



The Motoring Organisations' Land Access & Recreation Association

Motorsport Events on Public Rights of Way

Good Practice in Statutory Authorisation

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This paper looks at the statutory framework through which motor sport competitions and trials (other than races or trials of speed) on public rights of way are authorised, and particularly the balance between protecting the public and environment while not imposing unreasonable conditions on event organisers.

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For an explanation of the acronyms and terminology used in this document, <https://laragborg.wordpress.com/glossary/>

1. Background

- 1.1. Every year hundreds of motor sport competitions on 2, 3 or 4 wheels use the public highway: roads (in the sense of vehicular highways); and public rights of way (footpaths, bridleways and restricted byways). These events must by law be properly authorised, and the authorisations can and often do impose conditions on the event organisers. These events pass off with very few recorded complaints.
- 1.2. Parliament has set down a two-track system for managing statutory authorisations. Events on 'roads' (including unsealed unclassified roads and byways open to all traffic) are regulated by the Royal Automobile Club Motor Sport Association (now Motorsport UK). Events on rights of way are regulated by the local authority for the area, which in practice is the highway authority or its agent. The two processes are largely independent of each other.
- 1.3. Road competitions are regulated under s.13 of the Road Traffic Act 1988, and the Regulations authorised under that provision. S.13 dates back to the early 1960s, when public disquiet about night rallies and treasure hunts resulted in a statutory scheme of regulation. The first version in 1965 was flawed, and the system did not start properly until the 1969 Regulations were commenced.
- 1.4. Motor competitions and trials on public rights of way are regulated under s.33 of the Road Traffic Act 1988. This section also dates back to the early 1960s and its introduction seems to have been a consequence of the production through the 1950s of the first 'definitive map and statement of public rights of way' for each area in England and Wales. Tracks that motor trials had used for years were being recorded as public paths for the first time, and on the face of it, the motor use was unlawful (per s.14(1) Road Traffic Act 1930). There were complaints from the public, and parliament decided that regulation was necessary. There are no Regulations prescribing the use of s.33 powers.
- 1.5. The system for road competition regulation by Motorsport UK is generally known as '*route authorisation*'. The system for trials on rights of way is generally known as '*s.33 authorisation*'. Both processes have run efficiently now for more than fifty years, with no changes other than detail updates in the 1969 Regulations.
- 1.6. No event can take place without the written consent of both the owner and occupier of the land, and the local authority's role in this tripartite process is to provide for reasonable and appropriate safety and environmental conditions. S.33 is not intended as a means to achieve a blanket 'no motor sport' policy, nor should conditions be made so onerous or expensive that the burden on event organisers operates as a *de facto* ban.

2. Governance of motor sport events

- 2.1. Motor sport has a strong ethos of self-governance and control of events. Motorcycle sport falls under the national governing body the Auto-Cycle Union (ACU), and there is also the large and national Amateur Motor Cycle Association (AMCA). Car motorsport is primarily under the auspices of the national governing body Motorsport UK, which also manages all s. 13 authorisations under the provisions of the 1969 Regulations.

- 2.2. Each of these organisations publishes an annual Yearbook or Handbook, or Rules, which sets out requirements and advice for risk-assessment, marshalling, warning signs, and safety protocols. These provisions have been evolved over many years, and are appropriate to both public safety and the level of on-the-ground regulation appropriate for each type of event and its location.
- 2.3. The ACU, AMCA and Motorsport UK regulate their events by an internal system of permits. An event organiser applies for a permit setting out the type of event, date, location, number of entrants, etc, and the issue of a permit provides public liability and third party insurance to a high amount, and imposes a requirement that the Yearbook / Handbook rules are adhered to.

