

PARKING ON LAND IN FRONT OF DERBY ARMS

Report of the: Clerk to the Conservators
Contact: Simon Young
Annexes/Appendices (attached): Annexe 1 – Request from the Racecourse
Annexe 2 – Map showing the affected area
Other available papers (not attached):

REPORT SUMMARY

This report draws the attention of the Conservators to a request from the Epsom Downs Racecourse for permission to park cars on land in front of the Derby Arms public house at times when events are being held at the Racecourse.

RECOMMENDATION (S)

Notes

- (1) It is recommended that the Conservators decide whether, in principle, they might be minded to agree to the request from the Epsom Downs Racecourse for consent to use the area for parking at times in addition to those already permitted, and, if so,**
- (2) Determine what process should be followed to consult representatives of hack riders who may be affected by the proposal, as well as members of the public.**

1 Background

- 1.1 The area of land in front of the Derby Arms public house is known by the Epsom Downs Racecourse as “Car Park 6”. Annexe 1 sets out a request from the Racecourse for consent to use this area for parking for certain events. The area concerned is shown as cross-hatched on the map at Annexe 2.
- 1.2 The land is part of the area shaded on the Signed Map as being a “Hack Area”, and the perimeter of the land adjacent to Derby Arms Road is shown on the Signed Map as a “Hack Ride”.

EPSOM AND WALTON DOWNS CONSERVATORS
17 JANUARY 2017

- 1.3 Section 15 of the Epsom & Walton Downs Regulation Act 1984 provides that:
“(1) Subject to the provisions of this Act, and of any byelaws made under this Act, members of the public shall have right of access for air and exercise on horseback over the rides and areas shown for that purpose on the signed map...”
- 1.4 The area of land is shown on the Deposited Map as being shaded green and hatched yellow (possible site for grandstand and paddock), with the perimeter, now bounded by Derby Arms Road, Ashley Road and Downs Road shown coloured green and hatched green (parts to be open to pedestrian traffic).
- 1.5 Under the 1984 Act, the “preparatory period” for the purposes of this report is 14 days immediately before the commencement of a racing period; and, a “racing period” means the days on which horse racing takes place on the Downs during any authorised meeting. An “authorised meeting” means race meetings authorised by the Jockey Club (up to a maximum of 16 days per year). The Company essentially means the operator of the Epsom Downs Racecourse.
- 1.6 Section 17 of the 1984 Act provides:
“Notwithstanding anything contained in this Act or in any byelaws made under this Act, the Company may hold and conduct horse races at authorised meetings on the Downs and - ...
(4) during the preparatory period and the racing period and subject as hereinafter mentioned during the intervening period the Company may erect and maintain or permit the erection and maintenance of or set apart and provide and control -
(a) on any portion of Epsom Downs coloured green on the deposited map (except such parts thereof as are coloured green and hatched green on the deposited map which shall remain open to pedestrian traffic...
(i) any temporary parking places, temporary enclosures and temporary omnibus stations with approaches thereto:
Provided that such temporary parking places, temporary enclosures and temporary omnibus stations, with the exception of such posts as are used to form the parking places and enclosures, shall be removed as soon as practicable (and in any case within 10 days) after the end of each authorised meeting and shall not be again erected before the next following preparatory period;...”
- 1.7 Section 17 means that Car Park 6 may be, and is in fact, legitimately used by the Racecourse as a car park for the two weeks prior to and during any authorised meetings, without the need for any other consent first being obtained from the Conservators or otherwise.

EPSOM AND WALTON DOWNS CONSERVATORS
17 JANUARY 2017

- 1.8 Outside of the preparatory period and racing period, use as a car park is not generally permitted. The byelaws made in 2013 by the Conservators under the 1984 Act provide that:
“2(i) A person shall not, without the consent of the Conservators, on the Downs:
(a) enclose any part of the Downs or erect any building shed or other structure thereon or construct any roads or parking places...
(f) drive or place any carriage cart motor car or other vehicle other than upon public carriageways or use any part of the Downs as a parking place...
21 *Any person who without reasonable excuse contravenes any of these byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”*
- 1.9 Car Park 6 has, in fact, been used for car parking in relation to events for a number of years. The Racecourse is not aware of any issues or incidents having arisen in respect of the car parking use. The Racecourse wishes to regularise this use, and for it to continue as and when required in relation to events taking place. The Racecourse intends to implement the parking use in such a way as to ensure that suitable routes are identified and kept clear so that hack riders continue to have the ability to pass through the area.
- 1.10 Depending on the number of days per year on which the car park is used, it is possible that planning consent may be required, but that will be a matter for the Racecourse and the Council as Local Planning Authority to consider. If the site is used up to four times per month, this might be considered to be a material change of use requiring planning permission. However, if a regular pattern of such use has been in place for several years, it may already be lawful.
- 1.11 At the meeting of the Epsom & Walton Downs Consultative Committee on 26 September 2016, this matter was touched upon, and a hack rider representative indicated that he used the land concerned, particularly to pass from one part of the Downs to another.

