

# Protecting the beauty and tranquillity of our green lanes

## Lake District Green Lanes Alliance

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## Understanding the National Park Authority

One question keeps coming up when we talk to people, and we don't have an easy answer: why? Why would a public body, charged with the stewardship of the Lake District, show so much reluctance when asked to protect green lanes against recreational motor vehicles? Why does it seem to be siding with groups of off-road enthusiasts, rather than with conservationists as it did in the conflict about speedboats on Windermere?

We don't believe in conspiracy theories, so let's try and understand the LDNPA's position. There are some useful indicators:

In January this year the LDNPA issued a green lanes position statement that recognises the impact of 4x4s and motorbikes on green lanes:

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**“The ability to enjoy the area in tranquillity could be threatened by vehicle intrusion into its quietest parts. When vehicles are encountered or their physical impact is witnessed, the sense of peace and quiet is lost and enjoyment is temporarily diminished.”**

And the statement goes on to say:

**“Where there is unequivocal evidence that motorised vehicle use of a specific unsealed road poses harm to OUV [Outstanding Universal Value] of the WHS [World Heritage Site], or special qualities of the National Park, then we will seek the introduction of an appropriate TRO to address the defined threat in accordance with DEFRA guidance and the tests required under Highways Act legislation.”**

Everything here hinges on the word “unequivocal”. In its response to Defra’s consultation on protected landscapes the LDNPA confirms that this is indeed the main concern:

**“Our concern lies in the risk of challenge to what constitutes evidence of impact on amenity because of the subjective nature of the evidence.”**

The National Park Authority wants evidence on harm to amenity (i.e.



*On foot, on horseback or on a bicycle [you] will see more, feel more, enjoy more in one mile than the motorized tourists can in a hundred miles.*

**Edward Abbey**  
American writer and ecologist

enjoyment) and natural beauty that cannot be challenged. But the risk of challenge can never be avoided entirely. The question is: what can we learn from the evidence used successfully in other national parks? After all (and sorry to be banging on about this) 17 TROs (Traffic Regulation Orders) were made in

the Yorkshire Dales and the Peak District. Importantly, the reasons for all these TROs - **conserving natural beauty and preserving amenity** – withstood all challenges from motoring organisations.

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The LDNPA would not want to argue that the Lake District is less deserving in terms of the conservation of natural beauty, so how does its approach differ from that of other National Parks? Is it just caution? Or corporate inertia?

Everyone understands, of course, that the Authority has to be cautious. Less understandable is that this type of caution gives the benefit of the doubt to 4x4 and motorbike enthusiasts, not to natural beauty (including tranquillity), to walkers, equestrians and cyclists, to farmers and other residents. We believe the time has come to put nature and the quiet enjoyment of this landscape first and to apply the precautionary and preventative principles set down in the 2021 Environment Act. Let's listen to the scientists, to UNESCO and the views of local people.

### Current TROs in the Lake District – a conservation gap?

The LDNPA says on its [website](#), and we sometimes hear this as an argument: there are already four TROs on unsealed routes in the Lake District, so what are you complaining about?

But taking a closer look, it turns out that one of the four, High Nibthwaite to Parkamoor, is no longer in operation, so we're left with only three:

#### 1 [Little Langdale to Ford](#)

This was made by the Cumbria County Council (CCC) in 1980, not by the LDNPA.

#### 2 [Colton \(Rusland Pool\)](#)

A seasonal TRO between October and May, made in 2005, also by CCC.

#### 3 [Gatescarth Pass](#)

A permit system for recreational motor vehicles for one day per month. Made in 2004 by the LDNPA

So the National Park was only responsible for one TRO in 2004 – the permit system on Gatescarth Pass. There does seem to be a conservation gap:

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between the needs of the landscape, of residents and visitors, and the management of green lanes in the Lake District so far.

### An update on the Tilberthwaite Management Group

The LDNPA's Rights of Way Committee resolved to set up this stakeholder group when it decided in October 2019 not to consult on a TRO for the green lane between High Tilberthwaite and Fell Foot. The committee said the group was, amongst other activities, to develop a management plan for the route, and it was to reach decisions by consensus. The first meeting of the group took place in March 2021, the delay being due to the pandemic and to GLEAM's judicial review of the LDNPA's decision not to consult on a TRO. There have now been five meetings in all, with a sixth proposed to answer any questions raised by the LDNPA's Rights of Way Committee when it considers the management plan and the associated maintenance programme.



*This group has been costly for the LDNPA and for the members contributing to its work.*

The management plan defines what considerations the LDNPA, the highway authority and the National Trust (the landowner) should take into account in decisions on managing the route, and proposes a timeline of management actions. These proposed actions do not include the LDNPA consulting on a TRO, because the group did not agree on this; the motor vehicle group representatives argued that this was a decision for the LDNPA and challenged our (GLEAM's and LDGLA's) arguments about how the route met the considerations in the management plan and the criteria in Defra guidance.

