

# Motorcycle Misuse on the County Durham Coast

## A Report to *Turning the Tide* 1999

### **1. Background**

*Turning the Tide* is a programme for the restoration of the Durham coastline following one hundred years of damage by the coal mining industry, and extends to the coastal strip between Ryhope to Crimdon and Hart. The programme includes input from the county, district and town councils, together with various national and local amenity and conservation organisations [see Appendix I]. *Turning the Tide* sets out to remove post-industrial debris, make landscape improvements, promote nature conservation and encourage more and better public access to the area. This public access will be primarily by means of open-access land, public footpaths and cycle tracks, both existing and new. The needs of the disabled are catered for wherever possible.

Motorcycle misuse of the sites and facilities being improved by *Turning the Tide* is a significant problem. Illegal use of land and paths by motorcyclists has been a constant feature of this area (and adjoining regions) for many years. As a phenomenon illegal motorcycling is cyclical and mobile: it comes and goes, it moves around. However, while some places, especially degraded land, may be able to accommodate this activity on a 'blind eye' basis, in places, and at times, there is a significant level of conflict between lawful and unlawful uses of land. The improvement of land and paths is, and increasingly will, bring the public on foot, cycle (and perhaps horseback) into contact and conflict with the motorcyclists illegally using the sites.

The provision of facilities for the disabled and cyclists immediately militates against conventional 'physical' methods of excluding illegal motorcyclists: fences, barriers and stiles. Experience suggests that it is difficult, perhaps impossible, to improve and promote facilities for the wider general public without making access easier for the 'cowboy motorcyclist'.

In 1999 *Turning the Tide* commissioned an investigation to look at ways of tackling this problem.

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### **2. The scope of the investigation**

*Turning the Tide* resolved to survey the current situation to look for as wide a range of possible solutions as might exist. The specific aim is to prevent, as far as is reasonably possible, illegal use of land and paths within the *Turning the Tide* scheme, consonant with the general aim of improving the amenity of the area for the general public. This is not necessarily to be wholly negative to local motorcyclists: one part of the investigation was specified to look at the possibility of providing a suitable site (or sites) to divert the illegal use to manageable areas. The work was broken down into specific units:

- Site surveys of the project area.
- Establish dialogue with motorcycle users and user groups in the area.
- Talk to the *Turning the Tide* partner organisations about their perspective on the problems.
- Consider methods of enforcing against offenders.
- Consider the potential for a diversionary site for motorcyclists.
- Make recommendations.



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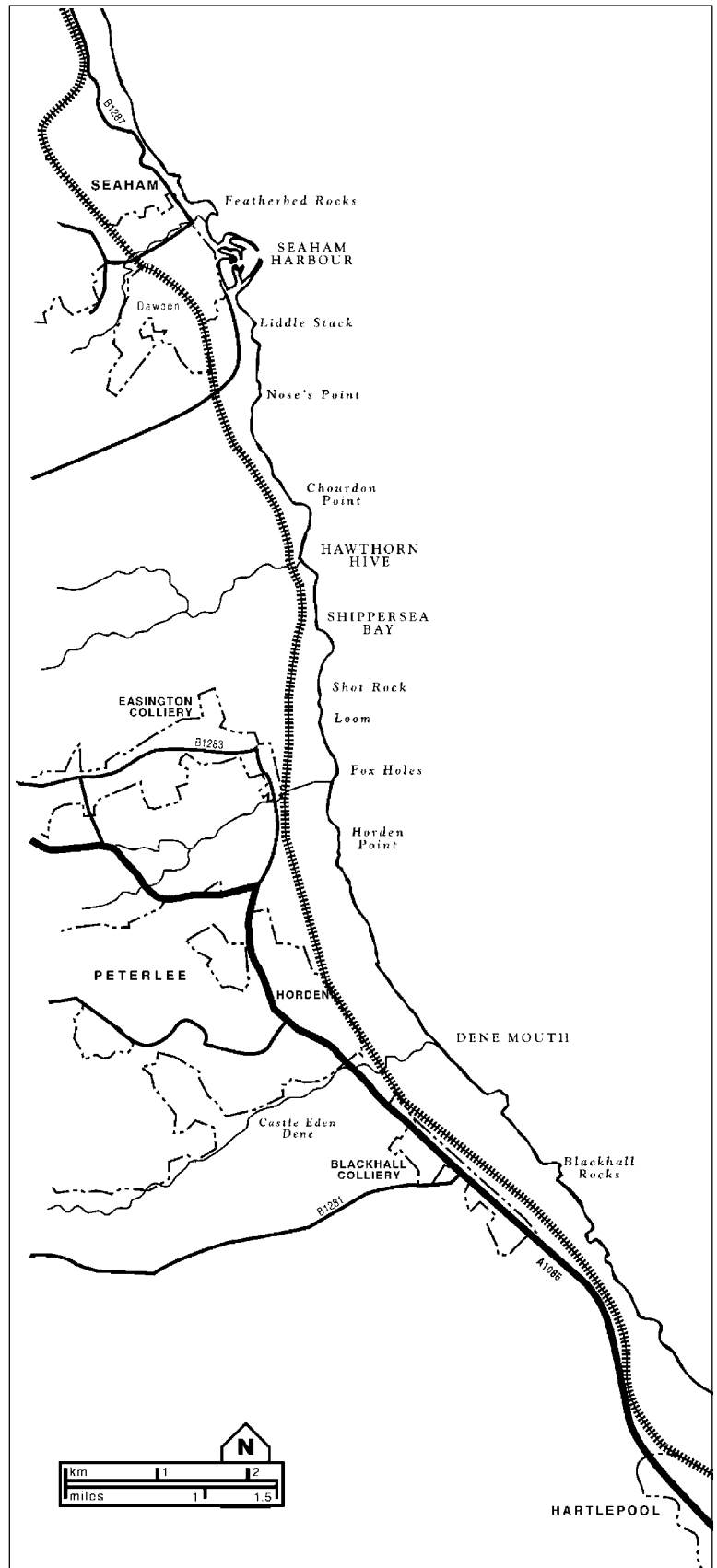
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### 3. Project area and special sites

