



## **Consultation on Permanent Restrictions (TRO) to Thirlmere West Road**

### **Response from the British Motorcyclists Federation (BMF)**

The British Motorcyclists Federation (BMF) welcomes the opportunity to respond to this consultation. The BMF is a lobbying group with 64,000 individual and club members that campaigns to pursue, promote and protect the interests of riders. The BMF is also a founding member of the National Motorcyclists Council.

The British Motorcyclists Federation wishes to raise an objection to the introduction of a permanent Traffic Regulation Order (TRO) in respect of the U7003 road along the western shore of Thirlmere on the basis that:

1. Cumberland Council, as the relevant local authority, has failed in its legal duty under the Traffic Management Act 2004 Section 16(1) to secure the expeditious movement of traffic on the authority's road network, specifically following the closure of the U7003 road on the western shore of Thirlmere despite having had a temporary TRO in place since November 2021 to enable necessary safety works to be carried out on this particular stretch of road. No such works have been completed, despite almost 2 years having passed since the original "temporary" closure, and Cumberland Council still do not have any predicted date for the completion of safety repairs and the re-opening of the route.
2. The prolonged closure of the U7003 road along the western shore of Thirlmere has had the effect of forcing vulnerable road users, as defined under Rule 204 of the Highway Code, including walkers, cyclists, horse riders and motorcyclists to use the alternative road route along the A591; a narrow section of busy A-road used by fast traffic and HGVs. The proposal by the Council for the permanent closure of the route, pending further discussions by the Council with United Utilities on the completion of the necessary safety repairs, will only serve to further compromise the safety of vulnerable road users who have been unable to access the safer and quieter western shore route since November 2021. The Council has also failed to fully consider the wider safety issues it has created by closing the western shore route and forcing vulnerable road users on to the busy A591 instead. Any risk analysis conducted by the Council needs to look at the total picture of risk and how it affects users, not just the potential risks from falling trees and rocks.
3. Cumberland Council has had nearly 2 years to agree the completion of the necessary safety works with United Utilities (the landowner) to enable the western shore route to be re-opened but has failed to reach any such agreement or to serve a Statutory Notice (under Section 151 of the Highways Act 1980) on United Utilities (the landowner) to carry out the necessary works to make safe and secure the relevant section of the U7003, in line with the legal obligations for United Utilities (the

#### **British Motorcyclists Federation**

BMF(Enterprises) Ltd, 3 Oswin Road, Brailsford Industrial Estate, Braunstone, Leics, LE3 1HR.  
Tel: 0116 2795112 Email: [admin@bmf.co.uk](mailto:admin@bmf.co.uk) Website: [www.britishmotorcyclists.co.uk](http://www.britishmotorcyclists.co.uk)  
Company Registration No. - 00982171 VAT - 765330921

landowner) to maintain the route under Section 68 of the Manchester Corporation Waterworks Act 1879. The proposal now by Cumberland Council to apply a permanent TRO to the western shore route is likely to severely hinder the progress of any discussions with United Utilities (the landowner) to find an agreed and timely solution to the current safety issues to enable the early reopening of the western shore route.

4. Cumberland Council has also failed, in line with its obligations under Section 62 of the Environment Act 1995, to have due regard to the purpose of national parks and the general duty on local authorities to promote opportunities for the understanding and enjoyment of national parks by the public. The prolonged closure of the U7003 road along the western shore of Thirlmere by the local authority has prevented the general public and local community from enjoying the full shoreline of Thirlmere and meant that the Council has failed in its general duty in this respect.
5. Rather than seeking to impose a permanent TRO, Cumberland Council, as the relevant authority, should now as a matter of urgency, whilst the current temporary TRO remains valid, explore alternative solutions, including the use of netting or fencing (measures already in use on the A591 on the opposite side of the lake) in order to protect users of the western shore route from the potential risk of falling rocks and look to re-open the western shore route without further delay in order that the full extent of the lakeshore can be used and enjoyed by all members of the public to the benefit of the wider local community.

Response submitted by: Paul Morgan CBE, Government Relations Executive Officer, British Motorcyclists Federation (BMF)

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BMF(Enterprises) Ltd, 3 Oswin Road, Brailsford Industrial Estate, Braunstone, Leics, LE3 1HR.  
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