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Организация
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منظمة الأمم المتحدة
للترقية والعلم والثقافة

联合国教育、
科学及文化组织

Culture Sector
World Heritage Centre

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8 October 2019

Dear |

I wish to inform you that ICOMOS has reviewed the provided documentation related to the issue of 4x4 off-road vehicles using green roads within the World Heritage property 'The English Lake District'.

Following the transmission of the ICOMOS Technical Review via electronic correspondence on 4 October last, due to the urgency of the matter, please note that ICOMOS concludes in its review that the increase in 4x4 traffic on the two 'green' roads is having an adverse impact on what the World Heritage property and the National Park are trying to sustain and action is required to eliminate their use.

The impact is not limited to the material aspects of the roads and their erosion, but also on the character and tranquillity of the landscape and its agro-pastoral land system, which are all part of the Outstanding Universal Value of this property. ICOMOS states that the Traffic Regulation Orders (TROs), which have been available to National Parks to remove the right to use motorised vehicles on certain 'green' roads since 2006, appear to be an appropriate tool to deal with the impact.

ICOMOS remains at the disposal of the State Party to respond to any requests for clarification or further technical assistance.

I would be grateful if you could share the enclosed ICOMOS Technical Review (Annex) with your relevant national authorities for their consideration and keep the World Heritage Centre informed of ways by which these comments are being taken into account. We would be also grateful to receive the outcomes of the Lake District National Park Authority Rights of Way Committee.

ICOMOS Technical Review

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

Background

This Technical Review considers a report prepared by the Lake District National Park for their Rights of Way Committee to consider in response to a proliferation of complaints and submissions on the negative impacts of 4x4 vehicles on two 'green' roads.

ICOMOS submitted a Technical Review on this issue in May 2019, following a large number of representations to the UNESCO World Heritage Centre. Subsequently on 16 August 2019, the State Party submitted this Committee report together with a letter explaining the history of the roads in question.

The National Park report analyses the situation and makes recommendations for the Committee to consider. In summary these are not to take direct action but to try and engage with stakeholders. ICOMOS does not consider that this response is adequate.

Comments on the Committee Report

The report to the Rights of Way Committee sets out the concerns that have been expressed on the way 4x4 vehicles cause noise and disturbance to farmers, walkers and residents and overall impact adversely on the tranquillity of the landscape in the vicinity of the roads. It is well acknowledged that these tracks have been 'roads' as shown on old maps but they are now what might be called green roads. The key issue is that the use of these roads by 4x4s is relatively recent – mainly over the past 20 years – before that they were only used by mainly agricultural vehicles and even earlier by quarry traffic.

It is stated in the report that no concern was raised on the use of these roads by 4x4s when World Heritage status was being sought. This is misleading. Such use was not set out as a threat in the nomination dossier and not noted in the Management Plan. ICOMOS noted that this issue was being addressed through the statements made in the Nomination dossier: 'Coniston has featured in conservation battles over access and recreational use of lakes and tracks since the 1950s. These battles have focussed on the balance between recreation and quiet enjoyment. Consequently the use of power boats and water skiing are now controlled on the lake and legal battles continue over the right to use motorised vehicles on former stock and quarry roads.' And:

'A range of conservation measures ensure the tranquillity of the nominated Property is protected, including planning policies guiding the determination of planning applications' ICOMOS cannot agree with paragraph 14.5.3.4 as what it states is not correct: 'The World Heritage Bid was written and accepted when the MPV usage was already well established, and comparable to today's levels. It is not the case that this usage has developed since these attributes and qualities were identified. That is – the area was noted for offering the ability for quiet enjoyment with MPV usage already taking place'.

The Nominaton dossier did not state that MPV use was already well established- rather the opposite as the above extracts demonstrate.

Now that the issue is in the public domain it is correct for ICOMOS to comment. The crucial point is that there has been a dramatic increase in the use by 4x4s (some say 5 fold) since 2000 and an increase since the World Heritage Nominaton dossier was drafted at the end of 2015 and submitted in January 2016.

It is this significant increase in 4x4 traffic that is the cause for concern and which has brought the matter to wide attention, resulting in the UNESCO World Heritage Centre requesting detailed information on the issue from the State Party and asking ICOMOS to write a Technical Review, which expressed concern at the potential impact of these vehicles on the tranquillity of the landscape and thus on OUV.