*Turning the Tide* has set the boundaries for this investigation as the strip bounded by the sea to the east and the coastal railway line to the west. Ryhope marks the northern limit, and Crimdon - Hart Station the southern limit. The width of the strip varies from a kilometre down to approximately 100 metres, averaging approximately 500 metres. The length of the strip is approximately 18 kilometres (approximately 11 miles).

Not all this strip is being improved under *Turning the Tide*. Some sites are of special conservation or amenity value (e.g. Chourdon Point, Dene Mouth and Crimdon Dene). The town of Seaham in part occupies the whole width of the strip. Peterlee, Horden, Blackhall Colliery and other settlement areas have the railway as their eastern boundary and so lie immediately adjacent to the project area.

Although *Turning the Tide* has defined the project area for this report, it is essential to accept that the problem of illegal motorcycling is, by its very nature, mobile. Not all, but a significant part, of the problem appears to enter the project area from areas of population immediately to the west, or by linear access along the foreshore corridor. Plainly this investigation must have physical limits, but any solution suggested or adopted needs to take account of the situation in adjacent areas.



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### **4. Illegal motorcycling - the legal position**

The use of motorcycles on the highway and on open land is governed by the various Road Traffic Acts - primarily the Road Traffic Act 1988 as amended. S.34(1)(a) makes it an offence to drive any motor vehicle on 'any common land, moorland or land of any other description... without lawful authority.' For 'lawful authority' it is safe to regard this as being the express permission of the landowner and/or occupier of the land. S.34(1)(b) makes it an offence to drive a motor vehicle on a footpath or bridleway without lawful authority. In this latter case the owner of the land over which a footpath or bridleway runs may give permission for a motorcyclist to use that footpath or bridleway, but that 'lawful authority' cannot displace the other provisions of the Road Traffic Act: the invitee vehicle and driver must comply with the rules on (such as) driving licence, insurance, MoT, excise duty, number plates, just as if the path were a normal motor road.

Any motorcyclist using open land without permission might be convicted of the offence under s.34(1)(a), but would not be liable to conviction under any other Road Traffic Act provisions, except those that can now apply in 'public places' too (e.g. dangerous driving). Any motorcyclist using a footpath or bridleway without permission might be convicted under s.34(1)(b) for being on that path, and is also liable to conviction for such as not having a driving licence or insurance.

There are two caveats that rather spoil the simple application of the law in this area:

- Not every motorcycle is subject to s.34 (and other sections) of the Road Traffic Act. This is because the Act defines a motor vehicle as being '... intended or adapted for use on the road.' Whether or not a motorcycle is intended or adapted is a question of fact for the magistrates in each case. Where a motorcycle was originally sold as a road machine then there is usually no problem in satisfying the 'intended or adapted' test. When a motorcycle was originally sold as, say, a moto-cross racing bike, or as a bike for small children, then the courts can, and have, held that such machines are not intended or adapted, and the cases have failed. This leads to the police and Crown Prosecution Service becoming reluctant to bring such cases before the courts.
- Not every path used by the public is a highway. For s.34 and most other provisions (e.g. driving licences, insurance) the Road Traffic Act applies only to 'roads'. All highways are roads, which is how the Act is brought to bear on footpaths and bridleways. But increasingly linear recreational tracks are being provided that are not dedicated to the public as any sort of highway - they are 'permissive routes'. The more serious motoring offences, e.g. dangerous driving, will apply to these linear permissive routes because such are 'public places', but the more ordinary offences, such as committed by illegal motorcyclists by virtue of their presence, will not apply.

Possible solutions to these two problems lie in the recommendations section.

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### **5. The impact of illegal motorcycling**

Illegal motorcycling can range from very low impact - a few youngsters riding around a remote post-industrial site, to a real threat to life and limb, damage to sites, and continual noise nuisance. It is a widespread and regular problem in many areas. In the North of England it has given rise to a series of agency and police initiatives, well documented over the past 15 years. The impact and sometimes-tragic consequences of illegal motorcycling regularly feature in the local press across the country.

