

# LAKE DISTRICT GREEN LANES ALLIANCE

Richard Leafe's reply is disappointing. It is misleading both as to the facts and the law.

1. It is apparent that he has no answer to, and therefore fails to address, one of the most important points raised in the scientists' letter, the impact of 4x4s and motorbikes on **the landscape character** of the Lake District. Mr Leafe writes:

*"What is less clear is whether their activity is physically damaging the upland habitats as there is little evidence of vehicles straying from the unsealed roads and damaging the habitats surrounding them."* And he continues:

*"Consequently without **such evidence** the legal tests, as defined in national legislation, that **must** be applied to instate Traffic Regulation Orders (TROs) **cannot** be met and any attempt to instate a TRO without robust and verifiable evidence to support it, is open to challenge and likely failure."* (emphasis added)

Physical damage is but one of a number of basic reasons that can be used for a TRO. Section 22 of the 1984 Road Traffic Regulation Act specifies that in National Parks TROs can be made for the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.

In the Yorkshire Dales and Peak District National Parks every single Traffic Regulation Order banning motor vehicles on a green lane was introduced for this very reason.

It is therefore misleading to claim, as he does, that the sole basis for a TRO is "physical damage" to the habitat. This is to misrepresent the law.

2. Mr Leafe also asserts incorrectly that UNESCO were "fully appraised [sic] of the use of unsealed roads" before the Lake District became a World Heritage site. But ICOMOS (the UNESCO advisory body) has stated very clearly that this is not the case. In its September 2019 report ICOMOS wrote: "The Nomination dossier did not state that MPV use was already well established - rather the opposite..." ICOMOS cites several passages from the Nomination dossier, for instance:

*'Coniston has featured in conservation battles over access and recreational use of lakes and tracks since the 1950s. These battles have focussed on the balance between recreation and quiet enjoyment. Consequently, the use of power boats and water skiing are now controlled on the lake and legal battles continue over the right to use motorised vehicles on former stock and quarry roads.'*

3. We are concerned that the draft position document on green lanes is apparently to be produced without consultation other than with the County Council. Surely the local community and the wider public have a right to be heard on how green lanes should be managed in the interest of nature recovery and biodiversity. Cumbria as one of England's five pilot areas for Local Nature Recovery needs to show the way on public engagement for the protection of the environment.

July 2021