THE CONSERVATION OF HISTORIC TRACKWAYS

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Declaration of individual authorship

I affirm that this dissertation contains no unacknowledged work or ideas from any publication or written work by another student or any other person.

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Abstract

This research examines the merits of conserving historic trackways as heritage assets under United Kingdom legislation, policy and guidance. It does so by drawing together three separate but related elements:

- Understanding the historic evolution of trackways;
- Consideration of their potential to fit within the existing legislative and policy regime;
- Examining practice issues which might help or hinder their formal protection.

A core feature of the research concerns the construction and testing of an evaluative model which is intended to assess the conservation significance of historic trackways from a pragmatic perspective, leading to the development of practice guidance that may be of assistance to conservators facing the prospect of attempting to conserve an historic route. Whilst loosely based on the established methodology for assessing the significance of built heritage assets, the model incorporates new components (values), addressing issues emerging from the literature review, desk top analysis and field surveys. In particular, it examines whether existing data sources are adequate to calibrate the model effectively and whether existing methods of data collection are sufficiently robust to present an informed evidence base for recording and conserving historic trackways. The model is tested through its application to two contrasting circumstances presented as case studies - Monastic Way, Dartmoor, and Bristol City Centre - to determine whether it is fit for purpose and, if not, what modifications and adjustments might be required. The outcome of this process then forms the basis for a series of recommendations that might provide the framework for supplementary guidance which could be adopted by local planning authorities and used by national and local organisations and interest groups.

The research is therefore positioned to understand the problems and issues likely to arise in any attempt to conserve historic trackways from harm and to secure their future in perpetuity. It explores why United Kingdom policy and guidance seems to lag behind European thinking, particularly how intangible values are now influencing the recording and designation of heritage assets internationally, when evidence of tangible values (physical form) may be largely absent. These essentially philosophical changes, which draw upon a broader appreciation of cultural value than hitherto, are especially relevant to the research as trackways do not always present physical built form, similar to other recognised heritage assets.

The findings of the research point to interest in the topic from broad sections of the media, as well as third parties, especially those concerned with countryside access, but that this interest has seldom been reflected in national and local policy, proposals, and decisions. The reasons for this position are

explored in the research, with the conclusion that misunderstandings in the scope and level of protection provided by extant legislation lie at the heart of the issue. The research proceeds to challenge current thinking, pointing to the absence of any worthwhile and applicable data or literature having been produced within the last thirty years, suggesting that it is both timely and appropriate in drawing attention to this lacuna. The research attempts to draw out the reasons for these circumstances, pointing to the fragmented approach to policy and the contradictory objectives flowing from national guidance. The case for properly compiled and well researched guidance is then promoted as a framework from which future research might springboard and lead to an improvement in knowledge of the topic at both the academic and practice level. The research concludes with a plea to engage with stakeholders, particularly the public, who are able to introduce communal and social values to the debate and bring a further dimension to the modelling process and with it, a more holistic appreciation of the value of historic trackways to national heritage.

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Chapter 1
Introduction, purpose and scope of the research

'And did those feet in ancient time walk upon England's mountains green' (William Blake)

1.1 Introduction

The landscape of the British Isles is crossed by thousands of miles of trackways. Some are nationally recognised and include long distance trails such as The Oxfordshire/Berkshire Ridgeway, The Icknield Way, Harrow-Way, and Pilgrims Way, whilst others may be simple country lanes, by-ways and footpaths linking together towns, villages, hamlets and isolated farms. The ubiquitous nature of historic trackways ensures that all parts of the urban and rural landscape are punctuated by them, but urban sprawl and pressures on the countryside generally from changes to farming practice, as well as the rapidly expanding leisure market, has led to a small but informed group of academics to recognise that an unprecedented change is occurring at a pace not experienced hitherto. This process is resulting in the erosion and loss of many historic trackways, particularly those outside of designated landscapes. Whilst the existing and potential outcome of these changes has been recognised and is documented in some specialist literature such as that by Taylor (1979 p x-xiv), Hindle (2001) and Hampshire County Council (1980) these sources are amongst only a few texts and brief journal articles (Rural History Today 2012 and Context 2014) which have drawn attention to the potential loss to the nation's heritage of this important but unrecognised heritage asset. Unfortunately, there is no reliable evidence of the extent of this loss, with issues of harm being addressed locally and incrementally rather than as part of any national strategy. The absence of a research foundation from which to build a cogent set of policies capable of redressing harm, points to a gap in knowledge which needs to be closed through new research, which brings existing theory up to date and recasts it specifically towards the topic. Such research needs to be underpinned by new techniques and methods of gathering evidence, which reflects the current philosophical and national policy approach towards the designation of heritage assets generally and tests whether alternative mechanisms are required to fit the circumstances of historic trackways.

1.2 The purpose and scope of the research

This research considers the extent to which the national heritage protection regime can be adapted to acknowledge the heritage significance and value of trackways as heritage assets, how this might be achieved, and the likely consequences in terms of their protection from the perspective of a range of interests. As such the focus of this research is on improved methods for gathering evidence and

evaluation to support the case for the recognition of trackways as heritage assets and how this might be used to inform practice guidance.

The scope and extent of United Kingdom (UK) legislation and guidance concerning conservation theory and practice is considerable. The foundations of this legislation reside in the politics, philosophy and cultural practices of central government and may be influenced by advice from international organisations such as ICOMOS (the International Council of Monuments and Sites). The interpretation of this advice is critical to establishing the approach towards the conservation of heritage assets set down in the National Planning Policy Framework (NPPF 2012 para126-141).

It is usual practice in the UK to secure the designation and management of heritage assets through the application of town planning law and procedures which incorporates conservation legislation and policy. This might be viewed as a rather discrete and mechanistic process, but is intended to balance the needs for economic growth and development against the desire to conserve the past for future generations to enjoy.

However, any study of historic trackways must also consider other related statutes framed around Highway Law, Environmental Law and Countryside Law, the general body of which can be found in the Encyclopedia of Planning Law and Practice (Heap 2009) and related literature. The totality of applicable statute law, when partnered with the principles of Common Law and Equity, present a complex legislative framework and highlight the problem of promoting a consistent argument for the conservation of historic trackways which may require a more flexible interpretation of current law and procedures than currently.

The existing legislative and policy framework also requires the application of conservation principles which have evolved over many years from a built heritage perspective (ancient monuments, sites and listed buildings), as opposed to one which seeks to value the intangible and tangible qualities of features found in the wider landscape (Historic England Conservation Principles 2008). These principles sit uneasily with the inclusion of elements not recognised as heritage assets and not possessing built form.

It is also apparent from the author's previous research (Stevenson 2014) and from the literature review, that there is a general absence of academic research applicable to the conservation of historic trackways. The implication is that the topic has been over-looked, but the reasons for this are unclear and need to be investigated. The absence of research underlines the difficulty of securing official recognition for a prospective heritage asset not currently recognised as having conservation

significance. It has been one of the intentions of this research to inform a possible change to this position.

Such a potential realignment is supported by the broadening scope and remit of conservation theory, which is no longer focussed on the narrow process of preservation first envisaged in the 19th century. Indeed, the expansion of conservation theory and practice has been a feature of international charters since the inception of the International Council of Monuments and Sites (ICOMOS) as advisor to UNESCO (United Nations, Educational, Scientific and Cultural Organisation) in the mid 1960s, following the adoption of the Venice Charter (1964). A pertinent example of this realignment is found in the Charter for Cultural Routes (ICOMOS 2008) which promoted the recognition of 'ancient trackways' through the application of concepts usually reserved for more established and recognised heritage assets. The UK government's response to this charter has been muted and few official comments have been found during the research, although a white paper on Cultural heritage (DCMS 2016) includes a short paragraph on the possible identification of iconic cultural/tourism routes (section 2.1 p32). Until an official explanation is forthcoming the intentions concerning this statement are open to misinterpretation.

The action of other non-governmental stakeholders is important. The Long Distance Walkers Association for example, was founded with intention of promoting walking across significant and predominantly wild open countryside (LDWA 1969). Together with its European counterparts the LDWA has been pro-active in establishing certain European trails including route E2, which commences in Galway (Ireland) and traverses a large part of England before crossing the English Channel and ending in Nice (southern France) (Fig.1.1). There are now several European routes (E2, E8 and E9) which incorporate sections of UK national routes, but there is scant mention of these in official government literature despite some 40 years having passed since their emergence. Taken together with the latest government statement it might be inferred that important philosophical and cultural changes are slowly taking place, but there is an inherent risk in this assumption as the conservation of an historic trackway which might fortuitously coincide with the alignment of any such European route may not be the intention. Nevertheless the significance of these changes should not be overlooked.

Fig 1.1 European Route E2 Galway to Nice
Source : LDWA website site (March 2017)

The case for conserving historic landscapes and features within them has also been assisted by the shift towards area based conservation. This evolution in thinking now embraces the identification of environmentally sensitive areas, aside from other national designations, and formal acknowledgement of the importance of setting when assessing the impact of new development on heritage assets (Historic England Good Practice Advice Note 3, 2015). This broad philosophical realignment is

important as it raises the prospect of identifying historic trackways as heritage assets within the conservation regime, providing their significance can be proven.

Whilst the emergence of new approaches towards conservation can generally be viewed as positive, not all changes are necessarily beneficial. The complexity of legislation and guidance reflects the tensions and demands of various sectoral interests and has resulted in a confused picture. Mainstream policy documents, whilst attempting to balance opposing stakeholder interests, can present contradictory objectives which can undermine the conservation imperative. Such concerns have been raised by interest groups such as the Heritage Alliance (www.Heritage Alliance.org.uk).

A further problem concerns the dominant conservation paradigm. Unlike listed buildings and scheduled monuments, historic trackways do not possess built form in the accepted sense. In this case the conservation imperative may derive from intangible values, such as protecting a route alignment for its cultural importance, (eg. The Silk Route), where there may be no obvious physical presence, or where physical presence is dissipated or braided across a wide corridor, as with the Icknield Way. Alternatively, it might be to conserve tangible physical elements which may manifest as surface or subsurface features, such as with Roman Roads, dykes, ditches, bridges and other ancillary features including stone crosses, tollgates and hedgerows. However UK law and policy, particularly planning policy, has struggled to recognise intangible values, being grounded in the recognition of the tangible spatial and physical significance of a heritage asset. Both conceptual approaches may nevertheless be considered to have equal validity in conservation terms (Worthing and Bond 2008). Neither should they be considered as mutually exclusive, indeed it could be argued that where they merge, the conservation argument in favour of designation is strengthened. This issue is discussed in Chapter Three.

Research concerning the conservation significance of historic trackways also engages with highway law. The relationship between highway law and conservation law presents a complex situation, as these statutes address different circumstances but may overlap in practice. For the purposes of this research, it is important to distinguish between the conservation of historic trackways as heritage assets, where historic alignment and intrinsic historic value are likely to be fundamental considerations, which may justify protection (the conservation component) and the legal right to use a trackway of any description, to pass and repass (the highway component).

Although 'historic value' is not specifically identified in legal and procedural guidance when determining Rights of Way disputes (Circular 1/09 and PINS advice note no.9), it is inevitable when reviewing the legal history of access rights from the user perspective, that historic importance in terms

of route configuration and intangible historic value (the memories of individuals), may be referred to by contesting parties, to support or reject a case for the designation or modification of a particular route (Bucks and Wadey 2012). Given that designation as a right of way is the most frequently used mechanism for an historic route to achieve protection from inappropriate development (although historic value itself may not be the determining factor in the decision), the implications of highway law for the conservation of historic trackways remains an important consideration.

A further complexity concerns proposed legal and procedural changes to the recording of public rights of way on definitive maps. The Countryside and Rights of Way Act 2000 (section 53) proposes to terminate the recording process, with some exceptions, in 2026. It is possible that historic trackways which could benefit from designation and protection through this aspect of Highway Law will no longer qualify, although an estimate of how many routes might be affected by this revision would be conjecture. Nevertheless these prospective changes have formed an aspect of the research which has necessitated investigation (Bucks and Wadey 2012). This situation is considered in Chapter Four.

It is central to the position taken in this research, that historic trackways should be regarded as heritage assets and protected for their intrinsic conservation value, irrespective of their legal status, subject to their significance being proven. Viewed in this way, such conservation is not simply about incorporating particular routes on an updated version of the definitive map, although this may help in providing some limited protection from harmful development. The techniques used to research and identify unrecorded public rights of way may be helpful in guiding the field survey work, whilst the response from interested parties to prospective changes set down in the Countryside and Rights of Way Act 2000 is likely to have implications for the research recommendations.

1.3 The focus of the research

Given their ubiquitous nature formulating a general definition for the term ‘trackway’ is problematic, but nonetheless essential. Whilst some literature, for example, Hippisley Cox and Crawford (1923 &1953) use phrases such as ‘ancient trackway’, or ‘ancient route’ an explicit definition of these terms may be absent. Whilst there is a risk of a semantic discussion as to whether the terms ‘ancient’ or ‘historic’ should be applied to any study of trackways the two terms imply different perceptions. ‘Ancient’, in literal terms, can imply ‘of long ago’ or ‘very old’ whilst ‘historic’ can imply ‘important, significant, famous or noteworthy’. Both terms are in fact applicable to this research as trackways may embrace both the old and very old and may also be significant or noteworthy. To avoid confusion, the generic term ‘historic’ has been used to describe trackway(s) throughout most of the

text, except where reference is being explicitly made to a particular type of trackway, such as a pre-historic path, where antiquity is in itself important to the discussion.

To an extent this issue of definition highlights the difficulty of categorising and dating trackways with any degree of accuracy or confidence (Taylor 1979 p10). The study definition must, for obvious reasons, reflect the overall intention of the research to,

'explore the conservation case for identifying and recording historic trackways as heritage assets.'

As such it is has been decided to focus the research on those trackways which are likely to present a significant degree of conservation significance, examining those trackways where there is some historic connection of a tangible or intangible nature, as evidenced through a review of literature and subsequent field survey work. This approach has led to the research definition:

An historic trackway has been defined as any route, together with its ancillary features such as bridges, causeways, crosses, tollgates and hedges, whether or not a public right of way, which may be considered to have conservation significance such as to justify designation as a heritage asset.

The definition includes roads, lanes, bridleways and footpaths irrespective of the nature of the user, but excludes major routes (such as motorways) where they are clearly of recent origin and do not relate to any previous known route. Trackways associated with the specific purpose of serving railway and canal infrastructure such as service access routes, and tow paths, have also been excluded.

1.4 Research Aims and Objectives

The research seeks to examine whether historic trackways could qualify as heritage assets under UK conservation law, theory and practice, and, if so, the steps necessary to secure this status. This may require existing definitions of value and significance to be reinterpreted and additional criteria incorporated into the assessment process, including consideration of alternative practice methods for both gathering evidence and its subsequent evaluation. This decision is articulated in the following research aims to,

- assess the case for identifying and recording historic trackways based on their potential value and significance as heritage assets;
- consider how UK conservation law and policy influences and determines the conservation of historic trackways;

- develop and test an evaluative model and methodology to help guide and conserve historic trackways in perpetuity; and
- bring forward new knowledge to inform the preparation of policy guidance.

These aims are met through the research by addressing the following seven objectives:

1 Establish through literature review the background and typology of historic trackways in the UK.

2 Consider how the terms value and significance are interpreted in UK heritage policy and how they might be applied to the conservation of historic trackways.

3 Consider how legal and policy decisions have impacted on proposals to conserve, modify or extinguish historic trackways and identify possible disparities.

4 Develop a model for evaluating the conservation significance of historic trackways and test the model through two case studies.

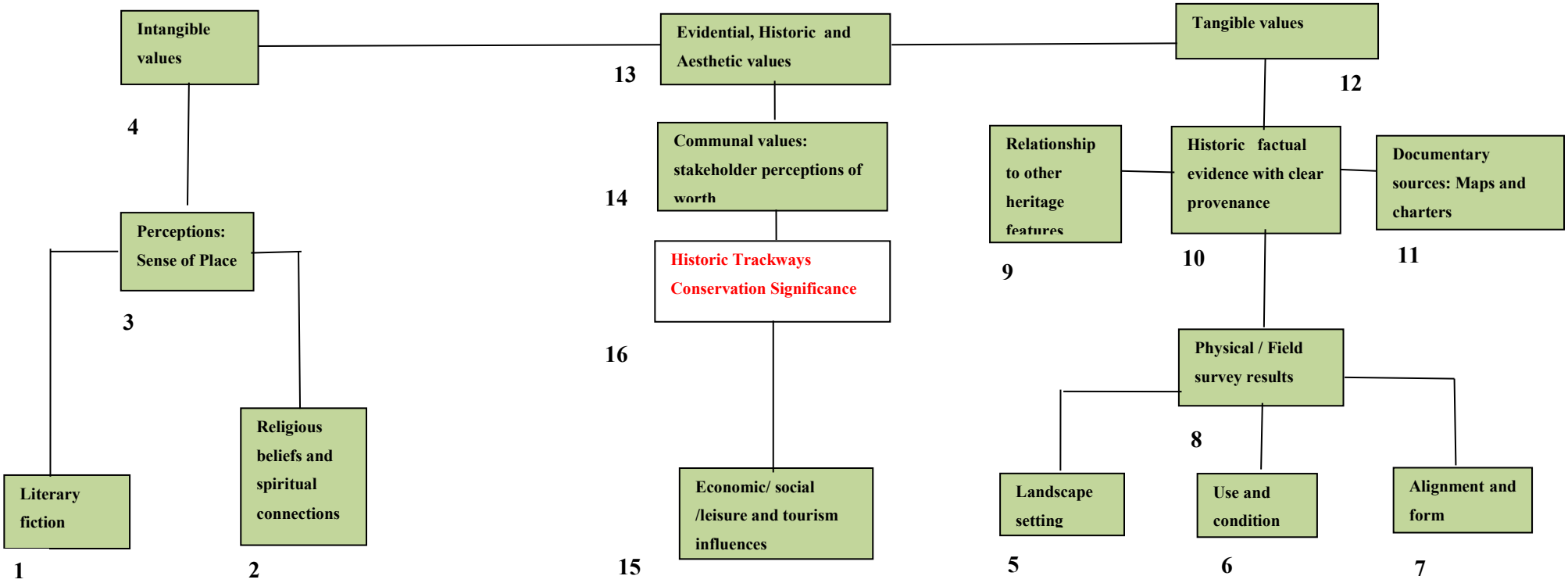
5 Review the findings of the case studies, identify the key issues and explain their possible consequences.

6 Consider whether the research supports the need for any change to governance and practice in terms of recognising the heritage significance of historic trackways.

7 Set a framework for future research which will further the conservation of historic trackways.

1.5 Research design, methodology and overall approach

The research framework comprises a number of interacting elements (Fig 1.2). These elements have been brought together and are expressed in a strategic diagram (Fig 1.3) which illustrates the broad relationship and how this has been applied in a sequential approach to the collection of data. The approach is based around an initial review of literary sources, followed by a study of the component parts, commencing with documentary material, consideration of the philosophical concepts of value and significance, and consideration of legal and policy issues. These three elements inform the preparation of an evaluative model which is tested through two contrasting case studies.



Notes :

Tangible values: What the trackway physically looks like; what can be seen from it and how it relates to other features of conservation significance. Their providence is likely to rely upon historic documents suggesting a factual relationship.

Intangible values: These may be abstract, and based on perceptions, including spiritual beliefs and motivations. Cultural value may indicate a belief system with long history and may be based on feelings and historic connections with the past and also literature including poetry and the arts, as such they may be a combination of fact and fiction.

(Box numbers relate to the order of the general steps in the analysis of significance and heritage value).

Fig 1.2 Historic Trackways: Interacting elements of the research

The research is set out in the following chapters:

(i) Chapter Two reviews the origin and evolution of historic trackways in the UK. This is achieved through the preparation of a comprehensive typology of trackways illustrating their principal characteristics and their regional and local differences. The chapter also considers techniques for the identification of historic trackways and reviews documentary sources, mapping, and etymology.

(ii) Chapter Three examines the philosophical background to the conservation process and reviews whether and how, historic trackways might fit within this paradigm. This necessitates consideration of the terms value and significance as used in UK conservation law, policy and practice and an assessment as to whether historic trackways can be subsumed into this process.

(iii) Chapter Four reviews the law, policy and other guidance applicable to historic trackways. This chapter includes a review of the role, scope and extent of the town planning process and associated policy documents pertaining to conservation. It also includes a review of related case law and the implications of prospective legal changes concerning the identification and recording of public rights of way.

(iv) Chapter Five brings together the findings from the historic, philosophical and legal chapters to inform the development and application of an evaluative model.

(v) Chapter Six sets out the case studies used to test the evaluative model.

(vi) Chapter Seven reviews the model and proposes a possible framework for future draft practice guidance.

(vii) Chapter Eight discusses how the findings of the research might be elaborated in future work.

1.6 Research method

The research method embraces two distinct but related processes, desk top research and field survey.

(i) Desk top research is based around the literature review and secondary sources. In this study it includes books, journal articles, maps, historic documents (estate plans and unpublished literature) and illustrative material including aerial photographs, landscape photographs, film and television documentaries.

(ii) Field survey and evaluation techniques to appraise the conservation value of historic trackways in both urban and rural landscapes to establish their evidential, historic and aesthetic value and their potential sensitivity to change or harm.

The desk top research, whilst providing the body of historic references, also steers the field work by establishing the criteria which should be used to inform the choice of case study locations. The results of previous research (Stevenson 2014) forms part of this process and is introduced where appropriate.

As conservation, town planning and highway law are disciplines which address real world situations, as opposed to theoretical and abstract concepts, the research adopts a pragmatic stance (Robson 2011 p43). This approach is likely to be reflected in draft guidance which should be implementable within the current legal and policy regime. The majority of the information used to inform the research model is of a qualitative nature and has been secured from documentary sources, particularly historic maps and written accounts, backed up by field surveys (Flick 2011 p188).

The research work is in two distinct phases:

The first phase provides the introduction (context), history, philosophical perspective and legal/policy framework. This information informs the second phase which involves the development of the draft evaluative model (Chapter Five), its subsequent testing through two case studies (Chapter Six) and a discussion of its findings (Chapter Seven).

1.7 Case studies and field work

This section provides the empirical evidence necessary to calibrate the evaluative model. The selection of case study locations has been partly driven by knowledge from previous research (Stevenson 2014) and information emerging from the literature review and secondary sources. This process has informed the selection of the case study locations.

A considerable amount of information was collected for the author's previous research Stevenson (2014) which included interviews with stakeholders. This has been brought forward and informs the research as it provides valuable unpublished data directly applicable to the topic. This previous research examined six locations: The Welsh Marches (including Offa's Dyke); The North York Moors; The Berkshire/Oxfordshire Ridgeway; The Isle of Wight; The Dartmoor High Forest; and The South Downs which, alongside the expanded literature review and legal cases (Chapter Four), were considered to present sufficiently reliable data to enable the identification of the two case study locations used in this research: The Monastic Way, Dartmoor, and Bristol City Centre.

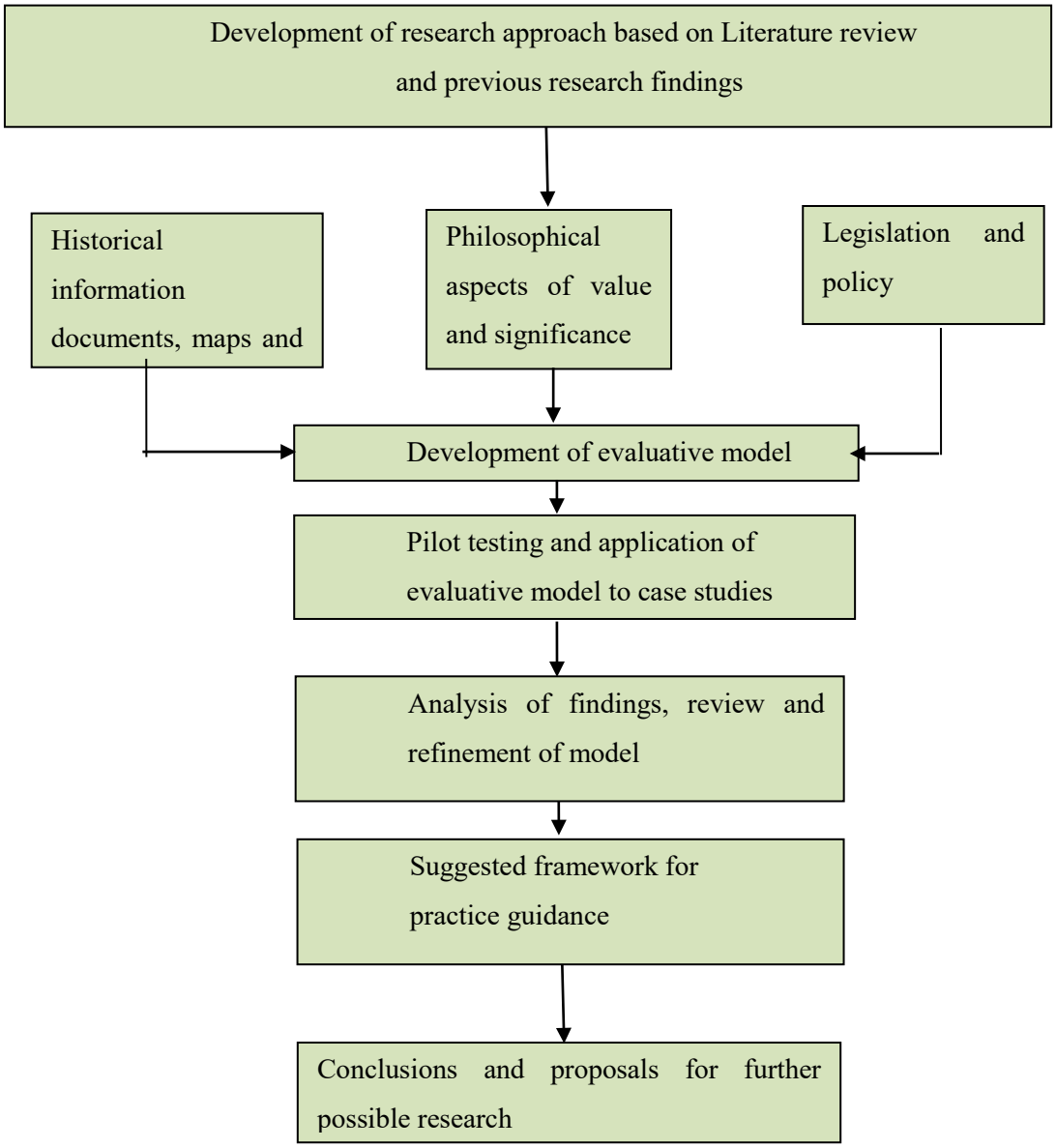


Fig 1.3 Research framework
Source: Author 2017

1.8 Findings from previous research

This research (Stevenson 2014) examined a number of fundamental issues, particularly the merits of conserving unspoilt trackways as heritage assets in their own right. It looked at how more pro-active authorities were tackling the threats, opportunities and tensions which arose

through competing users and their successes and failures in promoting a conservation agenda. More particularly, it considered:

- the problem of identifying and subsequently conserving historic trackways from harmful development.
- tensions emerging from different stakeholder interests concerning the right to access and use historic trackways for sometimes conflicting purposes.
- legal and policy confusion around the designation, alteration and modification of public rights of way under highway and countryside law.
- changes proposed by the Countryside and Rights of Way Act 2000; and
- lack of information about how to manage the public's desire to achieve greater access to the countryside and its resources without harming the resource itself.