Experience suggests that most police forces take it very seriously sometimes, but will turn a blind eye in other ways. It is a problem frequently reported to the police and local authorities by members of the public and landowners. Some years ago a landowner at Coxhoe, County Durham, was killed when hit by a motorcyclist illegally using his land.

The various approaches of local authorities (at times with substantial support in this region from Sport England) and the Durham Constabulary are considered later in this report.

*Newcastle Evening Chronicle* 5.9.95

A dad triggered an unlikely police chase when he took his youngster's mini motorcycle on a hair-raising test ride... rode across all four lanes, forced an elderly woman to jump from his path... admitted the charges of dangerous driving, driving without a licence, and having no insurance.

*South Wales Argus* 19.5.93

A man has been fined and banned for drink-driving - on a toy motorcycle... became abusive to the driver and was later seen riding the bike... towards the man's car before kicking a headlight... Magistrates fined him £200 and disqualified him from driving for 12 months.

*The Daily Telegraph* 3.6.99

A father who rode on the back of his son's toy motorbike has been convicted of driving while disqualified and could face prison... his son gave him a lift along a public footpath... the footpath was classified as a road under the terms of the Road Traffic Act.

*Newcastle Evening Chronicle* 26.5.1992

Children are speeding around the streets in powerful mini motor bikes on city housing estates. Police have been alerted but some of the tiny terrors are believed to be too young to haul before the courts... Teenagers and children are riding the three and four-wheeled all-terrain vehicles on footpaths and grassed areas as well as the roads... It is very dangerous. Somebody could be seriously hurt.

*Newcastle Evening Chronicle* 9.9.1994

The mother of a toddler hurt by a hit-and-run motorcyclist today backed calls for tougher action against tearaway riders. She is among hundreds of worried parents calling for a clamp-down on motorcyclists who regularly ride high-speed bikes along a popular footpath.

*Newcastle Evening Chronicle* 27.6.1994

The parents of a girl knocked down by a motorbike are keeping vigil by her hospital bed as she battles to live... The youngster was hit by two youths who had been riding on nearby wasteland popular as a scrambling track. This is an ongoing problem where lads have access to off-road bikes... To get to waste land they have to go over public highways and they do not have a licence or insurance to do that.

*Newcastle Evening Chronicle* 27.6.1994

Distraught... is praying for the life of her grandson today as he lies fighting for survival after a motorcycle accident. Schoolboy ... 14, suffered serious head injuries when he fell off an off-road machine and hit his head against a concrete post.

*The Daily Mail* 25.1.1995

A crackdown on scrambles bikers was demanded yesterday as an 11 year old girl lay fighting for her life... was struck by a hit-and-run motorcyclist as she strolled through a park... The girl's school yesterday criticised local courts for being too lenient with bikers who have turned Carr Ellison Park... into a race-track.

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### **6. Site surveys and consultations**

Initial site visits were undertaken on two Sundays in June and July, and one Wednesday evening in August.

An interim project report was circulated to project partners in the latter half of August. This drew some useful information that was incorporated into the surveys and has influenced this report. A second set of two visits were undertaken in mid-September following meetings with some of the project partners (see later in this report).

At no time during the site visits were a disproportionate number of illegal motorcyclists visible. Motorcyclists visibly 'illegal' in varying ways were seen on each visit and in various places, but not in numbers significantly greater than noted, on visits over recent years, to a variety of coastal and post-industrial sites throughout the North of England and beyond. There is visibly a problem here with illegal motorcyclists, but the level is probably little different to other places with similar local conditions.

#### **Observations on site:**

Over the three sessions of site visits (June, July, August): a total of 39 motorcyclists who appeared to be trespassing:

- 11 of these were part of a group containing other people (mostly youngsters) not on motorcycles, and these appeared to be groups of local 'friends', some swapping around and sharing the machine.
- 9 of those seen were riding on the foreshore. It was hard to get close enough to see details, but none appeared to have registration plates. Of this 9, 5 of the machines were 'quads', again unregistered. Some of this riding was very fast and close to people out walking.
- 5 were plainly young children on 'schoolboy bikes' on public open spaces, all accompanied by one or more adults.
- 3 were 'serious' moto-cross bikes and riders, with a van nearby carrying stickers that suggested it was their form of transport.
- 9 were miscellaneous bikes just 'riding around' on open ground. One bike had a registration plate.
- 2 unlicensed bikes were openly being ridden on public roads – one to buy petrol in a filling station.

Also places with a lot of tyre tracks (and significant tracking on some stretches of foreshore apparently running quite long distances – not local playing around). Tyre tracks were evident at every site visited, suggesting a continuous level of use varying from site to site.



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### **7. The police approach**

Constable Steve West of Durham Constabulary, stationed at Seaham, gave this survey a lot of useful insight into the way the police view and tackle the problems caused by illegal motorcycling. PC West made the point that, as a 'law enforcer', he would feel more able to impose the rules if he could redirect illegal motorcyclists to a diversionary site - the carrot-and-stick approach.

