

Proceedings of the Institute of Acoustics

A CODE IN PRACTICE I

(Code of Practice on Noise from Organised Off-road Motor Cycle Sport) [1]

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1. INTRODUCTION

Any Code of Practice produced outside the protective umbrella of legislation can only be effective if all the relevant parties recognise its value and voluntarily abide by its recommended procedures. This presentation is to highlight the problems that were encountered and overcome in producing a Code of Practice and what can happen if the required of the main parties involved is removed.

2. BACKGROUND

As far back as 1988 Environmental Health Officers attending meetings of The Manchester Area Council For Clean Air and Noise Control (MACCANC) were concerned about noise problems being encountered in their constituent authorities, from motorcycles in various forms. The main problems could be split into two distinct groups i) On Road use and ii) Off Road use.

On road problems were centred around the mis-use of small motor cycles, often with faulty or adjusted silencers, driven around residential areas at unsociable times. Off road use could be clearly broken down into i) Organised Off Road events and ii) Unorganised Off road use often by individuals or small groups riding around waste land again near to residential areas.

Research was undertaken jointly with The Derbyshire Advisory Council for Clean Air and Noise Control (DACCANC) and The National Society for Clean Air and Environmental Protection (NSCA) [2] to measure the noise levels from road machines to form the basis for development of a static roadside test. This work coincided with the introduction of the Motor Cycle Noise Act 1987 and several trials with local Police forces proved that a scientific approach could be adopted enhancing the subjective approach often adopted by officers without the necessity of full drive-by testing to the requirements of the Motor Vehicles (Construction and Use) Regulations 1988.

The roadside testing of vehicles and motor cycles in particular has never really developed in the UK but through the development of specific measuring equipment has been quite successful on the continent, particularly in Sweden.

Off road problems fell into two categories, that of the isolated or small groups of individuals using waste land, and the problems caused by organised events taking place on farm land etc. under the auspices of Permitted development under the Town & Country Planning (General Development) Order 1995. Under this legislation activities can take place for up to 14 days in any 12 month period.

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The first category can be dealt with via noise nuisance procedures but the second was difficult to stop or control due to the intermittency and fact that the participants were not breaking any laws etc.

One way forward was to produce with the co-operation of the industry and sports representatives a code of practice to minimise the noise impact of organised events operating under General Development Orders (GDO's).

3. DEVELOPMENT OF THE CODE

During the early part of 1987 a meeting was held with representatives from LARA (Land Access & Rights Association) [3], the British Motor-cyclists Federation (BMF) [4] and the Auto-Cycle Union (ACU) [5]. These early meetings with representatives from the riders associations agreed that a code of practice covering the activities of their members would be broadly welcomed. Some time was spent discussing the unreasonable approach by some Local Authorities towards motor cycle activities. It probably helped that most of the Environmental Health Officers present at these meetings were still or had been motor cyclists themselves.

By November 1988 a draft of the code of practice had been drawn up and meetings were now taking place at the Coventry headquarters of the MCA, the Motor Cycle Industry Association of Great Britain Ltd [6]. The committee discussing the code had grown to include representatives from bike manufacturers, the MCA, ACU, AMCA, BSMA, YMSA, LARA, MAPAC, NSCA and the Noise Council.

The parties involved felt that the proper way forward would be to produce a code which would be submitted to the DoE for approval under section 71 of the Control of Pollution Act 1974. With this aim in mind a second draft code was produced incorporating the comments obtained from the industry representatives. It was felt important that the proposed code would be more authoritative and consequently more likely to be recognised and used if it was drawn up with representatives from the Environmental Health profession.

Interestingly this meeting finished after expressing a wish that the new Code of Practice would be published by the spring of 1989, and that the code would receive the approval and accreditation of the Secretary of State.

4. OBTAINING RECOGNITION OF THE CODE

Having obtained a draft in a form agreeable to all parties the next obstacle was to obtain approval from the Secretary of State for inclusion as a Code of Practice under the Control of Pollution Act 1974. Contact with the DoE indicated a willingness to pursue this line of action and a copy of the draft code was submitted to the DoE lawyers for comments.

