

Dear Dr Rössler

We are writing to draw your attention to a breach of the terms on which the English Lake District was awarded World Heritage Status.

## **1. Summary**

1.1. In a central area of the Lake District between Coniston and Little Langdale recreational motor vehicles (mainly 4x4s and motorbikes) are being permitted to damage key attributes of Outstanding Universal Value listed by the Lake District National Park Authority (LDNPA) in its bid for World Heritage Status.

1.2. The vehicles are using two unsealed tracks, U5001 and U5004, one between High Oxenfell and Hodge Close (grid reference NY323019 - NY317018), the other between High Tilberthwaite and Bridge End (grid reference NY308014 - NY299031). The area is marked in yellow on the map of the inscribed property in Appendix 1; see also three more detailed maps.

1.3. The tracks were not made for and rarely, if at all, used by motor vehicles before 2001. This status is shown clearly on maps as late as the Ordnance Survey map 1994. However, with the introduction of a new management scheme in 2001, the LDNPA arbitrarily promoted these routes to off-road drivers, although a definitive right of way had not been established. This has led to a massive influx of recreational 4x4s and motorcycles.

1.4. In 2006 all National Park Authorities received powers to impose Traffic Regulation Orders (TROs) to protect areas of natural beauty. Despite repeated protests and appeals from farmers, other residents and visitors, and despite a petition with over 4.200 signatures, the LDNPA has made no effort to protect this immensely precious asset.

### **1.5. Through its policy and current management practice in the area the LDNPA**

- **contributes to the destruction of the Lake District's unique agro-pastoral landscape (criterion ii)**
- **negates and reverses the conservation efforts of the past century (criterion v)**
- **breaks the links of this landscape to its cultural, historical and literary heritage (criterion vi)**
- **removes the opportunity for quiet enjoyment in a distinctive pastoral landscape of harmonious beauty**
- **fails in its statutory duty under the Environment Act 1995 to conserve and enhance the natural beauty of the area**

- **fails in its statutory duty to observe the ‘Sandford Principle’, which obliges National Park Authorities to give greater weight to conservation if there is an irreconcilable conflict between conservation and any recreational interest (see <http://www.nationalparks.gov.uk/students/whatisanationalpark/aimsandpurposesofnationalparks/sandfordprinciple> )**

## 2. Description of the area

- 2.1. This is one of the most picturesque and tranquil areas of the Lake District, embodying, like few others, the idea of harmonious landscape beauty and the validity of emotional response by people to their landscape (Criterion ii). It was given to the National Trust by Beatrix Potter, one of the foremost writers associated with the Lake District (Criterion vi), with the aim of preserving it for future generations. In 1930, the Chairman of the National Trust, John Bailey, wrote that of all the stretches of land none was worth saving more than “this glorious stretch of mountain, moor and tarn.” This land, more recently described by the celebrated Lake District walker and writer, A. Wainwright, as one of the “loveliest square miles in the whole of Lakeland”, thus became emblematic for conservation efforts in the Lake District and beyond. (Criterion v)
- 2.2. The area is characterised by numerous traditional sheep farms, an important factor in the decision to adopt the agro-pastoral landscape of the Lake District as a World Heritage Site. Beatrix Potter was a pioneering farmer in the Lake District and cared passionately about her farm at High Tilberthwaite, situated on one of the routes now used and severely damaged by recreational motor vehicles.
- 2.3. The Tilberthwaite Fells are the main grazing ground for the sheep at High Tilberthwaite farm. The track from High Tilberthwaite to the fells is a crucial access route for the farmer when he needs to take up feed to his stock. At both High Tilberthwaite and High Oxenfell, much farming activity takes place in the yard, through which the routes run.
- 2.4. All key attributes of Outstanding Universal Value (Table 1 on p.30 of the bid document) apply emphatically to the area under threat:
- Extraordinary beauty and harmony
  - Fusion between a natural landscape and communal farming system
  - Landscape that reflects long history of settlement, agriculture and industry, such as ring garth enclosures (walled-in farm land) and intakes (higher fields by open fell)
  - An evolved pastoral system
  - Hefted grazing (i.e. a system where sheep, rather than being the property of the farmer, remain linked to a farm regardless of its ownership)
  - Vernacular buildings of a simple functional character
  - Distinctive pastoral landscape of harmonious beauty
  - It has inspired influential changes in the relationship between humans and landscape

