

Windermere: the Debate Goes On ***Response to the 'Windermere and water-skiing' article by*** ***Mark Ellison in 'Countryside Recreation' (Vol. 8 No 2)***

Ruth Chambers, Council for National Parks

This short article has been written in response to the inaccurate and misleading article on Windermere and water-skiing that was published in the summer 2000 issue of 'Countryside Recreation'.

Some points in that article were unfortunately not based on factual policy and legislative analysis. For instance, the paragraph on page 22 on why the term 'quiet enjoyment' was not included in the Environment Act 1995, is just plain wrong. The author claims that the term 'quiet enjoyment' was not included in the final wording of the Act because "quietness is a personal, subjective and variable perception incapable of legal definition". Not true. The fact is (and the Hansard record of Parliamentary debate supports this¹) that one of the reasons the Government did not include reference to the term 'quiet enjoyment' was because it already had a legal definition in the Landlord and Tenant Act.

The author also appears to fall into the very trap that he is attempting to criticise - only seeing one side of the picture. Recreational activities in National Parks are generally managed and balanced to the benefit of all. It is only when an acute and serious conflict arises with conservation or with other recreational uses that a serious measure such as a ban is contemplated. The author does not seem to appreciate that water skiing is disliked by many because of the harm skiers do to other legitimate users of the lake. The evidence to support this point is unequivocal and was referred to by many parties during the public inquiry.

The article unfortunately therefore paints a lop-sided picture of a decision which will ensure that Windermere will, in future, be enjoyed by the

majority of people in ways which do not conflict with the very reasons why we have National Parks. The Minister's decision letter clearly explains that the Government does not accept that particular activities should be excluded from throughout the Parks as a matter of principle. The Government considers that the Parks contain a variety of landscapes, capable of accepting and absorbing many different types of leisure activity and that in most instances, it should be possible to reconcile any conflict which may arise by co-operation between relevant interests and the National Park Authorities, and through careful planning and positive management strategies. This should reassure the author, who appears concerned that the Windermere decision will mean the restricting of activities such as mountain biking and horse riding. This would only happen in the cases of irreconcilable conflict, either with conservation or with other recreational users.

The Inspector's overriding conclusion (I.R 9.62) was that there was a fundamental problem of incompatibility, in the confined area of the lake, between water-skiing and high speed power boating and other legitimate and lower key forms of water-based recreation. He concluded that the problem was worse in crowded conditions but there was an inherent conflict at all times when the two categories of use were occurring.

The Minister agreed with the Inspector that the Alternative Management Plan put to the public inquiry did not address the central problem, which was the inherent incompatibility in a confined area between, on the one hand, speedboating (including water-skiing) and almost all the other reasonable recreational uses of the lake.

The Minister also concluded that the conflict of uses on Windermere is not one which is likely to be reconciled by co-operation and through careful planning and management strategies. Paragraph 14 of DOE Circular 12/96 recognises that such an approach will only work in most, not all, instances. Windermere was not one of those instances.

Reference

¹ Environment Bill - Second Reading 15/12/1994 Column 1375 - 1468

Ruth Chambers is the Deputy Director for the Council for National Parks and can be reached at Council for National Parks, 246 Lavender Hill, London, SW11 1LJ.

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Response to the Response from the Council for National Parks

Mark Ellison, Loughborough University

I write this letter with some regret. I find it disappointing that a respected organisation such as the Council for National Parks (CNP) feels that it has to get involved in an exchange of letters and does not have the maturity to accept a counter view put forward by an individual. I am a member of CNP, via Friends of National Parks, and I am very supportive of the vast majority of work it does. However, the fact that the organisation feels that it has to make an effort to publicly discredit a piece of work conducted by one of its own members in a private capacity is worrying. Is the organisation not able to appreciate that people have differing views?

