the public was killed.

13.5 Risk limitation measures

The lessons of these cases indicate that any trail park, provided or facilitated by any organisation(s), must be designed and operated with sufficient rigour to allow the

provision of adequate insurance cover and a defence against 'chancy' claims. The basic checklist would be:

- Careful design of the tracks commensurate with the abilities of each class/group of people who will use them.
- An operating protocol covering matters like user ability assessment, first aid, marshalling and supervision, site discipline, machine safety, and chain of command (this list is not exhaustive).
- Formal devolution of responsibility and risk – although one organisation or public body might own the site, the day-to-day operation would be contracted out to an operator (probably more than one) who would be obliged to provide adequate operational management and insurance.
- Regular management reviews of operations, responsive to all damage and injuries, constantly seeking best practice in all areas.

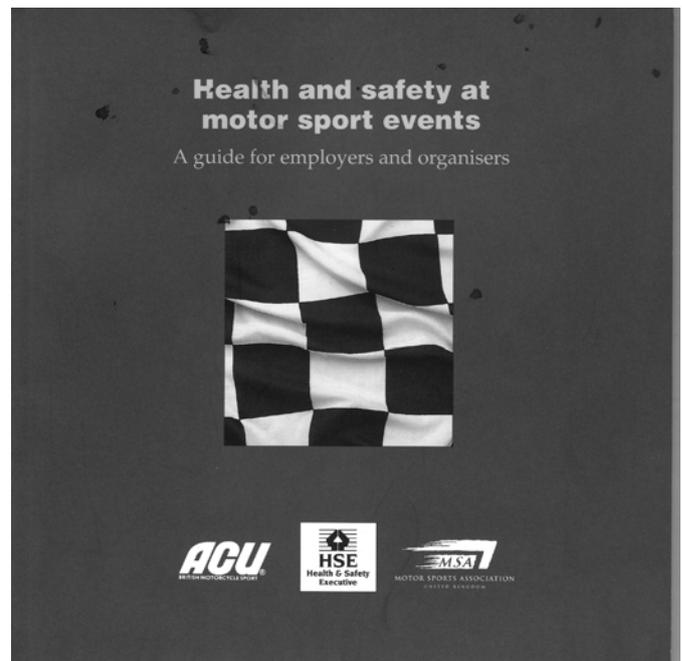
The prediction of risk and consequential harm is difficult – this is one reason why insurance is so expensive. In a normal motorsport event there is now a great bank of experience and evolution of practice to minimise risk (if standing rules are properly applied). In a grid of say twenty regular moto-cross riders it is unlikely that any will be ignorant of machine handling, their own abilities, or the painful consequences of overstepping the bounds of safety – thus the risk can be assessed and insured based on the knowledge of years of such events. At a trail park, if a group of individuals comes in – particularly young men – the range of abilities and experience will be wide, there is not the discipline of the peer group within a club, nor is there the focus of each person aiming at a goal – winning a particular race. Unless the physical constraints of track design, operational management, and restricted machine performance are applied, this group of casual riders is a disaster waiting to happen and it would be difficult for the site operator to rely on a defence of consent – particularly amongst any participants invited in – perhaps as part of an alternative to custody scheme.

13.6 Statutory insurance requirements

There is one further factor on liability management that must be considered. While public liability insurance is not mandatory for a 'business' like a trail park, it is likely that prudent site operators will seek to be insured – where a site is provided by a public body, then the day-to-day operation is let to a contractor, it is essential that adequate insurance be maintained by either or both the contractor and site owner, or damages resulting from the contractor's negligence might well come to rest at the door of the site owner(s). But there is a further complication introduced by the amendment in 2000 to s.143 of the Road Traffic Act 1988. It is now mandatory for all motor vehicles used in a 'public place' to carry third party insurance that complies with the requirements of the Road Traffic Act. Site-specific liability insurance is not within the scope of the requirements of the Act.

It is very hard to argue that a trail park is not a public place – the public attend, and most will pay some sort of entrance charge. In this way a trail park is much like a cinema or swimming pool. If a trail park is a public place then every person using a motor vehicle therein must have Road Traffic Act insurance. Not to have is a criminal offence (that may well soon carry a potential penalty of imprisonment).

Insurance contracts are generally 'contracts of utmost good faith'. In the case of public or business liability insurance, the insurers will expect the insured reasonably to comply with all legal requirements concerning the insured risk. Where there is a statutory requirement that a voluntarily insured risk must also be insured in line with the statute, and there is no statutory cover in force, the site insurers could hold that to be a breach of the terms of the contract and decline to pay any claim so vitiated.



