

# GLEAM



Green Lanes Environmental Action Movement

**Patron: HRH The Duke of Edinburgh KG KT**

**23 August**

**For immediate use**

## **Battle to stop damaging 'off-roading' in Little Langdale will continue**

The High Court has found against the Green Lanes Environmental Action Movement (GLEAM) in its Judicial Review of the Lake District National Park Authority (LDNPA). But this does not affect the validity of GLEAM's central claim, that off-roading on two fell tracks near Little Langdale is environmentally and socially unacceptable. The request to ban off-roading on these routes is supported by residents, the National Trust, UNESCO, the Friends of the Lake District, the Ramblers, and three mountaineering clubs. GLEAM is therefore determined to continue the battle to protect these green lanes.

GLEAM says that, despite the High Court ruling, the rising level of damage to natural beauty, together with complaints from residents and the wider public, will eventually force the LDNPA to change its mind and that it is only a question of time before the LDNPA has to impose Traffic Regulation Orders (TROs) to stop motor bikes and 4x4s from using the two Little Langdale fell tracks that were at the heart of the Court action. Meanwhile GLEAM will be considering whether there are grounds for appeal against the High Court ruling.

Commenting on the judicial review case, GLEAM Chairman Dr Mike Bartholomew said:

'It is important to be clear about exactly what the Court was considering. It was not deciding, and we did not ask it to decide, whether off-roading on the two tracks should or should not continue, nor whether there should be TROs on the two routes. What we asked the court to consider was whether the way in which the LDNPA made its decision not to use its TRO powers was lawful.

'We are of course disappointed in the judgment, but it does not change the fundamental issue, which is that off-roading in Little Langdale is damaging the natural beauty of this part of the National Park, and that the LDNPA is refusing to stop the damage, even though it has ample

powers to do so. Today's judgment does not change the fundamental issue. GLEAM will be continuing to support the local campaign to get the LDNPA to make TROs on these two tracks'.

The claimant who took the case on behalf of GLEAM, Patricia Stubbs, said:

'The legal challenge was about the way the LDNPA made its decision. It was not about whether LDNPA's decision was the right one. Other National Parks faced with the environmental impact of off-road motor bikes and 4x4s use their legal powers to do something about it. These legal powers were given to all the National Parks by Parliament in 2006 *specifically* to deal with off-roading. Instead of choosing to use their powers, the LDNPA has decided that protecting off-roading interests is more important than carrying out its primary statutory duty, which is to conserve natural beauty. LDNPA says that the Park is for everyone. We agree. But it does not follow that every activity must be approved and facilitated. Notably, offroading should be restricted and off-road motor vehicle users encouraged to enjoy the Park in less damaging ways'.

The campaign group Save the Lake District said:

'The current Coronavirus crisis has made it clear beyond doubt just how precious the landscapes of all the national parks are and how questionable is the unrestricted use of motor vehicles on fell tracks. The campaign to secure Traffic Regulation Orders prohibiting off-roading on the two Little Langdale routes will go on. We are certain that the LDNPA will in the end conclude that it cannot continue to put the minority interests of 4x4 drivers and motorcyclists above its duty to protect the natural beauty of the Lake District'.

The LDNPA decided (on 8 October 2019) that it would not use its TRO powers on the two Little Langdale routes and therefore would not carry out the statutory consultation which is the first step in the TRO process. It is the way that this decision was made that was the subject of GLEAM's High Court action.

The High Court judgement is at <https://www.bailii.org/ew/cases/EWHC/Admin/2020/2293.html>

### **Further information**

Dr Michael Bartholomew 01423 771713; 07711 265528; [bartholomew656@btinternet.com](mailto:bartholomew656@btinternet.com)Patricia Stubbs: 0114 2309311; 07837 546127; [p.stubbs@btinternet.com](mailto:p.stubbs@btinternet.com) Save the Lake District: 07958 000287; [fritzgrootuhues@yahoo.com](mailto:fritzgrootuhues@yahoo.com)

### **Notes to editors**

1 The Green Lanes Environmental Action Movement (GLEAM) campaigns for the protection of green lanes (unsealed tracks in the countryside) from use and damage by recreational 4x4s and motor bikes. For more information visit <http://www.gleam-uk.org/>. Further information about the Lake District Green Lanes Alliance and the Campaign to Save the Lake District is at <https://www.savethelakedistrict.com/>

2 National Park statutory purposes: these are 'to conserve and enhance natural beauty' and 'to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public' -ie recreation. Under the 1995 Environment Act, where these two purposes come into conflict, protecting natural beauty takes precedence.

3 National Park Traffic Regulation Order Powers: The 2006 Natural Environment and Rural Communities Act (NERC) gave all national park authorities the legal power to use Traffic Regulation Orders (TROs) to control or exclude recreational motor vehicles from unsealed tracks. There are various legal grounds for making TROs. Those typically used by other national parks are: because motor vehicle use is unsuitable for the character of the road; for conserving or enhancing the natural beauty of the area; and for preserving or improving the amenities of the area through which the road runs.

4 In October 2019 the LDNPA decided that it did not need to use its TRO powers with respect to the use of two fell tracks in the Little Langdale area by off-road motor bikes and 4x4s and that it would therefore not carry out a statutory TRO consultation, the first step in the TRO process.

5 In December 2019 GLEAM issued judicial review proceedings arguing that the LDNPA's decision was unlawful. It argued the decision was unlawful because in deciding whether or not a TRO may be needed, LDNPA had applied the wrong legal test. The test which the LDNPA applied was that any conflict between the purpose to conserve natural beauty, and the purpose to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public (in this case promoting opportunities for off-roading), had to be 'irreconcilable' before the Authority had to use its TRO powers. Other grounds for the legal action were: that the LDNPA had misunderstood the nature and scope of the TRO consultation process; and that it had been considering a specific TRO when it should have been considering not a specific TRO, but a broader consultation asking consultees to give their views on a variety of management measures, including TROs.

6 The judicial review hearing was held in the High Court in Manchester on 2 and 3 June 2020. The judge was Mr Justice Dove.

7 Over 370,000 people have signed a petition asking for TROs on the two Little Langdale routes – see [https://www.change.org/p/to-the-ceo-of-the-lake-district-national-park-authority-protect-the-lake-district-s-world-heritage-status-by-banning-4x4s?source\\_location=petition\\_nav](https://www.change.org/p/to-the-ceo-of-the-lake-district-national-park-authority-protect-the-lake-district-s-world-heritage-status-by-banning-4x4s?source_location=petition_nav)

8 To date, the LDNPA has not used the TRO powers it was given in 2006 on any route in the Lake District. The Peak District National Park Authority has made seven TROs banning motor bikes and 4x4s from unsealed tracks. The Yorkshire Dales National Park Authority has made ten.