- A vulnerability to industrial and other threats gave rise to the idea that valued landscapes should be nurtured and protected
- It led directly to creation of the National Trust

2.5. The two tracks in question were rarely, if at all, used by recreational motor vehicles before 2001. They are shown on maps from 1844 onwards as minor *tracks*, in clear contrast to the *roads* leading up to them. In tourist guides from the mid-1880s they appear as routes for walking excursions. They were not sealed with tarmac in the 20th century because there was no demand from local residents or tourists to use them with motor vehicles.

### 3. Damage to the site

3.1. In 2001 the Lake District National Park Authority introduced a scheme of voluntary restraint for recreational motor vehicle users, the Hierarchy of Trail Routes (HOTR), proposing a maximum number of four 4x4s and eight motorcycles travelling in one group. Major flaws in the scheme are that it is unenforceable and sets no overall limit. The HOTR was devised *in co-operation with motor organisations*, without the involvement of residents, farmers, horse riders or walkers.

3.2. After the LDNPA erected signs advertising the HOTR in 2001, the number of such motor vehicles began to rise steadily. On the High Tilberthwaite – Bridge End route the LDNPA registered an average of 40 4x4s and 80 motorcycles a month for the period between 2002 and 2004. Following a Freedom of Information request the Authority has only now admitted that it also holds figures for the first seven months of 2008. They show that the number of 4x4s had tripled to 90 a month on average, whereas the number of motorcycles remained stable at 80 a month. It is incomprehensible why the LDNPA did not act after receiving this information 10 years ago.

3.3. For 2017 the only available figures are provided by the two farmers on the route. They indicate a further massive increase in the number of 4x4s to between 200 and 400 a month. There are no numbers available for motorcycles.

3.4. Both the 2008 figures and the 2017 estimates are clear evidence that the voluntary restraint management option adopted by the LDNPA has failed.

3.5. The condition of both routes has deteriorated substantially as a result (see images in Appendix 2 and a YouTube video posted by a 4x4 group, at [https://youtu.be/N0y1sixW\\_M8?t=11m27s](https://youtu.be/N0y1sixW_M8?t=11m27s) ). In some places the surface was eroded by one metre, making it very difficult for the High Tilberthwaite farmer to reach his stock. In June 2017 the farming family wrote an open letter (Appendix 3), alerting the LDNPA to the condition of the track and the pressure of off-road vehicles coming through their farm. This was also reported in the local newspaper, the Westmorland Gazette on 30<sup>th</sup> June 2017 (Appendix 4). The family has now decided to relinquish the National Trust tenancy because of the degree of nuisance being caused by motor vehicles and will leave the farm later in 2018.

3.6. This constitutes a significant weakening of a precarious agro-pastoral system of land management, given that overall there are no more than 200 sheep farmers left in the whole of the Lake District. Any new tenants at High Tilberthwaite would still be faced with the same problems, so it is difficult to see how this farm can be managed successfully if the LDNPA does not act to restrict access to the tracks.

#### 4. Protests and the LDNPA response

4.1. As early as 2000 local people warned that the HOTR would publicise the routes to recreational drivers. In December 2000 the Chairman of the Langdales Society wrote in the Langdale Valley News that with the introduction of the Hierarchy of Trails Routes

***“the LDNP have not just advertised the fact that ‘green roads’ are in fact legitimate highways; they have not just given permission for certain types of vehicles to use these tracks; they have positively issued a challenge which has been taken up by entrepreneurs.”***

4.2. In December 2004, the Langdale Valley News reported on a well-attended meeting in the Langdale Village Hall with David Robinson, Trails Advisor for the LDNPA:

***“Track conditions were of serious concern on many routes such as Elterwater to Little Langdale (via Birch Hill), Oxenfell to Hodge Close, Bridge End Cottage to Tilberthwaite. Here track surfaces had deteriorated, it was said, under the Hierarchy of Trails scheme to being worse than 40 years ago.”***

4.3. The same issue of the Langdale Valley News reports on a resolution passed by the Neighbourhood Forum meeting on 16<sup>th</sup> November 2004, **calling for the scrapping of the Hierarchy of Trails scheme in Little Langdale**, and for a traffic survey by the LDNPA and Cumbria Highways to recognise the problems and consult with residents as to how these should be addressed.

