

**Appendix 5 - Revised protocol for authorisation of motorsport events under section 33 of the Road Traffic Act 1988
Summary of responses to consultation with path user groups and motorsport organisations and representatives**

Comments made by consultee:	Officer response:
<p>We consider use of public rights of way to stage motorsport to be generally detrimental to the health and wellbeing of the legitimate users of public rights of way through inconvenient suspension of rights, commonly at a time those users would want access to the rights of way and, too frequently, damage to surfaces or the need to 'improve' surfaces which makes bridleways and byways less safe for equestrians in particular and may change the character of the way completely. When the damage is done is too late.</p> <p>Non-motorised users are severely compromised in their wish to travel without pollution but with scant provision for active travel away from motorised traffic. The lack of available routes free from motor traffic reduces every year at the same time as the danger to vulnerable road users increases on roads where enforcement of considerate and safe driving is neglected by lack of police force and penalty.</p> <p>We consider that taking public rights of way from non-motorised users to deliver motorsport, which is severely environmentally damaging, is contrary to the position we would expect Powys to be taking on reducing environmental impact and encouraging provision for active travel on foot, horse, cycle and horse-drawn carriage.</p> <p>XXXX is against motorsport on byways and bridleways and would urge Powys County Council to create a protocol which</p>	<p>It is recognised that both motorsport events and outdoor recreation tourism bring benefits to the local economy of mid-Wales. Given this, a balance must be met between the need for correct authorisation of motorsport events and any detrimental impact on the public rights of way network. The revised protocol aims to achieve that in a number of ways.</p> <p>Currently, public rights of way are not suspended for the duration of a motorsport event. Whilst this allows continued public access, it is likely that being in close proximity to a motorsport event will render the experience less enjoyable for at least some path users. Under the revised protocol, when an application is made for a temporary closure affected paths, consideration must be given to provision of an alternative route. This will allow the Council to work more pro-actively with event organisers to identify suitable, off-road alternative routes that are impacted much less by the event, to ensure continued and enjoyable public access.</p> <p>Under the revised protocol, motorsport event organisers would be encouraged to consult Natural Resources Wales at a much earlier stage than is currently the case. This will allow sufficient time for appropriate mitigation against environmental impacts to be identified and implemented, well in advance of the event.</p> <p>In practice, there are likely to be few locations where a public right of way needs to be closed more than once per year for a</p>

<p>discourages it. Should this not be considered possible, mitigation would be from:</p> <ol style="list-style-type: none"> 1. No bridleway or byway to be closed more than one day per year 2. No bridleway or byway to be used for motorsport if it could result in damage to the surface or change in the character of the way. 	<p>motorsport event. However, on the small number of sites where it is known that events take place more than once per year, the Council will work with event organisers to identify more permanent solutions to mitigate against inconvenience.</p> <p>A requirement to meet the costs of any damage that the event may cause to the surface of public rights of way is highlighted in the event authorisation form (appendix 3, point 3.)</p>
<p>There is a requirement under section 10(3) of The Motor Vehicles (Competition and Trials) Regulations 1969 to consult with a National Park Authority where the route lies in whole or in part in a National Park. There is nothing in the application form or in the conditions about this.</p>	<p>A reminder to organisers has been added to the notes about the procedures and requirements.</p>
<p>[1.3] Last sentence, make it ‘the council’s concerns ...’</p> <p>[2.1] <i>“A timetable and guidance note will be issued to guide prospective organisers in procedures for making their applications. An application form will be made available on the Council website (Appendix 3.)”</i> This should agree and specify sufficient lead-time to cope with holidays, communication glitches, etc.</p> <p>[2.3] <i>“If authorisation is granted under section 33 of the Road Traffic Act 1988, the Council will suspend public use of the public right(s) of way affected.”</i> Blanket closure goes against our view and policy. We ask that “will suspend ...” is changed to “may suspend ...” and that will do, if actioned in accordance with protocols to be agreed.</p> <p>[2.6(i)] Breach of a s.33 condition would be better first referred to the event permitting body. Otherwise Motorsport UK is going to have to be the investigative and enforcement authority for,</p>	<p>The concerns are not limited to being those of the Council only.</p> <p>The 8-week period specified is considered sufficient, as long as event organisers provide all of the specified information with the initial application. Event organisers are invited to contact the Council at the earliest possible opportunity, but 8 weeks is considered the minimum period needed to ensure that the application is processed in advance of the event date.</p> <p>This has been amended; the usual position will be that public rights of way are suspended, but the Council will apply discretion and local knowledge to decide where that is not the most appropriate course of action for an individual path.</p> <p>This has been amended so that where Motorsport UK is not the event permitting body, the breach would first be reported to the permitting body for resolution.</p>

e.g., ACU events. Suggest – make the process two stage, with MotorsportUK stepping in only if there is no parent body resolution.

[4.1] “*There will be a 6-month grace period following the adoption of the new protocol, to allow event organisers time to plan for and implement the changes.*” We ask that this recommendation to the portfolio holder should include a ‘commencement date’ (to be agreed) and add a reference to ‘transitional provisions’ for already-fixed events inside the 12 months from commencement.

Powys’ Appendix 2 (and 4). These refer to 1:25,000 OS Plans. Motorsport UK route authorisation uses 1:50,000, and therefore asking for 1:25,000 is unreasonable. Suggest caveat the use of 1:50,000 with something like “sufficient to identify” or similar wording.