2 Proposals

- 2.1 It is proposed that the Conservators be asked whether they are minded to agree in principle to the Racecourse proposal. If not, the matter will not proceed. If so, then there is a need to decide how the matter will be determined.
- 2.2 Although there is no legal requirement to do so, there is a clear expectation that, as the proposal affects to some degree a hack ride/hack area, that the representatives of hack riders be consulted, and their representations taken into account before a decision is taken whether to give consent to the additional car parking use. An assurance to that effect was given at the Consultative Committee referred to above.

EPSOM AND WALTON DOWNS CONSERVATORS
17 JANUARY 2017

- 2.3 It is also considered to be important to give the wider public the opportunity to comment on the proposal.
- 2.4 It is considered that such consultation could involve contacting all members of the Consultative Committee and seeking their views, as well as contacting ward councillors and such other groups as are considered appropriate. The consultation could also be publicised via the Council's website. The period of consultation should be sufficient to enable interested parties to have the opportunity to consider and respond to the proposals. The consultation could run for, say, 6-8 weeks and the matter be reported back to the next meeting of the Conservators on 19 April 2017.

3 Financial and Manpower Implications

- 3.1 There are no financial or manpower implications for the Conservators arising out of this report.

4 Legal Implications (including implications for matters relating to equality)

- 4.1 The legal implications have been considered in the body of the report.

5 Risk Assessment

- 5.1 There are risks that hack riders and cars will come into conflict if the area remains open to hack riders at the same time as it is used as a car park. Whilst it does not appear that this has caused problems to date, if the car parking use is regularised and intensifies, the risk of this happening is greater. It is therefore considered to be important that the arrangements for operation of the car park contain specific appropriate provisions for managing this risk.
- 5.2 There is a risk to the reputation of the Conservators if the proposal is determined without sufficient consultation with those who may be affected or interested.

6 Conclusion and Recommendations

- 6.1 The Racecourse is proposing to regularise and (potentially) increase the use for parking of an area of the Downs which is already legitimately used for parking in relation to horse race meetings. It is considered that the Conservators should determine whether such usage might be appropriate in principle, and, if so, should proceed to consult on the proposals before making a final decision.

WARD(S) AFFECTED: College Ward; Woodcote Ward;

**Permission Request
Parking for Events**

Background

The area identified on the image below, highlighted in yellow, is designated as a Hack Area in the Signed Map for the Epsom and Walton Downs Regulation Act 1984.



It is understood and noted that the Downs byelaws state that

2. (i) *A person shall not, without the consent of the Conservators, on the Downs:*

(f) drive or place any carriage cart motor car or other vehicle other than upon public carriageways or use any part of the Downs as a parking place

It is also understood that use of this area for the parking of vehicles is permitted during the preparatory period of racing at the racecourse under the Epsom and Walton Downs Regulation Act 1984.

Outside of the racing fixtures, the racecourse delivers a healthy and busy conference and banqueting facility. During these periods, many visitors are attracted to the racecourse to make use of the facilities and enjoy the iconic and beautiful location.

The area, located outside of the Derby Arms Pub - known as Car Park 6 internally, is an identified hack riding area. I am unsure as to how desirable it is to hack riders but have rarely seen riders using it, or been asked by riders to move vehicles who may have parked so as to restrict horses passing through.

For many years, vehicles have parked on this area during various periods when events such as the monthly Antiques Fair, Wedding Fairs and other large scale conferences. The frequency of the usage varies, but is on average, three to four times a month. It provides a very suitable and convenient overflow for users of the racecourse and is often used by racecourse staff, allowing our

guests to make use of the hard-standing around our two Grandstands.

During the period of the roof repairs to the Duchess's Stand, this area has been used for both staff and visitor parking so as to minimise any Health and Safety concerns with vehicles on-site. It has worked well and we would like to continue with this until the works are complete (mid/end November).