These issues remain fundamental to this research. The previous research found that historic trackways failed to be recognised as heritage assets in their own right. For this reason they had not received the protection from harm accorded to other heritage assets. Whilst their conservation value was apparent to some individuals and agencies, this was part of a broader appreciation of historic landscapes rather than the recognition of a potentially important heritage asset set within it. It was also apparent that mainstream conservation agencies deferred to highway authorities on issues of maintenance and management, largely for financial reasons and this, compounded by the absence of conservation advice, led to ill conceived and inappropriate changes adversely affecting their aesthetic and historic value. The absence of any national guidance exacerbated this problem, as it left individual and often cash poor local authorities to make decisions concerning modifications of alignment and maintenance under Highway Law, which were not drafted in sympathy with conservation. Indeed the Equalities Act 2010, although having sound intentions was found to be driving agencies towards the perpetuation of harm, albeit through lack of knowledge and understanding. The important role of stakeholders in understanding this problem was recognised by various national organisations, such as The National Trust, The Ramblers Association and the British Horse Society, as well as Agricultural Interests and the Country Landowners Association.

1.9 The Literature review

The literature review provides the foundation for much of the research. Previous research (Stevenson 2014) exposed the general absence of accessible up to date information about the topic. Much of the literature pertinent to this research, of which there is not an abundance, has already been identified, but previous restrictions on time meant that it was not interrogated in detail, especially the numerous locations provided as examples of types of trackway by Hindle (2001) and the changes they have undergone, as referenced by Taylor (1979). This latest research examines the available information and relates it to broader conservation principles concerning value and significance. The bibliography combines both the previous research and most recent research sources.

Against this background of new and greater knowledge, the previous definition of the topic has been expanded, reflecting an improved awareness of the availability of documentary sources. A further area not considered previously, concerns the application of techniques derived from documentary sources, which might be used to confirm the provenance of historic trackways. This complex area brings together historic techniques and modern research skills, to enable the confirmation of field survey findings (Appendix 2).

1.10 Approaches to the literature review

The literature review is considered in Chapters Two, Three, Four and Five. For ease of reference it is subdivided into several categories:

(i) Literature of a general nature which provides background and context. This includes mainstream literature drawn from conservation philosophy and theory but which signposts particular aspects of the research, such as the discussion around value and significance in Chapter Three.

(ii) Literature which is topic specific and is either of a general nature or which references specialised aspects of the subject. This provides much of the information for Chapter Two where historic context is examined. These literature sources

include books, journal articles and publications, some of which are of an academic nature and others, such as guide books, tourist publications and television documentaries written for a lay audience. It also includes other documentary sources such as maps, plans, and visual material. These sources, which include Ordnance Survey Maps, Tithe Maps, Enclosure Maps and Estate Plans, are crucial to revealing the alignment and history of trackways and provide perhaps the richest and most reliable evidence of historic value and significance (Hindle 2001 p13).

(iii) Literature of a technical nature including town planning, conservation and highway law and policy, including legal decisions as well as other international and national guidance. These aspects are discussed in Chapter Four.

(iv) Chapter 5 considers the technical literature used to inform the development of the evaluative model.

The cover titles below (Fig.4) provide examples of the sometimes obscure sources of the information which have informed the literature review. A number have been used in field walking to enable past and present comparisons so that the changes can be photographed and evaluated.

The next chapter considers the historical context for the research, provides a typology for the classification of historic trackways and summarises the general literature.

Fig.1.4 Literature sources.

Source: Oxford Brookes Library and Author's collection 2017

Chapter 2 Historic Context

'Britain's protected structures include castles, dovecots and even stone walls; but ancient trackways, hedgerows, the very grain of the land is legally defenceless against spoliation. In the past 15 years untold landscape features of lowland Britain have been destroyed by rural improvements already made redundant by EEC rationalization (Lowenthal 1990)'.

2.1 Introduction

This chapter discusses the background and context of historic trackways in Britain including their typology, how they might be recognised through documentary and field survey and the broad relationship to town planning and conservation.

The chapter provides an essential foundation for the consideration of the first objective of the research, to

'Establish through literature review the background and typology of historic trackways in the UK.

This chapter addresses the following aspects:

(i) What literature is available on the topic both specifically and more generally and how this might assist in forming a broader understanding of conservation significance.

(ii) How the literature might assist in defining the term 'historic trackway'.

(iii) The relationship between the Conservation and Town Planning system and how this evolved over time and the implications for the conservation of historic trackways.

The literature review is a fundamental component of the research underpinning the collection of historic evidence. This chapter embraces the types of information obtainable from published literature sources including books, journal articles, historic maps, illustrations, photographs and other media. Collectively, this data is intended to inform an evidence base, essential for the research and from which the tangible and intangible historic value and significance of historic trackways might be explored and analysed. The chapter therefore provides a foundation to the research and alongside the philosophical discussion of heritage value and significance undertaken in Chapter Three, provides evidence which might lead to the evaluation of historic trackways as potential heritage assets. Such documentary research also provides a framework for the field survey process, by suggesting some indicators which might be used to help identify historic trackways of various kinds and the techniques which surveyors may need to employ in the field. It has also helped inform the identification of the case study locations where the significance model, designed to evaluate and determine heritage value, could be tested.

Fig 2.1 Multiple users of a Historic trackway at Ribblehead, Yorkshire.
Source: Author 2014

2.2 The literature review: summary and critique

Literature focussed specifically on the conservation of historic trackways is sparse. Why this is so is unclear, given the extent of literature pertaining to conservation, law and policy. Although particular types of ancient trackway, such as Roman Roads (Margary 1973) have been explored in detail, very few texts consider historic trackways holistically. Most academic work tends to focus on the archaeological interest of trackways and how finds can be recorded and preserved from harm. Whilst this information is important in building a picture of how and when certain types of historic trackway might have come into being, its predominantly sub-surface emphasis limits its utility when assessing overall visual significance. By contrast, popular literature, such as guide books, maps, and film media, whilst of considerable importance in promoting public interest in trackways, primarily through engaging with walking activities and access to the countryside, tends to be descriptive. Positioned between these two aspects is a small but exclusive library of books and articles, such as that written by Taylor (1979), Hindle (2001) and Hoskins (1955, 1972 &1982) themselves of some antiquity, which seek to describe the typology and location of historic trackways, but do not consider their conservation significance. This hampers how their research might be translated into clear and sustainable conservation policies. This research attempts to redress this situation. The process requires a number of steps including:

(i) the development of a typology of historic trackways to establish their characteristics, geographic scope and extent;
(ii) the application of field survey techniques and modelling to determine how historic trackways might be identified and recorded; and
(iii) consideration as to how historic trackways might be conserved in philosophical, legal, policy and practical circumstances.

The literature review informs all three of these steps. This chapter examines steps (i) and (ii); whilst Chapters Three, Four, Five and Six, address step (iii).

For analytical purposes the literature can be considered in three broad sections:

a) Literature which examines the subject holistically: this includes work by Hippisley- Cox (1923), Taylor (1979) and Hindle (1989, 1989a; and 2001). These texts consider the location and origin of historic trackways and how they have evolved over time.

b) Literature which considers the topic as part of a broader study of landscape history: This includes work by Hoskins (1955, 1972 & 1982) and Rackham (1987 p248-281) which provide a synopsis and explanation of the origin and types of historic trackways found in Britain placed within their historic and geographic context; and

c) Literature of a contemporary nature which is mostly concerned with access to the countryside and with user issues and includes journal articles and popular publications aimed at particular activities**.**

Some of the earliest books have formed the foundation for later publications, texts by Codrington (1903) and Crawford (1953) being good examples. Other early texts, such as that by Watkins (1921) have since been regarded as controversial and largely discredited. Whilst the interpretation and reasoning attached to individual arguments may be questioned (such as Watkins's discussion of ley lines) these early works present a common theme, concerning the importance of historic trackways to understanding the development of settlement and communications across the landscape of Britain.

Until the early 20th century no general account of roads in Britain had been attempted, Codrington (1903) providing the first text. The growth of knowledge throughout the 20th century is encapsulated by the scorn with which Hoskins and Crawford dismiss the early work of Watkins (The Old Straight Track), Crawford (1953 p75) describing it as '*one of the craziest books ever written about British Archaeology'.* Hoskins (1955 p200-204) explains that the study of ancient trackways is problematic, as it is difficult to distinguish significant trackways from others of different periods. This problem is exacerbated by changes occurring through modern development. Hoskins (1982 p136-149) refers to the many books and articles written about roads, but noted at the time how little had been written about lanes and paths. This statement remains true but Hoskins unfortunately offers no theories as to why this is the case.

Taylor (1979) and Hindle (2001) offer the only general works on 'roads' from all periods. Taylor comments that there '*is still much uncritical nonsense written about trackways and only a few good works have appeared'.* Taylor was concerned with what happens over time, how prehistoric tracks evolved into Roman Ways, Saxon Lanes, Medieval highways and modern roads. He examines their various functions and the effect changes have had on settlements and the countryside. The difficulty of dating and defining the period of use of trackways is one of the key themes of his book, a view shared by both Hoskins (1955) and Hindle (2001). The conclusion offered is that the origin of most historic roads cannot be accurately dated and are the product of constantly changing environmental, economic and social circumstances. This is an important finding as evidential value is critical to making the case for wider conservation significance. Regrettably, Taylor's book lacks any bibliography and hence some of his conclusions, particularly his examples and views on the whereabouts of 'lost lanes,' may only be confirmed through lengthy field survey and analysis and even then the results are open to question.

Traditional literary sources therefore comprise relatively few texts and whilst more recent work by Iredale and Barrett (1999), Marriot (1998) and Muir (1981) add to the body of academic knowledge, there remains a paucity of recent academic literature. Journal articles specifically concerned with historic trackways appear even less frequently, however Context Magazine occasionally has related articles, such as protecting Ancient Routes (March 2015); other articles tend to focus on landscape and planning issues with some oblique references to trackways (Lowenthal 1990).

By contrast, non-academic literature provides an expanding library and is characterised by guide books and leaflets. Whilst these texts are aimed at a broad readership focussing on countryside recreation, on occasions they also refer to particular trackways, but in a non-technical format. Whilst a certain amount of 'grey literature' can be found on the internet (see bibliography) from national associations (The Trail Riders Association, The Ramblers Association, The National Trust and The British Horse Society) these are focussed on management and user issues rather than heritage value. They also tend to have a bias towards highway law, although the National Trust tackles conservation issues, such as upland footpath management (Fix the Fells 2017).

Some organisations also promote training programmes, the British Horse Society being a good example.

The loose position occupied by the academic literature is supplemented by the growth in official policy documents based on legislation, such as the Wildlife and Countryside Act 1981. The implications of this act and other legislation is considered in Chapter Four, but it is worthy of note that its provisions have led government agencies, Natural England and Historic England, to consider the countryside, its archaeology, landscape history and access in proactive ways. The concomitant is an emerging series of policy documents, such as those produced by Hampshire County Council (1980) and CMYRU (Cadw, the Welsh conservation service) which are contributing to academic knowledge. As this study is concerned with conservation outcomes, these documents provide an important addition to the evidence base. Chapter Five considers these documents as part of the discussion of the development of an evaluative model.

The initial policy review discussed in Chapter Four, is focussed on historic trackways within England's National Parks and Areas of Outstanding Natural Beauty. These comprise a discrete but geographically dispersed grouping with a clear legislative basis, likely to yield consistent evidence for the research. Each document is examined for references to historic trackways (or similar terminology) and any bespoke reports. Most of these documents however focus on planning issues, setting out policies for the control of development generally and how access for recreational enjoyment of the countryside might be improved. Very little mention is made of the conservation significance attaching to historic trackways, the primary focus being how the requirements of Rights of Way Improvement Plans (produced under the Highways Act 1980) can be implemented. This emphasis is important and will be returned to in Chapter Seven. The literature review (Fig 4.5) has also revealed that some authorities have prepared topic focussed documents concerned with activities giving rise to potential harm, (eg. off-road motor vehicle use and the pressures of wear and tear from walkers and riders generally). The North York Moors, Yorkshire Dales and Peak District have all produced specific documents which are reactive to environmental problems and discuss various management options. Documents concerned with the conservation of historic trackways, as opposed to wider landscape matters are more illusive. The Isle of Wight Local Authority and East Devon AONB authorities are notable exceptions, both having produced Heritage Environment Action Plans, the former

subsequently evolving into a Private Finance Initiative, through an Environmental Stewardship Scheme. An Historic Routeway characterisation study has also been produced for the West Wiltshire Downs AONB. Similar studies have been carried out in the Dedham Vale and Cotswold AONBs, where the emphasis has been on the setting and views from historic trackways affected by development. An analysis and critical appraisal of these various policy documents is contained in Chapter Four.

The two case studies discussed in Chapter Six have also revealed some specific local documents held by archives and museums. Such documents are critical to understanding the significance of particular ancient routes, however they may be difficult to identify and their provenance may be questionable. This is particularly the case with estate plans and deeds held in private collections and unpublished. To improve understanding of the issues which sourcing local documents can give rise to, Bristol City was chosen as a case study, as the Local Authority had recently placed on-line much of the historic information (from 2015 onwards). This is an exemplar of what can be achieved making hard copy data more accessible.

2.3 Typology of Historic trackways

The literature review has exposed the extensive nature of historic trackways in terms of their antiquity, derivation, form, location and use. A complex and confused picture emerges, especially as trackways do not sit in a necessarily orderly grouping within specific historic time periods. Taylor (1979) refers to the problems of dating trackways as many have changed and evolved over long periods, beginning with one functional purpose such as accessing small dispersed settlements and woodland and ending with a quite different modern use or perhaps being abandoned altogether. Some trackways however remain true to their original purpose and function, for example the processional and ceremonial routes such as Rotten Row in London (Rudd and Stewart 2011).

Most of the academic literature attempts some form of classification of ‘ancient’ trackways by historic periods commencing with pre-historic routes, such as those crossing The Ridgeways of southern England, and the wetlands of Somerset and the Fenlands; they then turn to Roman Roads, which are perhaps one of the most well researched typologies; Medieval Roads; pre and

post Enclosure Roads; Turnpikes and modern roads. Whilst this broad approach to categorisation is helpful for descriptive purposes, it is important to recognise that most trackways, with some exceptions, represent a continuum. A classification by use or function can also raise difficulties, as most trackways display multiple uses across extensive time periods. The characteristics of particular types of trackways can therefore be lost through descriptive generalisation as can their regional and local distinctions. Hoskins (1955 p233-236) describes such a circumstance in an area of north Oxfordshire (Banbury Lane), where a trackway of considerable antiquity has evolved into a modern route, but whose original characteristics can still be identified through careful analysis of historic records and field survey.

In an endeavour to address some of these problems and present a coherent structure from which the heritage value of historic trackways might be consistently assessed, the rear folder following Appendix 3 tabulates a proposed typology of trackways compiled from a number of key texts emerging from the literature review. The scope and extent of historic trackways and of the problems posed in determining which among them might merit investigation and designation as heritage assets will be readily apparent. It is suspected that this problem may have discouraged examination of the topic, except possibly on a very local scale where one particular type of trackway, such as a sunken hollow-way (Fig 2.2), predominates across a well defined area and possibly under single administrative control, such as within a National Park. The literature review has uncovered studies produced by the North York Moors, Yorkshire Dales and Exmoor National Park Authorities (Fig 4.4), where the policy focus is on the importance of historic trackways as an amenity and through which access to remote open countryside is achieved. Such studies tend to take a problem centred rather than conceptual stance and concentrate on issues from the user perspective, reflecting the need to control particular activities to prevent harm and reduce user conflict, rather than examine aspects of historic value and significance. Nevertheless, it is the recognition of historic value, particularly by archaeology and landscape specialists, that is likely to have prompted a study. The outworking of these studies in terms of policies and recommendations generally reflects the land use dominated focus of the UK Town and Country Planning (spatial) system. Studies of historic trackways from the perspective of their conservation significance remain a rarity (I.O.W Unitary Authority).

One of the challenges facing historians is distinguishing between trackways which are of genuine antiquity and can be proven as such through evidential research and those routes which are more modern interventions. Growth in tourism and countryside walking has led some organisations to name routes which imply antiquity but where only superficial evidence may exist to support such contentions. Whilst it is entirely possible that such routes do have sections which are 'historic', it is more likely that these named trails link up public rights of way without necessarily being on any actual historic alignment of an ancient route (Rudd and Stewart 2011). Mistakes can therefore be made in assuming that named trails, including some national trails, are of antiquity. To suggest that these tourist routes are of sufficient significance to justify designation as heritage assets, under conservation legislation, could be dubious and could undermine the recognition of genuine historic trackways as heritage assets. Distinguishing between these circumstances requires careful research to ensure that data used to populate the evaluative model are not compromised.

Fig.2.2 A Sunken Lane/Hollow way
Source: DEFRA 2005 Making the Best of Byways

To set the context for the research, the following section provides a brief summary of historic trackways likely to be encountered in the British Isles. For descriptive purposes the typology commences with the earliest recorded examples and concludes midway through the 20th century. This helps to inform the definition adopted in the research.

Prehistoric and Neolithic tracks 9000BC -43AD

These tracks cover a very long period of history across the Mesolithic (9000-4000BC), Neolithic (4000-2200BC), Bronze Age (2200-750BC) and Iron Age (750-43AD) periods. They reflect semi–natural desire lines and originally followed routes suspected to have been taken by large migratory animals. They may be complex and occupy wide corridors and in the Neolithic period can be considered to be 'planned' as they may be the first attempts to link up settlements.

Characteristics

Such trackways may be identified through the remnants of timber bridges and causeways across marshy wetlands and by their linking of ancient monuments such as long barrows and henges. They are characterised by taking wide swathes along ridge summits particularly in chalk country, although following the enclosure movements of the 17th and 18th century most are now constrained by hedges and stone walls. These tracks remained in commercial use until the Middle Ages when wheeled traffic markedly increased and lowland travel using the valleys became more practical. Hindle (2001) remarks that finding good evidence of the existence and use of these early tracks is difficult due to lack of written evidence. However they may be evidenced on maps and aerial photographs and identified through field walking (Taylor 1979).

Typical examples of wetland tracks some of which may be dated quite accurately through dendrochronology, include those found on the Somerset levels (the Sweet Track), Tidal margins (Gwent) and the Fens. The best known of this typology are the Ridgeways (The Berkshire/Oxfordshire Ridgeway, The Harrow-way and the Icknield way).

Aerial photography has revealed through crop marks and more recent LIDAR (Laser imaging detection and ranging) surveying, the possible alignment of some ridgeway routes, but outside of the wetlands none could be considered deliberately constructed and most would have varied

over time (Colyer 1984 as cited by Hindle 2001). Taylor (1979) reflects that archaeology has revealed the physical remains of a few tracks on the Wessex downs, whilst Timperley and Brill (1965) identify some 12 different ridgeway routes in this locality (Fig.2.6). Identifying and dating these ancient routes most of which are a continuum, can be fraught with problems and has led Taylor (1979) to speculate that the Jurassic Way in particular, is merely a 20th century invention. Whether this is correct (and evidence produced by Crawford (cited in Hoskins 1955) suggests that it may not) it does seem likely that routes such as the Exmoor Ridgeway, the Bronze Age tracks on Dartmoor, (Toulson (1984) as cited by Hindle 2001), the Old Portway in Shropshire (Dodd 1980) and the Kerry Hills Ridgeway in the Welsh marches, along with the aforementioned tracks, are of considerable antiquity and thus of historic and heritage value.

Roman Roads AD43-410AD

Roman roads are perhaps the most studied and recorded of the historic trackways to be found in Britain. The total length of known and recorded Roman roads approaches 8,000 miles, but 10,000 miles is probably a more accurate figure of their real extent. Hindle (2001) disagrees with Margary (1973) that 'Roman Roads were laid out as a carefully planned system'. He points to piecemeal development outside of any overall master plan, but acknowledges that each individual road was carefully planned. The directness of the major Roman roads, reflecting their original military purpose, is well documented, however Hoskins (1955) notes that a network of local roads based on improving a much older pre-historic trackway system was also in- being. This implies that Roman roads were not the only lines of communication at this time, there remained a multitude of unplanned trackways and lanes in every part of the country reflecting the large numbers of farmsteads and hamlets spread across the terrain. This hierarchy of roads built to different standards and widths is difficult to reconstruct, Hoskins (1955) concluding the problem is actually seeing it in practice. Much has been written about tracing Roman Roads with Margary (1973) providing perhaps the most comprehensive text. Some books also confuse boundary structures with ancient trackways. Discussions with Historic England have led the author to conclude for example, that Hadrian's Wall is an historic boundary as opposed to an ancient trackway, whilst Offa's Dyke could rightly be described as a trackway along a boundary. This illustrates the possible problems of attempting to categorise historic features and may lead to disagreements amongst researchers.

Characteristics

Major Roman roads are capable of recognition due to their alignment and method of construction (aggers or banks with a cambered surface of metal, flint or gravel being the most common feature). Minor roads however would have had little engineering or surfacing, reflecting their pre- Roman origins. To complicate matters, the purpose and use of the major roads has changed over time, as commercial trade grew in importance over initial military concerns. Most of these major roads are still in being today (many are now Class A highways such as Watling Street and the Fosse Way), although much altered through modern engineering which arguably has diminished their conservation value. By contrast evidence of minor Roman roads is almost lost due to the palimpsest of changes in the ensuing 1500 years, notably the ploughing and enclosure of former medieval open fields.

Aside from where they appear as surface features and thus may present evidential and historic value and hence need to be evaluated for their conservation significance, the study of Roman roads (and remains) relies substantially on archaeological investigation which is outside the scope of this research.

Dark Age Trackways AD410-1066

The departure of the Romans occasioned a period of almost 600 years of neglect with no large scale road maintenance until an Act of Parliament in 1555. Incremental wear and tear gradually resulted in the loss of the Roman system, which suffered further demise in the early middle ages when trade increased. The absence of documentary evidence makes the Dark Ages the most problematic period to understand and there are few trackways which can be confidently dated to this period. The emergence of Anglo - Saxon dykes in the 6th and 7th centuries referred to in various charters (there were no maps) might imply new trackways, but are more likely to be boundaries based on ownership. Illogical and spurious names were sometimes given to such landscape features including standing stones which may have had a religious and ceremonial connection rather than being related to a particular trackway.

Characteristics

Certain clauses within Anglo-Saxon charters may provide one of the few documentary sources which could evidence the presence of a dark age trackway. The use of the terms 'herepath (army road), paeth, weg and holanweg (a hollow-way) in such charters might imply a trackway of some description, but a particular route could have had its origin in pre-historic, Roman, Saxon, Danish or Medieval times. Research on Offa's Dyke revealed the use of these terms (Cwdr records office).

Herepaths were apparently quite common (Marlborough to Avebury) as were Portways (which emerged with trading in the 9th century but may also be of pre-historic origin). Dodd (1980 cited in Hindle 2001) for example, refers to a Portway from Nottingham to Bakewell, which he traced by linking a series of documentary references and place names. Taylor (1979) also cites a series of changes to roads around Stamford (Lincs) where Saxon settlements can be found. Perhaps of more significance, is the emergence of references in the late Saxon period to Saltways (described in some charters as 'witches' (Droitwich and Nantwich). The 8th century also witnessed the emergence of the first nucleated villages which may appear in association with an existing road system, but parts of Britain such as north Devon, escaped this process (Appendix 2 lists some of the terms found in Saxon charters).

The absence of certainty around the emergence of historic trackways in this period creates evidential problems for the research. There are few datable examples and it is possible to confuse findings with previous pre- historic routes. Nevertheless, some topographical features such as Offa's dyke and Wansdyke have been dated to this period and provide perhaps the best evidence of likely Dark Age trackways.

Medieval trackways and the pre- turnpike era AD1066-1663

The rapid growth in population prior to the Black Death (1340's) is presumed by historians to have stimulated trade and communications, although evidence for this relies on local parish and monastic records. By AD 1066 the system of minor roads was largely completed, from then the trackways experienced a period of largely unorganised change and development which gathered

pace until the first Turnpike Acts started to impose a new system of maintenance, care and responsibility. The paucity of available evidence concerning what trackways existed at this time and how they might have been used, continued, only the itinerate records of the movements of the Royal households (such as King John in the 13th century) providing any reliable data.

Characteristics

Generally most information is difficult to interpret as roads and tracks were not deliberately constructed rendering archaeological investigation problematic. It is likely that most main routes would have been drove roads, (some of much earlier origin) which expanded in importance throughout the period as towns grew and with them trade and commerce. However these routes have no special characteristics to identify them as medieval in origin, most having developed along existing Saxon lanes and paths. More convincing evidence is provided by the emergence of stone bridges in the 12th and 13th centuries, which gradually replaced timber structures some of which were surviving Roman features. Bridges and causeways are probably the most helpful structures in suggesting the probable alignment of an ancient route and are likely to have changed the pattern of some trackways encouraging the growth or decline of particular towns. A typical feature of downland and still recognisable, is the sunken hollow-ways (Fig.2.2) created by such wheeled traffic, as is the braiding of routes and duplication of tracks to avoid obstacles across The Ridgeways.

There are good examples of bridges influencing the alignment of historic trackways at Ludlow, Abingdon and Chippenham (Maud Heath). The Clapper bridges are indicative of the alignment of trans-moorland routes across Dartmoor while the causeways across the Fens (to Ely) also suggest possible medieval routes.

The 13th century Gough Map shows a network of 3,000 miles of main roads across England and Wales mostly starting from London and following the approximate alignment of former Roman roads. Other new medieval roads came into being though continuity of use, linking with river systems (which were essential for the transport of bulk goods) although many would have been pre-existing routes revived as traffic and trade expanded. Hindle (2001) suggests that Drove Roads and Saltways have their origins in this period, however it is perhaps more likely that the network rapidly expanded rather than originated from this period. Taylor (1979), Dodd

(1980),Wright(1985) and Hindle (2001) have all done extensive work to uncover and reconstruct how the road system may have looked in particular localities, recognising the evolutionary and changing pattern, but noting that few can be cited as of certain medieval origin. The evidence of many local parish tracks has been compromised by subsequent ploughing and enclosure but pre-enclosure maps, tithe maps and estate plans may still reveal previous routes, which can be recognised by subtle changes in the landscape such as ridge and furrow and unploughed headlands. In uncultivated areas (Dartmoor and the Lake District) and manorial wastes, very irregular tracks might also be apparent. Only seldom are tracks still used for a single purpose in this period, but the emergence of monastic routes, pilgrim routes, corpse roads and church paths is worthy of note. Those found in upland areas include the Yorkshire dales (Mastiles lane) Dartmoor (Lych way), Cardiganshire (Strata Florida) and Scotland (Glen Shiel); others, such as the Pilgrims way in south east England, are perhaps better known, the latter being a typical example of a ridgeway route of possible great antiquity.

