



Colton Parish Council

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The following are the minutes of the Additional Colton Parish Council meeting on Colton's unsealed Unclassified Country Roads (UCRs) held on Monday 6th July 2009 in Rusland Reading Rooms at 7.30p.m..

Members Present: Cllr Barr (Chair) Cllr Lovegrove Cllr Robinson Cllr Dean Cllr Fishwick Cllr Watson
Ms M Lane (Clerk)

Also present: Cllr Wilson (CCC) Cllr Davies (SLDC) PC John Baldwin PC Diana Wilcock
Mr John Robinson (Cumbria Highways, Highways Network Manager)
Mr Tony Hill (LDNPA Ranger)
Mr Steve Pighills (Chair, Motor-propelled Vehicle (MPV) sub-group, Cumbria Countryside Access Partnership (CCAP))
and 15 members of the public

ACTION

80. Apologies

Cllr Potts (South Lakes Rivers Trust meeting) Cllr Cunliffe (working)

81. Minutes of Last Meeting

It was resolved that the Chair be authorised to sign the minutes of the Parish Council meeting held on 22nd June 2009 as a true record.

82. Declarations of Interest

Cllr Watson declared a prejudicial interest in respect of land adjacent to one of Colton's UCRs .

83. Presentation on Colton's unsealed Unclassified Country Roads (UCRs)

Cllr Barr explained that the purpose of the meeting was to address i) the maintenance of Colton's eight unsealed UCRs and ii) the behaviour of off-road vehicle users.

i) Maintenance: the increasing use of these UCRs by 4x4 vehicles, trail bikes and quad-bikes for recreation had led to severe deterioration of these routes such that in some cases farmers, whose livelihood depends on use of these routes, could no longer access stock. The Nibthwaite to Parkamoor track (UCR 5051) was the worst example, now impassable for 4-wheeled vehicles with trail bikers making new routes onto sensitive moorland habitat to gain access. The Council had written a letter of complaint to Cumbria Highways in June 2008 to which it had received no reply, despite reminders. Eventually a letter had been received from Chief Executive, Cumbria County Council, via Tim Farron MP's office, in response to his support on this issue, but the letter was confusing and unhelpful. In May 2009, the Council sent a second letter asking specific questions about maintenance of UCRs and responsibilities to which it was awaiting a response. Having received contradictory reports about where the responsibility lay for maintenance; clarification was one of the primary purposes of the meeting.

ii) Behaviour: reports of bad behaviour of off-roaders had significantly increased, with cases of verbal abuse and threats of physical abuse, failure to slow down past pedestrians, damage to fields threatening ESA schemes and farming income, and severe deterioration of sensitive habitat on Bethacar Moor where an extensive trail-bike 'play-area' had developed.

84. UCR Maintenance - Responsibilities and Solutions

Mr John Robinson (Cumbria Highways) made the following key points:

- **Cumbria Highways was responsible for the maintenance of all unsealed UCRs (anything having a 'U' number) in the County.** This had been clarified by the Natural Environment and Rural Communities (NERC) Act 2006, in which dual-use designations had been abandoned.
- In Colton, the NERC Act had resulted in the Nibthwaite to Parkamoor track (UCR 5051) becoming a cul-de-sac for motor vehicles at the entrance to Grizedale (where the track became a bridleway).
- He apologised for the lack of response to the Council's letters.
- Funding was the key problem: the County was struggling to maintain its higher priority 'black' (sealed) roads, let alone 'green' (unsealed) routes.
- There were no defined standards of acceptable condition for unsealed UCRs as there were for 'black' roads.

- The level and nature of use of these unsealed UCRs was not sustainable.
- He agreed with Cllr Davies and Mr Pighills that good drainage was most important for route maintenance.

Mr Tony Hill (LDNPA) made the following key points:

- He expressed his concern at the use and poor condition of these routes and understood the frustration felt by farmers trying to make a living, as well as the concerns of the local community.
- The public perception was that the National Park was failing in its duty to maintain the fells, as little difference was seen between managing these UCRs and other rights of way, in the context of access and recreation.
- His responsibility as Ranger for the area was to help monitor and record motor-propelled vehicle (MPV) activity (both positive and negative reports) onto a trails register. This information was passed to the CCAP MPV sub-group meetings. Illegal activity was reported to the Police.
- The NERC Act gave National Parks the power to make Traffic Regulation Orders (TROs). A TRO had been made for the Strands, Rusland, prohibiting use by MPVs during the winter months because of potential damage to fish spawning sites. However, it was difficult for the Police to enforce.

Mr Steve Pighills (CCAP, MPV sub-group) made the following key points:

- He declared an interest and 'second hat' in his role as member of the Trail Riders Association
- The MPV sub-group reported to the Maintenance Task Group of the CCAP.
- Cumbria County Council recognised that motor-vehicles on UCRs represent legitimate activity and were perhaps even desirable.
- The MPV sub-group recognised that maintenance was a major problem, and was currently considering the issue of 2 of Colton's UCRs in question.
- It seemed to be more difficult to enter into voluntary repair agreements with Cumbria Highways than previously with the National Park.
- The NERC Act closed some types of routes to traffic and the concentration on the remaining routes was causing more damage.
- He was trying to get volunteers to walk the routes and make reports to the MPV group; any help via the Parish Council would be welcome.