Eventually permission was received to progress to the next stage of public consultation including preparing a list of whom to consult. Anyone having done this exercise will know that the list is a very extensive one. After the required consultation period the responses are collated and the consultees' response is assessed as to whether the comment will be incorporated into the amended code. Some of

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the suggestions made were relevant and changes were made but others were felt to be too specific to individual applications and as such were acknowledged but not incorporated.

The list of consultees, their responses and the proposed amendments together with the code were returned to the DoE for approval. Several meetings took place between the EHO's representing the Noise Council, the NSCA and the MAPAC and the DoE.

One of the areas of concern which came to light during the drafting of the code was the lack of actual noise measurements from organised off-road events. In order to allow data to be collected and collated in this area and to see whether any further fine tuning of the code was required an appendices was included in the code to allow local EHO's to submit a noise report form. This, together with subjective assessments made during the course of the events, would allow a picture to be built up of what was generally acceptable. The code could be modified if required in the light of scientifically obtained noise data.

The DoE did not agree that such appendices should be included as part of the code and any published version should not contain the measurement details. A number of other minor comments were made and the document submitted again to the legal watchdogs within the DoE.

5. PUBLICATION OF THE CODE

Time went by and there seemed no indication that the code would receive official backing and publication by the DoE. All the parties involved in its production were happy that it would be a workable document and indeed there were constant requests for copies of the final draft version from Local Authorities and event organisers prepared to abide by the guidance offered by the code.

Publication of the Code was approved by the Noise Council on 19th January 1994 and the Code was launched during the week commencing 24th January 1994.

The code of practice was supported by the Manchester Area Pollution Advisory Council (MAPAC), the National Society for Clean Air and Environmental Protection (NSCA), the Motor Cycle Industry Association, The Autocycle Union and the Amateur Motor Cycling Association. The new Code of practice was very well received and enjoyed the support of all interested parties enabling organised Off-Road events to take place in a controlled manner without causing unnecessary disturbance to nearby residential areas.

6. PROBLEMS WITH INTERPRETATION

Late in 1998 concerns were expressed by the AutoCycle Union that over zealous interpretation of the code by some local authorities was causing problems to some of its members. It was alleged that the methods and measures outlined in code to minimise disturbance was being applied to situations where the General Development Order was not relevant. Sites used for more than 14 days in any twelve month period required the benefits of planning consents which could be conditioned accordingly.

It was felt by the organisers of off-road events that the code required amending to remove any doubt as to when it should be applied. The problems encountered resulted in the ACU removed its support for

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the Code and asking for a meeting with the original committee to try and rewrite certain parts of the code.

A meeting was convened in October 1996 at the Motor Cycle Industry Association Ltd headquarters in Coventry. Unfortunately some of the original authors were not available and it fell to myself to be the sole representative of the Local Authority side. The meeting proved very productive and the proposed rewording applied to the scope of the code and to parts of the introduction. The actual teeth of the code were unchanged and it was felt that the measures proposed were still very relevant. The opportunity was used to update the definition of motorcycles to include Quads and subsequent updates to the permissible noise levels from different types of machines.

An agreed modified and updated code was produced, the problem now was to find someone to republish and put the amended document back into the public arena.

7. THE WAY FORWARD

The original Code of practice was published and copyrighted by the Noise Council. Any further publications should be either produced by them or the copyright waived to allow other interested parties to produce the amended document.

The NSCA have expressed an interest in taking the matter further and there is still a wish by all the parties concerned that the Code should be adopted by the DoE. It only remains to resolve the legality of who should produce and finance the project. I hope that these points can be resolved in the near future so that a Code of Practice, proven to be a workable document, can be put back into the public domain.

8. REFERENCES

- [1] Code of practice on Noise from Organised Off-road Motor Cycle Sport - The Noise Council 1994 ISBN 0 900103 57 4
- [2] National Society for Clean Air and Environmental Protection, 136 North Street, Brighton BN1 1RG
- [3] Land Access and Rights Association, LARA, PO Box 20, Market Drayton, Shropshire TS9 1WR
- [4] British Motorcycle Federation, Jack Wiley House, 129 Seaforth Ave, New Malden, Surrey, KT3 6JU
- [5] Auto-Cycle Union (ACU), Miller House, Corporation Street, Rugby, Warwickshire, CV21 2DN
- [6] The Motor Cycle Industry Association Ltd, Starley House, Eaton Road, Coventry CV1 2FH