

## ICOMOS Technical Review

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| <b>Property</b>            | <b>The English Lake District</b>                            |
| <b>State Party</b>         | <b>United Kingdom of Great Britain and Northern Ireland</b> |
| <b>Property ID</b>         | <b>422rev</b>   |
| <b>Date of inscription</b> | <b>2017</b>   |
| <b>Criteria</b>            | <b>(ii)(v)(vi)</b>  |
| <b>Issue</b>               | <b>4x4 off-road vehicles using green roads</b>              |

### ***Background***

The English Lake District was inscribed on the World Heritage List in 2017 as a self-contained cultural landscape of mountains, lake and valleys, shaped by long standing agro-pastoral traditions. The harmonious beauty of this landscape attracted visitors from the 18th century onwards, including writers and artists, and the resulting Romantic engagement generated new ideas about the relationship between humanity and its environment, which led directly to the development of a conservation movement that had both national and international influence.

At the time of inscription, the World Heritage Committee asked for a report from the State Party on a range of issues that overall would strengthen the management and protection of the landscape. These included:

- c) Informing about the timeframe of the integration of World Heritage consideration into the local plans and policies,*
- d) Developing proactive strategies, including alternative national farm-supporting policies, with the farming community, to address the issues that threaten the viability of the shepherding tradition that maintains many of the landscape's significant attributes; recognizing and financially compensating farmers for their heritage services in caring for the cultural landscape, as well as values such as genetic diversity of herds and food security,*
- e) Rebalancing programs and funding dedicated to improving natural resources with the need to conserve the valuable cultural landscape that the Lake District is by acting on its key attributes and factors.*

The State Party submitted a report on the state of conservation, addressing these issues, to the World Heritage Centre, which was transmitted to ICOMOS on 5 December 2018 and shall be addressed in a separate Technical Review.

Meanwhile, since inscription, ICOMOS has been made aware by press reports and reports of NGOs of potential and actual threats to the landscape from increasing numbers of 4x4 off-road tourist vehicles that operate on rough tracks or green roads. The State Party had been notified of third party complaints about the use of these vehicles by the World Heritage Centre, in accordance with Paragraph 174 of the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO, 2017), in letters dated 13 April 2018 and 13 September 2018.

A preliminary response from the State Party, in a letter dated 24 April 2018, informed the World Heritage Centre that the impact would be considered via a Heritage Impact Assessment (HIA) process.

The HIA, which has been undertaken in relation to one of the routes used, was submitted by the State Party to the World Heritage Centre, and was transferred to ICOMOS for review on 21 November 2018.

However, this issue was not identified in the State Party's report on the state of conservation, which stated there were no other current conservation issues which may have an impact on the property's Outstanding Universal Value (OUV).

### ***Off-road 4x4 vehicles***

In the past few years, there has been a rapid increase in the use of 4x4 off-road vehicles along green roads, run by commercial operators who offer tourists the opportunity to traverse the passes and gain views from the comfort of vehicles. More recently, these have been joined by individual motorists. The constant use of these green roads is leading to considerable surface erosion. **Of much more concern is the impact of the noise of these vehicles and the resulting disturbance they inflict on tenant farmers and overall on the quiet enjoyment of residents and visitors, as well as the ability of the landscape to reflect its aesthetic and historic qualities.**

### ***Heritage Impact Assessment***

An HIA has been submitted by the State Party. This has been prepared by the Lake District National Park authority. It only addresses the potential impact of 4x4 vehicles on one route running from High Tilberthwaite to Langdale.

In considering impact on OUV, a list of attributes is set out. However, what is missing are landscape patterns. How the landscape evolved and the overall spatial patterns of the valleys of which these green roads are a crucial part is overlooked. Instead, only the following are listed and these are not related to the landscape:

- Extraordinary beauty and harmony;
- The physical natural landscape;
- Farming traditions;
- 16/17<sup>th</sup> Century Farmhouses;
- Herdwick Flocks;
- Swaledale Flocks;
- Woodland industries;
- Mining and Quarrying;
- Writers and Poets;
- Key Literary associations with the landscape;
- Opportunities for quiet enjoyment and spiritual refreshment;
- Development of a model for protecting cultural landscape;
- Conservation movement;
- National Trust ownership (inalienable).