3. Types of motor sport events

- 3.1. Motorsport competitions and trials cover a range of disciplines, and the degree of control of the interface between vehicles and the public varies accordingly. The ACU Handbook and Motorsport UK Yearbook each set out a detailed explanation of each type of event and these include (but are not limited to):
- 3.2. *Time Card Enduro* [ACU Handbook 2019, page 164] *Events where riders start separately (or in groups up to 4), the main part of the event is to ride the course, which is predominately off road, within time allowances which are achievable and timed to the nearest Minute. The event includes Special Tests where riders start individually and are timed to fractions of a second. The lap length is a minimum of 10 miles with Special tests up to 15% of the length of the lap. Where this paper elsewhere uses the term 'enduro' it means 'time card enduro'.*
- 3.3. *Rally* [Motorsport UK Yearbook 2019, page 60]. *A Competition that may utilise the Public Highway and where there is an imposed average speed for Competitors, but which does not meet the requirements of a Classic Reliability Trial, Navigational Scatter event, Treasure Hunt or Road Safety Rally. The greatest speed must never form a factor for the classification. All motoring events utilising the Public Highway in England, Scotland or Wales are subject to Motor Vehicles (Competitions and Trials) Regulations.*
- 3.4. *Trial* [ACU Handbook 2019, page 196] *is a test of riding skill and balance over a variety of observed obstacles with riders incurring penalties for footing or for failing to fulfil other conditions. [Motorsport UK Yearbook 2019, page 64] Trial. A number of tests on private ground with the object of bringing the car to an involuntary stop. The Motorsport UK Yearbook also lists and defines various trials sub-disciplines.*

4. The statutory framework for event authorisation

- 4.1. RTA1988 differentiates between motor racing and other events. Non-racing events come under s.13 for 'roads', and s.33 for public rights of way. The statutory provisions are:
- 4.2. RTA1988 s.12: *Motor racing on public ways.*
A person who promotes or takes part in a race or trial of speed between motor vehicles on a public way is guilty of an offence.
In this section "public way" means, in England and Wales, a highway and, in Scotland, a public road.

4.3. **RTA1988 s.12A: Motor race orders: England and Wales: overview**

Sections 12A to 12F allow highway authorities to make orders relating to the holding of a race or trial of speed between motor vehicles on a highway in England and Wales (“motor race orders”).

4.4. **RTA1988 S.13 Regulation of motoring events on public ways.**

(1) A person who promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public way is guilty of an offence unless the competition or trial—

(a) is authorised, and

(b) is conducted in accordance with any conditions imposed, by or under regulations under this section.

(2) The Secretary of State may by regulations authorise, or provide for authorising, the holding of competitions or trials (other than races or trials of speed) involving the use of motor vehicles on public ways ...

4.5. **RTA1988 S.33 Control of use of footpaths, bridleways and restricted byways for motor vehicle trials.**

(1) A person must not promote or take part in a trial of any description between motor vehicles on a footpath, bridleway or restricted byway unless the holding of the trial has been authorised under this section by the local authority.

(2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath, bridleway or restricted byway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath, bridleway or restricted byway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.

4.6. **1969 Regulations. Statutory Instrument 1969 No. 414 ROAD TRAFFIC The Motor Vehicles (Competition and Trials) Regulations 1969.**

These Regulations set out a process and timetable for making applications for events held under s.13, and the granting of authorisations, and do not apply directly to s.33. The Regulations specify ‘certain events’ (Regulation 5 events) which are deemed by their character to be authorised; and list a number of long-standing ‘specified events’ (Schedule 4 events) granting Motorsport UK the power to modify some of the standard conditions for such events.

4.7. **The wording of the 1969 Regulations means that where an event needs s.33 authorisation for passing along a footpath, bridleway, or restricted byway, then it also needs Motorsport UK s.13 route authorisation, even if no ‘roads’ are used by the event. Motorsport UK route authorisation is carried out to a process set out by the Regulations. There are no Regulations for the s.33 process. A local authority’s timetable for application for and issue of s.33 authorisation must take account of the statutory route authorisation timetable**

5. Appropriate conditions for s.33 authorisation

5.1. Conditions for rallies and enduros

Rallies and enduros are not races but do generally involve higher speeds than trials. Similar conditions apply to all three types of event, but additional warning notices, additional pre-event liaison and publicity, and additional site-specific marshalling requirements, may be appropriate for rallies and enduros.

Rallies and enduros may warrant the use of road closure orders in some circumstances, but road closure orders are rarely appropriate for trials. This is considered as a separate issue below.