The deterioration of many roads in the 16th century led to the Highways Act 1555 requiring parishes to introduce repairs. Other statutes followed in 1575 (levying rates), 1691 (which set minimum widths), and 1697 (which provided for signposts). Whilst a system of post roads emerged in the 17th century, the difficulty of using wheeled traffic meant that packhorse routes predominated until the mid 18th century. Reliable evidence of the extent of the road system however awaited the publication of Ogilby's Britannia (1675) (Fig.2.3). This used a strip map system at one –inch to one mile depicting the extent of the main and minor road network along with associated features, and provided the information for the county maps produced subsequently by Morden in 1695.

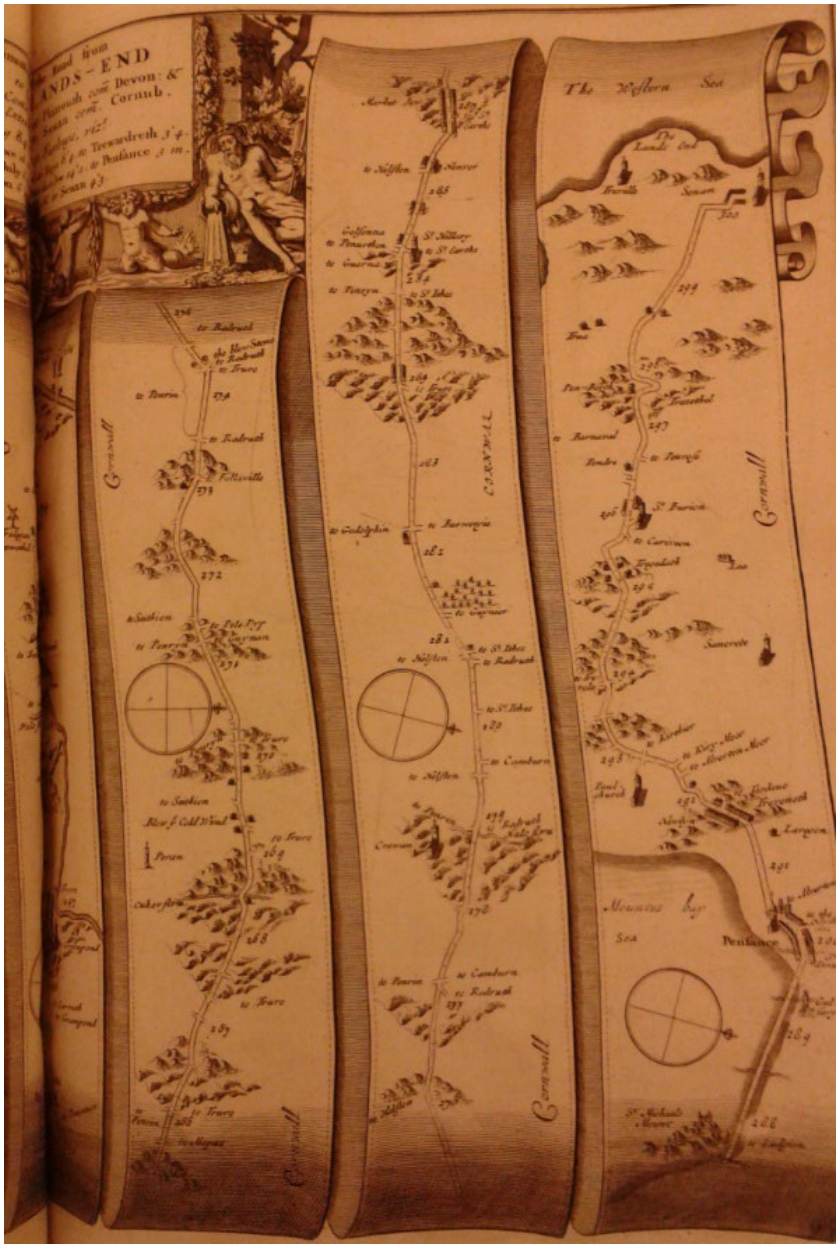


Fig 2.3 A Photograph of Ogilby's Britannia 1675
Source : British Map Library (April 2016)

Photographs of historic maps are taken from archive sources and the quality of reproduction may be impaired in some cases.

Turnpikes and Enclosure Roads 1663-1850

The first Turnpike Act dates from 1663 (Wadesmill to Royston Fig.2.4) from which they increased steadily in number to about 146 by 1750,with 389 being permitted (but not necessarily implemented) between 1751 and 1772; they were eventually to replace parish statute labour on most major roads. The total length of the English turnpike routes has been estimated at 1600 miles, however there were no turnpikes in Cornwall, Devon, Dorset or Wales and only small sections in the Lake District and Norfolk.

Fig. 2.4 An Enclosure road at Roystone Grange, Derbyshire
Source: English Heritage: Pre Industrial Roads, Tracks and Canals 2011 (Dr P. Stamper)

Turnpikes generally took over existing roads needing improvement, but pressures from trade and commerce associated with the industrial revolution saw the emergence of new alignments to access canal wharves and bring materials from remote rural locations, to the mill towns of the North and agricultural towns of the Midlands and South. The first large scale county maps reveal many of the original turnpike routes which may now only be minor roads or paths, having been replaced by 'modern' routes more suited to the movement of heavy goods. It is these minor routes which are likely to be of most conservation significance along with their

ancillary structures such as toll lodges. The Cam High Road in the Yorkshire dales is cited by Hindle (2001) as a good example of one of these former turnpike routes. At this time parishes were still responsible for minor roads and these were shown on the first detailed county maps and the new Ordnance Survey maps of the 19th century. As many of these were in upland areas and escaped the new and improved turnpike system they can still be identified through field survey. The absence of research into local turnpikes is remarked upon by Hindle (2001 p114) however several county level studies provide evidence of the changes and complement the important work of Taylor (1979). Few local landscape histories however, consider the impact of the turnpike era, despite their value as the link between the early trackways and the modern period when new road building gathered pace and change became endemic.

The process of enclosure had a significant impact on large parts of the landscape in England but was not uniform across Britain, with main roads and turnpikes largely unaltered by the process. The old enclosures dating from the 16th century had little impact on ancient trackways but after 1760 the process gathered pace. The surveyors usually redesigned the landscape starting with the roads and historic research necessitates reconstructing the old road system through a comparison of parish maps drawn before enclosure, and old surveyors' plans, with the post enclosure position.

Characteristics

Typical enclosure roads had a minimum width of 40 feet between ditches stoned to a depth of 12 inches (Billingsley 1797 cited in Hoskins 1955). Only a relatively narrow width was surfaced the remainder being grass verge with quickset hedges. They are characterised as being generally wide and straight and may have right angled bends where they join a pre-enclosure route. Many enclosures obliterated the very old tracks and paths altogether, Hoskins (1955) noting that the aimless wanderings of old trackways is lost in the newly enclosed countryside. Russell (1985) points to the mismatch of the old and new enclosure roads, which can be recognised by abrupt changes to carriageway widths where parish boundaries met. In upland areas 'occupation roads' (often 'green lanes') permitted access to newly enclosed moorland in a process similar to the enclosure movement of the lowlands.

It is a moot point as to whether these new enclosure roads should have conservation protection given their ubiquity; Hindle (2001) suggests that one-fifth of the mileage of country lanes date from this period. Nevertheless, it is the changes which the enclosure process introduced to ancient trackways dating from earlier times that are considered particularly significant to the research, although the enclosure roads and lanes represent an important phase in understanding the evolution of such trackways.

Drove Roads, Packhorse tracks, Military and early Industrial routes:
12th Century to 19th Century.

Drove Roads and Packhorse tracks are a ubiquitous type of trackway not confined to any one specific historic period. Drove roads (drifts) or Green roads, are amongst the oldest trackways in Britain probably originating with the transhumance movement of animals. From the 12th century the practice of droving from the Highlands of Scotland (Skye and the Cheviots) and Wales (Anglesey and Harlech) to the main centres of population in Britain grew steadily. These routes became standardised and many ultimately reverted to turnpikes, although drovers often took circuitous routes in open country to avoid the tollgates.

Characteristics

Drove roads may take different alignments and forms, wide swathes in open country, sunken hollow-ways and enclosed lanes with grass verges when traversing farmland, but Drovers did not usually create new roads and generally took over existing tracks. Recognising these routes in the lowlands can be difficult as modern development may have fragmented or changed them or they may have been abandoned, whilst others survive as country paths and lanes.

Hindle (2001) refers to the Hambleton drove road as one of the best preserved examples in England but also notes the use of ancient tracks such as Peddars Way and Roman roads including Dere Street and Ermine Street. The Welsh drovers' roads including the well known Kerry Ridgeway and The Long Mynd have been studied by Colyer (1976 & 1984 respectively), (cited in Hindle 2001); both are shown on the earliest Ordnance Survey and tithe maps. Identifying drove roads involves reviewing documentary records including old maps and

studying place names. Most drove roads passed out of use as the railways developed, only to be revived as trails for walkers and riders, however their use by modern vehicles may lead to deterioration in their physical condition and harm to their conservation value.

As with Drove roads, Packhorse tracks (pack and prime ways or causeys) have a long history pre-dating the improvement of roads in the 18th century, after which the passage of goods by cart and canal became possible. Surviving examples may be found in the Lake District and the Pennines (The Long Causeway; Jaggers Gate, and Reddystone Scoutgate).

Characteristics

The packhorse tracks are characterised by their location in the landscape (most follow high ground), their zig zag configuration used to negotiate steep inclines and their sometimes engineered construction using flagstone surfacing material such as the stone trods (Fig.2.5) found in the North York Moors. Purpose designed packhorse bridges (eg. Slaters Bridge in Little Langdale) were used to cross fast flowing water and these are typically of stone construction and are narrow with low parapets. Other features associated with these routes include stone crosses, as found on Dartmoor and wayside stones.

Whilst many packhorse routes have been lost, others survive as footpaths and lanes and continue to be used for leisure purposes. Their nature and form together with their antiquity suggest that they may be of considerable conservation value. A similar comment applies to early industrial routes which are frequently encountered in moorland locations (the Jobbers roads) and to routes across coastal margins. Others such as the St Cuthbert's Way (Holy Island to Melrose) have important religious, spiritual and cultural associations. Within the Highlands historic military routes may still be recognised and are significant for their cultural connections. Some remain unchanged such as the route through the Corrieyairack pass, whilst others were abandoned when Telford (and Caulfield) improved existing roads and created new roads in the 18th century. Many now form important leisure routes such as the West Highland Way which traverses Rannoch Moor near Glen Coe.

Fig 2.5 Typical stone trods on the alignment of a Historic Trackway
Source: NYMNP Historic Archive (accessed 2013)

From 1888 to the present day

The collapse of the turnpike system and the introduction of a formal role for County Councils in highway maintenance brought radical changes to the pattern of communications which had been in existence for hundreds of years. Many of the changes began as piecemeal improvements to the historic network and saw new classified roads built on and following the original historic route alignments. This was particularly the case with Roman roads such as the A1 (Ermine Street and A5 (Watling Street). The introduction of the national motorway system in the late 1950s began a new period in the development of road communications not specifically based on historic routes.

2.4 The Research definition

One particular benefit for this research of producing a typology of trackways is the evidence base it provides to inform a working definition of the term 'historic trackway'. This is crucial to examining such a broad topic. The definition used in this research is as follows:
An historic trackway has been defined as any route, together with its ancillary features such as bridges, causeways, crosses, tollgates and hedges, whether or not a public right of way, which may be considered to have conservation significance such as to justify designation as a heritage asset.

The definition includes roads, lanes, bridleways and footpaths irrespective of the nature of the use, but excludes major modern routes which are clearly recent interventions not based on any likely historic alignment. Routes associated with the specific purpose of serving railway and canal infrastructure such as service access points and tow paths have also been excluded as they are not independent trackways.

The definition is intended to focus the research on roads, lanes, footpaths, bridleways and other trackways which might be considered significant in heritage terms and for which evidential, historic and community value can be determined through documentary research and field survey. The inclusion of ancillary features, such as bridges, is particularly important as in many cases these provide clues to a former route alignment where visual evidence of the trackway itself may be only partial or perhaps absent over part of the route. The archaeological value of a particular trackway(s) is only referred to where documentary research confirms the presence of finds, as the opening of trial pits as part of the field survey process was not considered practical for this research. The definition will be kept under review throughout the research to ensure that it produces reliable evidence for analysis and will be amended if necessary.

2.5 Historic research and recording of trackways

This aspect of the research is crucial to establishing the conservation value and significance of historic trackways and in advancing a case for their recognition as heritage assets. The techniques available to the historic geographer are varied and rely upon a combination of

documentary research and field survey. The documentary sources are discussed below whilst possible field survey techniques are set out in Appendix 2. Both aspects have been applied in the case studies discussed in Chapter Six and in the calibration of the evaluative model used to analyse significance.

The use of historic documents to identify the possible location and derivation of historic trackways is not new. Indeed most of the reference sources were identified by Hoskins (1955&1972) and Taylor (1979) over 50 years ago. Hoskins suggests a triangular approach starting with desk top research, proceeding to field survey and then checking the findings once again against the documents. This underlines the painstaking work required to comprehensively study trackways even over a small local area, such as a parish. Hoskins (1972 & 1982) confirms this through examples of his work in both Norfolk and Devon. The introduction of aerial photography in the early 20th century adds a further technical mechanism, enabling the recognition of topographical features that would likely be missed in a ground survey, but this technique should be seen as augmenting others already in use not replacing them.

2.6 Historic Map evidence

Whilst the founding of the Ordnance Survey in 1791 began a process of accurately recording topographical landscape features which continues to this day, other types of maps date from much earlier periods and provide an essential historic evidence base. Maps and plans can provide important documentary evidence of the possible existence of historic trackways in particular localities. Through sequential analysis and comparison, they may reveal which particular trackways were present at a particular point in history, how they may have changed and what remains to be seen today through field survey. Through this process their original alignment and their conservation significance might be evaluated. Cartographic information can also be combined with other visual material, particularly vertical and oblique photographs, to analyse landscape features, and with the introduction of advanced photographic and computer aided techniques such as satellite imagery and LIDAR, may reveal new information.

Maps, however, are fundamentally different from written documents in terms of how they should be used and interpreted. Early maps tended to be illustrative and pictorial in nature and

not the result of careful land surveying. In using maps as evidence it is important to know which maps are topographically accurate and which are not. A comparison of map evidence derived from different periods may enable the construction of a time line of changes from which it is possible to investigate how a trackway(s) has evolved. The acquisition and interrogation of maps, especially those produced prior to the advent of the Ordnance Survey, nonetheless can present a considerable research challenge. It was not until the 1890s that full and comprehensive coverage of England and Wales was achieved, however maps had been produced well before the 18th century and although of variable accuracy and extent, can tell much about particular localities and the roads and trackways which cross them. A summary of the types of maps which may aid research is contained in Appendix 2.

Associated with this process is the interrogation of written sources which may accompany maps, with the intention of identifying clues to the possible location and antiquity of particular trackways. One specific technique concerns the interpretation of words and phrases (etymology) contained within ancient charters. Appendix 2 contains a short list of historic references likely to be encountered in documentary research compiled from various sources, including Gelling and Cole (2000) *'The Landscape of Place Names',* and Hoskins (1982) *'Fieldwork in Local History'.* Some particular words and phrases have already been noted, but for completeness these are included in the longer list. Etymology requires great care and reference to a specialist in the discipline is recommended to avoid mistakes. The various languages in use throughout the period including Saxon, Welsh, Celtic, Latin, Early English and Cornish compound the complexity and etymological evidence should not be relied upon uncritically.

2.7 Historic Value and Legislation

A conundrum presented for this research, which requires very careful distinction, concerns the potential overlap between historic value in conservation terms and legal rights of access under Highway Law. The Countryside and Rights of Way Act 2000 proposes administrative changes to Highway law which may impact on the rights of users of certain routes (which may or may not be historic trackways), falling within the definition of this research. An aspect of these legal changes looks to identify what has been termed *'lost lanes,'* meaning those routes used by the public but missing from the definitive maps. Both the Countryside Commission and latterly

Natural England have reported to government on the issues raised by attempts to close the definitive map from further changes other than in exceptional circumstances. But the provisions of the Countryside and Rights of Way Act 2000 remain unless new regulations change the position markedly. From the conservation perspective, the term *'lost lane'* is used quite differently to describe routes long since abandoned but which may still be identified through field survey and/or documentary research irrespective of their legal status (Taylor 1979). The latter are relevant to this research and may feature in case studies and examples, thus enabling conclusions to be drawn about their conservation value and whether they should be identified on the Historic Environment Record, irrespective of whether they are legal Rights of Way.

Whilst procedural changes may need to be considered in terms of any policy recommendations arising from the research, the existence of public rights of access should not be considered a determining factor in an assessment of the conservation significance of a particular historic trackway. To do so would constrain the scope of the research to a legal and procedural debate which could potentially undermine heritage considerations. Nonetheless it has to be recognised that if it is not legally permitted to walk a particular route, it is difficult to formulate a case for designation as a heritage asset based on communal value, other heritage values particularly evidential, historic and aesthetic, must be brought into consideration.

The complex relationship between conserving heritage and acknowledging legal constraints to access cannot be entirely set to one side. Indeed historic user rights can form part of the argument for recognising the historic value and hence the heritage significance of a particular historic trackway. Lowenthal (1990) for example, remarks on a case where defenders of an ancient right of way enlisted the nation's oldest man '*(John Lane of 112 years past) to attest that he had regularly walked a footpath over its alleged course for a whole century'.*

The weight this type of argument might be given in the determination of disputes through case law decisions is especially pertinent to a holistic understanding of the historic value (interest) and significance of historic trackways, in the minds of the Public, the Planning Inspectorate and the Judiciary. The issue is also relevant where harm is occasioned by inappropriate development and use where such activities come within the remit of town planning, highway and environmental law. Chapter Four examines these matters.

2.8 Historic Trackways and Town and Country Planning

This section looks briefly at the history of the town planning and conservation regimes in the UK and provides an introduction to the subsequent chapters on value/ significance and law, which discuss how historic trackways might fit within the established heritage paradigm. It is important to appreciate that historic trackways do not explicitly benefit from the protection deriving from town planning and conservation law and whilst other legislation, such as the Highways Act 1980, may seek to preserve rights of way, it does so for purposes outside of the conservation remit. As such historic trackways may experience harm occasioned by development proposals which would otherwise be rejected, were they to receive the protection afforded to parks and gardens. This problem arises in both urban and rural locations. In urban areas redevelopment can wipe away any evidence of an ancient route, whilst in rural locations farm management can obliterate all that might remain of a historic trackway, including ancient hedgerows and banks, without any need for express planning permission. Both these circumstances arise in the case studies in Chapter Six. The question remains as to why historic trackways are excluded from heritage protection? To answer this it is necessary to consider briefly the evolution of both the town planning and conservation regimes.

The town planning and conservation disciplines emerged in the 19th century, the former from concerns about public health and housing and the latter from concerns about loss of heritage, as a result of development and change (Ratcliffe 1974 p73 & p211). They were brought together in the Town Planning Act of 1947 which consolidated previous legislation originating from the Housing and Town Planning Etc Act 1909 and the Ancient Monuments Act 1882.

The concept of conservation continued to evolve (as did town planning) as the pace of change in the immediate post-war period escalated, notably the redevelopment of war damaged sites and the pressure to meet the expanding needs of the population. Leading conservationists felt that much of this reconstruction was insensitive especially in historic urban centres where contemporary building seemed to pay little respect to culture and heritage (Ruskin and Morris arguably began this debate from the 1850s). Such an approach in Britain contrasted markedly with other European cities such as Warsaw, where post war reconstruction specifically sought to

replicate the previous plan and built form of the city (Holzner 1970). The loss of Euston station archway in London served as a painful reminder of the pressure new commercial demands were placing on the older historic fabric and many of the resulting post 1950's buildings were not received warmly by commentators at the time (Dobby 1978 p23-25) and *Save Britain's Heritage v Secretary of State for the Environment (1991 2 All E.R.10).*

Whilst post-war reconstruction was pursued with zeal based on the new 'town plans,' the conservation movement (led by amenity societies such as the Civic Trust) pressed for greater recognition of heritage and a more sensitive approach. The process culminated in the Civic Amenities Act 1967 which recognised that areas and the setting of buildings was equally (in philosophical and practical terms) deserving of protection as individual buildings.

The incorporation of the Civic Amenities Act 1967 (and Town Planning Act 1947) into the Town and Country Planning Act of 1971 completed the process of statutory recognition of buildings and places begun almost 100 years previously, with planning taking on the responsibility for administering the conservation process. However, the problem in attempting to conserve heritage assets not explicitly recognised in this legislation then emerged. Indeed it was implicitly assumed that area based control would be sufficient to conserve places from inappropriate change but in reality change continued at pace and whole neighbourhoods, particularly city locations, modified their original plan form to accept modern development. As historic trackways did not feature as heritage assets worthy of protection many were lost to commercial redevelopment in cities and towns. The scope of area based control was in fact quite limited, even though a conservation area might in itself cover a quite extensive urban area. Commercial considerations predominated in the layout and form of new development and the original plan form of many locations was swept away (MoHLG 1967).

Within rural areas, the designation of large tracts of countryside as either National Parks or Areas of Outstanding Natural Beauty brought with them new planning controls, driven by public concern and interest emanating from the National Trust and the Council for the Protection of Rural England (Ratcliffe 1974); outside of designated areas the landscape relied upon broader planning powers to control harmful development. But these controls had their limitations with most agricultural activities either not being defined as 'development' or being

'permitted'. Apart from rural villages conservation area designation was not extensively used and the loss of rural paths, hedgerows and banks to modern farming practice became substantial. This harm was recognised through the introduction of the Hedgerow Protection Regulations in 1997, where rapid change was causing public concern over large parts of the country. The dispersed nature of the laws, regulations and powers over development in the countryside remains and particular features, such as historic trackways, have not benefitted from the protection afforded to other heritage assets. The reasons for this situation are twofold: a failure to recognise their conservation value in planning terms and a belief that existing powers over rights of way offered sufficient protection of their amenity value. Both aspects suggest flawed thinking. Whilst the National Planning Policy Framework requires Local Authorities to set out positive strategies for the conservation of the historic environment, including heritage assets deemed to be most at risk through neglect, decay and other threats, few authorities seem to have interpreted this advice in respect of historic landscape features such as historic trackways, which has left a gap in the control measures available for their conservation. This narrow interpretation fails to understand and appreciate the guidance found in Para 126 of the National Planning Policy Framework which specifically encourages positive action, by stating that Local Planning Authorities should take into account *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and considering the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring'.* This entails the adoption of proactive policies in respect of historic landscape features, especially those which fall into the category of 'non-designated' assets.

2.9 Conclusion

This review of the literature of the historic background to the identification and designation of historic trackways has revealed that academic and directly applicable research is limited. The topic has received superficial attention in the recent past and does not seem to have excited the interests of historians or planning professionals. It is suggested that this may be due to a misunderstanding of their heritage worth and belief that existing powers of control, albeit from diverse sources, are sufficient to safeguard them from harm. The first aspect is surprising given the public interest in the countryside generally (excepting that the topic should not exclusively

be viewed in terms of the rural landscape, indeed the urban landscape presents an even more challenging conservation paradigm); whilst the second aspect is a misunderstanding of the scope of current legislation. The NPPF offers the opportunity and an invitation to recognise the heritage value of historic trackways, although it is accepted that this may not be an easy process, given the need to apply existing conservation mechanisms not created or necessarily well suited to this particular purpose. How this might be advanced in legislative and policy terms is discussed in Chapter Four, which looks at case law and procedures, including the planning policy framework arising from decisions across the UK. The case studies then consider the practical issues which arise when attempting to promote the recognition of historic trackways as heritage assets. Before examining these issues, Chapter Three considers the philosophical aspects of conserving historic trackways from the perspective of understanding their value and significance to heritage and culture.

Fig 2.6 The Berkshire/Oxfordshire Ridgeway at Uffington Castle: Source: Author 2016

Chapter 3

The Conservation Significance of Historic Trackways

'Nowadays people know the price of everything and the value of nothing' (Oscar Wilde, Lady Windermere's fan 1892)

3.1 Introduction

This chapter considers the philosophical justification for explicitly including historic trackways within the heritage protection regime in the UK. It does so by examining the concepts of value and significance (Historic England 2008) for conservation intervention generally and then considers how historic trackways might fit within this framework. The concepts of value and significance have provided the foundation for conservation activity and evolved from 19th and 20th century concerns about how heritage might be identified and protected from harm.

This chapter addresses the second objective of the research to

'Consider how the terms value and significance are interpreted in UK heritage policy and how they might be applied to the conservation of historic trackways,'

3.2 The Philosophical background:

The concepts of value and significance are complex and the framework which has evolved over the past 70 years continues to change driven by shifting perceptions of value. Historically the preservation of built fabric was seen as the pre-eminent consideration, reinforced by an ethical approach which viewed any change to an object or place as diluting its conservation value. However 'significance' (the synthesis of values) does not only reside in the physical fabric but also in the meanings that people attribute to it and the ownership and connection they feel with it. These intangible qualities are now considered to contribute to heritage as much as the physical fabric of a place itself. Some conservators take this perception further and now view

heritage as not just about the past but as a process of engagement and an act of communication equally as relevant to the present (Smith 2006).

The conscious recognition of cultural value now forms an important part of the basis for heritage decisions. However, cultural value is complicated by a lack of recognition being so bedded in behaviour and practice that it has become almost natural, a matter of common sense and unquestionable (Applebaum 2007). This perception has implications for how society understands items of cultural value which may not possess obvious physical qualities and could be a reason why historic trackways have not secured formal protection. The growing appreciation of heritage assets in public perception might ultimately place historic trackways on a trajectory for recognition through policy and law but this stage has not yet been reached. In the interim, governments have a duty to stakeholders to identify and conserve such assets on behalf of the community. This can have a positive outcome when conservators draw into decision making the various different stakeholders (national and local agencies, interest groups and individuals) and use their knowledge to resolve conflicts in the treatment and management of heritage (Applebaum 2007). In this context it is particularly important to understand and appreciate in what ways different user groups might value heritage assets and to identify which particular qualities are valued by them and why.

Current conservation practice looks explicitly to concepts of value and significance to assess whether an asset might merit inclusion within a Historic Environment Record. Such assessments have been absent from the discussion concerning historic trackways, principally because they have not been recognised as possessing qualities indicating value, necessary to fit with the model adopted by government for classifying heritage assets. One apparent reason for this situation is the lack of knowledge and research into the topic itself. Hence it appears from a review of literature that no attempt has been made to examine from first principles, the case for designation under UK law and policy, despite this being fundamental to protection from harm. These circumstances do not reflect wider conservation practice emanating from Europe.