The HIA considers that the overall physical impacts are 'negligible' and that the tracks can be repaired. Of the other attributes listed, the beauty and harmony, and the opportunities for quiet enjoyment and spiritual refreshment are highly relevant. The HIA considers that the potential magnitude of impact is major. Nevertheless, it is argued that "these routes have been used by vehicles for a considerable period of time both as access to mining and quarrying and farming and for recreational use. There is therefore a

legal right to use these routes. This right is identified on maps of the area and users of these routes should be aware of the other potential users of the routes”.

It is quite understood that the tracks have been used for recreational use by walkers since the 19<sup>th</sup> century, but such use has not involved 4x4 vehicles until very recently.

The HIA also states that “this type of motorised access amounts to less than 4% (by length) of the total public rights of way (approx. 3200km) within World Heritage Site. The two routes at the centre of the concerns have a total length of about 3.1km”.

Based on this argument of slight percentage is the statement that “The use of these unsurfaced roads is of such a small area and disturbance is localised and temporary and capable of remediation that it would not impact on the OUV of the English Lake District including the conditions of authenticity and integrity. The overall significance of impact on the OUV of the World Heritage Site is considered to be slight based upon current use”.

### ***Analysis***

#### ***Numbers of vehicles***

Full details of these numbers were not included in the HIA. It merely mentions “current” numbers that are considered acceptable.

In order to assess the potential impact of 4x4 vehicles, it is necessary to understand numbers and how those numbers have been increasing.

In 2001, the Lake District National Park Authority introduced a scheme of voluntary restraint for 4x4s using these green roads. This so-called Hierarchy of Trail Routes (HOTR), which ICOMOS understands was introduced without consultation with farmers or walkers, proposed a maximum number of four 4x4 vehicles and eight motorcycles travelling in one group, but no overall maximum number for any one route over time.

Since this mechanism was put in place, companies have been set up to provide 4x4 vehicle excursions for tourists along the green roads. The following show the rapid increase in registered numbers (released by the LDNPA but with no data between 2008 and 2017) since 2002 on the High Tilberthwaite – Langdale route:

Between 2002 and 2004: an average of 30 4x4 vehicles a month  
First seven months of 2008: 90 4x4 vehicles a month  
2017: 163 4x4 vehicles a month

As well as these registered figures, the following are provided by the two farmers along the route:

2017: 300 to 400 4x4 vehicles a month.

The introduction of the HOTR was in effect a public announcement that these green roads were legitimate routes for motor vehicles. This information has spread across social media, and it is now not only locally-based companies that use the routes, but also private motorists with 4x4 vehicles. Thus, although the registered numbers for 2017 were 163, 300 to 400 users were counted by farmers on the ground. Together, these users have brought about a ten-fold increase in the use of the High Tilberthwaite to Langdale route between 2002 and 2017.

### *Landscape impacts*

In terms of the landscape, very few of the physical attributes are set out in the HIA, only farmhouses, mining and quarrying (which incidentally are not part of OUV), and woodlands. What should be included are the complex spatial patterns of each valley, including the delineation of fields in the valleys and on the low fells, and how the green roads and tracks relate to these. ICOMOS considers that a wider assessment of the form, function, significance and use of these tracks should have been considered to show how the tracks are a key part of the overall farming landscape and cannot be separated from it, the intactness of the landscape and the contribution that its cultural features make to its aesthetic qualities.

### *Impact on quiet enjoyment and spiritual refreshment*

In terms of impact on quiet enjoyment and spiritual refreshment, although it is acknowledged in the HIA that 4x4s have the potential to have an adverse impact, the HIA also suggests that the current level of noisy vehicles do not impact on quiet enjoyment as they only affect a few tracks.