To date the racecourse has not been made aware of any issues or incidents caused by parking vehicles to either hack riders or horses in training.

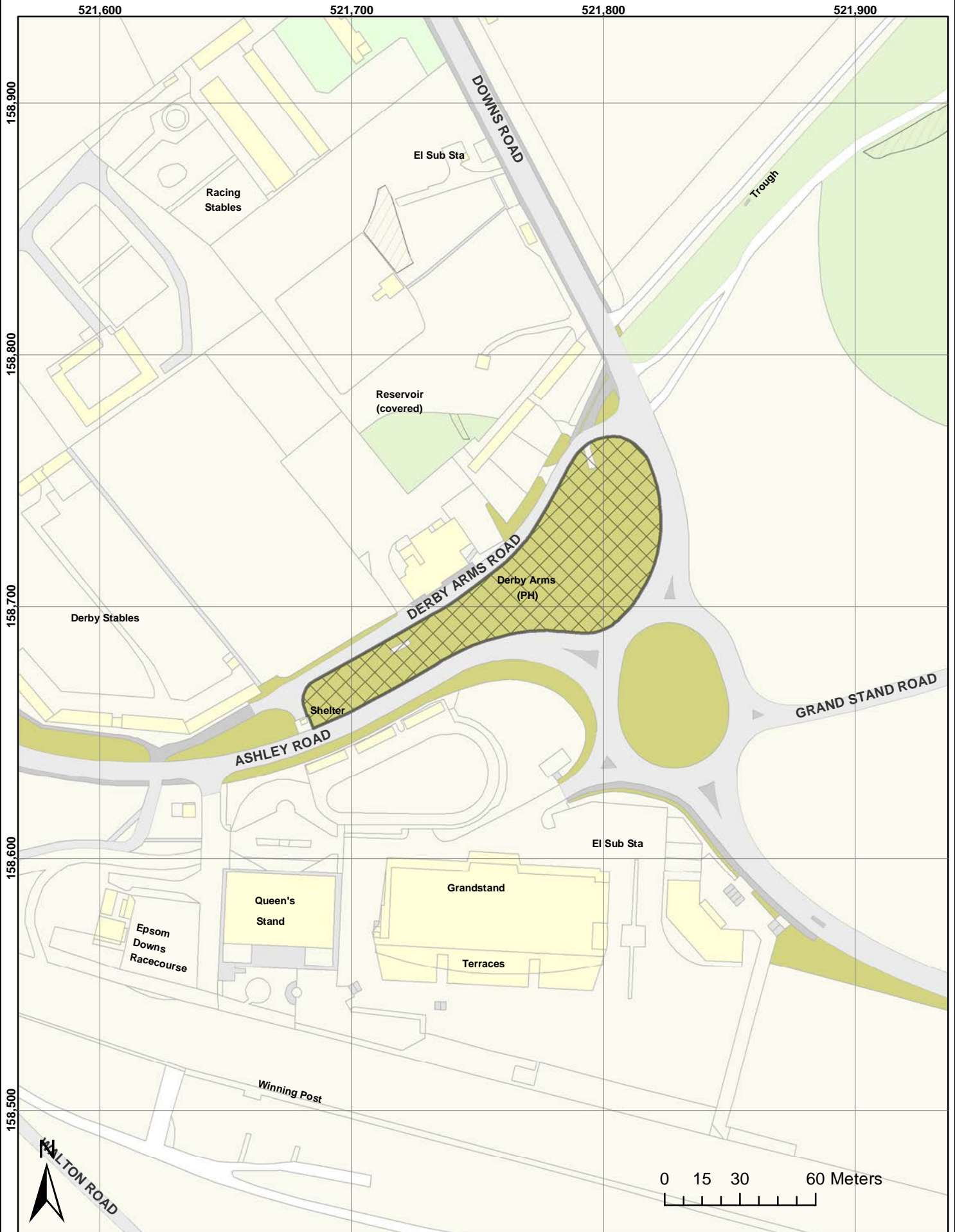
Request

Due to the ad-hoc nature of its use outside of racing, it is difficult to request a specific number of days per year that the racecourse may park vehicles within this area.

It is therefore requested that the Conservators consider and approve the use of this area by the racecourse for the parking of vehicles. In permitting its use, the racecourse will meet with representatives from the Consultative Committee to ensure that suitable paths are identified and kept clear so as to allow hack riders the opportunity to pass.