The history of the conservation of the Lake District is part of the justification for OUV. Battles have been fought to stop both railways and roads infringing the centre of the Lake District in order to maintain the intactness of its pastoral landscapes, their tranquillity and their inspirational qualities. On page 224 of the Nominaton dossier it is stated that: 'Rawnsley soon became involved in local campaigns to protect the English Lake District landscape. In 1883, he led the successful campaign against the proposed Buttermere and Braithwaite Railway. This led directly to the formation of the English Lake District Defence Society (later to become The Friends of the English Lake District). ... As a member of the new Cumberland County Council and chairman of its Highways Committee, he was able to oppose the construction of roads over mountain passes ...'. The text goes on to say that this activity was instrumental in leading to the setting up of the National Trust in 1895. The Nominaton dossier also highlights some of the more recent campaigns to control road development.

These are:

'Similar conflicts between National Park purposes have had to be resolved by the Board where the recreational use of tracks over the fells by motorised four-by-four vehicles has damaged the route and the landscape and had an impact on other users. An example of the management measures taken is at Gatescarth Pass running from the head of Longsleddale over to Haweswater where locked gates have been placed at both ends and a permit system now operates to control the level of use'. 'Ultimately, with the backing of the Minister, the Sandford Principle was applied whereby preference was given to protecting the environment over the promotion of recreation. Similar conflicts have required delicate resolution by the Board with the regard to access to tracks over the fells by motorised four-by-four vehicles'.

And:

'The route from Coniston over to Seathwaite in the Duddon Valley is known as the Walna Scar Road and it too has been, and continues to be, the subject of conservation battles. It was originally used as a stock route and to access local quarries. But in the 20th century it was the subject of disagreement over its recreational use. Walkers, cyclists and horses all use the route. Increasing and unmanaged motorbike and four-wheel drive use has been blamed for erosion of the surface of the route. Opponents pointed out that such routes were not designed for motorised vehicles. Supporters argued that they were just carrying out their legal right according to its highway status. Various measures have been tried and tested, including voluntary restrictions, codes of conduct for users and legal orders restricting motorised traffic, all with mixed results. Since 2006 a legal battle has continued over the status of the route and most recently it has been determined that it is a route for non-motorised traffic.'

On pages 237-8 it states that:

‘Pressures for improvements to the main highway routes such A590, A591, A66, and A595 (Figure 4.9) have the potential to affect the character of the nominated Property, particularly landscape nature and tranquillity’.

Precisely similar impacts on landscape and tranquillity are resulting from the increase in regular use of these two green lanes by 4x4s. Such a use is also completely contrary to the way the landscape conservation movement has evolved over more than one hundred years. As the Friends of the Lake District point out this 4x4 use is also quite contrary to the purposes of the National Park and is ‘not in line with the Sandford Principle because it causes disturbance to the quiet enjoyment and tranquillity of the area’. This increase in road traffic on green roads cannot be seen to support either the OUV of the property or National Park principles.

Conclusions

In ICOMOS’s view the issue is that the increase in 4x4 traffic on these two green roads is having an adverse impact on what the World Heritage property and on what the National Park are trying to sustain. Tools are needed to deal with this impact.

Traffic Regulation Orders (TROs) that since 2006 have been available to National Parks to remove the right to use motorised vehicles on certain ‘green’ roads appear to be an appropriate tool from the details set out in the report.

The issue is not limited to the physicality of the roads and whether and how vehicles are eroding the roads. The issue is wider than that: it revolves around how 4x4 road use impacts on the character and tranquillity of the landscape.

From the detailed interrogation in the report on the ways that TROs might be used, it appears that sections d, e, and h are relevant particularly as ‘natural beauty’ can be seen to encompass cultural heritage and associations.

ICOMOS considers that action is needed to eliminate the use of 4x4s on these routes. Of course this will require detailed consultation with stakeholders, but it suggests that principles need to be established within which implementation can be worked out. These principles already seem to exist as reflected in the various examples noted above where intervention has achieved control of 4x4s in other parts of the property to restore tranquillity (and from other examples where motorboats have been banned from certain lakes in the interests of tranquillity).

ICOMOS requests that these comments be passed on to the Rights of Way Committee in advance of the report being discussed.

ICOMOS, Charenton-le-Pont
September 2019