Durham Constabulary has two enforcement practices of importance:

- If a motorcycle's engine and/or frame numbers have been 'tampered with' it will be seized on suspicion of being stolen. Further checks can be made using forensic techniques. The owner/rider can potentially be charged with a theft-related offence (far more serious than the illegal riding) and if the machine's 'true identity' cannot be established, the police will usually destroy it. Removing machines from circulation is effective, although the pool of relatively cheap, increasingly durable, and legitimately available 'off-road' motorcycles is probably increasing.
- Current local police practice is not to regard a footpath or bridleway in the same light as a public surfaced road for offences such as no insurance or driving licence. PC West says that force local policy is to prosecute for no insurance/licence on a surfaced road, but no necessarily on public paths. This appears to be due to a long-held misconception about the status of footpaths and bridleways within the Road Traffic Acts. Clarification of this within force practice, and a policy of firm RTA offence enforcement on all highways would amount to a very effective additional sanction against illegal motorcyclists.

The police may be in something of a cleft stick here. On one hand the law is clear that Road Traffic Act offences like licences and insurance apply to footpaths and bridleways, just as much as surfaced roads. On the other hand, the police are encouraged not to 'criminalise' youngsters by bringing them into the

#### **Complaints about illegal motorcycling logged by Seaham Police**

1.11.1998 – 31.8.1999

Murton – Seaham road	10.11.98
Ambleside Avenue	4.1.99
Princess Road	5.3.99
Hawthorn Close	17.3.99
Parkside	25.4.99
Parkside	15.6.99
Dalton Heights	18.6.99
Murton – rail line	19.6.99
Parkside	26.6.99
Dawdon	30.7.99
Westlea	2.8.99
Hawthorn Square	28.8.99
Polemarch Street	28.8.99
Northlea	28.8.99
Parkside	31.8.99

#### **Motorcycles seized by Durham Constabulary**

February – August 1999

16 motorcycles seized.  
1 had a registration plate.  
15 had no registration plate.  
11 were certainly 'off-road' type.  
10 described as 'poor' condition.  
2 described as 'fair'.  
1 described as 'undamaged'.  
3 'condition unknown'.  
4 bikes destroyed.  
4 bikes returned to owner.  
8 outcome unknown.  
11 persons identified as being users/offenders.  
4 persons cautioned.  
2 persons reported or charged with offences.

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legal processes through prosecution. Yet it is most often children or young adults who are doing the illegal motorcycling. Prosecution for offences like no insurance or licence are desirable to protect the community from the consequences of collision, and are a very powerful deterrent if regularly and predictably applied.

A policy or practice of not prosecuting younger illegal motorcyclists for licence, insurance, and other technical offences on footpaths and bridleways removes one of the most effective ways of dealing with individual offenders and imposing a region-wide set of 'ground rules' that will, over time, change the culture of illegal practices.

### **'Scrambler Bike Incidents' noted by the National Trust Wardens October 1998 – Early September 1999**

1.10.98	Easington
2.10.98	Easington
6.10.98	Warren House Dene
18.10.98	Denemouth
22.10.98	Warren House Dene
6.11.98	Warren House Dene
20.12.98	Warren House Dene
2.1.99	Warren House Dene
3.1.99	Warren House Dene
23.1.99	Warren House Dene
31.1.99	Warren House Dene
14.2.99	Blackhall Rocks
27.2.99	Warren House Dene
28.3.99	Warren House Dene
1.4.99	Denemouth
4.4.99	Hawthorn
5.4.99	Hawthorn
9.4.99	Hawthorn
25.4.99	Warren House Dene
1.5.99	Dawdon
3.5.99	Denemouth
10.5.99	Hawthorn
25.5.99	Easington
1.6.99	Hawthorn
2.6.99	Warren House Dene
6.6.99	Denemouth
9.6.99	Warren House Dene
13.6.99	Denemouth
19.6.99	Denemouth
19.6.99	Hawthorn
20.6.99	Hawthorn
21.6.99	Denemouth
24.6.99	Hawthorn
27.6.99	Hawthorn
4.7.99	Hawthorn
11.7.99	Blackhall Rocks
12.7.99	Warren House Dene
16.7.99	Hawthorn
18.7.99	Warren House Dene
22.7.99	Warren House Dene
27.7.99	Hawthorn
31.7.99	Hawthorn
2.8.99	Hawthorn
16.8.99	Denemouth
17.8.99	Warren House Dene
29.8.99	Denemouth
5.9.99	Warren House Dene



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### **8. Access corridors and the barrier paradox**

Mr Mike Preston, the Parks Manager for Seaham Town Council, gave an insight into the character of the illegal motorcycling that takes place on the roads, tracks and open spaces of Seaham. This is a problem that comes and goes, attracts complaints from residents and action by the police, but is not generally regarded by the town council as a 'serious' situation. Seaham Town Council already appreciates the very real tension that exists between the need to provide reasonable access to public places for disabled people, and the desire to exclude illegal motorcyclists. Mr Preston expressed some concern on behalf of the town council about the proposed major cycle route through the town (and linking through other parts of the Turning the Tide area). This route is viewed as providing an additional corridor for illegal motorcycling; to a significant number of local people the problems the route is predicted to bring outweighs its virtues. If Seaham Town Council is to give the cycle route wholehearted backing, then it is likely to seek to have effective barriers against illegal motorcyclists.