'Health and safety at motor sport events. A guide for employers and organisers.'

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14. The legalities of off-road driving and law enforcement.

The 'legalities' of the recreational use of motor vehicles, the control of the activity by 'law', and the provision of sites where it may be done lawfully and safely, touch on a number of areas of law: road traffic, anti-social behaviour, theft and property, environmental health, planning, contract and personal injury. This section deals with enforcement against illegal off-road driving, and this now engages elements of road traffic, anti-social behaviour, and property law. Road traffic law also touches on the provision of trail park sites, but that aspect is dealt with elsewhere.

14.1 Road traffic law.

Enforcement against illegal off-road driving engages three primary considerations that drive whether or not enforcement is possible and by which agency, and under which rules, it can be applied. The choice of agency/rules also prescribes the remedies available. The three considerations are:

- The person: the characteristics of the person doing the driving.
- The vehicle: the characteristics of the vehicle being driven.
- The place: the characteristics of the place the driving is being done.

14.1.1 The person (in summary).

The driver of a vehicle must have a driving licence to use it on a highway, or a 'road for the purposes of the Road Traffic Act'. The requirement for a licence imports an age restriction (17 for cars and motorcycles, but 16 for mopeds). The driver of a motor vehicle on a highway, road, or public place, must have Road Traffic Act insurance. The driver of a motorcycle on a highway, or road, must wear an approved safety helmet.

14.1.2 The vehicle (in summary).

The main difficulty is that, for the purposes of road traffic law, there are two types of motor-propelled vehicle: 'motor vehicle' and 'mechanically

propelled vehicle'. For the purposes of the Acts, some offences apply to mechanically propelled vehicles, and some to motor vehicles. All motor vehicles are mechanically propelled vehicles, but not inevitably vice versa. All motor vehicles used on the highway/road must comply with various regulations such as 'construction and use' (e.g. the fitment of lights and mudguards) although European 'type approval' has started to supersede construction and use regulations in new vehicles. In the past the courts have drawn a distinction between motor vehicles and mechanically propelled vehicles such that people prosecuted for offences on the highway such as no registration number, or no insurance, have escaped conviction on this technicality. The courts have now essentially closed this loophole by a purposive interpretation of the statutory definition of 'motor vehicle'.

14.1.3 The place (in summary).

The places motor vehicles can be used might reasonably be described as: the highway/road; private places (e.g. the garden of a dwelling house); and public places (e.g. a park, or open countryside, even if this is in private ownership). The character of the place matters in that not all the offences that can be committed by a motorist on the highway/road can be committed in a public place, while nuisance motoring in a private place is most likely to be a matter for planning or environmental law remedies.

14.2 Tabulation of potential road traffic offences that are likely to be encountered in illegal off-road driving situations.

Offence.	Provision.	Motor Veh'l.	Mech-Prop. Veh'l.	H'way/Road.	Public Place / Land.
Dangerous driving	RTA 88 s.1		*	*	*
Careless driving	RTA 88 s.3		*	*	*
Motor racing on highway	RTA 88 s.12	*		*	
Driving when disqualified	RTA 88 s.103	*		*	
Furious driving – actual bodily harm	OAPA 1861 s.35		*	*	*
Taking part in an unauthorised motor trial	RTA 88 ss.13, 33	*		*	
Unlawful driving on a public path	RTA 88 s.34		*	*	
Unlawful driving on land not being a road	RTA 88 s.34		*		*
Not having Road Traffic Act insurance	RTA 88 s.143	*		*	*
Not having excise duty licence – 'Road Tax'	RTA 88 s.66			*	
				(must be publicly repairable)	
Not having an MoT test	RTA 88 s.45	*		*	
Not having driving licence	RTA 88 s.23			*	
Construction & use offences & lighting	RTA 88 s.41	*		*	
Crash helmets (m/c only)	RTA 88 s.17			*	
Unauthorised passenger (m/c only)	RTA 88 s.23			*	
Failure to obey traffic signs	RTA 88 s.36			*	

