

## Lake District Green Lanes Alliance

Dear Member of the LDNPA

### **High Oxen Fell and High Tilberthwaite: Richard Leafe's reply of 17 September 2020**

We addressed our letter of 31st August to you as a Member, not to the CEO of the LDNPA, because we were – and are - confident that as a responsible steward of the Lake District you would want to form your own opinion and also because only you can provide the necessary scrutiny of the Authority.

After all, the position in which the Authority now finds itself is unusual and deserves questioning. Only a few years ago, in its nomination document for World Heritage status, the Authority proclaimed that it was fighting legal battles on the side of conservationists against speedboats on Windermere and MPV use on former stock and quarry roads. We have reached a surreal state of affairs when the LDNPA today sees its role as the protector of access rights for off-road motorists, endorsing almost verbatim the solution proposed by the motoring group LARA, against the express wishes of a range of conservation bodies and many thousands of members of the public.

Could we therefore ask you, respectfully, to turn your attention to the following points in Mr Leafe's response to us dated 17<sup>th</sup> September?

## **1 UNESCO**

The LDNPA received a letter from UNESCO with a technical review by ICOMOS on 8<sup>th</sup> October 2019, the day of the Rights of Way Committee meeting but too late, it said, to be considered by the Committee when it made its decision on the future management of the Little Langdale routes. Mr Leafe dismisses the letter by saying that it did not contain any "actual analysis of the report or our evidential findings to any degree that adds anything to the issue."

This is incorrect. We would urge you to read the letter yourself (attached for your reference).

First, you will see that the ICOMOS review refers directly to the Assessment Report and contradicts the LDNPA's assertion that UNESCO/ICOMOS were aware of the off-road traffic at the time of inscription. ICOMOS comments as follows:

*"This is misleading. Such use was not set out as a threat in the nomination dossier and not noted in the Management Plan."*

ICOMOS points to a passage in the nomination dossier which shows that, on the contrary, the Authority is fighting conservation battles focusing 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."

Second, the ICOMOS review underlines the continuing history of conservation as part of the justification for the OUV (Outstanding Universal Value). The Authority's nomination dossier describes Canon Rawnsley's successful fight against railway lines and roads and then sets out how the Authority's current policies continue this tradition. ICOMOS cites the following passage:

*“Similar conflicts between National Park purposes have had to be resolved by the Board where the recreational use of tracks over the fells by motorised four-by-four vehicles has damaged the route and the landscape and had an impact on other users.”*

ICOMOS concludes that the “increase in 4x4 traffic on the two 'green' roads is having an adverse impact on what the World Heritage property and the National Park are trying to sustain and action is required to eliminate their use.”

This information, had it been brought to the attention of Members, could have materially influenced the Rights of Way Committee's decision.

## 2 Farming

The issue of disruption to farmers was presented to the Rights of Way Committee as though the only serious problem was the surface deterioration of the High Tilberthwaite route. But as the records of conversations with the three farmers and the letter from the Herdwick Sheep Breeders Association show, this is emphatically not the case. All three farmers spoke of the difficulties of moving stock because of the MPV traffic itself, and the new Tilberthwaite tenant explained that he had decided not to work on the farm at weekends because of this. The High Oxenfell farmer described in detail how he had to change his work patterns because of the MPVs. Importantly, he also noted that usage had only become problematic after 2000 when Hierarchy of Trail Route signs were put up and the route started to be used by a 4x4 hire company. You may be aware that recently there has been a drastic increase of anti-social behaviour in the High Oxenfell – Hodge Close area, some of it linked to MPV usage.

So the disruption to farming continues, both at High Oxenfell and, despite the repairs, at High Tilberthwaite.

## 3 Impact on other users

86% of walkers and cyclists using the two routes who have never driven an MPV on them feel that MPV use has an impact on the qualities of the area. This survey finding is as robust and true as any other finding in the LDNPA research. We quote from paragraph 6.12 of the assessment report:

*“The headline conclusion is that the majority of those who have not used the roads with an MPV would like to see a prohibition, and the majority of those who have used*

*the roads with an MPV don't want to see a prohibition. Although over 40% expressed no opinion as to future management."*

The significance of this survey result is not affected by the introduction of non-binary usage, a concept that does not appear in the Assessment Report or the Appendices, or, to our knowledge, in any other research done in any other National Park. It is meant to encompass the group of users who say they have used the road both on foot or bicycle and with a motor vehicle. The size of this category was not communicated to the Rights of Way Committee, nor were its views identified in the appendices. Despite this lack of information, the Countryside Access Advisor told the Committee: "We cannot simply ignore the views of anyone who has used the road in an MPV (especially as many mainly use the road as a walker or cyclist)".

The claim that "usage is not binary" serves one particular purpose: to give the same weight to the views of motorists as to those of non-motorists. The LDNPA knows, as stated in paragraph 7.2 of the Assessment Report, that the majority of users are walkers and cyclists, and it presumably also knows that the vast majority of these would not dream of driving a 4x4 or motorbike here. So the real question - is it right for a minority of users to diminish the way the majority experiences this landscape – is answered with a heavy pro-MPV bias.

## **Conclusion**

LDNPA management is prioritising motorised access to green lanes over conservation. It is giving motorists, a minority among users, a greater say on this issue than the large majority who walk, cycle or ride a horse on these routes. This is a serious strategic decision for the National Park, with potentially long-lasting consequences for nature and people, at a time of climate breakdown and nature depletion. It is a decision that should not be based on the partial interpretation of evidence. We trust Members will come to their own, independent view on the course the Lake District National Park should take, and that they will be able to respond to this letter as Members of the LDNPA.

Yours sincerely

Lake District Green Lanes Alliance Steering Group  
26 September 2020