But this 'physical exclusion' process goes against the policy approach of Sustrans (the developers of the National Cycle Network) and the obvious needs of the disabled, parents with prams, etc. Sustrans now argues that to seek to barrier-out illegal motorcyclists is ineffective against the offender, but very effective at keeping out, or at least spoiling the enjoyment of, legitimate users. Experience of barriers elsewhere suggests that this view has weight. Young people on motorcycles can relatively easily surmount anything that allows passage of the disabled, equestrians and, with reasonable ease, cyclists.

In acknowledging this paradox, Mr Preston states that Seaham Town Council, in supporting the aims of *Turning the Tide* and Sustrans, would wish to see a standard system of access controls and legal sanctions applied consistently across the whole area.



Sustrans' INFORMATION SHEET FF22: *Access Controls*, deals with anti-motorcycle and flytipping barriers and their conflict with easy public access. Sustrans cites Andrew Niven, Countryside Manager of Durham County Council, as being sceptical about the effectiveness of barriers against cowboy motorcyclists.

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### **9. Conservation site issues**

The survey looked at the problems faced by three areas of particular conservation and amenity value: the National Trust land south of Seaham and taking in Chourdon Point, Castle Eden Dene (which is a SSSI and a National Nature Reserve) and Crimdon Dene (a SSSI and Special Protection Area). Discussions with Mr Rob Lamboll of English Nature and Mr Denis Rooney of the National Trust revealed a changing pattern of illegal motorcycle use, but a continuing problem. Areas at South Hawthorn, Easington and Warren House Dene were identified as regular troublespots, with use of the beach at Dene Mouth. The site wardens have identified that bikes (including, increasingly, quad-bikes) are coming into the sites from the western 'buffer zones' and using 'access corridors' including parts of the foreshore, the Castle Eden Walkway (a rail-trail) and a disused railway at Ryhope. The problem was described as numerically not as bad as in 1991, but that the character of the riders had changed from merely casual trespassers to a more 'yobbo' attitude, with damage to gates. Now there is a more organised approach – the motorcyclists use mobile telephones to forewarn of warden or police activity.

A recent push against illegal use in Castle Eden Dene (which has the benefit of English Nature offices and staff on site) has visibly displaced illegal use into Crimdon Dene (an equally sensitive site), down the coast to Grangetown and inland to Murton Colliery. The illegal use appears to be mobile along a 25-mile strip of the Durham and Cleveland coastal belt. The use at Crimdon Dene also adversely affects the caravan sites and other tourist attractions.

Wardens report that there is some seasonal variation (school holidays, light evenings) but that illegal motorcyclists come at all times and in all weathers. There are some identifiable 'hot spots' for illegal access, such as the railway bridge on National Trust land near Chourdon Point. These are regularly patrolled, but the requirements for public access reduce the warden's ability to effectively exclude motorcyclists.



This is the public footpath bridge over the coastal railway on National Trust land near Chourdon Point. It provides easy access across the railway for motorcyclists coming south out of Seaham and Dawdon, via the open and semi-derelict strip immediately adjacent to the foreshore. The twin attractions of Hawthorn Quarry and Hawthorn Dene lie just to the west and south of the bridge.

It would be almost impossible to barrier-out motorcyclists without also obstructing the disabled and less-mobile walker. Horse riders and pedal cyclists also use this area, although they have no right to do so. This use is often tolerated by landowners.

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### 10. Diversionary sites

Part of the brief of this project is to look at the possibility of providing one or more sites where the (currently) illegal motorcyclists can go and ride lawfully. The reasons for providing such a site are threefold:

- There is a visible need for local youngsters to have somewhere to go and ride – that motorcycle riding *per se* is not a problem; the problem lies in where it takes place.
- A proper site might encourage riders to make their own choice of land use and thereby lessen current problems.
- The availability of a proper site gives the police the ability to enforce with a carrot-and-stick approach.

The idea of providing (usually through the recreation department of a local authority) what is commonly called a ‘trail park’ is attractive and has come in and out of fashion over the past 30 years. For a variety of historical reasons, the Northeast of England has seen more activity in the provision of trail parks than any other region. From the mid-1980s until the mid-1990s, a great deal of local authority and Sport England finance and effort was put into sites between Newcastle and Teesside. Many hard lessons were learned; any project to provide a trail park as part of the *Turning the Tide* programme should be approached with great care and clarity of purpose.