Firstly, ICOMOS advises that it is the precise location of the tracks that need to be considered. These are at the heart of an intact small-scale landscape that links two central valleys.

Secondly, ICOMOS does not support the idea that an adverse activity can be acceptable if it only impacts on one part of the property. In 1994, a speed limit was introduced on Lake Windermere (which was reinforced by by-laws in 2005) in order to stop power boats so as to restore the tranquillity of the lake (at that time, Windermere was the only lake where speed boats were allowed). That decision was taken after years of debate and consultation, and quite clearly reflected the acknowledged relationship between tranquillity and the landscape, and the idea that even power boats on one lake were not acceptable.

The 4x4 vehicles are used on several other green roads around the property apart from the ones that have been considered by the HIA. In all, the green roads used by 4x4 vehicles are greater in length than the Lake Windermere, where noise was considered to be unacceptable.

### *Impact on associations*

In order to understand the potential threats of off-road 4x4 vehicles, it is necessary to understand the geography of the Lake District valleys and historical campaigns to stop development.

The Lake District is laid out like the spokes of a wheel around the central high fells. Roads for traffic mainly extend up the valleys and around the edge of the area. The valleys are linked by footpaths and by green roads used by farmers, with only a few minor roads traversing the passes between the valleys. Proposals for roads between valleys were fiercely and successfully resisted by early proponents of the conservation movement in the same way as the proposed extension of the railway, hotels, reservoirs and other developments.

It is thus important to note that it is no accident or lack of demand that has led to the preservation of green lanes across the passes. These are ancient routes used by farmers, and in some areas miners as well, which have been preserved as a crucial part of the spatial organisation of the overall cultural landscape.

The area that is being considered by the HIA was a key focus of the conservation movement when the Monk Coniston estate was bought by Beatrix Potter and saved from afforestation. Subsequently, the farms on that estate have become the property of the National Trust and form a significant part of its overall holding in the very centre of the Lake District.

Although the HIA mentioned briefly the conservation movement, it states that “the impact is negligible in terms of Beatrix Potter’s legacy”. ICOMOS would not agree that the Tilberthwaite valley is an insignificant part of the conservation legacy.

#### *Impact on farming activities*

In terms of impact on farming activities, the idea put forward in the HIA that the incoming tenant farmer at Tilberthwaite is welcoming the idea of collaboration with 4x4 tour operators is of great concern, as this would appear to be condoning and encouraging the continued use of 4x4 vehicles on tracks, and moreover encouraging farmers to diversify to such activities. The charges made by companies offering these excursions are high and the business much more profitable than farming.

The Lake District was inscribed on the World Heritage List for the way that long-standing traditions of agro-pastoralism have created a landscape of great beauty and inspiration that has influenced ideas of landscape appreciation and led to the development of the conservation movement. At the bottom of the pyramid, as it were, is the farming community which underpins all the rest: without the contribution of these farming traditions, the other associations will not survive.

At the time of inscription, the World Heritage Committee clearly set this out and requested the State Party to report progress on:

- d) *Developing proactive strategies, including alternative national farm-supporting policies, with the farming community, to address the issues that threaten the viability of the shepherding tradition that maintains many of the landscape’s significant attributes; recognising and financially compensating farmers for their heritage services in caring for the cultural landscape, as well as values such as genetic diversity of herds and food security;*

Harnessing the lucrative business of 4x4 cars to allow some farmers to reduce their working hours will not contribute to maintain the landscape’s significant attributes.

ICOMOS considers that it is essential that the issue of 4x4 vehicles is addressed separately from support for farming.

#### *Impact on local communities*

This is not mentioned in the HIA. Local communities and local organisations such as the Friends of the Lake District have been vocal in expressing the negative impact of off-road 4x4 vehicles over many years, and their disquiet has culminated in a public petition,<sup>1</sup> which now has over 300,000 signatures from those supporting the idea of helping to “preserve the Lake District’s natural beauty and World Heritage status by protecting it from 4x4s and motorbikes”.