14.3 Motor vehicles and mechanically propelled vehicles.

The salient difference between a 'motor vehicle' and a 'mechanically propelled vehicle' is that the Road Traffic Act 1988, s185(1), defines a motor vehicle as one "intended or adapted for use on roads." This raises no difficulty where a vehicle was originally sold ready for the road – such as a 'trail bike' – but does (or did) give rise to problems where, for example, a moto-cross racing motorcycle is used on the roads. For a long time the defining judgment has been that in *Burns v. Currell* (1963) 2 QB 433, 440: namely whether a reasonable person looking at the vehicle would say that one of its uses would be use on the road – but that this does not envisage an 'isolated use', use in an emergency, or use by a man 'losing his senses'. *Burns* concerned the use of a 'go kart' on the road. In later cases the true definition of any vehicle was a question of fact for the magistrates in each case. In one case a moto-cross racing bike was held not to be a 'motor vehicle'; in another case a schoolboy's trials motorcycle (in truth, less like a road-going motorcycle than the moto-crosser) was held to be a motor vehicle. This hit-and-miss interpretation meant that the police and later the Crown Prosecution Service were reluctant to bring charges against people using 'scramblers' on public paths and open land.

Some statutory change came as a consequence of the Countryside and Rights of Way Act 2000, which extended the offence of unlawful driving on a public path, or land not being a road (RTA88 s.34) to mechanically propelled vehicles, but this is not a licence endorsement offence, and is relatively rarely used by the police.

Over the past two decades there has been the steady introduction of new types of mechanically propelled vehicle: quad bikes (briefly preceded by 'trikes'); petrol-driven 'go-peds'; electric-powered pavement scooters; mini-motorcycles; and now petrol-powered skateboards. Again, the authorities shied away from prosecuting the drivers of 'go-peds' on the road due to hit-and-miss findings in court. In 2000 a go-ped driver was prosecuted for a range of Road Traffic Act offences (insurance,

helmet, etc.) arising from use of the vehicle on the public road. The magistrates held the 'go-ped' was not a motor vehicle for the purposes of the Road Traffic Act because it was not, in itself, a road-worthy vehicle, and the prosecution appealed by way of case stated. Lord Justice Pill held that *Burns v. Currell* remains the test to be applied, but further held that absence of 'legal road-worthiness' is not, in itself, the decisive factor. "A reasonable person would say that one of the uses of the go-ped would be general use on the roads, not merely isolated use ... Therefore a go-ped, which was considered a mechanically propelled vehicle, was one intended for use on the roads within the meaning of s.185(1)." [*North Yorkshire Police v. Saddington*, 26 October 2000, case number CO/2184/2000, reported in *The Times*, 1 November 2000).

Clearly, if this view can be taken of the uniquely structured 'go-ped', it is not open to a court reasonably to hold that a 'scrambler', or 'trials' motorcycle, which is essentially similar in design to a sold-for-road motorcycle, is not a 'motor vehicle' for the purposes of the Road Traffic Act.

The earlier case of *Lang v. Hindhaugh* (1986) RTR 271 established that a (public) footpath, bridleway, cycle track, or any other type of 'minor highway' is a road to which the provisions of the Road Traffic Act 1988 apply.

14.4 The changes to road vehicle insurance requirements.

Until 2000, the requirement for all motor vehicles/drivers to be insured against third party risks was confined to 'roads'. Operating to fulfil the requirements of a European Directive, The Motor Vehicles (Compulsory Insurance) Regulations 2000, SI 2000 No. 726, amended s.143 such that the requirement for insurance was extended to include any "other public place". This means that every motor vehicle (and thus by extension probably every mechanically propelled vehicle) used in a public place, to have at least third party insurance that complies with the special requirements of the Road Traffic Act – i.e. proper motor insurance, not public liability insurance. One defining

characteristic of Road Traffic Act insurance is that there is no limit on the cost of any injury claim.

14.4.1 The Road Traffic Act does not define a 'public place'.

But the Government's recent "Consultation relating to regulations about public places under section 42 of the Countryside and Rights of Way Act 2000" (*defra*, 2003) comes up with this:

What is a public place?

2.2 The term "public place" is generally defined in the legislation in which it features, although not always in quite the same way. The common theme is a place to which the public has access, whether or not for payment. The definition in section 16 of the Public Order Act 1986 is fairly typical. In that section, a public place is defined as "any highway...and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission". Apart from "public place", some legislation also makes use of the term "place of public resort" to describe a place to which the public has access. In practice, we believe that the meaning of both terms is likely to be substantially the same. To avoid confusion, the term "public place" is therefore used throughout this document, even where the relevant piece of legislation refers to a "place of public resort".

This definition envisages large parts of the countryside to be 'public places': open access land; non-definitive paths where the public have walked by tolerance for years; country parks; post-industrial land habitually used for local recreation ... many types. But this definition also includes places where members of the public have been invited, or allowed, to drive motor vehicles. Their very presence makes the place a public place and activates the requirement for insurance, taking no account that in many cases the driver, or the vehicle, are incapable

of obtaining Road Traffic Act insurance. Thus activity that was lawful before 3 April 2000 (e.g. members of the public being invited on to land to ride motorcycles) seems now to be unlawful simply because the presence of those people (or others) makes that place a public place.