Trail parks essentially fall into three types:

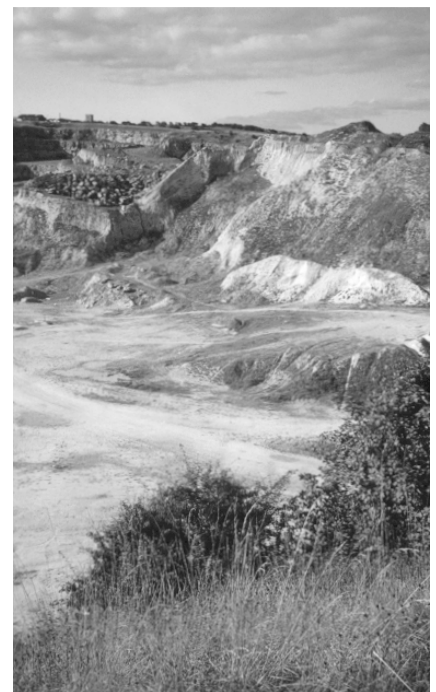
- ‘Blind eye’ sites, unregulated use of land (often technically illegal) where users are not hassled by authority.
- Local authority-provided sites, where land is set aside as a trail park, infrastructure is provided (including staff and machines) and the cost is carried by the local authority.
- Private enterprise sites, where the operator sets out to make a profit, although non-profit activities are sometimes accommodated too.

Nationally, the sites that have survived longest and been most effective are those run by individuals as a business. But these sites are essentially aimed at competitive motorcyclists seeking a practice track (hard to find generally), 4x4 drivers (who will happily pay to drive rough ground) and ‘corporate activities’ such as the hire of buggies and quads. Privately owned and run sites can cater for local, impecunious youngsters only where these come to the site as part of a project (often run by probation or quasi-probation agencies). Local youngsters generally have old, unsuitable, and often downright dangerous

#### Trail park projects in the North of England

These reports are essential reading on the problems of illegal motorcycling and the provision of trail parks and community schemes.

- Northern Motorsports Project: *1989 Issues Report*
- Northern Motorsports Project: *The Way Ahead 1991*
- Northern Motorsports Project: *Motorsport in the Community: the Way Ahead (1992)*
- Rotherham MBC and Yorkshire Wildlife Trust: *New Perspectives on Off-Road Motorcycling (1994)*



Hawthorn Quarry: perfect terrain for a diversionary site, but what are the access and environmental implications?

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machines. Site operators cannot allow these free access for obvious liability reasons. Commercial hire of motorcycles is very problematic. Experience at the South Bank site (formerly Langbaugh) and at Warden Law, shows that when motorcycles are provided for hire or project use, these are very quickly turned into scrap metal by users with no proprietary interest in their well-being.

Local authority provided sites vary from the provision of bare land for schemes based elsewhere (typically at workshops, using a van to transport machines and riders to the site) to designated and developed trail parks. Again, experience shows that developed sites are easy prey for vandals and thieves – fencing and gear left on site does not survive long. It is not the set-up costs that, historically, proved difficult. Grants often seemed to be available. It is the ongoing running costs and almost total absence of realistic income at most sites that brings about ultimate demise.

‘Blind eye’ sites are sometimes the most pragmatic solution. In most areas there are places where local motorcyclists go without great damage or disturbance. Experience suggests that the police and local authorities will leave the users alone here as a subtle way of redirecting and partially containing the problem across the wider area. But these unofficial sites cannot be promoted or, in truth, encouraged. The users will almost always ride the machines to the sites, thereby breaking many laws along the way. The unlawful use will also tend to spill out on to surrounding areas and down corridors like cycle routes.

Experience over some 15 years now in the Northeast and beyond suggests that most illegal motorcyclist use is not easily ‘cured’ by the provision of a trail park. The very serious, ‘criminal’ end can be tackled through probation and social services projects. The club rider looking for somewhere to practice may be diverted if a commercial practice track opens nearby, but these sites inevitably face formidable planning and noise hurdles. Local youngsters on old/stolen motorcycles are essentially a local problem. They have no money and no access to vans and trailers for transport. They are often not ‘clubbable’ and wish to play near their homes anyway. As one generation matures and moves on it is replaced by the next. If diversion is to be provided by public authorities it will inevitably prove very expensive and be of doubtful efficacy and generally short duration. Better diversion might be provided by taking youngsters on traditional outdoor activities like canoeing and mountain biking, combined with removing their access to old/stolen motorcycles and land on which to ride these.

The best advice to *Turning the Tide* on trail parks is ‘do not discount the idea entirely, but be clear on what you wish to achieve and fully aware of the reasons why earlier schemes have foundered.’

