

## FAQs on the LDNPA website

### What is the Tilberthwaite track and who can use it?

Often referred to as the Tilberthwaite Track, the route is in fact a road and as such pedestrians, horse riders, cyclists and motor vehicles can use the route. Vehicles and cycles must be 'road legal'. The road was originally a well-built stone road that served agricultural and quarrying activities and, as such, forms part of the historic heritage of the area.

## Why the answers the LDNPA gives are wrong



This is where the 'road' starts at High Tilberthwaite

Anyone with a fleeting knowledge of both the High Oxenfell and the High Tilberthwaite routes knows that these are **rural tracks, not 'roads' as commonly understood**. In the past they were used by horse drawn vehicles and walkers. They were not intended nor built for motor vehicles, and until 2000 were hardly, if ever, used by 4x4s or motorbikes. The legal term 'road' says nothing about their nature or how they should be used in a National Park.

According to the LDNPA's own documents, the Tilberthwaite track has only **assumed, not proven vehicular rights**. Its classification as a UCR (Unclassified Country Road) is accidental: a very similar but slightly wider track from Tilberthwaite to Little Langdale Ford, in the past serving the same purposes (quarries and agriculture) is a bridleway. In his Southern Fells guide (1960) Alfred Wainwright wrote that both are unsuitable for cars.

Maps from the mid-19<sup>th</sup> to the 1960s show a change in road category at High Tilberthwaite and High Oxenfell from a thoroughfare to a track.

The fact that these tracks were made for agricultural and early quarry activities does not mean that they should now be opened up to motor vehicles. In any case, whether road, track, trail or green lane: **if the beauty of the surrounding area needs to be protected, the National Park Authority should impose a TRO.**

***Are you taking away the challenge and fun for some 4x4, motorcycle and mountain bike users?***

*We understand that for some people that the enjoyment they get from using a route may centre around overcoming the challenge of ‘technical’ sections on a route. On some routes in the Lake District this challenge has always been part of the route with bedrock, steep gradients and unstable surfaces providing that challenge.*

*With regards to Tilberthwaite this is not the case, as we are dealing with a route that was created as part of the infrastructure to support the mining and quarrying activities in the area.*

*This overall infrastructure is part of the historic environment of the area and is recognised in the submission to UNESCO that resulted in the National Park being granted World Heritage Site status.*

*The work on the route is aimed at returning the track to an overall condition similar to that when it was constructed.*

*We recognise that in doing so we are repairing the more challenging damaged sections enjoyed by some people, but it will make the track more accessible and enjoyable to others who are currently unable to use the route due to the*

This amounts to an **apology to 4x4 drivers and motorbike riders**: “sorry if our repairs prevent you getting your kicks out of ‘challenging conditions’. We feel your pain.”

<p><i>damaged sections. As with every route that we repair, this has been carefully evaluated to ensure all user groups are considered and that it receives the appropriate level of maintenance.</i></p>	
<p><b><i>Isn't most of the damage done by motorbikes and 4x4's?</i></b> <i>As a national park, everyone has a right to use the Lake District for recreation, as well as farmers and landowners, who make a living from the land. The landscape is also very vulnerable to damage. Everyone who uses our rights of way network, including roads like Tilberthwaite, has an impact on them and we encourage everyone to take responsibility for their actions. However, as we know from experience, a single storm event can have significant, sometimes even catastrophic impact on these routes. We believe that the majority of the damaged sections on the Tilberthwaite route are as a result of weather erosion.</i></p>	<p>This is odd: according to the <b>minutes of the Lakes Parish Council meeting on 19 September 2018</b> the LDNPA do acknowledge that the damage is caused by vehicles: "LDNPA is currently repairing damage that it acknowledges is caused by 4x4 vehicles on the green lane that runs from Tilberthwaite to Fell Foot Bridge, Little Langdale" .The National Trust has also clearly acknowledged the role of recreational motor vehicles in causing the damage. And it's pretty obvious: – just have a look at the YouTube video on our website, posted by the drivers themselves. Experts say that <b>weather is a contributing factor, but rarely the cause of the original damage</b>. As one of them wrote in the Westmorland Gazette: "The initial cause of damage is the conjunction of the magnitude of disturbing forces, their area of application and angle to the horizontal of the surface - effects which are easily demonstrated by the science of soil mechanics and by observation in the field."</p> <p>And even some of the drivers themselves agree. On a Landrover forum one of them says this: <b>As a regular visitor / wild camper to this exact area who has previously driven the 2 lanes in question on a couple of occasions I have to fully agree with these campaigners. It may appear hypocritical on my part but I have witnessed first hand the destruction being done and will not drive there again.</b></p>
<p><b><i>Why can't you just ban 4x4's and motorbikes from the route?</i></b> <i>There is a mechanism called a Traffic Regulation Order (TRO) that allows all or some types of traffic, including</i></p>	<p>Correct, a TRO has to be backed by evidence. But as other National Parks have shown, <b>the relevant evidence here is the testimony of members of the public that their enjoyment of the landscape has been adversely affected</b>. There are many people on our petition who have described their experience of being shunted off the track by 4x4s and motorbikes and having their walk spoiled through loud</p>

