

Lake District Green Lanes Alliance

To the Members of the Lake District National Park Authority

Dear Members

High Oxen Fell and High Tilberthwaite after the Judicial Review

The Green Lanes Environmental Action Movement has lost the Judicial Review against the National Park Authority. But the judgment is about process: it says nothing about whether the decision by the LDNPA not to consult on regulating 4x4s and motorbikes on the two green lanes near Little Langdale was right or wrong. The LDNPA has a proud history of conservation. Not taking action against off-road motor vehicles on these two green lanes goes against that tradition and the growing need to protect the landscape.

Throughout its existence the Lake District National Park has been led by people whose main concern was the responsible stewardship of one of the most beautiful places in Britain. Official National Park documents show a deep awareness of how this unique landscape must be protected for the whole nation.

There is no doubt what attracts people to the area. The official guide to the National Park from 1969 says it is the “grandeur of its incomparable countryside”, its “peace and tranquillity”, where visitors can exercise their muscles on its fells and lakes, and find solace for the mind.

Current LDNPA policy documents are remarkably similar, see for instance the Management Plan 2015-2020:

“To walk freely across the fells, or climb their crags, is liberating and gives a sense of discovery and achievement. There is a feeling of wildness, offering personal challenges for some and impressive open views for everyone. ... These characteristics provide important opportunities for spiritual refreshment: a release from the pressures of modern day life and a contrast to the noise and bustle experienced elsewhere.”

But there is also a determination to protect the Lake District, to make sure that everyone is able to enjoy its beauty and tranquillity. The aim, in the words of the local conservationist and co-founder of the National Trust, Hardwicke Rawnsley, is a Lake District “*undisfigured and ‘secure from rash assault’ for the health, rest and inspiration of the people*”.

A National Park for everybody – but not for everything

These qualities must be protected for everyone, conservation is “for the people”, not for a particular segment of society. But a Lake District for everybody does not mean a Lake District for everything. As the official guide to the National Park put it in 1969:

“There are many sports and activities, in themselves perfectly respectable and even estimable, which should be either prohibited or severely limited in the Lake District; one such is the motor cycle 'scramble' in the fell-dales; another is the use of fast motor boats on any but the very largest lakes. In every case the criterion must be that of good manners or 'good neighbourliness', does the activity interfere with the prime purpose of the National Park, which is the enjoyment of natural beauty?”

And the same guide, almost 20 years later, in 1987:

“Freedom is the essence of countryside recreation: but the individual's share has to be limited to the extent that he will not be a nuisance to others.”

In the past the National Park Authority has recognised this principle, for instance by restricting speed boats on Windermere (2000) and regulating the use of motor vehicles on Gatscarth Pass (2004). Given the increase in the number of recreational 4x4s and motorbikes over the last two decades, there are abundant grounds for also applying it to the green lanes at High Tilberthwaite and High Oxen Fell:

- UNESCO and its advisory body ICOMOS have urged the LDNPA to eliminate the use of off-road motor vehicles on these two routes.
- The National Trust has stated that **“MPV use is damaging and should be regulated by a Traffic Regulation Order (TRO) at Tilberthwaite and High Oxen Fell.”**
- The Ramblers said a TRO is necessary to protect the safety of walkers and the sense of peace and tranquillity of the landscape.
- For the farmers and other residents on the route the off-road traffic is disruptive and anti-social.
- According to the LDNPA's own survey 86% of non-motorised users believe that motor vehicles have an impact on the special qualities of the area. This finding was the same for both the High Tilberthwaite and the High Oxen Fell routes.
- 85% of non-motorised users said a TRO banning motor vehicles is their preferred option for the HighTilberthwaite route, 80% for the High Oxen Fell route.
- In their survey comments hundreds of people have told the LDNPA of the devastating impact recreational motor vehicles have on their enjoyment of the landscape. Even the expectation of meeting a 4x4 or a motorbike changes the experience for walkers, cyclists and horse-riders.

Disabled users of green lanes

It is sometimes argued that Traffic Regulation Orders excluding recreational motor vehicles from green lanes would disadvantage people with disabilities. This is not the case: as in the Peak District and the Yorkshire Dales, exceptions are made for motorised disability vehicles (e.g. “trampers”). For disabled people encountering 4x4s or motorbikes on these routes can pose real problems. In addition, the damage done to surfaces by 4x4s and motorbikes makes routes unusable or unsafe, not only for users of disability vehicles but also for walkers with restricted mobility.

In conclusion

For the vast majority of non-motorised users, for the National Trust and for UNESCO driving a car or riding a motorbike on the High Tilberthwaite and High Oxen Fell routes – purely for pleasure - is an activity that degrades and interferes with the special qualities of the National Park, above all its beauty and tranquillity. It disrupts the daily lives of residents and farmers and ruins the enjoyment of non-motorised users.

For these reasons we urge the LDNPA to reconsider its decision not to hold a statutory first stage (regulation 4) consultation on whether or not TROs should be introduced. This is in line with the precautionary principle in environmental protection, and wholly in the tradition of protecting the special character and qualities of the Lake District.

People who currently use 4x4s and motorbikes to enjoy green lanes will quickly find that their enjoyment is equalled, or, more likely, enhanced, when they leave their vehicles where the tarmac stops and proceed on foot, on a mountain bike, or on a horse.

The Lake District is for everyone, but not for every activity. It is especially not for activities that are noisy, intrusive and destructive.

Lake District Green Lanes Alliance Steering Group
August 2020