3.3 External influences: The Role of International charters in determining value

The absence of formal research at the national and local level contrasts with International research through the Council of Europe, which launched an extensive programme dating from 1987, aimed at the recognition and designation of internationally important cultural routes, based on research findings associated with the Pilgrim route to Santiago de Compostella (the route of St James the Apostle). This research culminated in the publication of a charter on Cultural Routes (ICOMOS 2008) which enshrined the principle of conserving cultural routes as part of the cultural heritage. The Charter gave international recognition to the concept of the 'cultural route' which it defined as: *'any route of communication...which is physically delimited and is also characterised by having its own specific dynamic and historic functionality.'*

The Charter may be seen as representing a new approach to the theory and practice of conserving historic trackways as part of cultural heritage. Although the charter is focused on internationally recognised routes which cross national political boundaries (for example, the 'Via Francigena' from Canterbury to Rome, the 'Asiatic Silk' and 'Spice routes' and various other sacred routes, such as the Gospel Trail (Middle East and Israel)), its advice may be considered applicable to national, regional and local routes which fit the broad definition. The emergence of European routes, three of which cross parts of the UK (E2, E8 & E9), is an example of stakeholders taking the initiative to implement this process at grass roots level.

The Charter recognises that cultural routes may have arisen in a planned way for a specific purpose (Roman Empire routes), or as a result of a long evolutionary process in which human factors coincide and are channelled towards a common purpose. The route to Santiago de Compostella, African trade routes, caravan routes, and Route 66 in the USA are good examples. Hence if a route can demonstrate a clear function, over a significant duration of time, has a recognisable structure and configuration and has a natural environmental corridor (setting), which embraces both cultural (intangible) and physical (tangible) elements, it may present qualities deserving protection from harm through designation.

ICOMOS (2008 paras 7-8) advises that *'A Cultural Route can be a road that was expressly created to serve this purpose or a route that takes advantage either totally or partially of pre-existing roads used for different purposes. But beyond its character as a way of communication or transport, its existence and significance as a Cultural Route can only be explained by its use for such specific purpose throughout a long period of history and by having generated heritage values and cultural properties associated to it which reflect reciprocal influences between different cultural groups as a result of its own peculiar dynamics. Therefore, Cultural Routes are not simple ways of communication and transport which may include cultural properties and connect different peoples, but special historic phenomena that cannot be created by applying one's imagination and will to the establishment of a set of associated cultural assets that happen to possess features in common'.*

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Whilst the charter is aimed at protection at the macro scale through seeking to define, identify and conserve internationally respected ancient routes, its broad remit suggests that the interpretation of its key philosophical concepts at the national, regional, and local level is quite possible and indeed may be highly desirable. The guiding principles of the charter are capable of interpretation at a geographically smaller level and in so doing create a position, in principle, for the conservation of historic trackways within the United Kingdom.

The case for conserving historic trackways necessitates recognition of intangible concepts (perceptions and memories) and tangible concepts (physical and territorial boundaries). However, the former has no obvious legal or policy affiliation and the latter may be difficult to identify through field inspection and documentary research. As a consequence this presents a new challenge for conservators. The problem is brought into focus when the traditional (official) process which requires an assessment of an asset's value and significance is introduced. Indeed the way in which these terms are interpreted in UK conservation policy may not fit comfortably with the concept of conserving historic trackways, which unlike listed buildings and parks and gardens, are not an explicitly recognised heritage asset. The following sections examine whether the inclusion of historic trackways within national heritage policy is possible from a philosophical perspective.

3.4 The concepts of value and significance

Whilst sometimes referred to interchangeably in the literature, the concepts of value and significance have subtly different meanings. Specifically, 'value' equates to importance, whilst 'significance' is a synthesis of values (Mason 2002 p4). Value and significance both appear in UK law and policy as important conservation themes. However, whilst value has been a measure of importance for many years, arguably dating back to the Ancient Monuments Act 1882, where emphasis was placed on archaeological, artistic and historic value (framed by the concepts of authenticity and integrity as espoused by Ruskin and Morris), significance has only become formalised in conservation policy in the last twenty years.

3.5 The concept of value

The idea of protecting values is fundamental to the notion of conservation activity. The Getty Conservation Institute defines value as *'a set of positive characteristics or qualities perceived in cultural objects or sites by certain individuals or groups*' (de la Torre and Mason 2002), whilst Araoz (2011 p58) describes values as *'a shared set of intangible concepts that simply emerge from and exist in public consciousness'.* It is evident from these sources that values are not intrinsic concepts but are constructed and weighted by individuals. Furthermore, they may shift over time in terms of the relative importance placed upon them. New values tend to reinterpret rather than replace existing values depending on the context, giving rise to a complex system (Hobson 2004 p5-6 & p27). An acceptance of changing values is reflected in the Burra Charter (1979 Article 1.2 as amended) which, whilst maintaining the quite narrow definitions of historic and aesthetic value (used by Ruskin and Morris), goes further by introducing the concepts of scientific, social and spiritual value. The Charter suggests a framework for identifying those values which people attach to places, as the basis of managing change in ways that seek to retain all aspects of their cultural significance (Drury 2012). The European Framework Convention on the Value of Cultural Heritage for Society (Faro 2005) now positions heritage in this context.

Conservation requires an awareness of the mutability of heritage values and an acceptance that policies and practice reflect contemporary understanding not fixed positions. The concept is

relatively simple: understand the range of values that people attach to a place and seek to manage the place to sustain as many of those values as reasonably possible (Drury 2012). This approach underpins the Historic England document 'Conservation Principles (2008)'.

Recently, the theoretical focus has shifted from what to protect (physical form, aesthetics and areas) to ideas about what qualities are to be valued (memories and associations) through a growing acknowledgement that it is not possible to base judgements of value and authenticity within fixed criteria (Washington Charter 1987 and NARA Charter 1994). Opinion on the nature of cultural heritage and the value of its intangible aspects has therefore evolved, with the UNESCO Convention (2003) acknowledging that living heritage ie. intangible cultural heritage, is the mainspring of cultural diversity and is manifest in traditions and social practice. Cultural values, including religious and spiritual values, belong to the same family of intangible values and may be contrasted with the more familiar aesthetic, scenic, historic and archaeological (tangible) values, but are no less important as they create a sense of place to which people give a cultural meaning. Nonetheless there remains a subtle difference between perceiving or appreciating value, which can be achieved remotely through documents, books and electronic media and receiving it or experiencing it personally through visiting locations.

The notion that individuals may hold different value sets or can apply different weight to the same values is important. The Burra Charter (1979 as amended) recognises that values are relative, may change over time and are neither fixed nor absolute. For this reason theories about value can give rise to certain contradictions. The important consideration for this research is that individuals, whether stakeholders or non-professionals, can fundamentally influence how values are interpreted in conservation policy and thereby influence the recognition, designation, protection and funding of heritage assets (Clark 2006 p2-3). An acceptance of changing values suggests that heritage assets will continue to be altered or refined in a compromise with shifting public opinion. This represents a significant evolution in the designation and decision processes and brings with it the opportunity to designate hitherto unrecognised heritage assets such as historic trackways.

From a philosophical perspective it is important to understand how values arise and evolve. Although it remains subject to empirical testing, it seems likely that assets perceived as having

heritage value can also change in public acceptance, as they age or become more familiar implying a degree of time dependency. The introduction of guidance in England concerning a thirty year time horizon before a building is eligible for inclusion on the statutory list provides an operational example. The intangible value attached to an asset is now more likely to be key to its survival and has led to the phrase 'values centred conservation' (Kalman 2014 p227), but value remains a relative and dynamic concept.

3.6 The Historic England concept of value

An appreciation of this philosophical evolution led Historic England to publish a framework document 'Conservation Principles' (2008). This is the key appraisal document and sets down the process for assessing heritage value and significance. Thurley (2006) describes the evolution of the 2008 document from six core principles:

(i) that the historic environment is a shared resource;
(ii) everyone should be able to participate in sustaining the historic environment;
(iii) understanding the significance of places is vital;
(iv) significant places should be managed to sustain their values;
(v) decisions about change should be reasonable, transparent and consistent;
(vi) documenting and learning from decisions is essential.

These principles led to the adoption of the following definition of value as:

'an aspect of worth or importance attached by people to the quality of places (HE 2008 p72), with heritage values defined as representing public interest in places (HE 2008 p19)'.

From this broad definition four sub-categories have emerged:
a) Evidential value;
b) Historic value;
c) Aesthetic value; and
d) Communal value.

These value sub-sets collectively provide the framework for the official assessment of the significance of heritage assets. Understanding how these terms are interpreted is crucial to any assessment. They are explored below:

3.7 Evidential value:

This is defined as the potential of a place to yield evidence about past human activity. Historic England advises that:

'the physical remains of past human activity are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed. Evidential value is proportionate to their potential to contribute to people's understanding of the past'. The guidance goes on to say that:

'in the absence of written records, the material record, particularly archaeological deposits, provides the only source of evidence about the distant past. Age is therefore a strong indicator of relative evidential value, but is not paramount, since the material record is the primary source of evidence about poorly-documented aspects of any period.' Importantly, '*the ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement'* (HE 2008 p30).

3.8 Historic value:

This derives from the way in which people, events and aspects of life can be connected through a place to the present and tends to be illustrative or associative.

Historic England advises that:

'the perception of a place as a link between past and present people... is different from purely evidential value. Illustration depends on visibility in a way that evidential value (for example, of

buried remains) does not. Places with illustrative value will normally also have evidential value, but it may be of a different order of importance'

These definitions of evidential and historic value present a conundrum for historic trackways where there may be little or no obvious traces of their existence. If they are 'lost' in the physical sense with no possibility of dating, there is heavy reliance on historic records to authenticate their previous existence, but these records may also prove to be unreliable. In this case, anecdotal evidence residing in ancillary features (such as religious crosses, cairns, bridges, and historic sites) may be particularly important in confirming their previous existence, as well as suggesting the probable alignment of some historic trackways. This type of evidence may be crucial to satisfying the Historic England tests when visual (tangible) evidence of the trackway itself may no longer be discernible.

3.9 Aesthetic value

'Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place. ..... Aesthetic values tend to be specific to a time and cultural context, but appreciation of them is not culturally exclusive' (HE 2008 p30).

Aesthetic value (both local context and setting) can be determined through desk top analysis and field survey. The National Planning Policy Framework (NPPF 2012) advises that setting concerns:

'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (NPPF 2012 annex 2 glossary).

Whilst this value focuses on the built environment, rather than the 'natural' landscape, it is highly pertinent to this research as the local context and setting of an historic trackway may present strong justification for its protection from harmful development. Indeed it is aesthetic value derived from views of the surrounding landscape, which the public is most likely to

readily appreciate. A complication within this value assessment, however, is that historic trackways are usually linear features in the landscape rather than a discrete entity or site. Any assessment relating to aesthetic value therefore involves a modification to the established impact appraisal techniques.

The setting of an historic trackway is effectively the landscape of which it forms a part, from which it derives its context and through which users gain personal experience. As such an assessment of aesthetic value comprises both the overall setting and the local context. This might best be approached through a landscape appraisal process as explained in Natural England's Guidelines for Landscape Assessment (2014). Although this process is geared towards examining the impacts of development proposals, the methodology lends to adaption for testing significance. Whilst this is a complex form of evaluation, it is vital if a comprehensive assessment of the heritage significance of an historic trackway is to be obtained.

3.10 Communal, Social and Spiritual value

Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Historic England advises that:

Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects. Social values tend to be less dependent on the survival of historic fabric. Spiritual value is often associated with places sanctified by longstanding veneration or worship, or wild places with few obvious signs of modern life. Their value is generally dependent on the perceived survival of the historic fabric or character of the place, and can be extremely sensitive to modest changes to that character, particularly to the activities that happen there (Summarised from Historic England Conservation Principles 2008 p 30-31).

Communal and Social values may be identified through interviews with interested parties to determine intangible perceptions. Where available the findings might also be quantified by collecting statistical evidence of use.

Whilst these four value categories theoretically have equal weight, the Burra Charter (1979) and guidance from Historic England both imply that demonstrating evidential and historic value is likely to be critical. This is important in demonstrating the case for the conservation of historic

trackways, where reliance is placed to a significant degree on documentary evidence. It is also notable that other values such Economic value (and its leisure and tourism sub-sets), do not feature explicitly in the Historic England assessment process. Quite why this is so is unclear and the implications need to be clarified.

3.11 Economic value

Whilst economic value does not feature explicitly in the Historic England assessment process, its role in the overall conservation process is suggested by the author to be of sufficient importance to merit inclusion in an evaluative model, designed to test the significance of historic trackways as heritage assets. Whilst this might be seen as distorting the purity of the Historic England process, to exclude economic value from any assessment narrows the focus of the debate and excludes a key reason why certain stakeholders implicitly recognise historic trackways as heritage assets. Economic value is also likely to figure prominently in any debate about a trackway's future, especially where tourist access to the countryside supports numerous ancillary activities, which have economic importance to the local community. The assessment of economic value however, raises other complex issues and should not be seen as the determining criteria for deciding whether an asset should be retained or removed. Rather, it is one of several values to be balanced in the decision process and should not form part of a simplistic discussion about how much a heritage asset might be worth, or its value in exchange when redevelopment is proposed.

Given that conserving historic trackways from inappropriate development is a cornerstone of the argument for their designation, the decision between conservation and allowing potentially harmful change (for economic reasons) is brought sharply into focus. The economic (tourism and leisure) value of an historic trackway may also be a key reason why stakeholders consider them important. Interestingly, the Burra Charter (1999 Article 3) states that *'value rests in the material'* and is dependent on the 'place (defined by Historic England as *'any part of the historic environment of any scale that has a distinctive identity perceived by people'),* retaining the actual fabric handed down from the past is clearly therefore critical. Viewed in this way, any physical change to an asset due to the promotion of an alternative economic use may undermine the conservation imperative. Most restoration projects face this conundrum and necessitate a

balanced view in the decision process as evidenced by Historic England (advice note 4) concerning enabling development. This interpretation is particularly pertinent, as many historic trackways have been subject to continual change and alteration, potentially undermining their value as heritage assets. The ICOMOS Charter (2008), whilst emphasising the importance of the intangible value of places and locations for people and communities, again emphasises the importance of physical structure and configuration. Given the physical (tangible) interpretation of value adopted in UK conservation policy, this position is potentially helpful in promoting the case for the conservation of historic trackways as heritage assets.

Returning to the Historic England list, a deductive approach might imply that only some of the identified values are relevant to this research, as historic trackways do not present a built and aesthetic component, aside from a possible 'man-made' surface texture, although some ancillary features (bridges, turnpike buildings, cairns and causeways) could be seen as embodying this value. However the value categories are fluid and not mutually exclusive, indeed some trackways may present multiple values which may reinforce their justification for conservation. Multiple values, both tangible and intangible, may also mean that individual groups may see them as important for different reasons. In some situations different values may reinforce each other but in others may produce tensions, suggesting that the same value can be interpreted in different ways by different stakeholders. Such situations can frequently emerge during the consideration of planning applications and appeals. In this respect it is arguable that no particular value category ought to be considered more worthy or important, or allowed to dominate the assessment of significance and the decisions flowing from it.

Understanding how intangible and tangible values potentially interact is important to the subsequent development of an evaluative model, which might be used to test and confirm the heritage value of a particular historic trackway (Fig 5.3). Securing a consistent approach which conforms to accepted policy tests, whilst at the same time balancing different spiritual and conceptual interpretations of value with secular values, may be difficult. Assessed in this way, not all trackways will necessarily exhibit the full range of potential values identified in the Historic England list, but this eventuality should not be seen as detracting from their overall conservation significance. The significance scores deriving from the proposed model discussed in Chapter Five therefore need to be sufficiently sensitive to reflect such an outcome and

ultimately the decision as to whether the conservation of a particular historic trackway might be justified.

3.12 The concept of significance

The term 'significance' is now commonly used to refer to the collection of values associated with a place and why that place is important. Significance may therefore be seen as the weighting of relative values attributed to heritage assets as perceived by individuals.

In terms of international heritage conservation, significance has been defined as:

'*the aesthetic, historic, scientific or spiritual value for past, present or future generations, which is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects' (ICOMOS 2008 p 2*).

The definition thus covers both the intangible and tangible aspects of conservation and has been interpreted in UK national conservation policy as *'the sum of the cultural and natural heritage values of a place'* (Historic England 2008 p 72) (ie having both intrinsic and extrinsic value)

In conservation policy, significance is first mentioned in 'Sustaining the Historic Environment (EH 1997). The term then achieved greater prominence in Planning Policy Statement 5 (DCLG 2010) and latterly in the National Planning Policy Framework (NPPF DCLG 2012) and associated National Planning Policy Guidance (NPPG DCLG 2014).

The NPPF advises that significance is *'the value of a heritage asset to this and future generations because of its heritage interest'.* In so doing the NPPF follows the theme set by the Venice Charter (1964) and Burra Charter (1979 (as amended)) establishing the theoretical and practice mechanisms for determining whether an historic feature is of sufficient interest to warrant protection through legislation and policy. The aim is to protect the cultural significance of a heritage asset by maintaining its fabric and conserving its physical form in a manner which does least damage to the qualities under protection (Bell 1997). The NPPF recognises that significance can be harmed or lost through alteration or destruction of the heritage asset or

development within its setting (DCLG 2012 p37). As such the NPPF is firmly grounded in policy intervention where tangible values can be identified.

3.13 Historic trackways: establishing significance

Given that trackways are linear features in the landscape which do not present built form in the traditional sense, they do not fit well with the established method for assessing heritage significance. But this should not be taken as implying that they do not possess the qualities to justify their conservation. Arguably a case for their conservation resides in appreciating their intangible qualities, particularly the role they play in the historic memories and actions of people alongside their tangible qualities. This associative significance is especially important for some users, such as where ancient trackways may have a religious connection, a connection in folk law, ceremony or antiquity, which particular communities have come to recognise through the passage of time.

Whilst the original alignment of an historic trackway may have changed, the mental map which has formed in the minds and experiences of individuals remains. For whom a route is important and why it became a route in the first place are critical issues, indeed it may be one of the key reasons why an ancient route is still valued and used today. As such, the intangible qualities of an historic/ancient trackway which reside in people's perceptions, gains expression through their relationship with the tangible physical manifestation of the route, and adds value to their experience. The 'alignment' of the route (its being) is thus nested in both the history and perceptions of the people who use it. Through this experience the intangible qualities of perception merge with the tangible qualities of place and in so doing should add weight to overall conservation value. The statutory listing process presents a parallel example, where the case for listing may be enhanced by a building's association with people or events which exist in the memories of others. Interpreting and understanding the historic nature and alignment of an historic trackway and its relationship to past people, events and uses is thus a crucial part of any assessment and justification for designation. A pertinent example is St Cuthbert's Way which extends from Melrose to Holy Island across the Scottish Borders and Northumberland.

An historic trackway may possess certain unifying and defining elements of a territorial nature which may extend across a large geographical area, and which share reciprocal influences in the formulation or evolution of intangible cultural values. The same route may also present commonality in terms of goal or function, social, economic or political impact, duration and time of use, effectively an intelligence pathway of intellectual and cultural exchange. Viewed in this way, historic trackways may be considered as incidents in the landscape with a physical presence, underlying which is an historic intangible significance with its own specific dynamic and functionality, serving a well defined purpose which should be recognised and given (equal) weight in the assessment process. Nevertheless, identifying this intangible connection may be difficult except where the route is well known and documented.

Establishing the reasons why an historic trackway is important, and for whom, is therefore a critical part of the justification and designation process, given that intangible qualities are only likely to be protected through an association with their tangible counterparts.

3.14 Historic trackways as potential heritage assets

The significance of a historic place is usually determined by synthesizing the many values attached to it. The identification and assessment of the overall and particular values embodied in and represented by a building or place is a fundamental part of the protection process and includes an evaluation of what aspects and elements contribute to significance.

The assessment process through which potential heritage assets might be recognised as possessing significance is described in Historic England policy (HE 2008 p35-40). This sets down eight sequential steps to any assessment:

- understanding the fabric and evolution of the place
- identifying who values the place and why they do so
- relating identified heritage values to the fabric of the place
- considering the relative importance of those identified values
- considering the contribution of associated objects and collections

- considering the contribution made by setting and context
- comparing the place with other similar places sharing similar values; and
- articulating the significance of the place

It is axiomatic that understanding and articulating the values and significance of a place is necessary to inform decisions about its future. The degree and type of significance then determines what protection, including statutory designation, is appropriate under law and policy (Kalman 2014 p212). Internationally, agencies adopt contrasting approaches for judging significance usually based around a hierarchical pyramid, with outstanding significance (an international World Heritage designation) at the apex percolating to local significance at the base. In practice this requires the formulation of criteria based on an agreed set of values against which the asset might be judged. The contrasting criteria of uniqueness and representativeness are also now part of the justification whilst the eligible categories, (for example the incorporation of cultural landscapes following the European Landscape Convention (2000)) are expanding.

The essential question for this research, is where might historic trackways fit within these changes?

Unlike 'recognised' heritage assets, such as listed buildings, parks and gardens, historic trackways, as an unrecognised category, must first be accepted as a valid class of heritage asset which might merit designation, only after this process is completed can the individual merits of a specific trackway be evaluated.

Hence a two stage assessment process is required before an historic trackway might achieve recognition as a heritage asset:

(i) Justification that historic trackways as a typology should be accepted in principle as heritage assets, and

(ii) Testing and confirmation that a particular historic trackway is of significance to merit designation as a heritage asset.

In this context the NPPF Annex 2 glossary (2012) does not specifically mention historic trackways as a category or class meriting protection. However as trackways in many instances cross historic landscapes, which are mentioned, it might be assumed, perhaps mistakenly, that they are protected by association. Apart from where such trackways intrude upon designated heritage assets such as scheduled monuments and historic parks and gardens, their protected status is questionable.

The opportunities created by the ICOMOS Charter on Cultural Routes (2008) and the definition adopted by the charter, suggests that there might well be a place for historic (ancient) trackways to be considered as heritage assets in principle. Indeed the assessment framework established under UK law and policy invites this interpretation. Fig 3.1 examines whether the chronological steps adopted in Historic England policy guidance (HE 2008 pp 35-44) used to establish whether heritage assets meet the tests of significance can be applied to historic trackways. It also introduces the definitions adopted in the ICOMOS Charter on Cultural routes (2008) which is a key aspect of any justification.

Significance test deriving from HE categories	Test of Compliance of Historic trackways with the HE categories			Issuses arising from the application of the HE test with Historic Trackways
	Yes	No	Possibly	
Understanding the fabric and evolution of the place			√	Presents dating problems given the wide variation in the typology of historic (ancient) trackways, however it is possible to resolve this through documentary research
Identifying who values the place and why they do so	√			This strikes at the public interest and the values they bring to any assessment. Stakeholders are therefore crucial.
Relating identified values to the fabric of the place	√			Issue concerning the definition of 'fabric'. This might be reinterpreted as route alignment and character.
Considering the relative importance of those identified values	√			Achievable
Considering the relative contributions of associated objects or collections		√		Not applicable in terms. Suggest substitution of architectural features associated with the trackways, bridges, cairns etc
Considering the contribution made by setting and context			√	Potentially difficult. Need to examine local context then apply landscape appraisal techniques
Comparing the place with other			√	Achievable through field survey however uniqueness

similar places with similar values		needs to be recognised
Articulating the significance of the place against the ICOMOS definition of cultural route: (i)Does the trackway display a clear function; (ii)Over a duration of time (iii)With a recognisable structure and configuration; (iv)Within a natural environment corridor	√ √ √ √	The relationship between the ICOMOS definition of cultural route and the significance tests deriving from EH (2008) can be clearly established.

Fig 3.1 Historic trackways and the tests of significance deriving from Historic England categories of significance
Source: Author 2016

It is reasonable to conclude from Fig 3.1, that historic trackways could meet the requirements which are applied to the definition of 'heritage asset' used in UK conservation policy. They fail only in one aspect in that they do not contain any physical objects or collections, although related ancillary features may do so. The broadening of the NPPF definition of 'heritage asset' is considered feasible and could embrace permanent features associated with trackways which are not protected in other ways.

This conclusion is only the first part of a potentially more complex process which concerns the methodology to be used to test whether a particular trackway is of sufficient significance to justify its designation as a heritage asset. This aspect is discussed in Chapter Five.

Conclusion

This chapter has considered the philosophical case for including historic trackways within the established conservation regime in the UK. It has examined the concepts of value and significance and how these concepts are changing in the light of new influences, particularly intangible values, which are beginning to challenge conservation orthodoxy. This process

provides one of the foundations for the development of an evaluative model which might provide the empirical evidence to justify why historic trackways could be considered heritage assets and designated accordingly.

The next chapter considers the Legal and Policy context for the designation and conservation of historic trackways as heritage assets which is crucial to the case for their recognition as heritage assets.

Chapter 4
Legal, Governance and Policy Background

' I was born in Hereford almost 90 years ago, so grew up with some rich local words and sayings; 'glat' a hole in the fence needing repair and 'gewling' which means walking without looking where you are going' (Elizabeth Shuker 2016).

4.1 Introduction

Whilst academic literature on the legal framework and procedures concerning highway law and policy is very extensive, few texts explore highway law within the context of conservation. Research for this chapter has relied extensively on an analysis of case law and planning appeals to determine the issues from a practice perspective and from which conclusions might be drawn. A further problem concerns how proposed changes might be viewed as most involve deregulation in some form which may have associated but currently unknown conservation implications.

This chapter considers the third objective of the research to:

Consider how legal and policy decisions have impacted on proposals to conserve, modify or extinguish historic trackways and identify possible disparities.

The chapter comprises three related parts:

(i) Consideration of the legal and procedural relationship between historic trackways and Public Rights of Way;

(ii) A review of recent case law where historic trackways have formed part of the reasons for the decision;

(iii) A review of recent policy documents where historic trackways have featured in the planning and land management strategy of local authorities.

The background and content of primary and secondary legislation relating to Highway Law is complex and extensive. The bibliography lists the main statutes and supporting statutory instruments, whilst pertinent case law is referred to in the text. Before examining the implications of the law concerning historic trackways some brief mention of the legal principles is necessary to put the comments into context.

4.2 The Relationship between Historic trackways and Public Rights of Way

It is important to appreciate that Highway Law does not explicitly recognise historic trackways as a particular highway class or category. However, some historic trackways may be embraced by the general rules pertaining to Public Rights of Way (PROW). As such any discussion concerning the conservation of historic trackways inevitably involves consideration of the law and procedures relating to PROW. However not all historic trackways are designated as PROW and even where designation has taken place harmful and inappropriate changes can still emerge. The Natural England web site (http://www.naturalengland.gov.uk) contains helpful advice on the rules pertaining to public rights of way, how they come into being, the responsibilities for management and maintenance, including the role of the Highway Authority and private Land Managers, (including those relating to permissive paths) and of the procedures when obstructions or maintenance failures occur.

4.3 The Legislation

The legislation relating to PROWs (which will include historic trackways where they have been expressly defined as PROW) has evolved over time. The circumstances of a case will determine which act(s) is relevant, (the acts most frequently quoted are highlighted).