### Sites that have been planned or developed:

- Stargate Quarry, Blaydon (prevented by local opposition).
- Walker Wheels, Newcastle (serious funding problems – believed now closed).
- Middle Engine Lane, North Tyneside (never got beyond planning stage).
- Next to the waste incinerator, North Tyneside (scheme closed – funding ceased).
- Warden Law, Sunderland (original wide scope narrowed, now limited private operation).
- Shildon, ambitious town council scheme. Closed through loss of funding.
- Waldrige Fell, Chester le Street, ambitious private scheme, failed due to onerous planning conditions.
- Pelton, private scheme, prevented by local opposition.
- Teesside Wheels Park – the former Langbaugh Council. Big scheme with a kart track, club house, etc. Still operating within limits. Currently seeking to expand community use.
- Sedgefield – privately run quad and kart track. Seems to be stable.
- Wolsingham – privately run 4x4 and quad site. Has serious planning limitations.



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### **11. Other methods of control**

#### **Bylaws**

As is explained elsewhere in this report, the Road Traffic Act is drafted in such a way that many of the offences committed by illegal motorcyclists apply to 'motor vehicles' and not all the motorcycles used may be classed as 'motor vehicles'. The Government is currently consulting on proposals to amend access and rights of way legislation. One idea is to amend the offence of driving on open land, or footpaths and bridleways, to cover 'mechanically propelled vehicles'. That would help slightly, but the more serious offences committed by illegal motorcyclists – no insurance, no licence, etc., would still have the 'motor vehicle' condition. Representations on this are being made to Government suggesting that the term 'mechanically propelled vehicle' should generally apply to all Road Traffic Act offences. This might encourage the police and CPS to have a policy of prosecuting across the board.

Some local authorities have worked around the drafting deficiencies of the Road Traffic Act by making district-wide by-laws to cover the use of motorcycles that fall through the RTA net. One of the first authorities to do this was Shepway District – with similar industrial and coastal land problems). The advantage of a bylaw is that it can, in some circumstances, be enforced by local authorities (into the courts) and by local authority officers (on the ground). The disadvantage is that to bite, a bylaw must be signposted with reasonable frequency. A bylaw is often more part of education than enforcement and its real value is to bring about a gradual shift in public attitudes – e.g. dog fouling, littering and drinking in public places.

#### **Education**

The core of illegal motorcyclists are, or recently were, school pupils. The implications, responsibilities and rules of using vehicles generally, and in the countryside, could be made part of the county's school curriculum. This would require the preparation of standard materials, plus the continuation of the module over the years. The cost would not be high after the initial production of materials.

#### **Literature**

'Codes of conduct' and posters have been used in several places in the countryside where motorcycle trespass is, or has been, a problem. The costs of production are not huge, but there must be an ongoing system of distribution. Many code of conduct initiatives regard the design and printing as the job itself. Effective publication is essential for any value.

#### **SHEPWAY DISTRICT COUNCIL BYE-LAW**

For the good rule and Government of the District of Shepway (hereinafter referred to as "the District") and for the prevention of nuisances made by the District Council of Shepway in pursuance of Section 235 of the Local Government act 1972

#### **USE OF MOTOR CYCLES AND OTHER VEHICLES**

1. No person shall ride, drive or operate any motor bicycle or other mechanically propelled vehicle not intended or adapted for use on roads other than a vehicle constructed or adapted for the conveyance of an invalid on any open land within the District from which the public is not excluded, including footpaths and bridleways, not being land forming part of a road or public pleasure ground or housing amenity green.
2. Provided that this byelaw shall not apply to any person taking part in a rally, trial, race or any other event held on any open land in pursuance of an agreement with the Council or landowner.
3. In this bye-law "public pleasure ground" includes any pleasure ground or open space to which the Council's pleasure ground bye-laws may apply, as indicated in the schedule to such bye-laws.
4. "Open land" means any land, whether enclosed or not, which is used as an amenity or for purposes of recreation or lies waste or unoccupied.
5. Every person contravening this bye-law shall be guilty of an offence and shall for every such offence be liable on summary conviction to a fine not exceeding £100.

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### Signing

One of the standard responses from illegal motorcyclists challenged on the ground is 'there's nothing to say I can't be here'. That is certainly no defence in law, but it gives the offender a curtain of righteous ignorance that aids self-excuse. One way to tackle this is to use a district-wide standard 'no motorcycles' sign on footpaths and gateways where illegal access to sites takes place. This has recently been successfully tried in the Northumberland National Park, where opposition to inappropriate signage is almost as loud as opposition to illegal motorcycling. A small, discreet sign has been devised that clearly conveys a simple message without words, is cheap to produce and reasonably vandal-resistant. A standard signage implemented across the region (perhaps county-wide?) would introduce and impart a plain message of 'you should not be here on a motorcycle'. Costs would not be high

### Marshalling

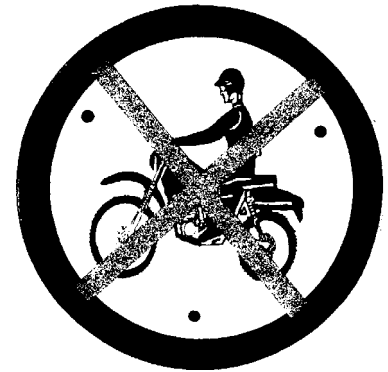
It is worth considering having volunteer marshals on motorcycles patrolling places such as Crimdon Dene and the foreshore. Their function would be to inform the wider public that the authorities are taking the problem seriously, hand out information, speak to offenders (where appropriate), record offences observed, and call enforcement officers – police and wardens – to offences where necessary. If the volunteers wear appropriately coloured tabards the ordinary public will soon come to appreciate who they are and why they are there.