5.2. General Issues to consider

- Type of path affected (footpath, or bridleway or restricted byway)
- Character of the location (e.g. any conservation designations)
- Location and general level of public use (e.g. remoteness)
- Time of year and time of day
- Compliance with standing Yearbook event rules

5.3. Specific issues to consider

- Just crossing a path, or running along, and how far?
- Advance notice to other path users
- Proper authorisation and briefing of officials
- Ground surface resilience and post-event reinstatement
- Litter and tidying up, including removing signs and tape
- Basic risk assessment and adequate indemnity insurance
- Road closures. Are they appropriate?

5.4. Road closures for s.33 events

Road Traffic Regulation Act 1984 *S.14: Temporary prohibition or restriction on roads.*

(1) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited— (b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or ...

the authority may by order restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary.

Trials events, with no speed element, seldom require a path or road closure order for public safety. Requiring a closure order simply for a local motorcycle club trial to cross a remote footpath is completely disproportionate, and few clubs can afford the charges levied.

Some local authorities have, for many years, required and made temporary traffic regulation orders (TTRO) for rallies or enduros at some locations, but not others. This is done on a location-specific public safety basis, and for events like rallies, which would anyway require more marshalling than trials, these closures benefit the event organisers. There is a general and accepted view that bridleways and restricted byways are more likely to need a traffic order closure than do footpaths.

Even so, a rally or enduro just crossing, or travelling along a bridleway or restricted byway does not need a closure order where signage and marshalling will suffice. Traffic order closures are expensive to make, and the cost of this is prohibitive for most motor sport clubs.

A local authority exercising its s.33 authorisation function cannot lawfully impose conditions outwith the scope of s.33, which only empowers an authority to deal with footpaths, bridleways and restricted byways. Motorsport UK has the statutory function to deal with roads and BOATs in the context of authorising motor sport events. A local authority requiring the temporary closure of a road or BOAT as a condition of authorisation under s.33 would be acting *ultra vires*.

6. Summary of good practice

- 6.1. The fundamental tenet for a local authority in imposing conditions on a s.33 authorisation is to go for the least administrative and cost burden on the applicant, consistent with the nature of the event, the safety of the public, and protection of the environment.
- 6.2. The rules of ACU, AMCA and Motorsport UK as regards marshalling and signage have been developed over many years. These satisfy the stringent requirements of these organisations' insurers. A s.33 condition requiring adherence to these rules would provide all of the reassurance that a local authority needs in most cases. Additional conditions (such as a road closure for some rally venues) can be added where appropriate.
- 6.3. Many events revisit the same, or similar, course on an annual basis, and little if anything as regards appropriate conditions changes between events. Local authorities should use 'year-on-year' repeat authorisations based on previous paperwork to save time and cost for all parties.
- 6.4. Closure orders should only be required as a condition on authorisation where necessary on a case-by-case, criteria-based assessment, and not on a general policy-driven basis.

From: [Sian Barnes \(Powys County Council\)](#)
To: **Section 40(2)**
Subject: RE: Motorport Meeting
Date: 28 June 2019 12:08:00
Attachments: [image001.jpg](#)

Thanks **Section 40(2)** – please can you give me the names of the organisations of whom these people represent and who organise events? I am aware that the MSA and ACU are two of them, but it would be useful to know who the other are.

Many thanks,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
Ffon / Tel: 01597 827595

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From: **Section 40(2) - Personal Data** @powys.gov.uk>
Sent: 28 June 2019 11:57
To: Sian Barnes <xxxx.xxxxxx@xxxxx.xxx.xx>
Subject: FW: Motorport Meeting

Hi Sian,

Please see below contact details. **Section 40(2) - Personal Data**

Section 40(2) - Personal Data

As I understand it, **Section 40(2) - Personal Data** the Secretary to the MSA (now Motorsport UK) so you will need a new e-mail address for the new Secretary to attend, should he/she wish to?

Kind regards,

Section 40(2) - Personal Data

Section 40(2) - Personal Data

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From: Section 40(2) - [redacted] CSP - Countryside Services)

Sent: 25 July 2018 15:41

To: Section 40(2) - Personal Data [redacted] [@powys.gov.uk](mailto:[redacted]@powys.gov.uk)>

Subject: Motorport Meeting

Hi Section 40(2) - [redacted]

Sian has been organising motorsport meetings for the following external people (see below). We need to have a further meeting in the next month or so to discuss the most recent draft cabinet report. The meeting will be here in Llandrindod and not before 11am as they need to travel large distances.