The National Parks and Access to the Countryside Act 1949
The Countryside Act 1968
The Ancient Monuments and Archaeological Areas Act 1979
The Highways Act 1980
The Wildlife and Countryside Act 1981
The Acquisition of Land Act 1981
The Town and Country Planning Act 1990

The Countryside and Rights of Way Act 2000

The Natural Environment and Rural Communities Act 2006

The Equalties Act 2010.

The Enterprise and Regulatory Reform Act 2013

Accompanying these statutes are numerous Regulations, Orders and Notices which specify the particular procedures to be applied under each act.

The application of the law to PROW is complex. DCLG (2009) (*Circular 1/2009 (Rights of Way),* provides detailed guidance as to how the various acts should be interpreted by Local Authorities and third parties, whilst Planning Inspectorate Advice Note no.9 (PINS) provides guidance to inspectors when determining objections made to the Secretary of State. The law however continues to evolve. The Enterprise and Regulatory Reform Act 2013 also has significant implications for the future protection of PROW[1], whilst case law can introduce new precedents into the decision process.

4.4 Definitive maps

The Highway Authority is placed under a statutory duty by the Wildlife and Countryside Act 1981, to maintain a definitive map and statement. This is a record of all public rights of way (PROW) (except carriageways) over which the public has a right to pass and re-pass. A PROW includes Byways Open to all Traffic (BOATs), restricted byways, bridleways and footpaths. It is inevitable that this process of definition will include some historic trackways which over time have also been recognised as PROW, but importantly it may exclude historic trackways which have not been officially recorded, (the so called 'Lost Lanes').

4.5 Case Law involving Historic Trackways

The generality of the many hundreds of PROW cases that have come before Local Authorities and the Planning Inspectorate in the recent past is not of immediate concern to this study. Rather, it is where PROW cases have led explicitly to consideration of the antiquity of a

[1] The implications of the changes to PROW legislation are considered in a later section.

trackway, which may be helpful in reaching conclusions as to the legal weight and significance which government attaches to their heritage value and hence their conservation.

A review of the various cases indicates that the following circumstances are most likely to be encountered:

- proposals to create a new public right of way;
- proposals to divert, or extinguish a public right of way; and
- proposals to change the status of a public right of way.

Cases deriving under all three headings are likely to raise issues of relevance to this research. In the first instance the designation of a public right of way may implicitly include an alignment which has previously been recognised as an historic trackway. It is these cases which are likely to be affected by commencement of section 53 of the Countryside and Rights of Way Act 2000 (the implications of which are discussed below).

The second instance currently gives rise to the majority of case work and provides much of the anecdotal evidence of the importance or otherwise attached to historic trackways by the determining authorities.

The third instance is of relevance in terms of the practical steps taken to conserve trackways when different and sometimes conflicting users' interests have to be considered. The majority of the examples in this research consider the threats which such activities pose for the conservation of historic trackways and how the responsible authorities manage, maintain and limit these threats when faced with conflicting objectives and policies.

4.6 The Legal tests

The tests which the authorities have to apply when considering proposals are sharply focussed when a decision has to be made as to whether or not it is expedient to confirm a diversion order (the second instance described above).

PINS advice note 9 (para 24) when referring to Section 119 of the 1981 Act, identifies the following circumstances as being material to the decision. The effect:

(i) the diversion would have on the public enjoyment of the path as a whole;

(ii) the coming into operation of the order would have as respects other land served by the existing right of way;

(iii) any new public right of way created by the order would have with respect to any land held with it.

These tests carry strong weight and Inspectors consistently refer to them in decision notices. Fig.4.1 is a summary of legal cases taken from planning inspectorate records[2] where inspectors have made reference to the 'historic value' of a trackway in their findings. The principal issues which emerge are discussed in a subsequent section.

[2] The period 2009-2014 was chosen to reflect well settled guidance and legislation.

Table A	Planning Inspectorate ref no.	Site address	Nature of the proposal and Decision on Order application	Principal issues influencing the decision
1	FPS/P2114/5/1	Petticoat lane IOW	Diversion Order Section 257 T&CPAct 1990. Confirmed	Para 41. "The expansion of Sainsbury's Superstore is clearly a matter of some importance for the Council, which is the local planning authority. Any justification for refusing to confirm the Order would require evidence of considerable disadvantages and losses to outweigh the advantages of allowing the development to go ahead. Such disadvantages and losses have not been shown to be likely to occur".
2	FPS/Y3940/4/8	Mud Lane Purton parish, Wiltshire	Diversion Order Section 119 Highways Acts 1980 & Wildlife and Countryside Act 1981. Not confirmed	Para 52. "The loss of such an historic route...would have a serious negative effect on the enjoyment of the Right of Way"
3	FPS/Y3940/7/7/M	Ebbesbourne Wake Wiltshire	Modification Order Wildlife & Countryside Act 1981 Confirmed	Para 3 "The key issue is whether the claimed route is a public carriageway and driftway". Argument accepted ; status changed to restricted bridleway.
4	FPS/Y3940/7/2	Broad Chalke, Wiltshire	Modification Order Wildlife & Countryside Act 1981 Confirmed	Para 21 "The seeking of planning permission is distinct from the making of a declaration to the public that no right of way exists. If granted, planning permission does not permit a person to obstruct a right of way that is found to exist and statutory powers are available to stop up or divert rights of way where it is necessary to enable a development to be carried out". Footpath added.

Fig. 4.1 (Table A) Planning Inspectorate Rights of Way Appeal decisions 2009-2014

Source: Author's research April 2016

Table B	Planning Inspectorate ref no.	Site address	Nature of the proposal and Decision on Order application	Principal issues influencing the decision
5	FPS/Y3940/4/7	Baydon Wiltshire	Diversion Order Section 119 Highways Act 1980 Confirmed	Paras 19&20 refer .Views from the new section of bridleway are improved over the existing route but loss of the view of the front facade of the listed building is acknowledged.
6	FPS/Y3940/4/3&4	Lydiard Tregoze, Wiltshire	Diversion Order Section 119 Highways Act 1980 Confirmed	Bridleway passing through farm yard causing privacy and security problems.
7	FPS/Y3940/5/2	Marston Meysey, Wiltshire	Diversion Order Section 257 T&CPAct 1990 Confirmed	Para 9 "As planning permission does not confer a right to build over a public highway, it would not be possible to implement the planning permission that has been granted for the proposed development (Mineral extraction/quarry) unless the relevant sections of the footpath are diverted. I am therefore satisfied that it is necessary to divert the parts of the footpath in question to enable development to be carried out in accordance with planning permission already granted but not substantially complete".
8	FPS/P0430/7/36	Thames Pathway at Marlow	Modification Order Wildlife &Countryside Act 1981 Confirmed	Para 15 Original pathway lost to erosion and ceased to exist before restoration works. Legal maxim applies however that "once a highway always a highway" (para 20). Footpath added.
9	FPS/P0430/7/32	Parish of Ellesborough, Buckinghamshire	Modification Order Wildlife & Countryside Act 1981 Confirmed.	Para 19 Physical characteristics. ."I do not consider that the lack of a physical feature on the common indicates that there is no use, as it could simply be that any use is too light to result in changes on the ground". Footpath added.
10	FPS/U3100/7/34	Wootton Woodstock, Oxfordshire	Modification Order Wildlife &Countryside Act 1981 Confirmed	An example of extensive use of historic records to confirm the existence of an ancient right of way.
11	FPS/U3100/4/20	Bodicote and Bloxham Oxfordshire	Diversion Order Section 119 Highways Act 1980 Confirmed	Paras 51-55 refer. This case presents the classic dilemma of balancing the public interest against the private. The Inspector recognised that the route had existed for hundreds of years but still on balance found in favour of modification of the route to protect the privacy of the objector.

Fig. 4.1 cont. Table B Planning Inspectorate Rights of Way Appeal Decisions 2009-2014

Table C	Planning Inspectorate ref no.	Site address	Nature of the proposal and Decision on Order application	Principal issues influencing the decision
12	FPS/Q9495/4/40	Wool Pack Inn Eskdale Lake District National Park	Diversion Order Section 119 Highways Act 1980 Confirmed	Para 21 "there is nothing to suggest that the sections of the path to be diverted form part of an historic route. There are no features apparent on the ground"
13	FPS/P0119/4/9	High street/Old land common Gloucester	Diversion Order Section 119 Highways Act 1980 Confirmed	Paras 47-49 "There is no visible feature and the historic connection is compromised .....there is little value in preserving the alignment where there is no indication of it on the ground".
14	FPS/X2600/4/8	Scottow Norfolk	Diversion Order Section 119 Highways Act 1980 Confirmed	Paras 33-37, "the mere fact that the route existed in Victorian times does not imbue it with particular significance... without details of any specific importance, I place no weight on the argument"
15	FPS/R0660/4/1	Plumley parish Macclesfield	Diversion Order Section 119 Highways Act 1980 Confirmed	Paras 46; 52 and 53 " The fact that the route may have some historic value does not preclude the diversion. Other than Holford Hall (a listed building) there do not appear to be any historic features to be enjoyed along the route. There is no evidence that the way (Pepper street) has been public for 300 hundred years (as claimed)."
16	FPS/J9497/4/4	Lower Lowton Farm Bridford. Dartmoor National Park	Diversion order Section 119 Highways Act 1980 Not confirmed	Paras 45; 48,49 &61. "Old mapping does not necessarily show that the route was an ancient highway, it does however demonstrate that a route of sorts has existed in this location for over 200 hundred years, it is an integral part of the local historic landscape"

Fig. 4.1 cont. Table C Planning Inspectorate Rights of Way Appeal Decisions 2009-2014

Table D	Planning Inspectorate ref no.	Site address	Nature of the proposal and Decision on Order application	Principal issues influencing the decision
17	FPS/Y1110/5/2	Pinhoe Quarry, Exeter City	Diversion Order Section 257 T&CPAct 1990 Confirmed	Paras 13, 14 , 15 &16 "Whilst, I acknowledge that the loss of a path, which may have local value and be considered to form part of the fabric of the area's history and heritage can be a disappointment, I am not aware of any circumstances pertaining to this section of path with its Devon banks that are unique and which justify my placing significant weight on .. (this argument). I note that part of this ancient footpath leading to the Parish Church was subject to an earlier diversion... the historic route has been severed in the past."
18	FPS/Q3060/5/3	Nottingham City	Stopping up order Section 257 T&CP Act 1990 Not confirmed	One of the few examples of an order not being confirmed when planning permission has previously been granted. Paras 5, 20 & 44 refer. The historic nature of the routeway was overriding despite it having been moved 20 years previously.
19	FPS/M2460/4/22	Coppice , Leicestershire	Diversion Order Section 119 Highways Act 1980 Confirmed	Paras 20-23. The historic use of the path is no reason to retain its current alignment. Permission previously granted for residential development at the farm.
20	FPS/M1900/7/70M	Pirton Hertfordshire	Modification Order Wildlife & Countryside Act 1981 Confirmed	Decision contains a comprehensive summary of the history of the alignment of the Icknield Way.
21	FPS/X2600/8/25	Bacton and Paston, Norfolk	Reclassification Order Wildlife and Countryside Act 1981 Not confirmed	Paras 15 & 24. Public rights confirmed through historical review.
22	FPS/P3800/4/50	West Hoathly, Sussex	Diversion Order Section 119 Highways Act 1980 Confirmed	Para 37. Part diversion; argument about landowners purchasing in the knowledge of the routeway. "The criteria for diversion have been met."

Fig 4.1 cont. Table D Planning Inspectorate Rights of Way Appeal Decisions 2009-2014

Table E	Planning Inspectorate ref no.	Site address	Nature of the proposal and Decision on Order application	Principal issues influencing the decision
23	FPS/X1118/5/1	Barnstable, Devon	Diversion Order Section 257 T&CP Act 1990 Confirmed	Para 42 This case deals with an important legal interpretation which is not supported by other decisions especially the point that "the historic nature of the path.... is not a material consideration..Other objections and representations refer to the merits of the planning permission ... the planning merits of the development are not for my consideration".
24	FPS/P3800/3/3	Burgess Hill West Sussex	Extinguishment Order Section 118 Highways act 1980. Confirmed	Para 85 Scope of the decision and use of the expediency test. "The Objectors referred to the loss of the heritage of an historic path and some people expressed dismay at the loss of an off-road route, where wildlife could be viewed. Whilst the legislation does not specifically allow consideration of such concerns, I consider it to be part of the overall expediency test and I have taken account of it in this way below".
25	North Cornwall District Council v Ecogen Ltd.(1994)9 P.A.D. 100	North Cornwall District Council	Planning appeal allowed for wind farm development affecting the view from and setting of an ancient trackway.	Para 48 "Although the scheme would be seen from a very wide area in good weather and be prominent from the Saints'Way, the character and appearance of the AGLV and the other important designated landscape areas would not be so harmed or be in such conflict with national guidelines and approved or emerging planning policy objectives as to lead to its refusal. The proposal would not detract from the setting of the scheduled ancient monuments in the AGHV or harm the historic character of the area."

Fig .4.1 cont.Table E Planning Inspectorate Rights Of Way Appeal decisions 2009-2014
Source: Author's research, April 2016

4.7 The principles arising from case law decisions

Whilst it is enshrined in English Law that cases come before government inspectors 'de novo', (i.e. afresh and judged on their own individual merits), certain trends emerge when the issue of historic value is introduced into the consideration of particular cases.

The guidance contained in Circular 1/09 (and PINS Advice Note 9) makes no explicit reference to historic value as being embraced by the tests listed above. It would be surprising therefore if inspectors placed much, if any, weight on this aspect when making a determination. Nevertheless, as the cases demonstrate, inspectors have, on occasions, made explicit reference to this factor when raised by objectors in evidence. At this point it becomes expedient[3] for an inspector to consider historic value as a particular issue, if only for completeness and so avoid any possibility of judicial review.

From the case reviews the following principles may be identified (the list is not in any priority order):

- Before determining an application for planning permission, the Local Planning Authority should consider the implications of the proposal on any public right of way that might be affected by the development. PROW Inspectors will not reconsider the merits of any planning permission in any subsequent decision.

- A diversion order will normally be approved to permit development with the benefit of planning permission but the order may be temporary only (as in the case of mineral proposals).

- The historic nature of the route or its historic status, may be of importance where any stopping up or diversion order would affect the enjoyment of users and present a less aesthetically acceptable or convenient outcome.

- Historic records including old maps can be influential in resisting any change to a trackway particularly where they confirm ancient rights, however history of use on its own may be no reason to retain a particular alignment if a better (more convenient) alternative can be proven.

- Proposals for diversions based on privacy arguments or greater efficiency of agriculture are likely to be viewed favourably even if the route has provable historic connections.

- The absence of any historic evidence of public use particularly visible features on the ground, may be persuasive in permitting a change of alignment or status unless local

[3] Expediency in the decision process is referred to in para 5.32 of Circular 1/09

topographical features or geology is likely to conceal such use, eg. resistance to wear and tear over rocky terrain.

- Evidence of previous diversions may remove any unique historic qualities.
- Loss of setting (due to development) and local views from an historic trackway are unlikely to be persuasive in any decision to resist a change but improvements to views from an alternative alignment will be considered if the enjoyment of users is enhanced.
- Historic trackways lost to flooding or erosion do not lose their legal status and may be replaced.
- The 'expediency test' may necessitate that retention of an historic trackway be treated as a material consideration in the decision process.

4.8 Case review conclusions

The legal weight given to the historic significance of a trackway in the decision process depends on the evidence put forward in each individual case. However, despite the absence of any explicit reference to this factor in Circular 1/09 or PINS Advice note 9, historic value does, on occasion, appear to influence the outcome especially when combined with issues of aesthetics, convenience and enjoyment. However by itself historic value is seldom the overriding factor and does not feature strongly when planning permission, privacy or land management arguments, are presented as reasons for seeking a change. As the majority of the reviewed cases occur outside of designated areas and hence are not influenced by other planning considerations, the inference of this legal interpretation is likely to be significant.

4.9 The Implications of the Countryside and Rights of Way Act 2000

The background and the reasons for the changes proposed in the CROW Act 2000, date from 1949. The National Parks and Access to the Countryside Act 1949 envisaged that all Public Rights of Way would eventually be recorded on the definitive maps thus removing disputes

between interested parties as to the alignment and status of routes across the countryside[4]. The designation procedure however has been very slow and some 60 years later still remains to be completed**.** To speed up the process and reduce the administrative burden and costs, the Countryside Agency in 1989 promoted the idea of a cut off date for entries after which the definitive maps would be closed thus freezing the system for all time. The Countryside and Rights of Way Act 2000 (section 53) gives effect to this by imposing a cut of date of 1st January 2026.

The cut off is in effect a blanket mechanism affecting all footpaths and bridleways that are not recorded on the definitive map and statement. Specifically all rights of way that exist on the cut-off date and which existed on the 1st January 1949, but which have not so far been recorded will be extinguished. [5]

It was envisaged that by 2026 most routes used by the public on a regular basis would have been formally recorded and thus no disadvantage would accrue. A number of protagonists however objected to this reasoning based on the poor performance of responsible authorities and the growing backlog of cases, some of which raised complex issues, coming before the Secretary of State.[6]

In answer to criticism from interest groups the Countryside Agency introduced a 'Discovering Lost Ways' project in 2001. This was a pilot study to examine the issues and promote the identification and recording of historic trackways and was intended to be rolled out to all responsible authorities. It was crudely estimated from this pilot that some 20,000 cases could be raised in respect of hitherto unrecorded historic routes. In the event the project encountered similar difficulties as previously and was closed by the Department of Environment and Rural Affairs (DEFRA) on the advice of Natural England in 2008.

Recognising that a more comprehensive review was necessary, Natural England appointed a working group representing interested parties, under a tight remit to report on the options and

[4] This process excludes Scotland and Wales where different legal provisions including the right to roam apply.

[5] Section 54 contains some exemptions to this blanket rule, but is not of direct relevance in this discussion.

[6] The Ramblers Association; The Trail Riders Association and the Commons and Open Spaces Society were foremost in their opposition to this section of the act.

approach for the recording of so far unrecorded rights of way. The group's report titled: 'Stepping Forward The Stakeholder Working Group on Unrecorded Rights of Way: Report to Natural England', was published in 2010. (http://www.naturalengland.org.uk). Natural England subsequently accepted the report in its entirety and commended it to government.

Amongst its 31 specific recommendations the report contained a number of key findings: Notably, an acceptance of the original cut off date of the 1st January 2026 for the recording of PROW, this being conditional upon surveying authorities being more proactive (for which they would receive improved resources); the Secretary of State's role (including that of the planning inspectorate) being simplified; and a list of exemptions being agreed. There was also a long list of procedural changes designed to streamline the process.

The government's response was originally contained in the draft de-regulation bill 2013 (clauses 13-15) now enshrined within the ENRR Act 2013. Essentially the government accepted the commission's findings[7]. Regulations now defer the extinguishment process by one year, allowing surveying authorities the opportunity to review submissions by third parties and amend the definitive map and statement if deemed necessary (section 56A). This to a degree reflects the Natural England view that the forced completion of the definitive map and statement by 2026 is not a practical proposition.

4.10 Critique of the Legislative Changes

These changes may prove critical to the protection of historic trackways, especially how far surveying authorities may determine to use their powers. Similarly the response of stakeholders is uncertain. Whilst National Parks England is generally supportive of the changes, definitive map modifications are not their responsibility, so their workload is unlikely to be compromised. A key element in securing stakeholder agreement was that more resources would be provided leading to improvements in local authority performance. This remains to be clarified. Given that this issue has been one of the main reasons for the protracted process of designation, alongside the complex, convoluted and at times confusing procedures, it is unclear whether these changes

[7] Reference should be made to Hansard to confirm amendments accepted during the debates.

will assist in improving the recording process. The changes also assume that voluntary groups will bring forward proposals for surveying authorities to consider, the one year deferment being the window for this. Apart from specific exemptions set down in existing legislation, the deferment process still relies on satisfying the surveying authorities that sufficient evidence exists to support inclusion of a trackway on the definitive map. The commission underlined the importance of this in a suggested 'evidential test'. It is important to consider the implications of these legal changes for the conservation of historic trackways

It might be argued that the legal maxim of 'once a highway always a highway' is fundamentally at odds with the new legislation. Importantly, the decision as to whether to include a trackway on the definitive map will have subtly shifted away from historic evidence towards actual use by the public. It is also apparent that some authorities (e.g. Lake District, Yorkshire Dales and North York Moors National Parks (NPs) and the Isle of Wight Area of Outstanding Natural Beauty) are now categorising trackways based on use rather than historic value. To an extent this trend reflects the emphasis of Rights of Way Improvement Plans with performance indicators and resource allocations based on the condition of trackways from the user rather than the historical perspective. It is contended that this change may act against the conservation of historic trackways as the significance of the asset is given less weight than its practical every day use.[8] It also runs counter to the Sandford principle which is a legal requirement placed on National Park Authorities by section 62(1) of the Environment Act 1995 to give greater weight to conservation over recreation should it prove impossible to manage the conflicts between the two.[9]

The de-regulation process also implicitly relies on voluntary groups, private landowners and local authorities to reach a consensus on those trackways which should be protected and to complete the survey work. It is questionable however, whether volunteer groups possess the necessary skills or resources to do this work. From the conservation perspective there is still a need to systematically record historic trackways, bridges, milestones and other highway features

[8] This issue is discussed further in Chapters Seven and Eight.

[9] The principle derives from the National Parks review committee chaired by Lord Sandford in 1974 and incorporated into law (but with a subtle change in emphasis).

that are not so far designated as public highways. Given the scope of this task it seems highly unlikely that a complete record of historic trackways will be available by the cut-off date.[10]

4.11 Governance Issues

Both Natural England (http://www.naturalengland.org.uk) and the Institute of Public Rights of Way (http://www.iprow.co.uk) provide useful guidance on the role and responsibilities of the various agencies involved in the designation, maintenance and management of public rights of way. This guidance confirms the complexity of the relationships. For ease of reference Fig. 4.3 summarises the main arrangements whilst the respective web sites should be consulted for more detailed advice.

10. The British Horse Society is proactive in this survey process

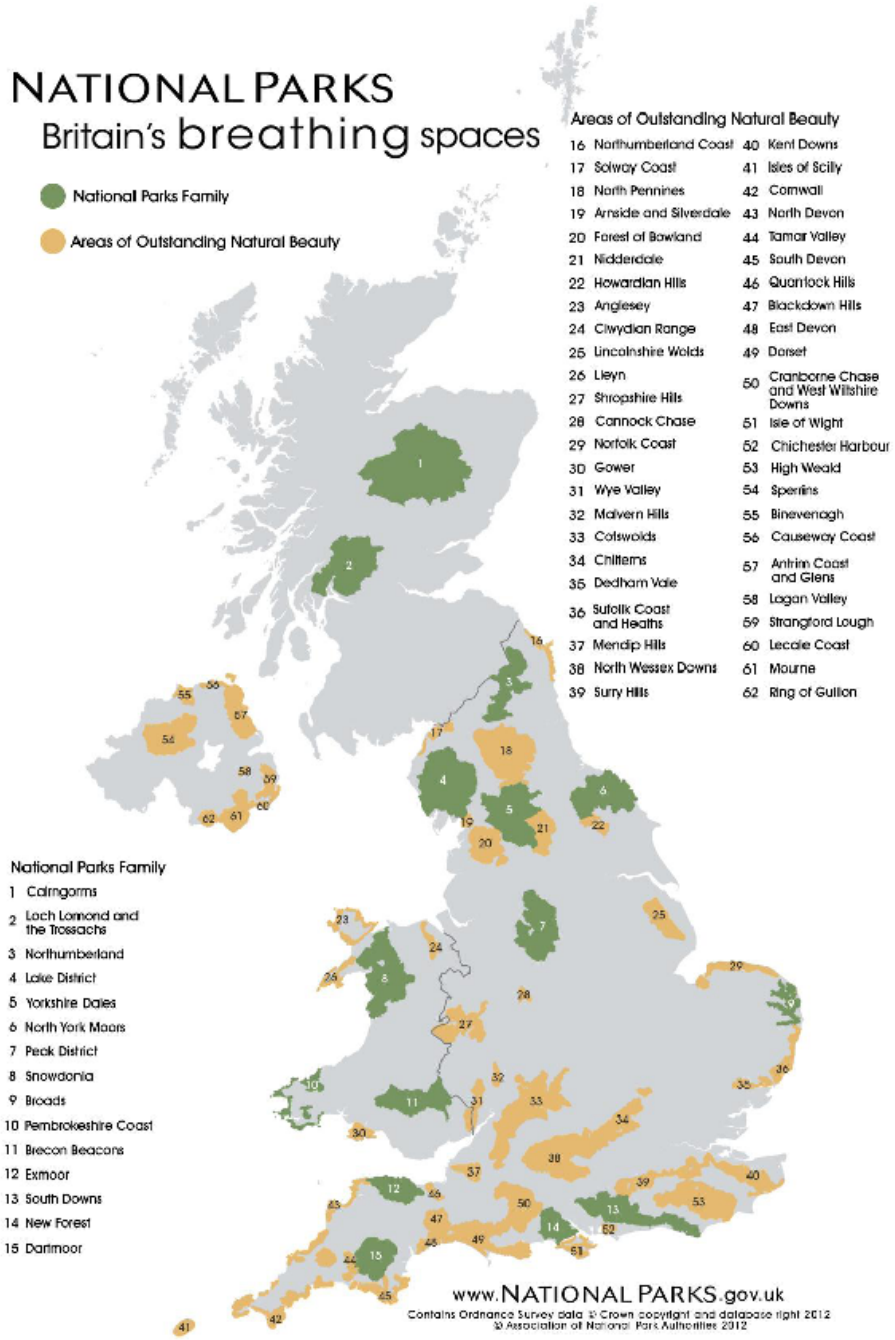


Fig 4.2 National Parks and Areas of Outstanding Natural Beauty

Source: www.National Parks .gov.uk 2012

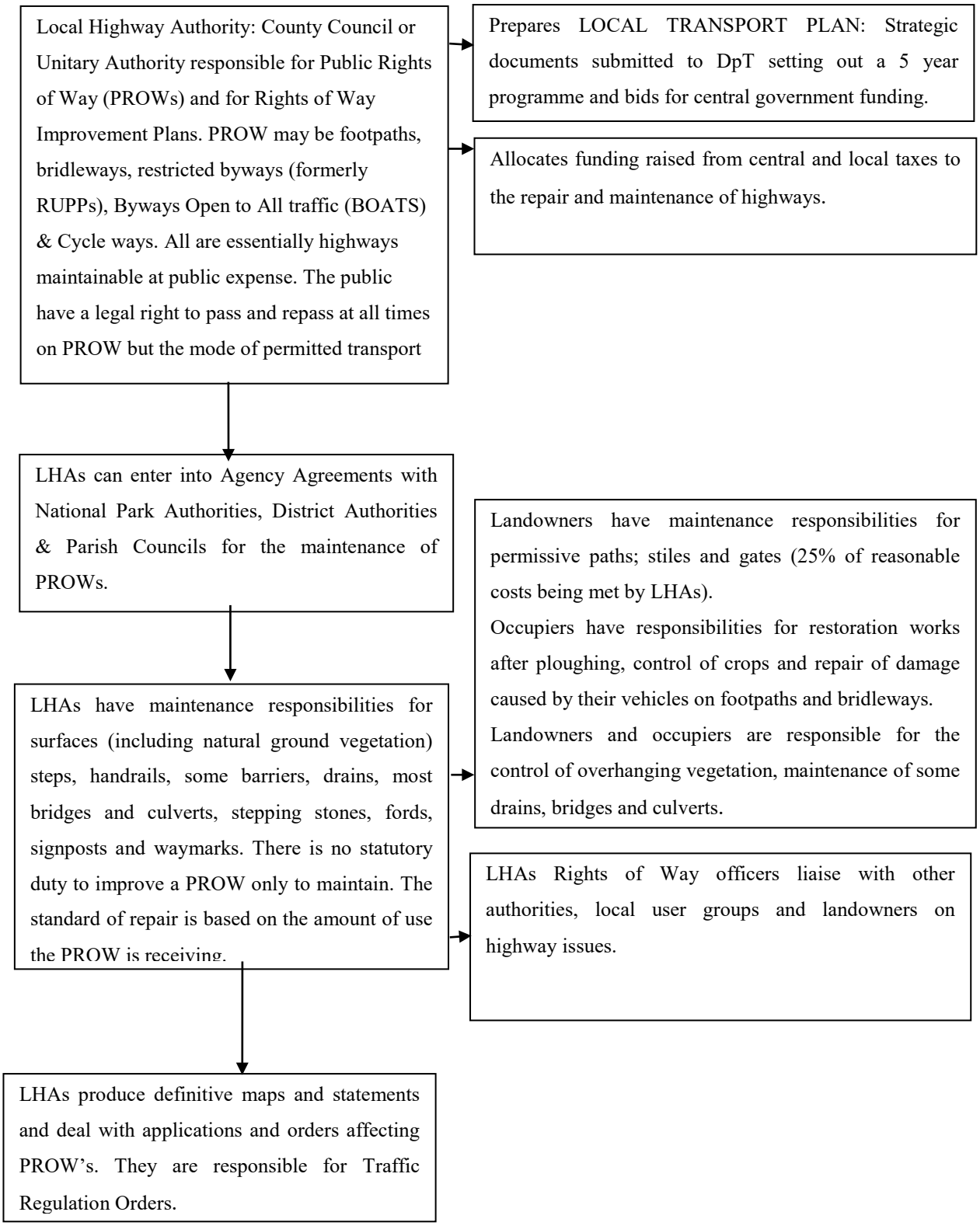


Fig. 4.3 Public Rights of Way: Roles and Responsibilities.