This group has been costly for the LDNPA and for the members contributing to its work. For example, the LDNPA paid consultants to facilitate the group's work by chairing the first two meetings and acting as its secretariat for the first three. In its Position Statement on Unsealed Roads (<https://www.lakedistrict.gov.uk/visiting/things-to-do/unsealed-roads#position>) the LDNPA plans to use stakeholder management groups, if there is sustained tension or conflict between users of these routes, and says that these groups would have a remit to reach consensus on how

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these routes should be managed to accommodate all users, and to suggest to the relevant managing bodies how their management might be maintained or improved. My experience of the Tilberthwaite group, after five meetings, is that such a remit is a way of deferring difficult decisions on management, not a way of reaching such decisions. The only positives which I have observed are the motorised user group representatives' acceptance that the vehicle logger is accurate, and the development of the considerations to be taken into account in management decisions, including government guidance on the effects of recreational motor vehicle use on natural beauty and amenity.

Diana Mallinson, GLEAM

## If stones could weep – a geologist's view of the Lake District

The geologist **Ian Francis** grew up near Loweswater in the northwestern Lake District, where he first became fascinated by the region's rocks, minerals and fossils. After completing his geology degree and PhD at Oxford University, he worked as a Higher Scientific Officer for the Joint Nature Conservation Committee, then as a geologist in the Australian Outback. He was until recently in charge of earth science publishing at Wiley-Blackwell, Oxford. He and his wife live in Maryport on Cumbria's beautiful Solway coast.



*How has your knowledge of geology changed your relationship with the Lakes?*

Understanding a little about how earth surface processes operate at different time-scales, makes one acutely aware of the fragility of the landscape.

*Often we associate geology with hard rocks. Do they need looking after?*

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Geology has always played a central role in landscape conservation. The original 1930s reports which argued for the creation of UK National Parks made explicit reference to geology, as does the current UNESCO inscription of the Lake District as a World Heritage Site. Rocks are hard,



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yes, but sites of geological importance are easily destroyed by building, landfill, or by erosion. The wonderful variety of landscapes in the Lakes is a product of many factors, but a key one is the varied and complex geology of the region which affects soil types, topography and so on. Geology also affects how humans interact with the landscape in the form of quarrying and mining, and in the building stone used in a particular area. I am a member of an organisation called Cumbria

GeoConservation (affiliated with the Cumbria Wildlife Trust) which works to record and preserve sites of geological importance, and to educate the public about the importance of geology in conservation.

*Does geology tell you anything about the fragility of the landscape?*

Most people instinctively feel that the landscape of the Lake District, mountainous and rugged as it is, must somehow be resistant to physical degradation and change. In fact the opposite is true – at least on the scale of surface features like soil, peat and vegetation. The deep, steep-sided valleys carved by the glaciers in the last Ice Age, combined with high rainfall, thin soils, and a lack of tree



cover make our landscape particularly prone to destructive erosion. This problem is exacerbated by footpath and track degradation, particularly on steep slopes.

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*You also write about human activity in the Lake District. Could one not say that this is in constant flux and that therefore driving on fell and forest tracks is just a natural development?*

It's certainly true that the health of Lake District soils and ecosystems has been on a trajectory of decline over the last 6000 years, ever since Neolithic farmers started clearing the temperate rainforest that originally covered the fells. However the worry is that these processes (soil loss, peat degradation, impoverishment of ecosystems) are now accelerating at a pace never seen before, despite the best efforts of organisations devoted to promote wildlife and conserve the landscape.

Another aspect worth mentioning is the importance of peat as a carbon store. Currently, despite national targets, peatlands in the Lake District are being eroded away faster than they are growing, and as a result they are a net source of CO<sub>2</sub>. We need to reverse this urgently and reducing upland erosion by vehicles should be an important element in this effort.

*How would you summarise your attitude towards 4x4s and motorbikes on Lake District fell tracks, both as a scientist and as someone who cares about the Lakes?*

Inappropriate motorisation of the fells is becoming an increasing problem. Not just because vehicles intrude into the peaceful enjoyment of the countryside (though they certainly do do that!) but also because they damage the delicate fabric of the uplands. Soil takes many, many centuries



to form so – for all practical purposes – once lost it is gone forever, and with it the potential for improving the health of our ecosystems.

Finally, by absorbing rainwater, topsoil and peat play a key role in slowing down run-off from the fells. Erosion of this protective layer by wheeled vehicles, whether it is on the open fell, or on trackways and footpaths, therefore contributes to flooding lower down in the catchment. Extreme rainfall events are likely to become more common in the coming decades, as the effects of global heating kick in. The LDNPA's policies must

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reflect this urgent reality, and restriction of motorised vehicles on common land and rights-of-way is one obvious way to do this.

**Lake District: Landscape and Geology** by [Ian Francis](#) [Stuart Holmes](#) [Bruce Yardley](#) is published by Crowood Press

### The supposed economic benefits of green lane motoring

The organisations that represent 4x4 and motorbike users who motor along green lanes are devising tactics that are designed to improve their public image. This shows that organisations, such as GLEAM and LDGLA, that are mobilising and expressing the public's opposition to 'green-laning', as it is known, are having an effect. Green-laners are rattled. One of their tactics is to assert that their pastime benefits the economy. The alleged benefits range from the revenue that flows to the exchequer from the taxes paid on the purchases of 4x4s and trailbikes and on the fuel they use, to the income earned by proprietors of cafes and filling stations patronized by green-laners. The contention that underlies this tactic is that if green-laning were to be prohibited, nearly 700 million pounds would be lost to the economy.