[redacted] [@mac.com](mailto:[redacted]@mac.com)

[redacted] [.com](mailto:[redacted].com)

[redacted] [@msauk.org](mailto:[redacted]@msauk.org)

xxxxx@xxxxx.xxx

xxxxxxxxx@xxxxxxxxxxx.xxx

[redacted] [@msauk.org](mailto:[redacted]@msauk.org)

Internal people would also be Stuart Mackintosh, Nina Davies, Clive Pinney, Rob Brown, [redacted] (minute taking), Cllr Aled Davies and myself.

Kind regards,

Section 40(2) - [redacted]

From: Section 40(2)
To: Sian Barnes
Subject: RE: Motorsport Meeting
Date: 28 June 2019 12:38:07
Attachments: image004.jpg
image001.jpg

Hi Sian,

Ok. Please see below who has attended externally in the past.

1. Section 40(2) LARA
2. Section 40(2) - Personal Data ACU organise Enduro type events that do take place on public highways (as well as of-road of course), but the MSA (Motorsport UK) are the only governing body that can authorise competitions or trials on the public highway.
3. The xxxxxxx@xxxxxxxxxxx.xxx is the e-mail I have used for the Welsh Assoc of Motor Clubs, and they are always invited but have never attended. I think having done some research it is Section 40(2) now. Their website is <https://wamc.org.uk/>, but I cannot get his e-mail address off the website, as the system does not allow me to?
4. [redacted]@motorsportuk.org).
Motor Sports Association (now Motorsport UK). That has been Section 40(2) - Personal Data in the past as well as their Section 40(2) - The xxxxx@xxxxx.xxx is just a generic e-mail. Bearing in mind their e-mails might have changed due to the change of name to the organisation, I have contacted the MSA and if you just send an e-mail to Section 40(2) he can arrange who needs to attend. [redacted] there is no General Secretary in place yet.

I think that's it.

Kind regards,

Section 40(2) - Personal Data
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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From: [Sian Barnes](#)
To: **Section**
Cc: **Section 40(2) -**
Subject: RE: Re LARA's s.33 guidance
Date: 26 February 2020 17:33:00
Attachments: [image001.png](#)
[image002.jpg](#)

Dear **Secti**
on

Thank you for this. It would be useful to discuss this by phone, if you are willing; I am available tomorrow, until around 12 noon and then again after 4pm and on Monday from around 3pm onwards. Is there a good time when I could call you, or would you prefer to call me? My number is 01597 827595.

Many thanks,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
Ffon / Tel: 01597 827595

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cid:image004.png@01D5ECA2.DA078280

From: **Section 40(2) - Personal**
Sent: 19 February 2020 06:32
To: **Section 40(2) - Personal Data** @powys.gov.uk>; Sian Barnes
<x@xx>
Subject: Re LARA's s.33 guidance

Dear Sian **Section**
40(2)

I see from email correspondence regarding The Drovers Enduro that you are still working

on the basis that LARA's guidance says that there is no requirement for 'dual authorisation' where s.33 is engaged.

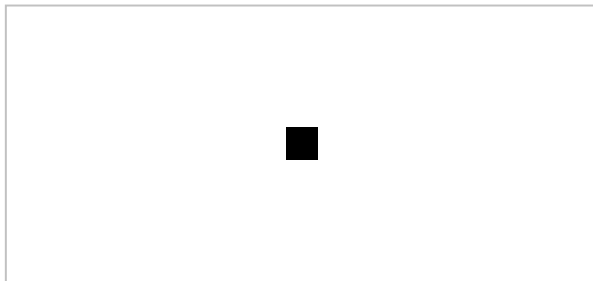
I think that you may have an out-of-date version? The current one (attached) dated 26 July 2019 is clear as to where 'dual authorisation' is necessary.

I am now worried that an out-of-date version is still available somewhere. Did you find the guidance you referenced re The Drivers still online? If yes can you please say where so that we can get it updated?

Regards

Section
40(2)

From LARA, xxxxx@xxxxxx.xxx



From: Section
To: Section 40(2) -
Cc: Section ; Sian Barnes
Subject: Re: Re s.33 protocol
Date: 15 July 2019 11:28:28

Thanks Section - understood.