Mr Robinson was asked if Cumbria Highways would inspect unsealed UCRs in the next year. He explained that they were not routinely inspected. Nonetheless, the Council would make a formal request.

Clerk

85. Behaviour of Off-road Vehicle Users - Responsibilities and Solutions

Mr Steve Pighills (CCAP, MPV sub-group) made the following key points:

- Reporting of incidents was very subjective.
- Misbehaving users were small in number.
- The CCC website had a page showing which routes could be used and how to behave.
- The Trail Riders Association encouraged people to join clubs, to promote good behaviour.
- There was a major problem with lack of signage, for example at the end of the Parkamoor track into Grizedale where it becomes a bridleway closed to traffic.
- There was no legal limit to the number of vehicles in a group; the limit of six bikes and four 4x4s was a voluntary code only. Commercial companies were not good at following voluntary codes of conduct, knowing that they had only to operate within the law.

Mr Tony Hill (LDNPA) made the following key points:

- The main code of conduct on unsealed UCRs was the Road Traffic Act, amongst other legislation.
- Most complaints of illegal activity now involved trail bikes.
- The Hierarchy of Trail Routes (HOTR) was operated by the National Park for around 10 years and had forged an excellent association with MPV trail users, who were largely following voluntary codes. He felt that the situation had deteriorated markedly since the HOTR system had been dropped, particularly concerning misuse by motor cycles.
- Signing of unsealed UCRs was an issue that needed resolving, with consideration of how best to get across the correct messages and information. There was evidence that signs had been vandalised as well as ignored in the past.
- His instinct, based on personal observations and anecdotal evidence, was that the illegal and irresponsible activity was carried out by a relatively small group of people when no-one was around, often during evenings and weekends. It was very difficult to observe and effectively report these users; only the Police had the power to stop and question MPVs on the highway.
- In response to questions on mountain bikes and behaviour, he agreed that there had been a huge increase in organised events that was putting further pressure on the area.

PC John Baldwin (Local Community Police Officer) made the following key points:

- The main legal instruments were: the Road Traffic Act, the Public Order Act and the Criminal Damage Act.
- He had noticed a definite increase in illegal activity, but it was very difficult to catch people.
- The police had managed to arrest two people as a result of good reporting of illegal activity, but this had resulted in only a letter of warning; it was hard to gain a successful prosecution.
- He encouraged people to note down registration numbers, especially of the vans that bring the trail bikes to the area - they were often in poor condition, sometimes with no insurance.
- The local Police will be getting a 4x4 vehicle soon, to enable better policing on these routes.

Tony Hill was asked to request that The Strands at Rusland be dredged again as it had become very shallow, allowing trail bikers to 'play' at this traditionally quiet spot used by families for picnics. Tony would report, but felt that the Environment Agency might be reluctant to disturb the gravel bed.

Tony Hill

A member of the public explained that he had conducted traffic surveys on the Nibthwaite to Parkamoor UCR using automatic counters. These surveys had shown that 60% of trail bikes were illegally continuing onto the Grizedale Forest bridleway and emerging at Moor Lane, in Satterthwaite. His surveys showed that 10 trail bikes per week were using this illegal route. There had been worrying reports of near misses between trail bikes and pedestrians in Grizedale Forest.

86. Next Steps

i) Use of Traffic Regulation Orders:

The NERC Act gave the National Park the power to impose TROs and ban motorised traffic, but Tony Hill explained that the process was not straightforward. Before considering TROs, the issues would need to be discussed through the CCAP and with the Police. Cllr Rod Wilson reported that the Yorkshire Dales National Park attempts to impose TROs had not yet been successful but this was due to a technicality; he thought that the TROs would eventually be enforced.

Downgrading of routes, for example from UCR to bridleway (and therefore closure to motorised traffic) was a possibility, but there were legal hoops to jump through, notably proving that the route had never been vehicular.

ii) Actions

Cllr Wilson would take the issues discussed at the meeting to the Chair of the South Lakeland Local Highways Committee.

Cllr Wilson

Tony Hill suggested a major initiative like a 'Fix the Fells' equivalent was required for UCR repairs. He and John Robinson would attempt to improve communications between the Park and County on the issue.

**Tony Hill/
John
Robinson**

Colton Parish Council would consider what steps it could take at its next meeting.

Clerk

Steve Pighills would report back from CCAP discussions on Colton's UCRs.

**Steve
Pighills**

iii) Improvement of Information Flow and Parish Council Representation

The Council had found it very difficult to find information on the activities of the Cumbria Countryside Access Partnership and asked whether it had or planned to have a website. Most of the information had come from the National Park websites in various scattered locations and nothing could be found on the Cumbria County Council website. Only by chance had the Council discovered that the CCAP had been discussing Colton's UCRs in some detail. The Clerk asked how Parish Councils were represented on the CCAP. Mr Pighills agreed that Parish Councils should have representation and suggested that the Clerk speak to Andrew Coleman of the CCAP.

Clerk

The Chairman requested that all organisations present should keep the Council informed of any relevant information or developments.

87. Date of Next Meeting

The next meeting was confirmed as a Parish Council meeting on Monday 3rd August in Rusland Reading Room at 7.30p.m.