14.5 Vehicle confiscation for not having insurance.

In September 2004 the Government announced a consultation on a number of road traffic measures, one element of which is the proposal to introduce a penalty system whereby the police can impound uninsured vehicles, and the courts can, on conviction, order that these be crushed or otherwise disposed of. No details have emerged at the time of writing.

14.6 Anti-social behaviour law

14.6.1 Seizure of vehicles used in an annoying way.

The Police Reform Act 2002 introduced new powers that give the police the power to seize motor vehicles being used in a manner "causing alarm, distress or annoyance." The salient provisions are:

Seizure of motor vehicles

59 Vehicles used in manner causing alarm, distress or annoyance

(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which-

(a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and

(b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public, he shall have the powers set out in subsection (3).

(2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion

in a manner falling within subsection (1).

(3) Those powers are-

(a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;

(b) power to seize and remove the motor vehicle;

(c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;

(d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs to (a) to (c).

(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless-

(a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and

(b) it appears to him that the use has continued or been repeated after the warning.

(5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if-

(a) the circumstances make it impracticable for him to give the warning;

(b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;

(c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or

(d) the constable has reasonable

grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.

(6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7) Subsection (3)(c) does not authorise entry into a private dwelling house.

(8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.

(9) In this section-

“driving” has the same meaning as in the Road Traffic Act 1988 (c. 52);

“motor vehicle” means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads;

This provision gives police officers tremendous flexibility and discretion to ‘warn’ illegal off-road (indeed, also on-road) motorists and require them to leave the site, or modify their behaviour. In normal circumstances the officer will issue a formal warning, which operates as the ‘trigger’ for proceedings, including machine seizure, if there is a repeat offence. Only a ‘constable in uniform’ can issue the necessary warning, or take steps consequent on, or alternative to, a warning, but there is no reason why a ‘warning’ should not arise from the same event as, for example, a council officer on site with the constable, issuing a noise abatement notice to a motor user.

S.60 of the Police Reform Act sets out that the Secretary of State may make regulations for the seizure and return of motor vehicles, and these have been made: The Police (Retention and Disposal of Motor Vehicles) Regulations

2002, SI 2002 No. 3049. Seizure by the police does not inevitably lead to the confiscation of the vehicle. The standard penalty for refusing an order of a constable under s.3(a) of the Act is, per s.6, a fine. The regulations prescribe charges for the keeping and return of vehicles seized. If a seized vehicle is not claimed back, after a period the police may sell it and give the known owner the proceeds less the statutory costs of seizure and storage. There is no power for destruction of the vehicle as an alternative to sale; this may result in off-road motorcycles being sold on, cheaply, by the police to people who will also use them illegally. The courts may be able to impose confiscation penalties under other provisions, e.g. suspected stolen property or (in the future) failure to have Road Traffic Act motor insurance.

14.7 Anti social behaviour orders.

Anti social behaviour orders under the provisions of the Anti Social Behaviour Act 2003 could be used against repeat offenders who were causing distress to other residents. Where offenders are council tenants, *in extremis* the housing authority could consider applying for possession of the offender's home.

14.8 Stolen property provisions.

Up to 1997, where the police stopped an illegal off-road driver, and suspected the vehicle was formerly stolen, it was up to the police to prove it was stolen property and who was the rightful owner, or it had to be returned to the current 'owner'. The Police (Property) Act 1997 changed this such that where the police have reason to suspect that a vehicle used in the commission of an offence (e.g. unlawful driving on land), they may seize the vehicle for enquiries (e.g. forensic tests on ground-off engine numbers) and can require the current owner to show good title. Failure to prove good title allows the police to hold the vehicle and, if the rightful owner is not found, dispose of it – including by destruction. This provision has been used quite frequently by police forces to hold and dispose of formerly stolen off-road motorcycles, or former road-registered machines where

the chassis and engine numbers have been removed to prevent identification.

14.9 Summary.

In general the police now have a considerable array of provision with which to tackle illegal off-road driving. If the forthcoming Traffic Bill introduces powers for the police to seize suspected uninsured vehicles this would be potentially very effective against the majority of illegal off-rovers, who are not insured. Also it would help of the powers under the Police Reform Act 2002 allowed the destruction of seized off-road machines (after a period) rather than their sale.