### Whistle-blowing

Consider extending the 'hot line' on fly-tipping to cover illegal motorcycling. A considerable amount of illegal motorcycling is done by a relatively small number of repeat offenders. Members of the public who know these people are going to be reluctant to call the police, or write to the local authority for obvious fear of retaliation. Reports to a hot line would provide 'intelligence' for local police officers to pay house calls to check vehicle and driver documentation – a perfectly reasonable way of pre-emptive problem solving.

### Civil action in the courts

*In extremis*, repeat offenders known to regularly ride motorcycles or quads in nature reserves could be brought before the civil courts and an injunction sought to prevent their doing it again. This is on a par with 'anti-social neighbour' processes increasingly being used by local authorities. Local authority solicitors might wish to investigate current powers to see if these can be applied to repeat illegal motorcyclist offenders in certain special sites like the NNRs, SPAs and SSSIs.



This sign has been developed for use in the Northumberland National Park, where illegal motorcycle access is also a problem. The National Park Authority is caught between the desire to minimise the number of signs in open countryside and the need to clearly mark those tracks and open places which are not lawfully open to the public with motor vehicles.

The sign is a dense plastic disk of 3 inches (75mm) diameter, sized to be nailed to existing gateposts and marker posts. It is cheap to manufacture, durable and the message is clear.

A region-wide programme of putting such signs on places known to be 'access gates' for illegal motorcyclists will start to convey the message that what they are doing is unlawful. Without such 'negative' signage the usual excuse of 'I didn't know I couldn't ride here' is always available.



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### **12. Conclusions**

Illegal motorcycle use of open country, conservation sites, and public paths is a national problem. It varies in character and impact depending on various factors such as the numbers involved, the degree of mixing with other users of the countryside, the nature of the land used, and the 'access corridors' employed. But it is not a crime to want to ride a motorcycle for recreation; the problems arise when it is done in the wrong place and without consideration for other people or the law.

Just about everyone professionally involved with countryside and access management consulted during this study would like to see a suitable site provided where local youngsters can ride motorcycles in a controlled and perhaps safer environment. But hard experience gained across the Northeast region over the past 15 years shows that making that ideal into a reality is very difficult – and expensive. This is not to say that authority-led provision of an organised motorcycling site should not be investigated; it must be done with open eyes and caution.

That leaves what is, perhaps, the basic issue here: how to remove or limit the illegal use of motorcycles on public paths, conservation sites and open spaces? There is here what some may find an uncomfortable tension: as *Turning the Tide* fulfils its purpose and improves the general countryside environment, the 'enjoyment' of those (mainly young and often disadvantaged) local people who ride motorcycles illegally must be curtailed as a direct corollary. As access facilities for the public are improved – especially for the disabled and cyclists – so the opportunity for illegal and conflicting motorcycle use increases.

The hard conclusion is that if the objectives of *Turning the Tide* and its partners are to be achieved, then the authorities (and especially the police and courts) must have a consistent and rigorous policy of education and enforcement. A diversionary site would be a bonus, but is not in any way a panacea.

### **13. Recommendations**

**Signage.** Consistent signage throughout the region (perhaps through the whole county) should be implemented at points where illegal motorcycling is known to pass or take place. The 3-inch diameter signs are neat, cheap and convey a clear message.

**Education.** The legal, conservation and social issues involved should be made a constant part of the county's school curriculum.

**Media.** Keep this as a visible issue in all local media.

**Diversionary site and schemes.** Give further consideration of providing a suitable diversionary site. Also investigate developing community-based schemes to take youngsters to either the Warden Law or South Bank motorsport sites for organised sessions.

**Enforcement.** The police should be encouraged to continue and reinforce the current level of enforcement. It should be a standard policy to prosecute for offences on public paths just as much as on metalled roads, or the wrong message is conveyed. At the end of the day illegal motorcycling is largely a problem for the police and the courts; the police attitude and approach is the single biggest factor in control of the problem.

**Removal.** Police confiscation might be expanded by a scheme to buy-in old, but lawfully held motorcycles from youngsters. The attraction of cash, or perhaps a bicycle in exchange, might bring about a hand-in of considerable numbers of motorcycles. Removal for cash would be a great deal cheaper than processing an offender through the criminal processes. Consider too the possibilities of the police inviting offenders (or parents) to surrender machines for scrapping in return for a caution instead of prosecution.

**Continuity.** Whatever combination of these suggestions is finally implemented, there must be the intention and ability to continue the programme for some years. The problem cannot be removed overnight.

# Motorcycle Misuse on the County Durham Coast

## A Report to *Turning the Tide* 1999

### **14. Acknowledgements**

*TURNING THE TIDE* is a partnership between:

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