

A disingenuous briefing note: the contortions of a National Park that has not made a single permanent Traffic Regulation Order since 2004

In its most recent background briefing note the National Park makes a number of incorrect statements:

1 Half of LDNPA's figures for the weekly numbers of motor vehicles on the two routes were wrong in the first version of the briefing note which they published on their website in January (see the table on page 4 of the briefing note). They were significantly less (26% to 41%) than the correct figures. LDNPA have now corrected their briefing note in response to us pointing out the incorrect figures, but it is worrying that they did not check their analysis before publishing it. We were able to query the figures only because the raw data had been released to us by LDNPA in November following an appeal to the Information Commissioner's Office.

2 “Apart from the farm access issues, we were not receiving any complaints from walkers, cyclists or horse-riders as to the usability of the [High Tilberthwaite] route.” (page 5)

The usability was primarily an issue for the farmer and horse-riders, not for other users. But there have been numerous complaints since 2000 about the impact of off-road motor vehicles on the beauty and tranquillity of the area.

3 The briefing note describes in detail, with almost 30 photographs, the effect of the repair works and states incorrectly that “the initial request and much of the campaign website, focussed on (among other things) the damage to the surfaces of the routes.” (page 12)

But from the start our aim has been clear: to restore the beauty and amenity (i.e. the opportunity for quiet enjoyment) of the area. Our petition letter calls for a TRO on two of the grounds stated in the Road Traffic Regulation Act 1984:

- **to preserve or improve the amenities of the area through which the road runs**
- **to conserve or enhance the natural beauty of the area, or to afford better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area**

Pretending that repairing the surface solves the problem makes it much easier for the LDNPA to obstruct calls for a TRO.

4 The LDNPA incredibly equates the impact of walkers with that of recreational motor vehicles. On page 13 it says “Another [solution] could be to prohibit the sorts of traffic that may contribute to the damage, **such as walkers**, mountain bikes, motorbikes, or 4x4 vehicles.” Conflict, it says could possibly be avoided by **prohibiting walkers**, mountain bikes, motorbikes, horses or 4x4 vehicles. The National Park's vision for the Lake District: a landscape without walkers but full of 4x4s and motorbikes.

5 The briefing note quotes the DEFRA guidance on TROs, but omits this crucial passage from the DEFRA document:

“Partly because of their often challenging terrain, some National Parks have seemed to attract considerable numbers of recreational vehicle users. The Government

considers that in many cases **a level of recreational vehicular use that may be acceptable in other areas will be inappropriate within National Parks and incompatible with their purposes**. For these reasons, it is clear that National Park Authorities may wish to make TROs where it was not previously a priority for the local highway authority to do so (although local highway authorities should have regard to National Park purposes in exercising their functions insofar as they affect land in a National Park)."

6 In its description of the evidence needed for a TRO the briefing note gives far too much weight to damage attributable to motor vehicles. TROs in the Peak District and Yorkshire Dales have focused on the effect of recreational motor vehicles on the beauty and amenity of the area. **The Lake District National Park Authority should also concentrate on evidence about beauty and amenity**, and about other grounds for a TRO such as the impact on the character of the road.