Source: Author April 2016

4.12 The National Situation: roles and responsibilities

It is suggested that Historic England and Natural England present contrasting remits. Historic England focuses on identifying and designating nationally important archaeological sites which may also embrace an historic trackway(s) especially where a number of remains are linked geographically.

However, before deciding to designate a site Historic England must first identify evidence of harm and also consider whether the damage is so great that its protection could not be sustained. This reactive approach, which is also echoed in the CROW Act (i.e. that access rights will not be suspended unless harm can be identified) may be too late to prevent irreversible damage.

By contrast Natural England focuses on ecological conservation and may be pro-active, protecting hedgerows, banks, verges and sites before harm occurs. It may therefore be fortunate for the conservation of historic trackways where Historic England and Natural England interests happen to coincide.

Nevertheless it appears that conservation issues are seldom tackled holistically at national level, with County, District and Unitary Authorities left to resolve conflicts. Whilst this is not specifically objectionable, the importance of effective consultation between Highways Departments, the Archaeology and Historic Environment Service and any National Park or AONB organisation as well as the general public will be apparent. Problems emerge when the different remits and budgets of the various organisations are brought to bear on maintenance and management issues, including enforcement, which may result in conservation compromises.

4.13 The Local Situation: roles and responsibilities

Local Highway Authorities (County Councils and Unitary authorities) have a key role in maintaining Public Rights of Way. Apart from implementing the provisions of the Highways Act 1980, they have a duty to prepare Local Transport Plans (LTP) under the Transport Act 2000, which are five year strategic programming and resource bidding documents presented to the Department of Transport. The LTPs have links to Council Local Plans and Rights of Way Improvement Plans and are material considerations in the planning process. The relationship between these documents is crucial to maintaining, protecting and enhancing trackways both historically and ecologically.

Countryside Commission targets originally required local authorities to bring rights of way networks to the standard of being legally defined, properly maintained and well publicised by year 2000. However achieving the correct balance between heritage conservation and improved access is proving difficult and protracted. Historic Environment Action Plans (HEAPS) are crucial to this process, informing the content of Local Plans and LTPs and ensuring that highway management is sympathetic to historic character.

Within National Parks delegated arrangements are normally in place whereby park authorities take over the practical responsibilities for managing and maintaining unsealed routes. This includes serving Traffic Regulation Orders where recreational activities such as off-road motor vehicle use is harming the historic environment. Outside National Parks, such as in AONBs, highway authorities are charged with tackling this problem. Examples of the conservation problems to which some activities give rise are discussed in the case studies.

The unclassified unsealed county roads present a contentious problem in that many are classic green lanes and may also be historic trackways. However unlike footpaths, bridleways and restricted byways, they were not protected by the Natural Environment and Rural Communities Act 2006 and require Traffic Regulation Orders to preclude off road vehicle use and the harm that may follow. Most National Park authorities prefer however to manage the impacts rather than ban users. The Peak District National Park for example, has identified 23 green routes which it considers are not sustainable without repair and in partnership with Derbyshire County Council has produced management plans for eight routes which require urgent attention (Peak District Green Lanes Alliance 2011).

4.14 Policy Background

The national and local policy imperative is to improve public access to the countryside rather than to conserve the heritage of ancient and historic trackways. This emphasis emerges in most of the specific studies listed in Fig 4.14 and few local authority policy documents identify or explain the conservation conflicts that this can give rise to. An exception to this general finding is the Pembrokeshire Coast National Park Management Plan which identifies the conservation concerns of modifying trackways to meet access for all requirements. The Isle of Wight Unitary Authority (HEAP 2009 pp 22-24) also notes that the volume of motor traffic and how it is

distributed around the network will dictate whether or not the historic character of trackways can be maintained.

4.15 The general policy approach

The next section examines the policies of local authorities, the comments being based on those documents examined and listed in Fig 4.4 and Fig 4.5. They comprise two broad categories:

(i) Documents which directly relate to a statutory function: Local Plans, Highway Plans, Rights of Way Improvement Plans and Strategic Management Plans (Fig 4.4).

(ii) Supplementary documents concerned with single issues and which may be material to any action of the authority including development control, implementation and funding bids (Fig 4.5).

National Park Location Table A	Local Plan ref.	NP Management Plan ref.	Landscape Character Assessment	Comment
Brecon Beacons http://www.breconbeacons.org/	Deposit LP 2010.Policy SP3 (f) Paras 4.14; 7.8.10; Policy 31	MP 2010-2015 action plan para 8.3. ROWIP part2 pages 25-55 &31 See also Upland Erosion Strategy &Walking Tourism strategy (page 47 refers)	Completed 2012 paras 5.3-5.5 Acts as SPG to LP	Focus is on ROWIP. Discussion of Lost Ways important and contentious. Main concern is with Tourism access and improving routes. No specific mention of conservation value of trackways in any document reviewed. Some reference to National Trails (5) and legal duties under CROW Act. Agri-environmental schemes; access land; and promoted routes important to policy approach.
The Broads http://www.broads-authority.gov.uk/	LDF CS adopted 2007. Page 35 and policy CS17	The Broads MP 2012-2017. Integrated Access Strategy 2013 objective 2 Page 6. See also Norfolk and Suffolk ROWIPs paras 6.49-6.51. Assessments of needs stated on pages 10-19	Completed 2005.	ROWIPs are extensive documents but do not focus on conservation of trackways but on recreational access and management. Some mention of Peddars Way Trail and discovering Lost Ways project (Natural England). (The documents focus on riparian access which is outside the scope of this study).
Dartmoor http://www.dartmoor-npa.gov.uk/	LDF CS adopted 2008. Policies 1(j), 3 and 6 are relevant. also DPD development management and delivery plan	MP 2014-2019 Landscape section part 5. Policies LG4; LM5; and TRM1. ROWIP paras 2.10.7; 2.11.1	Completed 2013.	No specific references to ancient trackways in policy documents. It seems implicit that these features are protected as part of the historic archaeological landscape.

Fig 4.4 Table A- National Park documents and Historic trackways:

Source: Author's research April 2016

National Park Location Table B	Local Plan ref.	NP Management Plan ref.	Landscape Character Assessment	Comment
Exmoor http://www.exmoor-nationalpark.gov.uk/	LDF adopted 2005 (under review 2013) Chapter 10 paras 10.5-10.9 and 10.34.Policy TR12 .	MP has Linked objectives with LDF. Para 2.15 &2.16 refer. Paras 2.98 and 2.113 deal with general matters	Completed 2007. Action plan 2011.	No specific references to ancient trackways in policy. Changes to character of footpaths referred to as a secondary issue affecting all areas.
Lake District http://www.lakedistrict.gov.uk/	LDF adopted 2010. Policies CS14; CS21; CS25; CS27 linked to character assessment.	MP 2010-2015 Part 3(d) para 3.13 (i) Cultural heritage and built environment. State of the Park report 2013 (J) Historic Environment.	Completed 2008 – adopted as SPD to LDF	LDF contains no references to ancient trackways. Green Road management and Rights of way Improvement plan contain general references.
New Forest http://www.newforestnpa.gov.uk/	LDF adopted 2010 No specific policy ref, but see ROWIP	MP2010-2015 State of the Park Report 2013	Completed 2013 and adopted.	Rights of Way Improvement Plan is key document. Paras 2.14.1. National trails; 2.14.3 lists long distance routes; 2.14.4 proposes "new paths to ancient sites"

Fig 4.4 cont. Table B National Park documents and Historic Trackways

National Park Location Table C	Local Plan ref.	NP Management Plan ref.	Landscape Character Assessment	Comment
Northumberland http://www.northumberlandnationalpark.org.uk/	LDF, Adopted 2009. Page 42.(paras 9.9 & 9.15). Policy 18 deals with Cultural Heritage.	MP2009-2014 (Page 9) Outcome 2.1 refers. Annual action plan paras 1.1.2; 1.2.3; 1.3.3; 2.1.4. Survey of 15% of PROW to inform maintenance and improvement programme. Some relocation of paths proposed.	Completed 2007. SPD to LDF.	LDF and LCA make no specific reference to ancient trackways, but focus on Hadrian's Wall and National trails. MP refers to ancient trails and annual programme of works on Pennine Way, Hadrian's Wall, and St.Cuthbert's Way. Enforcement problem with MPVs. See also Archaeological Research Framework.
North York Moors http://www.northyorkmoors.org.uk	LDF adopted 2013. CS policy G (page 52)	MP Policies E5 &E7. Pages 25-28.	Completed 2003. Landscape character assessment refers to Historic &Cultural influences at paras 3.1 & 3.3	MP lists challenges arising from recreational use of trackways. No specific references to ancient trails as such but there is reference to Roman trails. Cultural Heritage Action plan and Unsealed Roads study are relevant sources.
Peak District http://www.peakdistrict.gov.uk/	LDF adopted 2011. Policy L3 (general)	National Parks trails management plan (2018) contains specifics. Management plan and delivery plan combined. See State of the Park report 2004	Completed 2009 live until 2019.	Cultural heritage strategy (2005) and Development Management Policies DPD are relevant. Objective to protect the recreational value of trails.

Fig 4.4 cont. Table C National Park documents and Historic Trackways

National Park Location Table D	Local Plan ref.	NP Management Plan ref.	Landscape Character Assessment	Comment
Pembrokeshire Coast http://www.pembrokeshirecoast.org.uk/	LDF adopted 2010.Historic Environment para 4.69. Para 4.76 Setting and Landscape impact.	MP approved 2009-2013.Para 6.4.2.1 proactive management of sites. Para's 12.3.1.2-12.4.3.9 relevant. ROWIP 2008 paras 1.2.6 and 2.4.4.1	Completed and adopted as SPG 2011.	No reference to ancient trackways but some comments on Lost Ways. ROWIP follows CROW Act 2000 but issue is whether the manner in which paths are improved is consistent with conservation practice. Only propose to major on setting and landscape impact in historic terms. Interesting point in leaving some paths unimproved for heritage reasons.
South Downs http://www.southdowns.gov.uk/	LDF consultation 2014. Proposed adoption 2017. Saved policies apply from constituent Local Plans previously adopted.	MP 2014-2019. Adopted 2013. See also State of the South Downs NP 2012 Chapter 6	Completed 2011 Paras 4.15 &4.17 relevant	No specific references to ancient trackways but recognition that many ancient routes crossed the South Downs. National trail references include South Downs Way. Access seen principally as a recreation issue. CROW act management issues similar to other areas and raise potential impact problems.

Fig.4.4 cont. Table D National Park Documents and Historic Trackways

National Park Location Table E	Local Plan ref.	NP Management Plan ref.	Landscape Character Assessment	Comment
Snowdonia http://www.eryri-npa.gov.uk/planning	LDF adopted 2011. Historic Environment para 4.2 Policy F(f)(iv)	MP 2010-2015 paras 5.9-5.10. ROWIP 2008-2017.obj 14;17(f) .Green Lanes para7.2.	Draft doc. 2014.	Ancient trackways specifically mentioned as part of historic landscape. Task 2.7 of action plan refers to Investigation of Lost Ways. References tied in with recreational user issues. Attempt to categorise paths by antiquity of use is innovative.
Yorkshire dales http://www.yorkshiredales.org.uk/	LDF adopted 2006 (under review 2013). Chapter 10 Policies B1 , TA1, TA2, & Para 10.6 refer to the ancient route network	B2 Maintain and promote network of public rights of way, B3 Management and use of MPV's on Green Lanes. B8 improve access to PROW.	Completed 2001	Specific mention of the ancient route network in the LDF. Importance of cultural heritage of minor roads along the dales and unfenced roads across open moorland (page 15 of MP); contribution to 'Spirit of Place' on page 16 MP.

Fig. 4.4 cont. Table E National Park Documents and Historic Trackways:

Source: Author's research April 2016

Location	Title of document
Cotswolds AONB Conservation Board	Position statement 2010
Cranborne Chase and West Wiltshire Downs AONB	Historic Routeways Characterisation Pilot study 2010
Dedham Vale AONB	Planning position statement 2013
East Devon	Historic Environment Action Plan Report 2014
High Peak	Trails Management Plan2013-2017
High Weald Management Plan	Historic Routeways Pilot 2009- 2011
Hampshire Countryside Heritage	Ancient Lanes and Tracks 1980
Isle of Wight	Historic Environment Action Plan 2009
Lake District National Park	Colton Parish doc. Damage to unclassified roads 2008
Nidderdale AONB	Heritage Strategy 2009-2014
North York Moors National Park	Unsealed route study 2012
Northumberland National Park	Illegal use of Pubic Rights of Way 2007 Defra report
Offa's Dyke	Conservation management plan 2000
Peak District National Park	Nether Brenton study*
Peak District National Park	Green Lanes alliance doc. 2011
The Ridgeway Trail	Long distance walkers association doc.
Yorkshire Dales National Park	Management of unsealed routes*

Fig.4.5 .Local Policy Documents and Historic trackways:
Source: Author's research, April 2016 Internet addresses in bibliography.
(Note now only available as hard copy*)

4.16 The findings of the policy review

A policy by policy search of both sets of documents reveals that few contain specific stand alone policies concerning historic trackways. Rather, where mention is made, it is in supporting text and then in relation to countryside and landscape conservation in its broadest sense.
A typical example taken from the Snowdonia National Park Plan is set out below:

'The historic landscape, heritage assets and cultural heritage of Snowdonia National Park will be conserved and enhanced, due to their contribution to the character and 'Special Qualities' of the National Park. Particular protection will be given to the following archaeological, architectural, historic or cultural assets and where appropriate, their settings. Development will not be permitted that will adversely affect in any way the following: Heritage Assets, or where appropriate their settings and significant views: (i) Conservation Areas; (ii) World Heritage Sites; (iii) Scheduled Monuments and other sites of archaeological importance; (iv) Historic landscapes, parks and gardens; (v) Listed Buildings (vi) Traditional Buildings'.

Framed in this way such a policy could have been of considerable assistance if specific reference been made to historic trackways alongside those other heritage assets expressly mentioned. Given that historic trackways are mentioned explicitly in the Snowdonia ROWIP this omission is surprising..
Apart from the Brecon Beacons and Yorkshire Dales NPAs who make tangential references in their policy documents to historic trackways (mostly under the guise of 'Lost Ways'), the remaining National Park Authorities are silent on the point, which again is surprising as several such as The Lake District, North York Moors and Peak District, have produced topic specific policy guidance. By contrast, some AONB organisations have produced quite detailed documents. However stand alone policies are still absent with historic trackways being embraced by broader landscape and countryside conservation objectives. Fig 4.5 contains pertinent examples.

4.17 Legal, governance and policy conclusions

The potential consequences of the extant legislation and the proposed amendments do not sit comfortably with any objective to conserve historic trackways. It could however be argued that this is not the intention of the legislation, which is concerned with improving access to the countryside generally. As such it may be fortuitous if this legislation secures an unrelated conservation objective. The permissive path Environmental Stewardship Agreements are examples of a helpful conservation outcome as they take pressure away from historic trackways, but they may have other consequences such as the requirement for new paths linking across hitherto undisturbed land.

Conversely, one of the more perverse effects of the legislation arises from the requirement to improve and maintain trackways under the CROW Act 2000 and in so doing provide access for all. This approach can give rise to harmful actions by introducing physical changes to the trackways, their boundaries and their settings, to secure compliance with the Equalities Act 2010.

The importance of a holistic policy approach to tackling conservation issues is readily apparent from the case reviews and reports. As such a targeted and well informed policy may offer a more achievable way of securing the protection of historic trackways from harmful activities than legislation alone. Chapter Seven explores this contention and in particular how this policy led approach might be secured. Preceding this discussion, Chapter Five considers how the overall literature review and the findings from Chapters Two, Three and Four might be applied to inform the development of an evaluative model to test the conservation significance of trackways.

Chapter 5

Developing an Evaluative Model

5.1 Introduction

A central objective of this research is to:

Develop a model for evaluating the conservation significance of historic trackways, and test the model through two case studies.

The evaluative model forms a core part of the research process which, alongside other considerations, including stakeholder perceptions, might be used to determine the conservation significance of particular historic trackways, with the intention of promoting their designation as heritage assets under prevailing legislation and policy. It is important to stress that any method of evaluation is necessarily open to challenge. There is no one perfect solution to the modelling process which ultimately depends on the values adopted and the weight given to them in the evaluation of overall significance. To achieve this outcome with any confidence, the evolving model needs be applied through case studies to test its robustness and fitness for purpose. The model however is only one part of the overall significance test, its purpose being to provide a consistent mechanism for the assessment of historic trackways, which by their varied nature and ubiquitous locations present different circumstances.

5. 2 Research modelling: structure and approach

The research process is essentially a combination of two related components, desk top study and field survey. Whilst the desk top research provides the historic evidence, it also steers the field work by identifying potential locations for study. The results from both sources can then be combined in the evaluative model to arrive at an overall assessment of heritage significance. The evaluative model applied in the case studies takes its elements from the Historic England advice for assessing value and significance (HE 2008)) as this is the current national policy mechanism within which any revised assessment process must operate. The adoption of these principles nevertheless presents limitations give their built environment focus.

The following questions have shaped the identification and collection of the data:

- What evidence is there of the existence and alignment of the historic trackway, how might the alignment have changed over time and has this diminished its conservation significance?

- Has the historic trackway been detrimentally affected by changes within its local context and wider landscape setting including harm through inappropriate development and use?

- What is the trackway's sensitivity to change and how might its conservation be secured?

Historic England's value led approach (HE 2008) was discussed in Chapter Three. Whilst this presents a start point for any assessment of heritage significance and has been used in the two case studies, it is necessarily limiting in its scope. An argument can be made that the list of Historic England values should be widened to secure a more holistic assessment of significance. For this reason the evaluative model used in the assessment, incorporates other values considered relevant to the proposition that historic trackways as a type should be included as heritage assets within conservation policy and law.

The two case studies consider how the criteria used by Historic England for the assessment and designation of heritage assets can be applied to historic trackways within both a rural and an urban context. Unlike previous research (Stevenson 2014), which focused on a specific route or a designated rural landscape, these case studies consider contrasting circumstances: an open designated 'natural' landscape (Dartmoor) and a city centre (Bristol). Whilst adopting the same value led definitions found in Conservation Principles (HE 2008) and used elsewhere in the research, the circumstances arising in these two contrasting locations necessitated some modification to the collection of the data. In the urban location where emphasis is on recognising and interpreting historic and often complex plan forms, reliance is placed on documentary sources, supported by what remains of the visual evidence. In the rural location there is less documentary evidence and more emphasis on gathering visual material from field survey.

5.3 Interpreting and applying the Historic England concept of value.

Chapter Three examined evidential, historic, aesthetic and communal value in some detail. The definitions of *evidential and historic value* present a conundrum for historic trackways where there may be scant or no obvious traces of their existence. If they are 'lost' in the physical sense with no possibility of accurate dating, there is heavy reliance on historic records to authenticate their previous existence, but these records may also prove to be unreliable. In the Bristol case study there is reliable documentary evidence to supplement the absence of visual markers. In the Dartmoor case study there

is considerable anecdotal evidence residing in ancillary features such as religious crosses, and bridges which suggest the probable alignment of some ancient trackways. Such evidence of past human activity is crucial to satisfying the significance test when tangible evidence of the trackway itself may no longer be discernible.

Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place and can be determined through a combination of desk top analysis and field survey. Whilst this value is drafted by Historic England with the built environment in mind, rather than features in the 'natural' landscape, it is highly pertinent to this research, as the context and setting of an historic trackway may present strong justification for its protection from harmful development, indeed it is aesthetic value derived from views of the surrounding landscape which the public are most likely to readily appreciate. A complication within this value is that trackways are linear features in the landscape rather than discrete sites. Any assessment of aesthetic value therefore necessitates strategic landscape rather than site appraisal techniques.

Communal and Social values are intangible and need to be addressed through stakeholder contact backed up by statistical evidence; much of Hemery's (1986) research uses these sources. Understanding these values is critical to the recognition of an historic trackway. Essentially these values concern the user experience and are particularly relevant to the Dartmoor case study, which being a monastic route, may present strong spiritual, ceremonial and cultural justification both for its origin and its continued recognition. The Bristol situation is more complex as the reasons why people use particular routes in city locations are many and various. However clues from leisure and tourism activities might point to the perceptual importance of certain routes through the city centre (those for example using the historic gateways) aside from the more obvious convenience motives.

Whilst *Leisure, tourism and economic values* are outside the explicit Historic England list of value criteria, they need to be considered as part of this assessment as they may be the key reasons why a particular trackway could be considered a heritage asset when others have passed out of appreciation. These values may also lend themselves to some limited quantification and yield statistics to support the justification for maintaining certain routes based on their popularity with the public.

Historic England's approach to assessing significance generally reflects international guidance on the topic including that from ICOMOS (Guidance on Heritage Impact Assessments for World Heritage Sites (ICOMOS 2011 Appendix 3A). The Historic England method uses narrative statements based on specific tangible and intangible values which are brought together in an overall assessment and usually presented in a Heritage Impact Statement. This process works well when considering a

specific building or place, and the impact of a particular development proposal; but the process requires modification where historic trackways are concerned. It is also necessary to consider strategic landscape appraisal techniques given that historic trackways are linear topographic features which may extend for many miles across differing terrain. To arrive at an assessment of the heritage significance of these particular assets, it is necessary to expand the Historic England process to incorporate these other elements. This is particularly important when using the assessment for comparative purposes. ie judging the relative conservation significance of one historic trackway against those of another.

For practical applications, the methodology should be clear, transparent and capable of justification through the planning decision process. Whilst a narrative, descriptive and analytical statement, remains important to the significance assessment, it is suggested to be incomplete when reviewing landscape features which do not possess built form in the accepted sense. Historic England recognise this problem when considering matters of setting and responded through the development of two guidance documents, 'Seeing the History in the View' and Good Practice Advice (Planning Note 3, 2014). Nonetheless, these documents remain targeted on the evaluation of the impact of development proposals on specific buildings and places, rather than assessing broader issues, including strategic landscape significance and particular elements such as historic trackways.

One possible approach could be to adopt the techniques used for Historic Landscape Character Assessment as suggested by Natural England (2014) and Guidelines for Landscape and Visual appraisal (ILA 2011). A solution to the analytical problem posed by historic trackways might then lie in combining the Historic England and Natural England methodologies into a single assessment of significance. The question is how might this be achieved given the nature of historic trackways and the range of different circumstances which are likely to be encountered?

5.4 Historic trackways and landscape character assessment

In terms of the evaluative model the assessment of setting and local context inform aesthetic value to arrive at a holistic view of heritage value. This is necessary to respect government guidance. In this regard the NPPF advises that setting concerns:

'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF Annex 2 glossary 2012*)'*

In historic landscape character studies, it is the contribution of individual assets to the character of the area that needs to be appreciated and the effects that changes to them would have on that character (Design Manual for Roads and Bridges 2011 para 7.1.8) The issue of setting is important in both instances. Lanes and paths with their ancillary features may make a significant contribution to historic character and could possibly be the predominant historic elements, however Historic Landscape Characterisation studies may under-emphasise lanes, roads and paths as a factor in the appraisal and their significance can be overlooked or misunderstood.

To overcome this problem Natural England promotes a landscape appraisal process (Natural England's Approach to Landscape Character Assessment 2014) which emphasises that how people understand and experience landscape is crucial. The guidance, although geared towards examining impacts, lends itself to adaption for testing significance in landscape terms. It stresses four iterative steps: defining the purpose of the study; undertaking desk top appraisals; using field survey analysis and comprehensively describing the findings. This approach has been adopted in the research methodology.

In terms of the implications for planning and conservation practice, the crucial part of the assessment will lie in its ability to inform the important distinction between prospective designated and non-designated historic trackways, and other more ordinary trackways which do not merit recognition in conservation terms. This will distinguish circumstances where an historic trackway, '*has meaning for society beyond its functional utility'* (HE 2008) from other more general situations.