I find the first sentence of CNP's letter extremely overstated. It claims the article was "inaccurate" and "misleading" (anymore misleading than the Windermere article in the Spring 2000 edition?). However, CNP can only then cite one fact that was not, in its opinion, based on, "...factual policy and legislative analysis". Surely, for clarity, CNP should cite all the factual inaccuracies. As now the reader is not aware of what CNP feels is inaccurate and misleading and what isn't. Maybe this is what CNP is trying to achieve, discredit the entire article? As for the one inaccuracy it does cite, whilst accepting, and previously being aware of the Hansard record, I wonder why CNP misleads its own members by making a similar statement as my article, "Quiet enjoyment" was later removed...because the Government was not able to agree on a definition for the phrase" [Viewpoint, Issue 17 Autumn 1995 p.2]. As for the article being misleading, a large part of it is stating the policies regarding motorised water sports in all of the National Parks, as reported to me in face-to-face interviews with the relevant officer of each National Park. How can CNP suggest that this makes the article misleading?

As for the claim that the author does not seem to, "...appreciate that water skiing is disliked by many because of the harm skiers do to other legitimate users of the lake", it could be claimed that CNP does not seem to appreciate the notion of choice. The so-called many have got a choice. If they feel that there are not enjoying a particular location for whatever reason, in the Lake District National Park, they can choose to find an alternative site within what is the largest National Park in the country, containing 16 large lakes and numerous smaller tarns. Whereas the water-skier has no choice, and in less than five years time will have no site in the Lake District National Park. One wonders whether CNP appreciates that water skiers on Windermere also enjoy the natural beauty of the Lake District and respect its designation as much as any other recreational user, especially when it advocates statements such as, "...we should not tolerate the conflict caused by the minority of aggressive, disruptive and inappropriate users..." (My emphasis) [Viewpoint, Issue 25 Spring 1999 p.4]. Is CNP describing all water-skiers or just the irresponsible few? If it is the latter I would like to say that every recreational activity has an irresponsible few, even - dare I suggest - walking, and these few do not justify the activity being banned. Here CNP appears to agree with me, "...it would be unfair to impose a blanket ban on mountain bikes simply because some users are irresponsible" [Viewpoint, Issue 15 Spring 1995 p.11].

CNP then goes on to state that the article, "...paints a lop-sided picture of a decision which will ensure that Windermere will, in future, be enjoyed by the majority of people in ways which do not conflict with the very reasons why we have National Parks". This statement amounts to the pot calling the kettle black. It can be argued that CNP's response is just as

lop-sided. From reading CNP's response the uninformed would believe that CNP campaigned for a 10mph speed limit on Windermere purely on the grounds of the incompatibility of different lake users and that it has an open-minded approach to management. Whereas CNP stated in Viewpoint, Issue 7 Autumn 1991 p.7 that, "The Council for National Parks policy is clear: motor-powered water-based recreational activities are inappropriate in National Parks and should not be allowed. CNP supports the Lake District Board in its desire to see a speed limit on Windermere - but a total ban on motorised sports would be better" [My emphasis]. This implies that CNP are anti any form of motorised activity, not just those that require speeds above 10mph, a very balanced approach!

A quick factual policy analysis of CNP's own views, as presented in its magazine 'Viewpoint', concerning recreation and specifically Windermere over the last 10 years makes interesting reading. It makes it clear that CNP's major concern was/is noise and not the incompatibility of users. The latter only gets the briefest of mentions. I have emphasised the references in the following quotes:

Issue 3 Spring 1990 p.5, "National Parks must be examples of how best to manage the environment on a local and regional level...appropriate forms of recreation, which respect the Parks and do not spoil them for the quiet enjoyment of others, need to be encouraged".

Issue 9 Summer 1992 p.4, "Those who participate in fast power boating and water skiing not only cause a hazard for other lake users, but also disturb the enjoyment for the thousands of people who come to Windermere for peace and quiet".

Issue 14 Summer 1994 p.4, "CNP argued at the inquiry that recreation on Windermere should be based on quiet enjoyment and understanding of the natural beauty of the Lake District...". No mention of incompatibility of users!

Issue 15 Spring 1995 p.2, "National Parks were always intended to be tranquil havens for quiet enjoyment of the outdoors and its natural beauty. Increasingly they are coming under increasing pressure from noisy, motorised sports which harm the environment and spoil the enjoyment of the vast majority of people". Are CNP really implying that water-skiing on Windermere detracts from the experience of a visit to the Lake District National Park for the vast majority of the estimated 12 million annual visitors? If this is so surely these visitors would choose to a National Park where their enjoyment isn't spoiled.

Issue 15 Spring 1995 p.9, "...CNP produced a broadsheet Quiet Enjoyment in National Parks...We used power boating on Windermere as an example of the type of activity which is inappropriate in a National Park".