<p><i>pedestrians, cyclists, horse riders and vehicle users, to be legally prevented from using a public route permanently, partly or occasionally. However there has to be grounds for doing so, backed by evidence and a public consultation. This is to allow everyone with an interest to present their arguments for and against any proposal.</i></p> <p><i>Applying TRO's is a last resort for us at this stage. We want to work with interested parties to find ways to manage the issues without resorting to legal action if we can.</i></p> <p><i>We are gathering evidence through surveys, photography and vehicle monitoring to inform decisions regarding future management of the route. The creation of a TRO remains one of the possible options for the future management of the route.</i></p>	<p>noise and pollution. Here is the reason the Peak District gave for its latest TRO (on Jacob's Ladder):</p> <p><b>The amenity of the area in this context, is considered to be a combination of the benefits derived from open air recreation, tranquillity, and the landscape. It is considered that if these are being affected by use of motorised vehicles, then the implementation of the proposed order would preserve and work towards improving the amenity of the route.</b></p> <p>It is telling that the LDNPA completely fails to address the <b>conservation of natural beauty and tranquillity</b>.</p> <p>A last resort? People have been asking for a TRO since 2006 (Langdale Valley News). The 'interested parties' exclude any non-motorised users, local residents and farmers.</p>
<p><b>Are you currently exploring the option of a Traffic Regulation Order (TRO)?</b> <i>Any decision to remove, or not, a user groups rights through a TRO must be evidence based. We're working closely with Cumbria County Council, National Trust, parish councils and various user groups to identify the current repair work</i></p>	<p>Encouraging responsible behaviour: this is the story of the last 18 years. In 2000 the LDNPA and Cumbria County Council introduced the Hierarchy of Trail Routes, a voluntary restraint scheme for 4x4s and motorbikes. This has led to an over five-fold increase in vehicle numbers (163 4x4s and 87 motorbikes per month), greatly diminishing the beauty and tranquillity of this area.</p> <p>Here again, the focus is exclusively on the surface of the track. Beauty and tranquillity are ignored.</p>

<p><i>and encourage responsible behaviour to minimise environmental impact and respect other users. For example, before commencing the repair works on the route, we carried out monitoring of vehicular use and on-site face to face surveys with over 700 people from all user groups.</i></p>	
<p><i>We will continue with the monitoring of vehicle use and on site, face-to-face surveys now we have completed the repair works. We also plan to host drop-in sessions locally, to allow people to comment fully on the works and the future management of the track. We will post these drop-in dates on this webpage as soon as they are confirmed.</i></p>	
<p><b><i>Does this risk UNESCO World Heritage Site status?</i></b></p> <p><i>We do not believe the current use of these routes conflicts with the Lake District's UNESCO World Heritage Site status. In inscribing the Lake District as a World Heritage Site, UNESCO accepted our management approach to the national park, and recognised that our status as a national park already gives the highest level of protection to the landscape.</i></p>	<p>They would say that, wouldn't they.</p> <p>After driving one sheep farmer, who had bred Herdwick sheep for generations, off his farm and after several complaints by the other farmer on the route, the terrible effect 4x4s and motorbikes on the pastoral heritage in this area is pretty clear. This whole stretch of land, including the sheep farms, was acquired by Beatrix Potter and left to the National Trust. In many ways it is where the NT has its origins: to see this now as a destination for off-road vehicles is deeply disturbing. The conservation efforts of the pioneers in the Lake District have been reversed, not enhanced.</p> <p>One of the criteria UNESCO uses to assess World Heritage Sites is the way they appear to the visitor. Can the special qualities of the site be appreciated by visitors or are there activities and developments preventing this or making it difficult?</p>

<p><i>We are aware of the World Heritage Watch (an independent campaigning group with no official links to UNESCO) concerns and have submitted our response to UNESCO. Whilst we are awaiting the formal reply from UNESCO, we believe that it will confirm that the current use of the track does not put the World Heritage site status at risk.</i></p>	<p>Thousands of people have testified that 4x4s and motorbikes are spoiling their experience of this area.</p>
<p><b><i>Have you consulted with local residents and farmers?</i></b>  <i>This track has been deteriorating over a number of years, during which time both the National Park and the National Trust have been in regular liaison with the local residents and farmers to ensure they are involved in any work to help resolve the problem.</i></p>	<p>All the local residents and particularly the sheep farmers on the route are very clear: despite their protests and complaints <b>they have never been listened to, let alone consulted</b> by either the National Park Authority or the National Trust.</p>

***The information you have released in response to a Freedom of Information request shows an increase in vehicle numbers using the UCR. Isn't this the evidence you need to apply a Traffic Regulation Order (TRO) to the route?***

*The figures do show an increase in use. However an increase in use is not sufficient evidence in its own right to impose a TRO.*

*An increase in numbers may or may not be sustainable with regards to long term condition of the route. We will continue monitoring the use and condition of the road now that practical works have been completed, and that too will form part of the information along with surveys and representations that will inform future recommendations and decisions regarding the long term management of the road.*

There is abundant evidence that the more than five-fold increase in the number of recreational motor vehicles is ruining the beauty and tranquillity of the surrounding area and making life for the sheep farmers on the route very difficult. The farmer at High Tilberthwaite gave up his tenancy at the end of last year and a new tenant has now taken over the farm. Many non-motorised users have written about their dismay about the invasion of 4x4s and motorbikes on tracks that were until 2000 quiet fell tracks.

It is a diversionary tactic to pretend that the long-term condition of the route, i.e. its surface, is the main issue: the petition we started in 2017 makes it very clear that we are demanding a TRO to protect the beauty and tranquillity of the area, not just the surface of the tracks.

The reluctance of the LDNPA to address this crucial point is truly baffling, given their duty to protect and enhance the Lake District's special qualities.