Se

On 15 Jul 2019, at 11:23, Section 40(2) - Personal Data
@powys.gov.uk> wrote:

Dear Secti

You will certainly see the report before it goes to Cabinet.

My understanding is that this can be done electronically in the first instance, and then if you felt a meeting was required then this can be organised.

Kind regards,

Secti
on
40(2)
-
Pers
onal
Data
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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<image002.jpg>

From: Section 40(2) - Personal Data
Sent: 15 July 2019 06:36
To: Section 40(2) - Personal Data <[redacted]@powys.gov.uk>
Cc: Section 40(2) - Personal Data
Subject: Re s.33 protocol

Dear Section 40(2) - Personal Data,

Hope you are well.

I was copied-in on a recent thread of emails Section 40(2) - Personal Data on LAF issues. In that Section 40(2) - Personal Data says,

"On a slightly different tack I notice that from the latest Cabinet work programme that reports are to be submitted to the Cabinet in September and October on (i) a review of landholder grants for installing gates on public paths and (ii) a revised protocol for authorising motorised events ..."

The development of the protocol stalled a bit at the turn of the year, and you said to park our proposed meeting until there was something to discuss.

Obviously we would appreciate have the opportunity to make an input on the protocol before it goes to cabinet - might well help avoid its being held-back again.

Regards

Section 40(2) - Personal Data

From LARA, <[redacted]@xxxxxx.xxx>

<image003.jpg>

Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor.

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From: Sian Barnes <sian.barnes@powys.gov.uk>
Sent: Monday, December 9, 2019 12:57:53 PM
To: Section 40(2) - Personal Data [REDACTED]@powys.gov.uk>
Subject: RE: s.33 Road Traffic Act 1988

Thank you for providing this Section 40(2) - Personal Data [REDACTED], it is important that all relevant information is available for Nina and Cllr Aled in relation to this report.

Regards,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
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From: [Sian Barnes](#)
To: [Nina Davies](#)
Subject: RE: s.33 Road Traffic Act 1988
Date: 27 March 2019 21:22:00
Attachments: [Section 33 RTA88 Cabinet Report December 2018 DRAFT CABINET TEMPLATE v.1 SB comments.doc](#)
[Appendix 1 - 2012 Cabinet report.PDF](#)
[Appendix 2 - Application form.doc](#)
[Appendix 3 - Authorisation form.doc](#)
[Appendix 4 - Procedures & requirements.docx](#)
[image001.jpg](#)

Hi Nina,

I have looked through this and suggested some amendments, as attached – there are comments and points in red that I would like to check with you and Stuart. I've also attached the proposed appendices. Some of the conditions are repeated in appendices 3 and 4, but I don't think that should be a problem.

Regards,
Sian

Sian Barnes
Definitive Map and Commons Registration Officer
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
Ffon / Tel: 01597 827595

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From: Nina Davies <~~x@xx~~>
Sent: 14 March 2019 17:39
To: Sian Barnes <~~x@xx~~>
Subject: FW: s.33 Road Traffic Act 1988

Best wishes,

Nina

Nina Davies
Arweinydd Proffesiynol Mynediad Cefn Gwlad a Hamdden
Professional Lead Countryside Access and Recreation

Mae Gwasanaethau Cefn Gwlad a'r Gwasanaeth Hamdden Awyr Agored yn prosesu'ch data personol er mwyn bodloni ein dyletswyddau statudol, ein pwerau a'n cyfrifoldebau mewn perthynas â hawliau tramwy cyhoeddus a'r canlynol: Y Map Diffiniol, Y Gofrestr Tir Comin, parciau, lleoedd chwarae, a'r lleoedd agored rydym yn eu rheoli. Pe ddymunech wybod mwy am sut rydym yn defnyddio data personol, ewch i:

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From: Section 40(2) - [REDACTED]
Sent: 12 December 2018 14:19
To: Clive Pinney <[REDACTED]>
Cc: Nina Davies <[REDACTED]>; Section 40(2) - Personal Data [REDACTED]@powys.gov.uk>
Subject: s.33 Road Traffic Act 1988

Dear Clive,

The meeting with the motorsport bodies had to be cancelled in November, and there is a new cabinet report as from January that needs to be 4 sides or less. It is difficult to do this with this report, and it has been cut down significantly, whilst hopefully not taking anything out that is vitally important. Could we perhaps go through the report, before we send it for portfolio holder approval? I have discussed with Section 40(2) [REDACTED] that we would send him the final report, and we will take it from there whether we need to meet again.