Powys’ Appendix 3. Head statement: “*The organiser is reminded that the event must have been authorised by the Royal Automobile Club Motor Sports Association for this*

The revised protocol would apply to applications for authorisation that are received after the commencement date, so no transitional period should be needed for those received or authorised at an earlier date. However, event organisers are encouraged to ensure that all required information is included with applications submitted in the interim, to ensure that the application can be considered in good time for the event.

The plan supplied with an application must contain sufficient detail for officers to be able to identify individual public rights of way affected. That includes enough detail to be clear about any significant points on the route e.g. start and finish areas. On the basis of past experience, whilst a plan at 1:50,000 scale may be sufficient for the purpose of Motorsport UK authorisation, it may not always provide the detail needed by officers for authorisation under section 33. The procedure notes have been amended so that the general requirement is that the plan be at no less than 1:25,000 and Ordnance Survey based; if an organiser has good reason for providing a plan of a different scale, they must contact the Council in advance of submitting an application to explain this. Officers can then consider their request and decide whether an alternative scale would be appropriate; if so, that will be agreed in writing.

This has been amended.

<p><i>authorisation to be effective.</i>” That may be read in the context of ‘permitting’ an event. Use the term ‘route authorisation’ in the context of the Motorsport UK authorisation process.</p> <p>There should be a review after say 18 months of operation.</p> <p>The protocol should state an ‘annual repeat’ process for carrying-over applications for the same event, year-on-year. This will save a lot of administration time for all concerned.</p>	<p>If matters arise that suggest that significant changes to the protocol are required, then a review will be carried out. However, it is not considered necessary to specify a review period at this stage.</p> <p>It is recognised that there will be some information that can be resubmitted in consecutive years by the organiser to save administration e.g. route plans, if unchanged. However, the extent of carry-over is likely to be limited, in practice. As a minimum, new landowner consents would be required every year for every event, as the Council must be content that each affected landowner’s consent is still forthcoming. Natural Resources Wales would also need to be consulted each year.</p>
<p>Our concern with the new protocol is on club events that closing every path used / crossed is simply not necessary as the rights of way are unused or even unusable</p>	<p>As noted above, the revised protocol has been amended to allow an element of discretion. However, the fact that a path is not perceived to be in use, or is obstructed, does not remove the rights of the public to try to use the path and so come into contact with the event, with the attendant risks and liabilities. As such, these paths will not automatically be exempted from the need for a temporary closure during a motorsport event.</p>
<p>I know little about the legislation referred to in the paperwork but I am surprised by the decision not to follow the advice given by a QC in paras 4.2 and 4.3 of the proposal. I therefore think you need to set out why you have decided against the QC’s preference given in para 4.2. Para 4.3 suggests the decision to go against the QC’s advice is because event organisers don’t like it. That cannot be right. It also seems rather odd to say that it is ok for MSA authorisation to be retrospective. In these</p>	<p>The advice provided by the Queen’s Counsel is subject to legal privilege and so cannot be appended to this report. In response to the points raised, whilst the QC advised that affected paths should be subject of a temporary closure during an event and suggested that this could be achieved under section 16(A) of the Road Traffic Regulation Act 1984, they did not advise that it <u>must</u> be achieved under this section of the Act. Neither did they advise against use of a closure under section 14 of the Road</p>

circumstances it would help if the QC's advice on both points was attached as a further appendix.

It would be useful to be clear about whether these arrangements cover any events within the BBNP.

There is nothing in the proposal about arrangements in other rural Counties and it would be useful to know whether they are along the same lines, in particular, the proposed charges.

Can some more information be given please on how the proposed costs have been calculated. They do not seem very high to me bearing in mind the amount of officer time that will be taken up in managing the processes and paperwork.

Apologies if I missed it but I could not see anything in the paperwork making reference to the event organisers agreeing to meet the cost of repairing the damage to any rights of way they use. I assume there should be. In addition it would not seem unreasonable to require a deposit to be paid to guard against organisers not meeting such costs.

As indicated above I know little about the legislation in these matters and it would be helpful to know whether local authorities are required to consult with other users of rights of way before agreeing to suspend public use for a motor vehicle event. Whether or not is provided for in legislation, it would seem to me to be good practice to consult user representative

Traffic Regulation Act 1984. The Council has opted to use section 14 to allow for the occasions where the same path may be affected by an event more than once per year. However, as noted above, more permanent solutions will be explored with the event organiser where that is the case.

Yes, these arrangements cover the areas of the Brecon Beacons National Park that are within Powys.

The charges are set in line with the actual costs incurred by Powys County Council. Those take into account local officer costs and overheads, so will vary between counties. The costs are in line with the Council's charges for other notices under section 14 affecting public rights of way and have been calculated using the same hourly rate. It should be noted that for a closure by notice under section 14, no newspaper advert is required, so the costs are lower than for an Order and less officer time is needed for administration.

A requirement to meet the costs of any damage that the event may cause to the surface of public rights of way is highlighted in the event authorisation form (appendix 3, point 3.)

As a matter of good practice, the Council does already consult with path user groups about proposed temporary closures of a public right of way, where the need for a closure is known and planned in advance and not for an unplanned emergency e.g. landslip. That will apply to motorsport events, so path users will have opportunity to highlight any particular concerns.

bodies on whether the proposed use is likely to cause any unreasonable damage to the rights of way in question and, more practically, to make sure there is no clash with any other events, walking festivals.

Para 1.5 says there will be a separate process for handling 'speed' events. Is it the intention of the should be reviewed as well? It would seem reasonable to do them both at the same time.

These are dealt with via the 'Motor race Order' process which has its own legal provisions. These provisions only came into effect in 2018 and a separate protocol is required.