#### *Tools to address the issue*

Tools now exist to address this issue in the form of Traffic Regulation Orders (TRO). These have existed since 1984, but it was in 2006 that National Parks were empowered to make these orders over rights of way and other unsurfaced highways within national parks that carry vehicular rights. As set out in the national guidance, these orders are “to control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network”.

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<sup>1</sup> <https://www.change.org/p/to-the-ceo-of-the-lake-district-national-park-authority-protect-the-lake-district-s-world-heritage-status-by-banning-4x4s>

The context for such orders is where there is conflict between the two purposes of National Parks, that is conservation and recreation, and where it is required in such cases that National Parks must give greater weight to conservation.

The tests for introducing TROs include consideration of impacts on the following qualities which need to be demonstrated:

- Landscape quality (i.e. condition, that is the intactness of the landscape, the condition of its features, its state of repair, and the absence of incongruous elements);
- Scenic quality (i.e. appeal to the visual senses, for example due to important views, visual interest and variety, contrasting landscape patterns, and dramatic topography or scale);
- Intrusiveness (i.e. freedom from undue disturbance. Presence in the landscape of factors such as openness, and perceived naturalness);
- Cultural heritage features (i.e. archaeological, historical and architectural characteristics or features that may contribute to the perceived beauty of the landscape);
- Associations (i.e. connections with particular people, artists, writers, or events in history that may contribute to perceptions of beauty in a landscape or facilitate understanding and enjoyment).

The attributes of OUV for the Lake District coincide directly with these tests and thus there is an acknowledged and defined baseline of value for the qualities of the landscape that does not exist in other National Parks.

Such orders have been introduced effectively in the Yorkshire Dales National Park, where TROs have been introduced on 13 routes to control the use of 4x4 vehicles on green roads, so there appears to be no reason why such measures cannot be introduced in the Lake District.

### **Conclusions**

The HIA that has been submitted lacks detail on the scope of the 4x4 vehicle problem and also lacks an adequate analysis of the landscape qualities of the route and its context, and thus of the key attributes of OUV. Furthermore, it reduces the assessment of impact to a percentage basis in suggesting that the impact is negligible as only a small percentage of roads are effected. It also suggests that somehow the 4x4 vehicle business might be beneficial to an incoming tenant farmer to contribute to the viability of the farm.

As set out above, ICOMOS considers that the 4x4 vehicle issues must be separated from farm support. The use of 4x4 vehicles cannot be justified on the basis of being necessary for farming incomes.

The starting point has to be the attributes of OUV, how these are manifest in the landscape across which the 4x4 vehicles are travelling, and how these are adversely impacted. As set out in the property's nomination dossier, the impacted landscapes are remarkably intact in terms of reflecting their use and evolution over time through their landscape features and their current use, the way cultural aspects contribute to their aesthetic qualities, and their strong associations with the conservation movement.

All of these qualities are being adversely impacted and are precisely those that need to be demonstrated to justify the introduction of a TRO.

The idea that impact can be measured quantitatively in terms of the percentage of roads impacted is not realistic in relation to assessing impact on OUV.

ICOMOS advises that the State Party consider the banning of the use of 4x4 vehicles on green roads within the World Heritage property. It is understood that there is already a tool in place in the form of a TRO that is precisely tailored to this need.

It is therefore advised that the State Party:

1. Introduce Traffic Regulation Orders (TROs) on green roads in the property;
2. Avoid linking the sustainability of farms with income from 4x4 vehicle activities;
3. Set out a clearer and more detailed articulation of physical attributes of Outstanding Universal Value in future Heritage Impact Assessments and e based these on a more integrated landscape approach;
4. Strengthen the interaction between the recreational community and local communities of farmers, residents and NGOs.

ICOMOS remains at the disposal of the State Party for further clarification on the above or assistance as required.

ICOMOS, Charenton-le-Pont  
May 2019