Kind regards,

Section 40(2) - Personal Data [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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From: [Sian Barnes](#)
To: **Section 40(2) -**
Subject: FW: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys
Date: 18 July 2019 14:40:00
Attachments: [Appendix 1 - 2012 Cabinet report.PDF](#)
[Appendix 2 - Application form.pdf](#)
[Appendix 3 - Authorisation form.pdf](#)
[Appendix 4 - Procedures & requirements.pdf](#)
[Powys CC consultation - Section 33 RTA88 revised protocol July 2019.pdf](#)

Hi **Secti**,
on

The attached consultation has been sent out today to stakeholders with an interest in motorsport events and / or public rights of way in the county. **Section 40(2) - Personal Data**, please could you forward this on to the Powys Local Access Forum? If the Local Access Forum would like to respond, either individually or collectively, they can email me on xxxx.xxxxxx@xxxxx.xxx.xx

Many thanks,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
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From: Sian Barnes <~~xx@xx~~>
Sent: 18 July 2019 14:36
To: Sian Barnes <~~xx@xx~~>
Subject: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys

Dear Madam or Sir,

The Council is reviewing its protocol with regard to the authorisation of motorsports events, where they affect public rights of way in Powys. To allow for these events to take place on footpaths, bridleways and restricted byways in the county, the event must

be authorised by the Council under section 33 of the Road Traffic Act 1988.

I am emailing to consult you, as an organisation with an interest in motorsport events and / or public rights of way in the county, to seek your views on a revised protocol. A document is attached, explaining the proposals; this should be read alongside the attached appendices (1-4.)

It is intended that the revised protocol be presented to the Council's Cabinet in the early autumn for consideration. To that end, I would be most grateful if I could have your comments on the attached proposals no later than the end of **Friday 9th August 2019**.

Many thanks for your time in considering this.

Regards,
Sian

Sian Barnes

Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
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From: [Sian Barnes](#)
To: **Sectio**
Subject: Link to report - Revised Protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways under s.33 Road Traffic Act 1988
Date: 02 March 2020 18:15:00
Attachments: [image001.png](#)

Dear **Sectio**
on

Many thanks for your time in phoning me last week. When we spoke, you asked if I could send you a link to the report that will be presented to Powys County Council's Cabinet tomorrow, in relation to the proposed revised protocol for authorising motor vehicle events affecting footpaths, bridleways and restricted byways under s.33 Road Traffic Act 1988.

The report is on our public website at:

<https://powys.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=5360&Ver=4>

Regards,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
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cid:image004.png@01D5ECA2.DA078280

■

From: [Sian Barnes](#)
To: **Section**
Cc: **Section 40(2) -**
Subject: RE: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys
Date: 28 November 2019 12:00:00
Attachments: [image001.jpg](#)

Dear **Secti**
on

Thank you for your enquiry. The revised protocol is scheduled to be presented to our Cabinet in February 2020, so has not yet been adopted; I will let you know when the Cabinet report is on our website, which is generally a week before the meeting.

Regards,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
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From: **Section 40(2) - Personal Data**
Sent: 28 November 2019 11:58
To: Sian Barnes <~~x@xx~~; **Section 40(2) - Personal Data**
@powys.gov.uk>
Subject: Re: Consultation - Protocol for authorisation of motorsport events on public rights of way in Powys

Dear Sian **Section**
40(2) -,

It occurs to me that it is a long time since our last round of correspondence about the s.33 protocol.

Have you ratified and implemented the new version yet?

If yes may I please have a final version copy?

If not implemented, any idea when, and may I please have a copy of what you are currently using?

Regards

Section
40(2)

On 5 Aug 2019, at 11:35, Sian Barnes <sian.barnes@powys.gov.uk> wrote:

Dear Section

That's no problem – I will let other consultees know that the deadline has been extended to the end of Tuesday 27th August.

