

Protocol for avoiding and reacting to Mud being deposited on the Highway

- The management plan of a developer is checked by the relevant councils Development Management team to ensure that their contractor, if applicable, is responsible for regularly cleaning the highway adjacent to their site in accordance with the Highways Act.
- The communication teams at Cumberland and Westmorland and Furness Councils, National Highways and the police will make farmers and developers aware of their responsibilities with regard to mud on the road.
- The police will make farmers aware of their responsibilities with regard to mud on the road at auction marts and at events where possible.
- Cumberland and Westmorland and Furness Councils will liaise with the NFU to ensure that this Protocol is conveyed to farmers within the NFU.

On receiving a report of mud on the road made to the Police or Highways Depot

- The report should be forwarded to the appropriate Highways Dept – i.e. Cumberland, Westmorland and Furness, Connect Roads, National Highways or A69 Roadlink.
- If the farmer or developer is known then the highways team will contact the farmer or developer to remove the mud a.s.a.p. and as a temporary measure the farmer/developer will erect signs to warn motorists of the hazard. A site visit will be undertaken as soon as possible to verify that the road has been cleaned to a satisfactory standard.
- If the farmer or developer cannot be identified or there is a delay in clearing the mud then the highway authority will clean the road and if appropriate will recharge the costs to the farmer / developer. Photographic evidence be taken from the relevant highways team to aid potential future prosecution.
- A risk assessment will be made on the traffic management required to undertake the above task. If the site is on a National Highways road then Kier Highways will provide the traffic management which may involve the use of an Incident Prevention Vehicle (Crash cushion vehicle).
- On Council and Connect Roads, if there is a delay in providing the necessary Incident Prevention Vehicles, assistance may be sought from the police to close the road temporarily or assist on warning motorists on high speed roads or high risk areas.
- Consistent refusal by a farmer or developer to clear the mud from a road caused by their vehicles may result in legal action being taken by the highway department or the police, whichever is deemed most appropriate.

For further information, please refer to the *Farming and the Highway* leaflet produced by Cumbria County Council.

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