5.5 Developing a methodology for assessing the conservation significance of historic trackways

The methodology adopted for assessing the significance of historic trackways needs to be consistent with National Planning Policy Advice (NPPF 2012), as this is the context within which it would most often be used. Although there are several different techniques in common use, most of these have been developed to assess the impact of development proposals on heritage assets. The Design Manual for Roads and Bridges (DMRB 2011) advice note Volume 11 sections 1&2, provides a series of examples of how such a model can be applied. However this type of evaluative method which is designed to assess the impact of new roads on heritage assets, does not fit particularly well with the broad philosophical approach necessary to test the significance of historic trackways as heritage assets from first principles. In this respect the work of ICOMOS, although again focussed on heritage impacts (on World Heritage sites) suggests a methodology for assessing value from first principles, (Guide for Assessing the Value of Heritage Assets ICOMOS 2011 Appendix 3A). The guidance adopts a grading scale (Very High, High, Medium, Low, Negligible, Unknown potential) and a matrix

with a narrative format to assess value. The guidance suggests an iterative process for the collection of data as well as the type of information which is required to populate the model.

The ICOMOS mechanism itself involves both desk top research and field survey. The desk top work would include historic and legal research, whilst the field work would require both topographic and geophysical surveys, as well as location visits to establish the condition of the asset and its authenticity and integrity. The importance of establishing sensitive viewpoints (as an input into terrain modelling) and the collection of oral histories is emphasised (ICOMOS 2011sections 4.1-4.10). The essential point is that the data must enable the heritage attributes to be quantified and characterised, to allow the vulnerability of an asset's sensitivity to a proposed change to be established. To do so this baseline data must include both tangible and intangible aspects bringing this relationship to the fore. A statement of condition may be a useful for this purpose.

An example of how part of such a matrix might look is shown below (ICOMOS Appendix 3A). Matrices would be developed for each particular grading (High, Low etc) which, for historic trackways, might imply several iterations to achieve a comprehensive analysis.

Grading	Archaeology	Built heritage or Historic Urban Landscape	Historic landscape	Intangible Cultural Heritage or Associations
Very High	Sites of acknowledged international importance inscribed as WH property. Individual attributes that convey OUV of the WH property. Assets that can contribute significantly to acknowledged international research objectives.	Sites or structures of acknowledged international importance inscribed as of universal importance as WH property. Individual attributes that convey OUV of the WH property. Other buildings or urban landscapes of recognised international importance.	Landscapes of acknowledged international importance inscribed as WH property. Individual attributes that convey OUV of the WH property. Historic landscapes of international value, whether designated or not. Extremely well-preserved historic landscapes with exceptional coherence, time-depth, or other critical factors.	Areas associated with Intangible Cultural heritage activities as evidenced by the national register. Associations with particular innovations, technical or scientific developments or movements of global significance. Associations with particular individuals of global importance

Fig 5.1 An Example Matrix
Source ICOMOS 2011

This form of narrative matrix lends itself to adaption to test the significance of historic trackways but the subjective nature of the approach must be appreciated.

A variant of this technique, but this time aimed at assessing the impacts of development on the wider historic landscape, can be found in the CMYRU (Cadw) document 'Guide to Good Practice on using the Register of Landscapes of Historic Interest in Wales in the Planning and Development process' (revised second edition 2011). The second section of this document consists of a Technical Annex which sets out a staged process for assessing the significance of the impact of a development proposal on historic landscapes (ASIDOHL2). The fundamental and distinguishing feature of the Cadw technique is that it assigns verbal grades to particular landscape elements and then converts them to numerical scores, with the results aggregated and averaged to arrive at an overall assessment of the impact of a proposal on significance. This provides a very comprehensive technical assessment which may be used to inform the planning and development process, but its complexity suggests that it may not be entirely appropriate for assessing the significance of historic trackways. Nevertheless there are elements of the process which, when combined with the Historic England narrative approach, might suggest a way forward. Fig 5.2 shows the main steps in this rather complex assessment.

ASSESSMENT OF THE SIGNIFICANCE OF THE IMPACT OF DEVELOPMENT ON HISTORIC LANDSCAPE AREAS ON THE REGISTER OF LANDSCAPES OF HISTORIC INTEREST IN WALES — ASIDOHL2

SUMMARY OF STAGES

STAGE 1	Compilation of an introduction of essential, contextual information.
STAGE 2	Description and quantification of the direct, physical impacts of development on the Historic Character Area(s) affected.
STAGE 3	Description and quantification of the indirect impacts of development on the Historic Character Area(s) affected.
STAGE 4	Evaluation of the relative importance of the Historic Character Area(s) (or part(s) thereof) directly and/or indirectly affected by development in relation to: (a) the whole of the Historic Character Area(s) concerned, and/or (b) the whole of the historic landscape area on the Register, followed by (c) an evaluation of the relative importance of the Historic Character Area(s) concerned in the national context, and a determination of the average overall value of all the Historic Character Areas (or parts thereof) affected.
STAGE 5	Assessment of the overall significance of impact of development, and the effects that altering the Historic Character Area(s) concerned has on the whole of the historic landscape area on the Register.

Fig 5.2 Assessment of Significance Cadw format

Source: Cadw2011

By synthesising the narrative and scoring techniques described in these various documents into a single process, it is possible to arrive at a hybrid appraisal method which could fit with the research requirements. The results of this synthesis are set out in the evaluative model described below.

5.6 Development of an evaluative model for testing significance

Various forms of evaluative model have been developed to bring objectivity to the assessment of subjective data. An example is the research of Reeve and Goodey (2007) for monitoring and assessing visual quality in the built environment. This type of model, whilst instructive and helpful in setting out the issues in a logical way using tabulated formats and sensitivity mapping, necessarily requires some modification to fit the particular circumstances which arise in this research.

Research of the available techniques already described, has led to the model framework set out in Fig 5.3 which takes elements of the narrative and value led approach used by Historic England and combines it with a simplified version of the scoring technique used by Cadw. It also permits the integration of the results of a separate landscape appraisal of the type used by Natural England. This produces a holistic model to test the heritage significance of an historic trackway against established criteria. The model will likely require further refinement after testing and should be considered an initial attempt to bring objectivity to a difficult process.

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential							
Historic							
Aesthetic context							
Aesthetic setting							
Communal/Leisure/Economic							
Negative							
Total significance score of trackway							
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High sensitivity	3						
Moderate sensitivity	2						
Low sensitivity	1						

Fig 5.3: Proposed Significance Assessment model

Source: Author 2017

The assessment categories used in the model are as follows:

Excellent: Undisputed or certain evidence of the location, alignment and historic period. Providence confirmed through multiple sources. Condition of the route has very high aesthetic value (setting and context) with no apparent physical harm to the integrity of the route. Communal value strongly confirmed through stakeholder contact; economic (tourism and leisure) value outstanding.

Very Good: Strong evidence of location, alignment and historic period. Evidence confirmed from at least three independent sources. Condition of route suggests high conservation value with minimal damage or intrusion. Setting and context indicates high aesthetic value; stakeholder/communal value high. Economic value very significant

Good: Reliable evidence of location, alignment and historic period confirmed from two independent sources. Condition of route suggests medium conservation value with modest damage/ intrusion and loss of integrity. Setting/context and aesthetic value good overall, but with some detractors. Stakeholder/communal value apparent but not critical; Economic (tourism and leisure) value important as part of wider context

Fair to Poor: Some evidence of trackway(s) location and alignment, but difficult to confirm through documentary sources and field survey. Some conjecture necessary from field survey findings. Aesthetic value (context and setting) harmed by significant intrusive development. Condition of trackway has only low to medium conservation value; stakeholder /communal value not obvious; economic value only modest.

Negative: Providence not established and field survey shows considerable harm. Aesthetic value reduced by impact of change on setting and context; conservation value generally low and stakeholder/communal value not proven. No proven economic/ tourism value.

Calibration of the model

The calibration of the model involves the following judgements:

(i) The total significance score is combined (multiplied) to the sensitivity assessment to arrive at an overall opinion of the heritage significance of a particular route.

(ii) The weighting of the values reflects the need to differentiate between the narrative statements and to give emphasis to sensitivity to change.

(iii) The significance thresholds are derived from pilot study work and aim at securing a balance between the needs for development and the conservation of the heritage and landscape. Historic trackways which merit the status of either designated heritage assets,

or non-designated heritage assets, would be captured by the assessment process but other trackways not meriting either categorisation are excluded.

(iv) For reasons of practicality a trackway in open countryside would normally be assessed in 2km sections except where large expanses of open country (such as mountain and moorland) are encountered, when longer sections of 10km would be used. In urban locations a much shorter length would be adopted (possibly 100metres) to ensure that essential details are not overlooked. The results of each sectional appraisal might then be combined to derive an overall assessment of the heritage value of a particular trackway or considered independently if the results presented wide variations in the significance values. Given that historic trackways will vary in form, length and configuration as well as present differing circumstances arising from their setting and use, it is expected that long routes in particular (such as national trails) will be sectionalised and each section graded for conservation purposes. Hence it is possible that an historic trackway might present sections of high, medium and low significance along its total length. However maintaining the historic alignment (based on documented evidence) remains fundamental to the conservation purpose, even where a low score might be secured due to physical deterioration or harm from development in one or more locations.

(v) The value categories are derived from the Historic England definitions set against the narrative assessments these being re- interpreted as numerical scores. The outcome of each value assessment is entered in the relevant cell and the result transferred to the last column. These results are then summed to arrive at a total significance score which is then entered in the appropriate sensitivity cell. The weighting of the values has been set to reflect the need to differentiate clearly between the narrative statements.

(vi) The sensitivity analysis relies on an assessment of the results of the field survey and historic landscape character appraisal to arrive at an opinion of the sensitivity of an historic trackway to change.

5.7 Applying the draft evaluative model to the case studies

The purpose of the case studies is to provide a testing ground for the draft evaluative model. Given that one of the intentions of the research is to develop a model which might have general applicability across a broad spectrum of different trackway types and locations, the choice of the testing and proving ground for the model is very important to the process. There was little evidence at the outset

to inform the choice of locations and the inherent risk that a trackway might be inadvertently chosen which could give a biased or misleading result remains an issue.

Calibration of the model relies on an iterative approach commencing with desk top research, progressing through field survey, subsequent analysis and refinement. The nature of historic trackways is that they occur in all locations, in both urban and rural contexts and take on many different forms. Developing a broad methodology for assessing heritage value across such a wide spectrum of different circumstances is therefore challenging. Indeed, one location is unlikely to provide all of the evidence necessary to confirm the suitability of the suggested model. For this reason two case study locations were selected, The Monastic Way, Dartmoor; and Part of Bristol City Centre.

The results of the two case studies were then drawn together to test how the model performed under contrasting situations. This approach was augmented through research in the British Map Library and local archives. Chapter Six describes the data collection process the field survey results and discusses the findings.

Chapter 6
The Case studies

6.1 Introduction: the case studies

The following two case studies implement the evaluative model suggested in Chapter Five. Two contrasting localities have been selected: A rural trackway, known as the 'Monastic Way', which traverses the Dartmoor National Park (case study A); and an intensively developed and much altered area of central Bristol City (case study B).

Chapter Three (section 3.3) advised of the criteria derived from the ICOMOS charter, necessary to establish a cultural route, and section 3.8 the type of information which could constitute evidence to satisfy the significance tests. This chapter addresses objectives four and five of the research to

test the evaluative model through a case study approach, review the findings, identify the key issues and discuss their consequences.

The methodology follows the steps described in section 5.5 and in both cases commences with an extensive review of local literature supported by site visits to various locations. Case study A required several days of field survey to test the practical implications of attempting to evaluate the evidential and aesthetic value of a long cross country route. Case study B examined the complexity of changes in a tightly grained inner city location. This required block by block assessments to triangulate the field survey information with documentary findings.

Case study A:
'The Monastic Way' Dartmoor National Park

6.2 Background context

The Dartmoor National Park is the largest area of open country in southern England. Within the area it is possible to identify numerous moorland tracks linking pre-historic and bronze-age settlements, which are likely to have been continuously used for thousands of years. Hoskins (1955) cautions against attempts to date any of these tracks but notes that historic names may give some clues to their antiquity. An investigative approach using a range of different indicators (place names, old maps, documents, and physical structures) can assist in building a picture of their dynamic nature. Findings from this analysis might then provide evidence to justify a case for heritage designation using value based criteria. Nonetheless, this is a difficult process, indeed much more so than developing a case for conserving a particular building or artefact. Not all routes will impart sufficient information to provide a convincing case for designation even though it might be suspected that they are of great antiquity. Others, through both documentary research and field survey, might suggest that a case for designation can be advanced.

6.3 The case study route

The 'Monastic Way' is described in documentary sources as a historic trans-moorland route which crosses the central part of the Dartmoor High Forest from Tavistock Abbey to Buckfast Abbey. Its selection as a case study route was based on three elements:

(i) the availability of literature and documentary evidence to enable an effective consideration of evidential and historic value;
(ii) the route had not been so far altered that its aesthetic value had been compromised and,
(iii) the route offered a range of tangible and intangible evidence from which generally applicable conclusions concerning heritage significance might be deduced.

6.4 Literature review

There is a wealth of information written about the Dartmoor area generally but few texts concentrate specifically on historic trackways. Three texts have informed this research: Hemery (1986) 'Walking Dartmoors Ancient Tracks'; Crossing W (1909) 'Crossings Guide to Dartmoor'; and Dysart G (1935) 'The Abbots Way'. Although there are many popular guide books these three texts provide the

academic basis for the research. Hemery's research demonstrates the complexity of the topic and recognises that there are many more trackways which have not been mentioned. The purpose of this research however, is not to critique Hemery's work or that of Crossing (1908), but to analyse whether these sources, backed up by field survey, can offer sufficiently convincing evidence to calibrate the evaluative model.

Much of Hemery's analysis is based on the original work of Crossing (1909) who wrote detailed descriptions of the moor including 'One Hundred years on Dartmoor'; 'The Ancient Stone Crosses of the Moor and its Borderland'; and a collection of texts in the Western Morning News (Crossing's Dartmoor worker). Crossing's work, although now of considerable antiquity, provides historic references which might reliably be used to inform this research.

In updating the work of Crossing(1909), Hemery (1986) uses documentary research to support his conclusions as to the nature, alignment and extent of the many trackways which cross the moor and anecdotal evidence, particularly interviews with local persons, to draw out cultural, communal and social issues about how and when the trackways might have been used. It remains difficult however to triangulate and authenticate some of his conclusions due to the absence of other reliable literary material, and also the passage of time since both he and Crossing (1909) undertook their studies.

Perhaps unsurprisingly, there are contradictions in the historic findings especially concerning the possible alignment of some trackways which have long since passed out of use. Hemery (1986) notably, takes issue with evidence shown on recent Ordnance Survey Maps over the naming and routing of certain supposed ancient trackways, including the 'Abbot's Way'. Such disagreements are not uncommon particularly where the issue becomes one of interpretation of records and opinions from tenuous sources. Nevertheless, reliance on anecdotal information is quite common within this topic area and public inquiries into Rights of Way disputes often seek out evidence of local knowledge and memories, before deciding, on the balance of probability, whether to confirm the existence of a right of way. This matter is particularly relevant when attempting to confirm evidential and historic value, two of the cornerstones of the assessment process.

6.5 Evidential and historic value of the Monastic Way

The Monastic Way is likely to have been used by Anglo Saxon monks travelling between Buckfast Abbey and Tavistock Abbey (Dysart 1935). After dissolution many such trackways would have been neglected and abandoned with only fragments remaining. Examples are found on Brent Moor,

Ugborough Moor, Stall Moor, Erme Head and Cater's Beam. Other trackways would likely have evolved into winding green lanes still recognisable today.

The monks and lay brothers are recorded as having travelled extensively over the parishes of Dean, Buckfastleigh and Holne and circumstantial evidence suggests that a route between the Abbeys was purposely surveyed and marked out by rough-hewn granite crosses (Hemery 1986 p143).

Before considering the evidential and historic value of the route it is important to recognise that historians are not entirely in agreement over the general alignment of this trackway. Dysart (1935) describes a western and northern perambulation crossing Dean Moor and passing through Princetown which he terms the 'Abbots Way' a term also used by Crossing (1908). This is now a popular tourist route, which unlike the Monastic Way, follows well defined Public Rights of Way.

Conversely, Hemery (1986) refers to the 'Abbot's Way' as a 'Jobbers road' which he concludes would have been unsuitable for monastic travel. He notes that there are no guide stones, that there are steep gradients and no shelter and that it would be a less commodious and much more dangerous. Only one cross, at Huntingdon Hill, a post reformation land boundary, is found on the route. Documentary evidence also shows this track was first used around 1794 by John Andrews, a writer and traveller, since when it has found its way into popular literature and onto Ordnance Survey maps. Hemery (1986) concludes that the alternative Monastic Way is the authentic ancient route between the two Abbeys. It is difficult to reconcile these contrasting points of view without further evidence, indeed it is possible that both routes are 'historic' within the terms of the definition being used in this study.

In the absence of archaeological investigation, the location of ancient stone crosses, bridges and fords present the most reliable evidence of a possible alignment for this route. It is plausible that this historic alignment may also predate monastic activity given the location of nearby bronze-age and pre-historic monuments. If so, this would strengthen the case for the recognition of the route as a heritage asset based on its antiquity.

6.6 Alignment evidence from documentary sources

The precise alignment is challenging to determine. Hemery (1986) describes a route extending for some 20 miles across the high moor which takes a northern and western alignment passing through the parishes of Holne, Walkhampton and Sampford Spiney. However only part of this route follows

well defined recognisable paths or tracks, as in the central section it crosses mostly grassy, overgrown and windswept open moorland (Fig 6.27).

Fleming and Ralph (1982) in their report '*Medieval Settlement and Land use on Holne Moor Dartmoor: the landscape evidence*' (cited in Hemery (1986 p146) advise that a stone setting at Venford Reeve was the most likely easterly cross on this route and that this route must have been established before 1239, this being indicated by the busy medieval activity including a field system, cornditches, reaves, ruined longhouses, a droveway and a hedged lane (Fig 6.32).

Further west, evidence of the route is sporadic and relies upon conceptually and visually linking some 22 ancient crosses, fords, bridges and tombs (shown in Fig 6.1 to Fig 6.34) on the most likely trajectory. At various points ancient structures can be observed which might confirm the historic alignment, including a clapper bridge at *Wheal Emma leat* built circa 1859. Remnants of the trackway are better defined near *Horse Shoe Cross and Nun's Cross* (Figs 6.28 & 6.31). Here the ancient stone cross at the junction of the Monastic Way with the 'Abbot's Way', is recorded as *Crucem Siward* in the perambulation of the forest in 1240.

The Monastic Way is still traceable in this location and to the west, due to its continuous use over some 800 years (Fig. 6.27). Leats and associated tin mines attest to the continuing industrial activity in the area, whilst packhorse ways for the carriage of peat unite with the trackway for some distance. A clapper bridge at *Leather Tor Bridge* (Fig. 6.23) confirms the possible western alignment, however the landscape has changed markedly due to plantations and the construction of the Burrator reservoir. These new landscape features are likely to have interrupted the visual links between the crosses which would have been important in monastic times as way markers.

Further historic evidence of the route alignment is provided by *Huckworthy bridge*, (Fig 6.17) a Tudor packhorse structure over the River Walkham. This is recorded in 1665 as being in need of repair having replaced a clapper bridge at the point where another monastic route from Meavy to Tavistock converges with the Monastic Way from Buckfast (Hemery 1986).

Evidence of the history of the remainder of the route is partial. Apart from two crosses on Whitchurch down (Fig.6.4), one of which, (Pixes Cross), Crossing (1908) suggests predates the Abbeys themselves, the most likely route follows a 'Green Lane' where it joins a 1792 Turnpike road and crosses the River Tavy via the Tavistock Bridge to enter the Abbey precinct (Fig.6.3). These modern changes however now conceal the historic nature of the trackway.

Name of feature	OS Grid reference	Comment
Whitchurch Down Cross	SX492738	Roadside position
Pixes Cross	SX501736	On private land
Huckworthy Common Cross	SX530711	
Huckworthy Bridge	SX532705	Packhorse
Lowery Cross	SX548692	Damaged gatepost
Leather Tor Bridge	SX570700	Packhorse
Riddick Lane Cairn	SX575705	Not visible
Crazywell Cross	SX583704	Evidence of west route
Newleycombe Cross	SX595701	Evidence of west route
Siwards or Nuns Cross	SX604699	Much damaged
Goldsmiths cross	SX604699	
Childes Tomb	SX625703	Difficult to access
Mount Misery Cross	SX636705	
Tier Hill West Cross	SX640706	Very remote
Tier Hill East Cross	SX641706	Very remote
Skaur Ford Cross	SX654714	
Horseshoe cross	SX660713	Fig no. 6.31
Horns Cross	SX669710	Very remote
Stone Rows	SX675710	Not visible
Hut Circles and Enclosures	SX684705	Not visible
Holne Mill Leat Ford	SX698698	Off line
Hawsons Cross	SX710681	Road side verge junction
Buckfast Abbey Cross	SX740674	Much altered

Fig. 6.1 Location of ancient standing features on the Monastic Way
Source: Author 2016

6.7 Communal, social and leisure value of the Monastic Way

Most evidence on these intangible values tends to be anecdotal. Hemery (1986) based his conclusions concerning the alignment and use of the trackways around conversations with informed local residents to confirm his own survey findings. This work is an important part of the literature review, but there is no way of testing its findings as the names of the participants are not given. From observation and casual conversation with local ramblers and other users during the field survey, such as the armed forces, it is apparent that present knowledge of the Monastic Way is patchy. Its historic use for religious reasons is difficult to substantiate and no statistics on footfall are available. The physical condition of the route suggests that it is well used in part, but in remote locations it may be used only seasonally given the challenging terrain.

Internet research reveals that local walking groups along with some local schools regularly arrange journeys over part of the Monastic Way and that these groups have some knowledge of its historic past. There is no evidence of the route still being used for pilgrimage between the local abbeys and no evidence has been found to indicate when this practice may have ceased, although dissolution is one obvious date. There is some anecdotal and visual evidence of a revival in perambulation of the moors which was confirmed through casual conversation with lay personnel at Buckfast Abbey, however the communal and social value of the route remains to be confirmed through any subsequent research.

From a cultural perspective the route has high significance providing the fictional location for Sir Arthur Conan Doyle's famous literary work 'the Hound of the Baskervilles'. Interested persons still attempt to seek out the book locations (around Nun's Cross and Foxtor Mire) and it is apparent that these places and other locations (including Grimspound and Hound Tor) hold a strong cultural and perceptional significance.

These intangible values are critical to appreciating the role and importance of historic trackways. Leisure use has now seemingly replaced commercial and ceremonial use and is one of the key reasons why people still walk the numerous trackways found across the moor. For these walkers there is also a cultural dimension to their activities as it appears that they draw comfort and intellectual stimulation from understanding and appreciating that they are walking routes which may have been used for thousands of years. Whilst the overall resident population of the area has fallen since industrial and farming activity predominated, the numbers of hikers observed throughout the survey period was considered to be comparatively significant. No specific records could be obtained of actual numbers of persons using the various routes, but in terms of the case study route over 100 people were passed in the open countryside during the one week June 2016 field survey and many more were seen at key locations particularly the Abbeys. Distinguishing these persons from other general tourists is problematic. In terms of the Monastic Way most of these hikers were seen at the extremities of the route, but even in the more remote locations outdoor enthusiasts were apparent. Interestingly, a number were seeking the location of the various historic crosses and using them as way markers, much as the monks would have done hundreds of years previously. Leisure value can therefore be considered particularly high amongst those persons with knowledge of the area and who were walking with a specific objective in mind. The significance and appreciation of the route therefore appeared to embrace both the journey itself and reaching the destination.

6.8 Aesthetic value: appraisal process

This part of the research relies on field survey and analysis of historic maps. This is a crucial part of the assessment of heritage significance as it provides confirmation of the information obtained from desk top analysis.

The setting of an historic trackway is effectively the landscape of which it forms a part, from which it derives its context and through which users gain their personal experience. As such an assessment of aesthetic value comprises both the overall setting and the local context. As explained in Chapter Five this might best be approached through a landscape appraisal process as set out in Natural England's 'Approach to Landscape Character Assessment' (2014). Although this guidance is geared towards examining the physical impacts of development, the basic methodology begs adaption for testing significance, indeed government encourages such a flexible use. The theory and methodology behind the process itself is necessarily outside the scope of this research, however its application is important if a comprehensive assessment of the aesthetic value of an historic trackway is to be achieved.

Natural England list five key principles for any assessment (Natural England 2014 p12) amongst these how people understand and experience landscape is crucial. The process involves four iterative steps: *(i) Purpose; (ii) Desk Study; (iii) Field Survey; (iv) a description of findings.* The use of existing survey information, providing it can be authenticated, is regarded as acceptable. In the circumstances of this case study, which is focussed on a National Park, much of the information is available and still accurate; the central issue is how the information might be interpreted.

Within the study area the Devon County Council Landscape Character Assessment (CCLCA) (Central Dartmoor) provides recent survey evidence to inform the National Park Aims, Objectives and Policies. The CCLCA also provides a strong evidence base for the determination of significance and enables the identification of the opportunities and threats posed by an array of pressures on the landscape. These pressures include economic, social and environmental changes such as the construction of reservoirs, the introduction of green technology, the decline of landscape and agricultural management skills and the loss of the local indigenous population (Devon CCLCA Central Dartmoor 2011).

The purpose of the field survey is to identify cultural, aesthetic and perceptual qualities for each section of the route, to enable judgements of how the historic trackway might be conserved and its sensitivity to harm. Panoramic photographs (Fig 6.36) were found to be the most useful way of achieving this assessment, accompanied by written records and factual information (time, location,

weather etc). The purpose of the photographs was to establish the role of the trackway in the landscape as a visual and perceptual receptor, capturing typical aspects of landscape character as viewed from the trackway. A central location on the high moor was adopted for the panoramic study backed up by single photographs in more visually restricted locations (Figs 6.3 to 6.34). When brought together the totality of the work enabled a judgement to be made about the aesthetic value of the trackway within its local context and wider setting. Fig 6.36 illustrates the findings of this part of the analysis with the significance tables being calibrated accordingly.

6.9 Assessment of conservation significance: field survey

The following maps, sections and photographs provide part of the evidence base for the assessment of significance of the Monastic Way. Taken together with the results of the literature review an appreciation of the heritage value of the route and hence its overall significance might be achieved within the terms of the evaluative process. The route has been sub-divided into 2km to 10km sections for descriptive and analytical purposes commencing in what would have been the precinct to Tavistock Abbey (Fig 6.3) and ending at the entrance to Buckfast Abbey (Fig 6.34)).

6.10 Sectional Route descriptions and assessment of conservation significance

Section A Tavistock to Whitchurch

After crossing the restored Tavistock medieval stone bridge, the likely alignment of the trackway follows the River Tavy before climbing steeply eastwards towards Whitchurch common. The restored Whitchurch cross (Fig 6.4) marks the end of the first 2km assessment. Extensive changes around the former Abbey (Fig 6.3), little of which remains and the intrusion of new development close to the restored bridge are notable. Aesthetically the local context and landscape setting is not considered to be high but the communal and leisure interest particularly around the abbey precinct is very apparent.