Regards,
Sian

Sian Barnes
Arweinydd Proffesiynol Dros Dro Mynediad i Gefn Gwlad a Hamdden
Acting Professional Lead, Countryside Access and Recreation
Gwasanaethau Cefn Gwlad / Countryside Services
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Duplicate

Further to our conversations today, I would like to delay the submission of the Cabinet

report that is programmed for consideration on the 17th September in relation to a revised protocol for authorisation of motorsport events under section 33 of the Road Traffic Act 1988. The proposals are out for public consultation at the moment and until we have responses, it is difficult to assess how contentious this will be. One of our key consultees has asked for an extension of time to make a response and it seems prudent to allow some additional time, given their previous involvement in the matter.

From my conversations with you both today, if it is possible to delay the report and present it on October 8th, the sequence of dates would need to be:

- EMT consideration – date not set as yet, but **Section 40(2)** has kindly said that she can assist with this if needed;
- Scrutiny working group, if required – late September, probably week commencing 17th September (18th-20th?)
- Cabinet EMT – 25th September (draft report to Steve Boyd by 17th September)
- Cabinet – 8th October

Are those dates likely to be possible?

Section 40(2) Would these dates be possible in terms of Nina's diary and availability?

Apologies for any inconvenience and many thanks for your help.

Regards,
Sian

Sian Barnes

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Section 33 Road Traffic Act 1988

Whereas an application has been made to Powys County Council for an authorisation to the holding of a trial on a public footpath, bridleway or restricted byway involving the use of motor vehicles under the Motor Vehicles (Competitions and Trials) Regulations 1969. The Council has been assured by the organiser/s that the **consent in writing has been given by all of the owners and occupiers of** land over which that length of footpath, bridleway or restricted byway runs, and **the trial is not a race or a trial of speed** consent is hereby granted subject to such conditions as are specified hereunder:-

**On behalf of
Powys County Council
CONDITIONS**

1. The Council will be indemnified by the organisers against any claims or damages that may arise in consequence of the granting of this authorisation and the organisers shall have in place a suitable policy indemnifying the authority to a minimum sum as required by the Royal Automobile Club Motor Sports Association Limited.
2. The Royal Automobile Club Motor Sports Association Limited has authorised the event, and it complies with the Motor Vehicle (Competition and Trials) Regulations 1969 (as amended). That the route authorisation and documentation has been provided to the Council before the event, or at least three working days after the event.
3. Any damage to the public highway caused in consequence of the holding of the event will be met or made good to the satisfaction of the Council.
4. Organisers must have in place appropriate risk assessments to ensure public safety is maintained.
5.
 - a) That appropriate MSA signs are placed at junctions of footpaths, bridleways and restricted byways in addition to any legal notices where public traffic has been suspended under s.14 Road Traffic Regulation Act 1984.
 - b) If MSA/ACU approved signage is not used, personalised signage must be agreed by the Council in advance of the event.
6. That consent in writing by all landowners and occupiers where the event co-incides with footpaths, bridleways and restricted byways has been provided to the Council by the event organiser/applicant.
7. That where any part of an event takes place on land on or within a Special Site of Scientific Interest, planning consent has been granted by the Council or Brecon Beacons National Park (as applicable) as required under The Town and Country Planning (General Permitted Development) Order 1995.
8. That appropriate consultation with the Natural Resources Wales (NRW) has been undertaken prior to the event. Further, that any response by NRW has been provided to the Council.
9. That the event does not adversely affect a Special Site of Scientific Interest, a Special Area of Conservation, Special Protection Area or notifiable species and that any agreed mitigation measures are implemented.

10. That the event is compliant with the protection afforded to species cited in the Wildlife and Countryside Act 1981 (as amended), the Conservation of Species and Habitats 2010 (as amended) and the Protection of Badgers Act 1992, and there is no adverse impact on any species or habitat listed by the Welsh Government under s.42 Natural Environment and Rural Communities Act 2006.
11. That the Council may randomly monitor events to ensure that conditions for the event are being complied with.
12. Any debris, litter or waymarking shall be removed within 48 hours after the event, but in the event of extreme weather then contact the Council.
13. Details of any complaint, damage or claims are notified promptly in writing by the organisers to the Council and the results of investigations which the organisers have undertaken to be made available to the Council.

Title or Description of Event:

Date of event:

Authorised by:|

Date Issued: