

Case Name: *Stubbs (on behalf of Green Lanes Environmental Action Movement) v Lake District National Park Authority & Ors* [2020] EWHC 2293 (Admin) (21 August 2020)

Full case: [Click Here](#)

Commentary:

The claimant, acting on behalf of a group campaigning to protect green lanes and rights of walkers, challenged by way of judicial review the defendant national park authority's decision not to impose a traffic regulation order (TRO) for two unsealed roads in the Lake District National Park.

The first ground of challenge related to the "Sandford Principle", which is contained in section 11A(2) of the National Parks and Access to the Countryside Act 1949, paraphrased by UK National Parks as "If there is a conflict between protecting the environment and people enjoying the environment, that can't be resolved by management, then protecting the environment is more important." The claimant contended that the defendant had determined not to make a TRO on the assumption that there must be an "irreconcilable" conflict between the two purposes before the Sanford Principle was engaged rather than just a conflict.

The judge dismissed the first ground of challenge. He held that it was clear from the language of the statute that section 11A(2) is engaged where a park authority comes to the judgement that there is a conflict between the two purposes which cannot be resolved; it is a means of breaking a deadlock which is not amenable to management or stewardship solutions. The approach adopted by the park authority was therefore found to be an accurate interpretation of the statute.

The second and third grounds of challenge relates to TRO procedure. Both were unsuccessful.

Case summary prepared by Ricardo Gama