Simon Durrant
Epsom Downs Racecourse

Land at Derby Arms Road



**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 18 January 2017**

PRESENT -

Councillor Liz Frost (Chairman); Andrew Cooper (Epsom Downs Racecourse) (Vice-Chairman); Councillor Rekha Bansil, Simon Durrant (Epsom Downs Racecourse), Councillor Robert Foote (Items 24 - 30 only), Councillor Jan Mason, Nigel Whybrow (Epsom Downs Racecourse) and Councillor Clive Woodbridge.

In Attendance: Conor Morrow (Lower Mole Countryside Management Service)

Absent: Councillor Lucie Dallen and Simon Dow (Horserace Betting Levy Board)

Officers present: Frances Rutter (Clerk to the Conservators), Kathryn Beldon (Treasurer to the Conservators), Simon Young (Head of Legal and Democratic Services), Sam Beak (Downs Manager), Bob Harding (Head Downskeeper), Samantha Whitehead (Streetcare Manager) and Tim Richardson (Democratic Services Officer)

28 PARKING ON LAND IN FRONT OF DERBY ARMS

The Conservators received a report presenting a request from Epsom Downs Racecourse for permission to park cars on land in front of the Derby Arms public house at times when events were being held at the Racecourse. The following matters were considered:

- a) Ecological matters. The Lower Mole Countryside Management Service representative informed the Conservators that he did not have any ecological concerns with regard to the proposal.
- b) Purpose of request. Simon Durrant informed the Conservators that the area identified in the proposal had been used for overflow car parking for events held at Epsom Downs Racecourse for a number of years, but that direct consent had not been sought from the Conservators. This application had been submitted to the Conservators to seek such consent, and regularise the arrangements.
- c) Level of usage of area. Simon Durrant informed the Conservators that the number of occasions on which the area had been used for parking had increased in 2016, as it had been used whilst roofing works to the Duchesses' Stand were underway. Following completion of those works, it

had returned to its previous level of use. Simon Durrant informed the Conservators that he could not confirm on how many occasions the area was used for parking each year, but that this could be recorded in future.

The Head of Legal and Democratic Services informed the Conservators that if they wished to grant consent for use of the area for parking, they could also place restrictions on this consent, including a limit on the number of occasions per year.

- d) Use of alternative areas. Following questions from the Chairman and other members of the Conservators, Simon Durrant informed the meeting that Epsom Downs Racecourse utilised the area instead of alternatives (including the piece of land adjacent to Tattenham Corner Road & the race track which was referred to as car park 15 during racedays), as it had better drainage and provided a more pleasant customer experience.
- e) Visual impact. Concerns were expressed by members of the Conservators that use of the area for parking could adversely impact on the visual appearance of the area and landscape. Simon Durrant informed the Conservators that the Racecourse had no intention of turning the area into a permanent car park, but wished to continue to use it when necessary for event overflow parking.
- f) Access to the area for vehicles. Simon Durrant informed the Conservators that a barrier was located at the entrance to the area, which restricted access by vehicles. This was opened and manned during times at which parking on the area took place. The barrier did not impede access for pedestrians or horse riders.
- g) Designation as a Hack Area and Hack Ride. The area was designated as an area for hack riding by the Epsom and Walton Downs Regulation Act 1984, and the Conservators noted that consultation with Hack Rider representatives should be included within any consultations undertaken with regard to the proposal.
- h) Public Consultation. The Head of Legal and Democratic Services advised the Conservators that public consultation on the proposal should be undertaken prior to consent being granted, should the Conservators be minded to approve it. It was suggested that this could include writing directly to the Epsom and Walton Downs Consultative Committee (including Hack Rider Representatives), Local Residents' Associations and Ward Councillors, and placing information on the Borough Council's website and e-Borough Insight magazine.

Following consideration, the Conservators:

- (1) Agreed in principle to the request from Epsom Downs Racecourse for consent to use the area identified within the report for parking at times in addition to those already permitted.

- (2) Agreed that public consultation on the request submitted by Epsom Downs Racecourse should be undertaken prior to a full decision being taken upon it, and that the wording and scope of this consultation would be circulated to all Members of the Conservators by the Council's Head of Legal and Democratic Services prior to its publication.

The meeting began at 6.00 pm and ended at 6.55 pm

COUNCILLOR LIZ FROST (CHAIRMAN)