GLASS, the organization that represents 4x4 green lane drivers, and which has close relations with the motorcyclists' organization, the TRF, has produced a document that seeks to show that green lane motoring puts this enormous sum into the economy. Measuring the economic benefits of any activity is notoriously difficult, but GLASS has had a go. Necessarily, they make numbers of untestable assumptions, but, for what they are worth, here are their conclusions.



*What appalling behaviour! I would like to see the Lake District re-wilded.*

**Sir Mark Rylance, actor, director and playwright**

There are, they say, approximately 49,000 green-laners, including both 4x4 and trailbike users. Green-laners, it is claimed, spend an average of £5,500 each per year on

their hobby. This figure covers fuel, maintenance, equipment, vehicle modifications, technology/maps, membership fees, and tourism expenditure – eg food, hotels, campsites. However, the £5,500 does not

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cover the costs of the vehicles themselves. The most commonly-used 4x4s, GLASS says, cost £35,000 new and £10,000 second hand, and are replaced every 5 years on average.

Two difficulties arise. First, how do we calculate the proportion of the £5,500, and the costs of the vehicles used, that finds its way to the Exchequer? This is important, for green-laning is not an activity that is cost-free for society at large. Large sums are required, from the public purse, to repair the damage inflicted on green lanes by green-laners, and to pay the legal costs incurred in making orders (TROs) to restrict their activities. Secondly, how much of the money laid out by green-laners is actually spent on green lane motoring?

Typically, green-laners motor from their homes, often long distances, to reach the green lanes that will be the destination and purpose of their trips. In this respect, they are, like millions of vehicle users, paying their taxes and fuel duties in order to motor on the ordinary tarmac roads. The distance green-laners travel on green lanes, as a proportion of the distances they travel on ordinary roads is small. And if green-laning were to be prohibited, GLASS and TRF members will continue to own, tax, insure, and maintain motor vehicles: maybe not the modified, or specialist 4x4s and trailbikes that they currently use, but motor vehicles all the same. The Chancellor of the Exchequer will not be able to tell the difference between a green-laner with a 4x4 and his neighbour who also drives a 4x4 but doesn't go green-laning.

The most colourful, eye-catching statistic conjured by GLASS is the sum of £116,625 supposedly spent by green-laners for every mile of the green lane network available to them. But it is entirely unclear what is the precise relationship between the miles of green lanes and this impressive-sounding sum – nearly £700 million in total. Maybe it's no more than a rhetorical flourish. In any case, what it notably doesn't do is supply any estimates of the costs of green-laning borne by local and national park authorities. These authorities are funded, (inadequately), by the Treasury and from local taxation, and the funds have to pay for repairs to green lanes that have been damaged by green-laners, for the preparation of the traffic regulation orders (TROs) necessitated by both the damage inflicted by green-laners, and the loss of amenity to farmers and non-motorised green lane users,

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and for the litigation that invariably follows any attempt to curb the activities of green-laners. Figures produced by Cumbria County Council and Hampshire County Council, for example, show that they spent around £45,000 per mile on repairs to particular green lanes in their areas that had been ruined by green laners.

Additionally, the legal costs of TROs, and the time spent by authority officers in gathering and analysing the information from public consultations, and paying the costs of defending High Court challenges mounted by green-laners, are considerable. A hard-pressed local or national park authority has no way of tapping into the mystery 700 million pound fund supposedly distributed among various Treasury funds. Furthermore, if local businesses significantly benefit from the custom brought by green-laners, it is surprising that the parish councils that represent local businesses are in the forefront of the organisations that call for traffic regulation orders on their local green lanes.

Just as important, or maybe more important, GLASS says nothing about the damage to the peace and tranquillity of green lanes that their activities inflict. Impacts on the environment and on the amenity of non-motorised users of green lanes are difficult to measure in cash terms, but they are the impacts that the public cares about. Whether Government or local authorities will be impressed by GLASS's document is anybody's guess, but we doubt if the calculations it contains would survive scrutiny by Treasury officials. But from GLEAM's and LDGLA's point of view, what the document suggests is that green-laners are on the back foot. So when a convoy of 4x4s on a green lane is encountered by a farmer, or a party of people seeking quiet recreation, it is doubtful that they will be mollified by a driver who winds down his window and tells them how much he has spent at a local teashop, or how much he has spent on his vehicle, and how much he spent on the diesel fuel that, as he speaks, is being turned into smelly, polluting exhaust fumes.

Judge for yourself. You can find GLASS's document at <https://glass-uk.org/menu-resources/publications/glass-publications/the-economic-value-of-recreational-motoring-on-unsealed-roads/viewdocument/251.html>

Mike Bartholomew, GLEAM