4.4. In 2005, residents wrote to the LDNPA to complain about the detrimental effect of the motor traffic on the landscape. The LDNPA replied that nothing could be done as this was a public road.

4.5. In 2006, after National Parks were empowered to prevent this kind of environmental damage by using Traffic Regulation Orders to exclude motor vehicles, the editor of the Langdale Valley News wrote

***“National Park management is clearly not protecting or enhancing the green lane environment in Langdale, which it is supposed to care about, along with the rest of the Park. Indeed, one of the special qualities of any national park is peace and tranquillity and TROs can be imposed on the grounds that off-roading is incompatible with such qualities.”***

4.6. In 2014, according to the minutes of the Local Access Forum of 14<sup>th</sup> July, the National Trust representative reported that *“use of the route has increased and their tenant at High Tilberthwaite is impacted by the amount of vehicles coming through his farm yard.”*

4.7. In 2015 a member of the public presented the LDNPA with a detailed report on the damage to the two tracks and the detrimental effects on residents, particularly on farmers. She wrote that

***“All the residents I spoke to were distressed and angry at the damage which is being done to the National Park, by the nuisance which they are experiencing personally and by the apparent inability or unwillingness of the National Park Authority or the Highway Authority to take action.”***

4.8. In October 2017 a group of campaigners presented the Chief Executive of the LDNPA, Richard Leafe, and Mark Eccles, the Head of Park Management, with a petition signed by 3,000 people, asking the LDNPA to conduct a consultation on a TRO for the two tracks, on the grounds set out in section 22BB 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**

4.9. (The petition, now with 4,300 signatures, can be found at [https://www.change.org/p/to-the-ceo-of-the-lake-district-national-park-authority-save-a-beautiful-part-of-the-lake-district-from-destruction-by-off-road-motor-vehicles?recruiter=186557056&utm\\_source=share\\_petition&utm\\_medium=copylink&utm\\_campaign=share\\_petition](https://www.change.org/p/to-the-ceo-of-the-lake-district-national-park-authority-save-a-beautiful-part-of-the-lake-district-from-destruction-by-off-road-motor-vehicles?recruiter=186557056&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition))

4.10. In response the LDNPA said that it had started to monitor the tracks and that it needed until the end of November 2019 until a decision on whether to start the TRO process could be reached. This means a period of 30 months would elapse from the start of monitoring in June 2017 until a decision in November 2019. A TRO could then not come into force until 2021.

4.11. Other National Park Authorities in England and Wales, e.g. the Yorkshire Dales National Park and the Peak District National Park, have not only used their powers to protect areas by imposing TROs, they have also needed less than half the time, 14 to 15 months, to come to a decision.

4.12. In a public statement about its management plan for the Tilberthwaite tracks the LDNPA has indicated that it is likely to make a decision on whether

to use a Traffic Regulation Order based not on its statutory duty to 'conserve and enhance the natural beauty, wildlife and cultural heritage' of the area but on 'the access and recreational priorities of the locality'. If they do this, the LDNPA will be in breach of its statutory duty and in breach of the Sandford principle.

## **5. Summary**

**We conclude that the Lake District National Park Authority is failing to carry out its commitments**

- **to protect the Lake District's Outstanding Universal Value**
- **to ensure the "identification, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage ... to the utmost of its own resources", as laid out in the UNESCO World Heritage Convention**

We respectfully call on UNESCO to require the Lake District National Park Authority to use its Traffic Regulation Order powers for the protection of the natural beauty and tranquillity of the High Tilberthwaite, High Oxenfell and Little Langdale area.

We look forward to hearing your response to our letter.

Yours sincerely

*(Signed by 27 Lake District residents and campaigners)*