Issue 25 Spring 1999 p.4, "...emphasising the two National Park purposes of conservation and recreation - perhaps best summed up as "quiet enjoyment"".

Issue 25 Spring 1999 p.4, "The water bodies have much to offer...we should treasure them for their inherent character and their opportunities for quiet enjoyment".

CNP Annual Report 1999/2000 p.3, Chris Bonnington (the then CNP President), "...a 10mph speed limit on Windermere in the Lake District. This was a huge boost to the quiet enjoyment role of National Parks".

CNP Annual Report 1999/2000 p.7 "Windermere 10 mph bye-law announced at last - great news for quiet enjoyment of National Parks".

So why so little mention of the quiet enjoyment argument in CNP's response to the article? Maybe it is because after having seen the Inspector's Report and having seen the Environment Minister's decision letter it realised that any environmental

effects including wash and noise were deemed insignificant and could not be the basis for the speed limit. As CNP states in its response, "The Inspector's overriding conclusion...was that there was a fundamental problem of incompatibility..." between users. So when CNP was, "...celebrating the Government's announcement of an end to noisy and dangerous power boating on Windermere" [Viewpoint, Issue 28, Spring 2000] it had obviously realised that the policy it had held for the last 10 years concerning Windermere was not the policy that won. There was no conflict with National Park purposes, the reasons we have National Parks, as CNP continually claimed/claim. The decision came down to a matter of safety, and the decision would have been the same if the body of water in question had been in a popular disused quarry in the heart of industrial West Midlands.

CNP, as can be seen from above, are fervent supporters of the quiet enjoyment lobby which came to prominence in the 1991 Edwards Report - Recommendation 3.1 "The purpose of national parks should be defined in a new National Parks Act as:...ii. to promote the quiet understanding of the area, insofar as it is not in conflict with the primary purpose of conservation". As I have explained earlier it was found that there were no conflicts with the primary purpose of conservation in the case of water-skiing on Windermere. CNP appears to conveniently forget other recommendations that were made such as: 5.1.4 "In the formulation of their management plans, the national park authorities should draw on the experience and knowledge of the Sports Council, the regional councils for sport and recreation and other relevant organisations in sport and recreation", during the 1990s the Lake District National Park Authority had little if any contact with these organisation regarding Windermere; 5.1.6 "National park authorities should identify sporting sites of national or international importance and, subject to the needs of conservation, make suitable arrangements for their protection and access", are CNP claiming that a sporting site where it is claimed 20% of all

water-skiing in the country takes place is not of at least national importance?

CNP attempt to reassure me that as the, "Government considers that the Parks contain a variety of landscapes, capable of accepting and absorbing many different types of leisure activity and that in most instances, it should be possible to reconcile any conflict which may arise by co-operation between relevant interests and the National Park Authorities and through careful planning and positive management strategies", the restriction of other minority recreational activities would only occur in cases of irreconcilable conflict. However in Viewpoint, Issue 25 Spring 1999 p.4 CNP states, "The new Millennium will see increasing conflicts between recreational users of the countryside" [My emphasis], and the Environment Minister stated in his decision letter, "Balancing the interests of one group of users against the conflicting interests of a larger group of users...I have concluded that the interests of the latter should prevail". So, taking this into account why is CNP so confident that the future of other minority recreational activities is secure?

In closing I would like to say that no article is ever going to be totally unbiased, an author will always have a tendency to pick out those quotes that support his/her view. I could quite easily write an article with the knowledge I have that would show great support for the Windermere speed limit, just as I am sure that CNP could counter the policies and recommendations I have quoted here with other policies and recommendations. However, what I do find extremely sad for such a respected organisation is that it feels the need to attempt to discredit an individual's viewpoint purely as it is contrary to its own. Especially when it attempts to claim the article is factually incorrect, yet the organisation has itself (as explained previously) said similar things in the past. CNP needs to realise that there is a large difference between being factually incorrect and interpreting the facts differently.

*Mark Ellison works for an environmental organisation involved in the management of a National Park and can be contacted at 5 Hornbeam Grove, Leamington Spa, Warwickshire, CV31 1QX. Tel: 07971 958854
E-mail: markellison@talk21.com.*