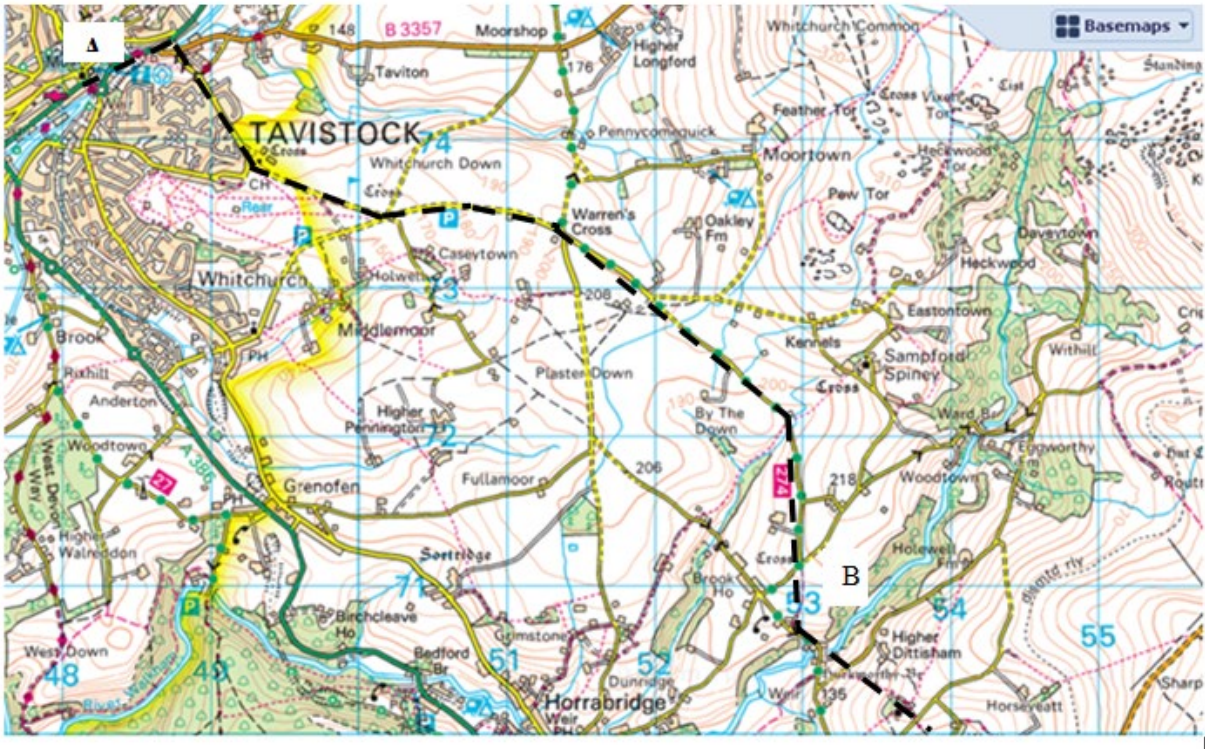


Fig 6.2 Tavistock to Whitchurch (A to B): Source: Ordnance survey 1:50,000 mapping

Fig 6.3 Tavistock Abbey Gatehouse

Fig 6.4 Whitchurch Cross

Fig 6.5 Tavistock Golf course looking east

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential			7				7
Historic			7				7
Aesthetic context				5			5
Aesthetic setting					2		2
Communal/Leisure/Economic			7				7
Negative						-4	-4
Total significance score of trackway							24
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3						
Moderate sensitivity	2	24	48			√	
Low sensitivity	1						

Fig 6.6 Assessment of significance section A

Section B Whitchurch to Warren's Crossroads

The next section of the route follows an exposed open plateau across Whitchurch Down. Here the setting and context of the route has been marred by landscape changes for a new golf course. Pixes Cross, on the possible true alignment of the route now stands in private land some distance north from the metalled roadway. The precise trajectory of the route is difficult to determine but is likely to have been north of the present road (Fig 6.5). Further east the route descends gently to Warren's

Crossroads (Fig 6.10). Although the local context detracts from the aesthetic value, the long distance views east suggest the landscape setting is of merit in establishing the overall historic route direction and is likely to have remained substantially unchanged.

Fig.6.7 Whitchurch to Burrator and Crazywell Pool (B to D) Source Ordnance Survey 1:50,000 mapping

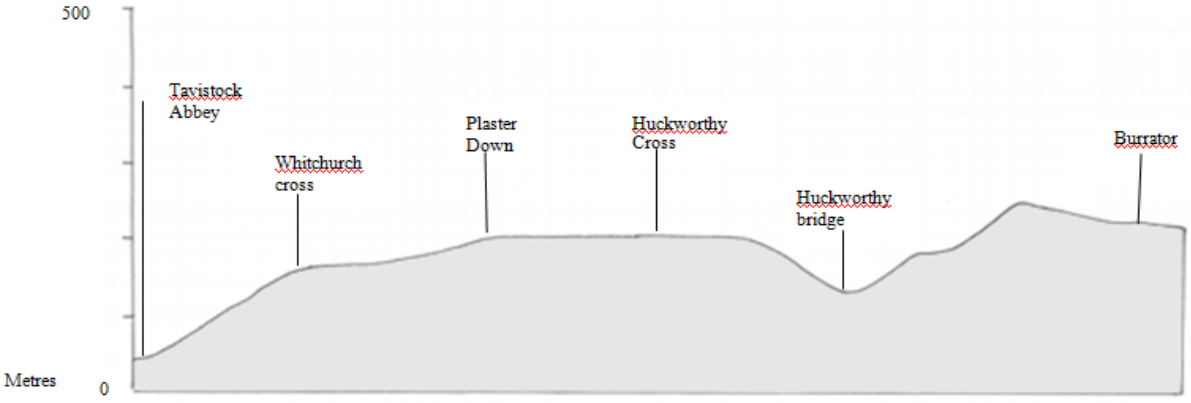


Fig.6.8 Route profile Tavistock to Burrator

Fig.6.9 Pixes Crossroads

Fig.6.10 Warren's Crossroads

Fig.6.11Warren's Crossroads to Plaster Down

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential				5			5
Historic					2		2
Aesthetic context					2		2
Aesthetic setting				5			5
Communal/Leisure/Economic					2		2
Negative						-6	-6
Total significance score of trackway							10
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3						
Moderate sensitivity	2						
Low sensitivity	1	10	10		√		

Fig 6.12 Assessment of significance section B

Section C Warren's Cross to Huckworthy bridge

The route from Warren's Crossroads to Huckworthy bridge descends through undulating countryside with enclosed views towards the River Walkham valley (Fig 6.11). It takes the form of a sunken hollow way with high hedgerows closer to Huckworthy Cross (Fig 6.13) offering local context but few glimpses of the wider landscape setting. A steep descent to the medieval Huckworthy bridge

gives an historical and evidential reference point. This structure is likely to have replaced a Ford as the probable historical use of the route by packhorses is suggested by the bridge design (Fig 6.17).

Fig. 6.13 Huckworthy Cross

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential			7				7
Historic		10					10
Aesthetic context				5			5
Aesthetic setting					2		2
Communal/Leisure/Economic					2		2
Negative						-2	-2
Total significance score of trackway							24
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							

Low							
High sensitivity	**3**						
Moderate sensitivity	**2**	**24**	**48**			√	
Low sensitivity	**1**						

Fig 6.14 Assessment of significance section C

Section D Huckworthy bridge to Lowery Cross

The route from Huckworthy bridge through Well Town to Lowery Cross is difficult to substantiate. Beyond the bridge the landscape appearance has been modified by changes to the field pattern through the introduction of new hedgerows and field boundaries (Fig 6.19). Hemery (1986) suggests a south east alignment across rising ground, following a public footpath which descends through a brook before rising steeply towards Lowery Cross. Again much of the route is contained by high hedgerows and sunken features before opening at a summit on the north side of Yennadon Down (Fig 6.21). Whilst this alignment looks credible on plan there is stiff climb from Huckworthy bridge and east of the brook. This may have been avoided by a detour through historic Walkhampton, where refreshment could have been available. The credibility of the suggested alignment must therefore remain open to some doubt.

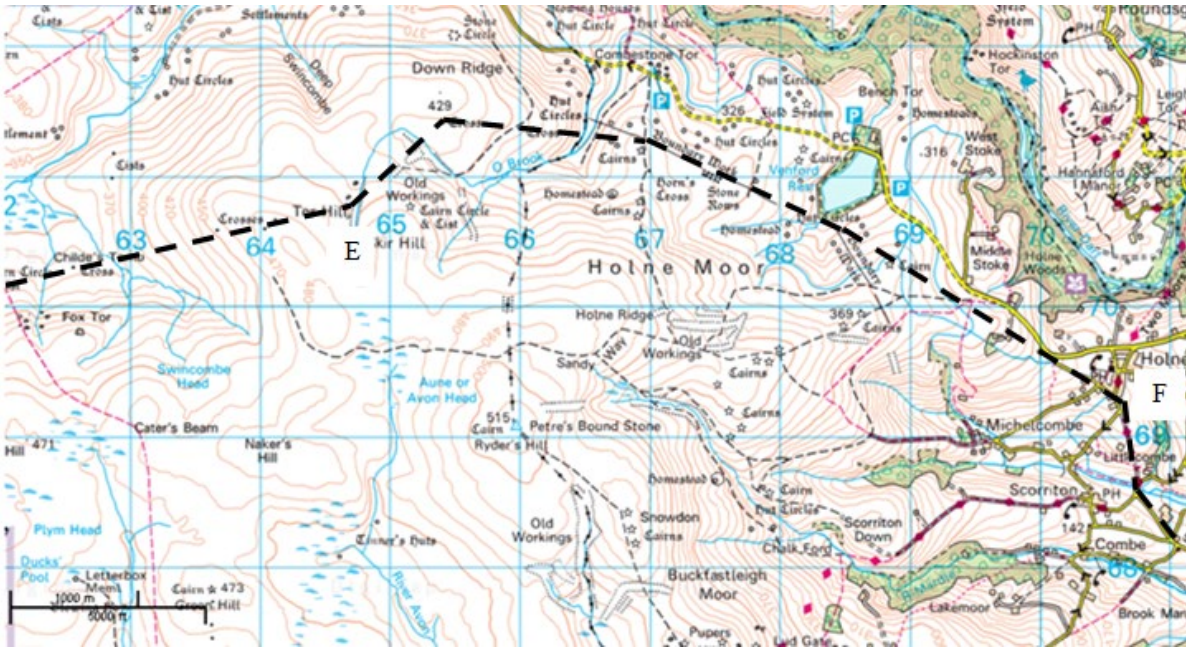


Fig. 6.15 Crazywell to Holne Source Ordnance Survey 1:50,000 scale mapping

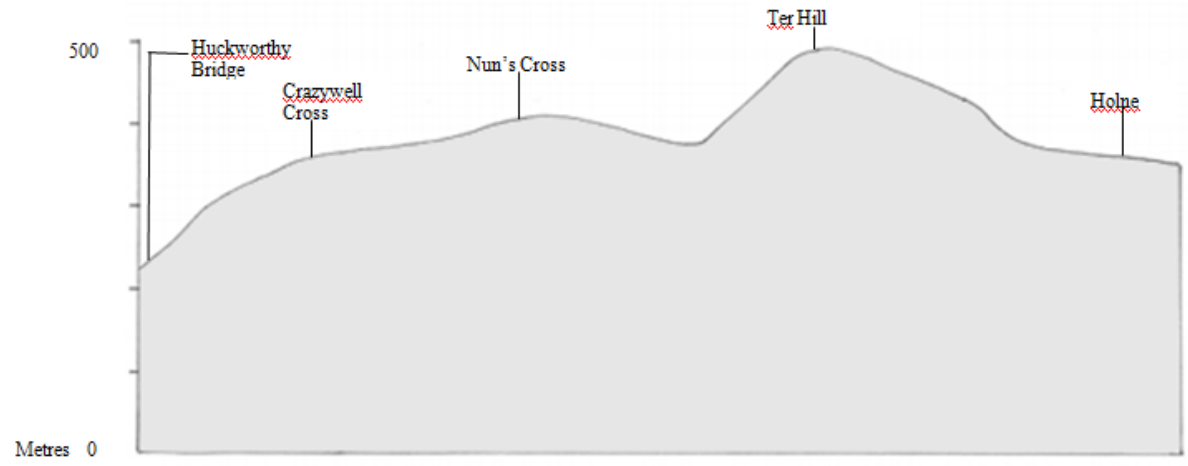


Fig 6.16 Route profile Huckworthy to Holne

Fig. 6.17 Huckworthy Bridge

Fig. 6.18 Route to Well Town

Fig 6.19 South of Well Town

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential				5			5
Historic				5			5
Aesthetic context				5			5
Aesthetic setting				5			5
Communal/Leisure/Economic					2		2
Negative						-4	-4
Total significance score of trackway							18
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							

High sensitivity	**3**						
Moderate sensitivity	**2**						
Low sensitivity	**1**	**18**	**18**		√		

Fig 6.20 Assessment of Significance section D

Section E Lowery Cross to Crazywell Pool

Beyond Lowery Cross the route descends again through new forestry plantations before turning along the slope line of Peek Hill emerging at Leather Tor Bridge. This ancient clapper bridge is a strong indicator of the likely route alignment and may have replaced a previous ford on what is a fast flowing section of the River Meavy (Fig 6.23). The route then climbs the deep sunken hollow way of Riddick Lane before emerging close to the cross near Crazy well pool. The three crosses in the locality would have been easier to spot in medieval times before the introduction of the forestry plantations but the route itself is still traceable. Both the local context and the long distance views are interrupted to a degree by the planting which has changed the landscape character, as well as by the introduction of the sweeping Burrator reservoir (Fig 6.26), but the historic and evidential value of the route remains apparent. This part of the route was also observed to be popular with visitors and local residents suggesting communal and leisure value.

Fig. 6.21 Lowery Cross

Route of historic trackway now a declassified tarmac road

Fig 6.22 Cross Gate close to Burrator reservoir

The historic alignment is confirmed at Leather Tor Bridge, one of the oldest structures on the ancient route and of considerable evidential and historic value

Fig 6.23 Leather Tor Bridge

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential			7				7
Historic			7				7
Aesthetic context				5			5
Aesthetic setting				5			5
Communal/Leisure/Economic				5			5
Negative						-2	
Total significance score of trackway							27
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3						
Moderate sensitivity	2	27	54				√
Low sensitivity	1						

Fig 6.24 Assessment of significance section E

Section F Crazywell Pool to Holne

The section from Crazywell Pool to Holne via Nun's Cross and Venford reservoir comprises some 10 Km of wide and open vistas within the sparse moorland of higher Dartmoor. Initially the route rises steadily from the west to Nun's Cross linking two prominent crosses at Crazywell and Newleycombe. A modern path lies partly on and partly off this alignment and is followed by most leisure hikers (Fig 6.27). At Nun's Cross (Fig 6.28) several trans- moorland routes converge. Their

use historically for agricultural, industrial and commercial purposes (by packhorse and cart) is revealed by the Ordnance Survey Map. Some farms are now abandoned (Nun's Cross farm) whilst old tin mine buildings have been converted to leisure use such as the Whiteworks outdoor leisure centre. The Monastic Way leaves these other routes at Nun's Cross taking an eastward trajectory that includes the historic Childe's tomb and the strategically positioned crosses at Ter Hill, Horseshoe Cross (Fig 6.31) and Horn's Cross. The route is not visible on the ground at any of these locations and the crosses difficult to locate despite their prominent positions. The crosses act as waymarkers through the dangerous mires but navigation in poor weather would have tested the faith of even the most determined monk.

Fig. 6.25 Riddick Lane

Fig. 6.26 Burrator Reservoir

Fig. 6.27 Landscape looking west from Nun's Cross

Fig.6.28 Landscape Looking east from Nuns Cross

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential			7				7
Historic			7				7
Aesthetic context		10					10
Aesthetic setting		10					10
Communal/Leisure/Economic			7				7
Negative							
Total significance score of trackway							41
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3	41	123				√
Moderate sensitivity	2						
Low sensitivity	1						

Fig 6.29 Assessment of significance section F

Section G Holne to Buckfast Abbey

From Holne the route follows metalled roads to Hawson's Cross and Buckfast Abbey. Much of the route lies within enclosed hedgerows but the wandering alignment suggest that these hedgerows may not be the result of formal enclosure but of incremental changes brought about by local landowner agreement. The only confirmed waymarker is the stone cross at Hawsons (Fig.no. 6.33) and it is

possible that the actual route varied historically dependent on ground conditions as much of the area is poorly drained. The route turns sharply east at Hockmoor which at this point would have provided a glimpse downhill of the Abbey, much rebuilt in the 18th and 19th centuries since the dissolution. The landscape is generally enclosed and impaired by modern development closer to Buckfast. Nevertheless it was noted that this was the most well used part of the route implying some leisure value.

Fig 6.30 Holne to Buckfast Source Ordnance Survey 1:50,000 scale mapping

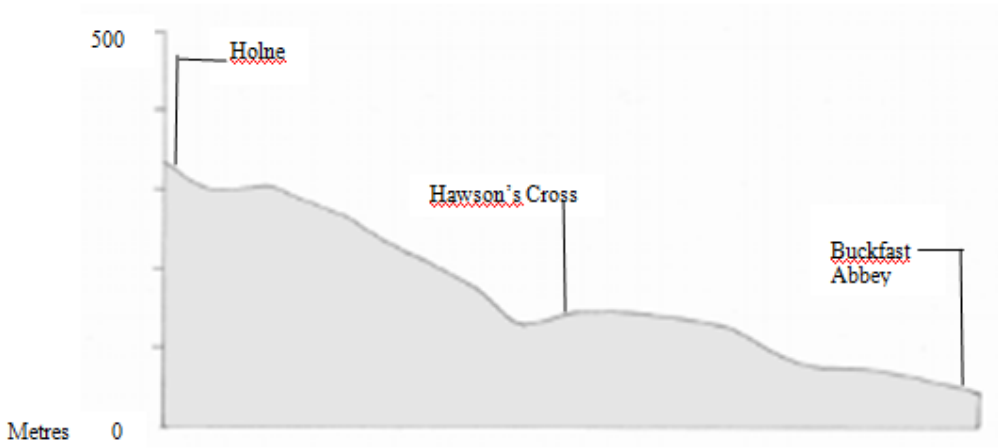


Fig 6.30 (a) Route profile Holne to Buckfast Abbey

Fig.6.31 Horseshoe Cross (looking south east)

Fig.6.32 Looking west towards Horn's Cross

Fig. 6.33 Hawson's Cross junction

Fig.6.34 Buckfast Abbey gatehouse

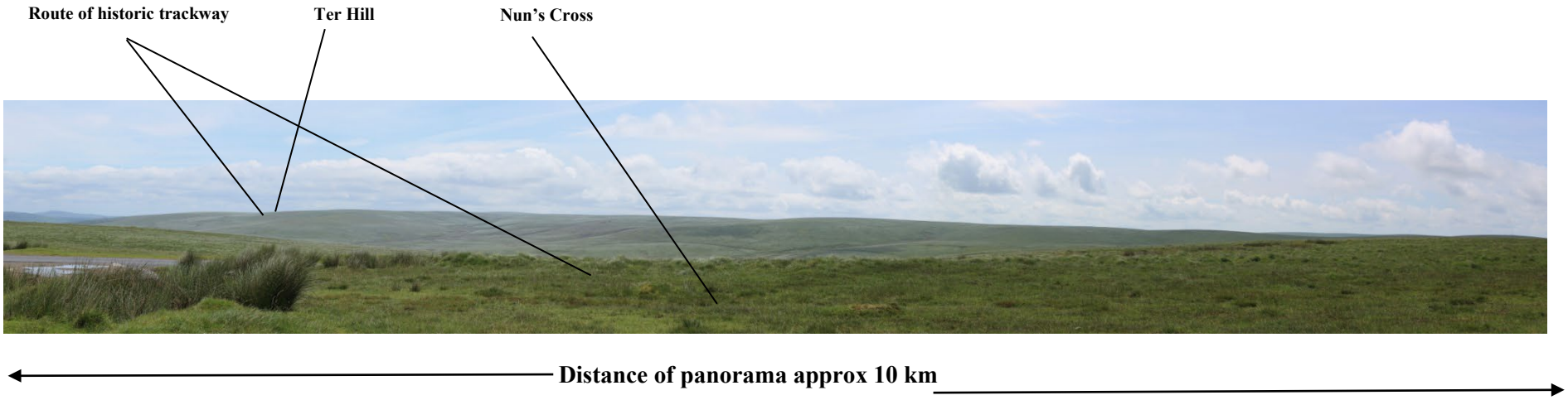
	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential					2		2
Historic				5			5
Aesthetic context				5			5
Aesthetic setting					2		2
Communal/Leisure/Economic			7				7
Negative						-5	-5
Total significance score of trackway							16
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3						
Moderate sensitivity	2						
Low sensitivity	1	16	16		√		

Fig 6.35 Assessment of significance section G

6.11 Landscape Appraisal Assessment of Significance: Setting

The panoramic photographs (Fig 6.36) were used alongside the field survey to assess the aesthetic value of the Monastic Way using the principles suggested in the Natural England Guidelines for Landscape Appraisal (Chapter Five). The nature of the topography suggested that a high position in the landscape (close to Nun's Cross) would be the best location for the assessment of the overall landscape setting. The assessment of the local context of the trackway where the topography

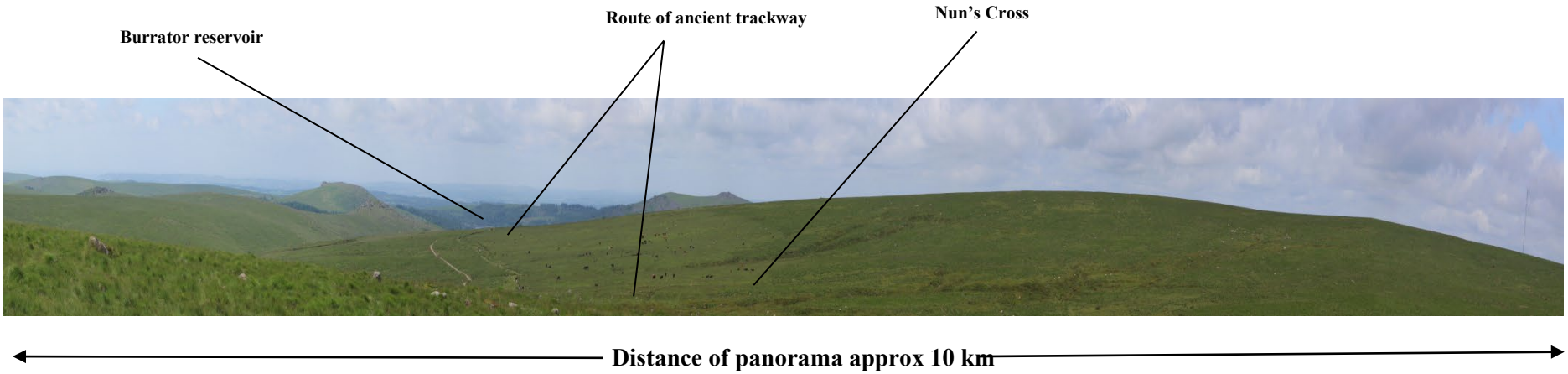
presented restricted views due to the nature of the sunken hollow ways and high hedgerows was achieved through field walking and single photographs (Figs 6.3 & 6.34). A 360^{o} degree panorama is apparent from Nun's Cross with long distance and unspoilt views across many miles of open rolling moorland. The vista is more open from an east to west trajectory than from north to south due to higher hills. On the lower valley slopes the countryside is more cultivated with planted woodland and hedgerow belts often with drystone walls. Apart from the tall communications mast close to Princetown no development impaired the landscape setting of the trackway within normal visual range. There was some evidence of abandoned properties (such as the derelict Nun's Cross Farm buildings) and some reuse of former mineral (tin mine) buildings (Whiteworks) for leisure facilities associated with outdoor adventure activities. Away from the high moor the trackway's local aesthetic context is slightly marred by intrusive development mostly beyond the National Park boundary. The landscape in these locations had changed through the introduction of reservoirs and quarries which had brought about variations to the alignment of the historic trackway around Venford. These changes have been introduced into the assessment process and have resulted in lower scores in some locations.



Landscape Looking East from Nun's Cross towards Buckfast Abbey

Date 27.06.2016 12.00pm Weather sunny; long distance vista approximately 15 km

Details: Camera Canon SLR 50mm. 1.6 metres above ground level



Landscape looking west towards Tavistock

Date 27.06.2016 12.10pm Weather sunny; long distance vista approximately 15 km

Details Camera Canon SLR 50mm 1.6 metres above ground level

Fig 6.36 Landscape appraisal

6.12 Assessment conclusions

The seven sections of the route score respectively in significance terms (A) Medium; (B) Low; (C) Medium; (D) Low; (E) High; (F) High and (G) Low. Combining all seven sections of the assessment gives an overall average significance score for the route of 45 which lies just below the threshold of High Significance. This outcome is discussed below.

The urban sections of the route have been compromised by modern development which has removed some of the evidential value which might have confirmed the original route alignment. To a degree the supposed route in these locations involves conjecture and probability given the absence of reliable historic documents. Those which do exist, (the layouts of the abbey grounds and environs) point to the alignment described in the text. The definition used in the overall study would normally have precluded consideration of the sealed surfaces of modern urban carriageways (where the conservation significance might be considered to be lower than elsewhere) but to do so in this instance would have resulted in loss of context for the remaining unsealed and largely unspoilt sections. This approach is endorsed by including parts of the route which follow quiet but sealed surface country lanes, which again could not have reasonably been omitted as they indicate strong evidence of historic value. Unlike the urban sections, the latter have not been subject to harmful change denuding their conservation value and this finding is reflected in the significance assessment process.

The assessment becomes more complex as the route traverses remoter locations where it evolves into a narrow unsealed surface or has no obvious physical demarcation. This presents practical problems of alignment recognition particularly across the higher ground where reliance is placed on structures and ancillary features to enable conclusions to be drawn concerning evidential and historic value. Emphasis is therefore placed on the interpretation of physical features to confirm intangible values such as the communal and leisure experience that users of the route might obtain from walking ill-defined sections of the route. It was observed that numerous walkers were looking for the scattered stone crosses to confirm the route alignment and also enhance their personal experience of the journey. That said, many seemed unfamiliar with the term ‘Monastic Way’.

Beyond the well established sections in the west and east of the route, the high moor (central section) was apparently regarded as ‘off- limits’ for many. The field survey itself confirmed the difficulty of identifying and walking the true perambulation and also the risks, which must have been far more

apparent in medieval times of trying to do so. The direct nature of the route and the use of higher ground away from the majority of the mires would suggest that historically, this might have been the preferred direction of travel for those on foot or horseback, but with strong seasonal influences.

The visual significance of the 'lost central section' of the route is unsurpassed and quite exceptional which is perhaps an unsurprising conclusion given the national park designation (Fig.6.36)). The calibration of the model requires that this quality is reflected in the scoring process, as it supports a possible conclusion that this historic trackway deserves designation as a heritage asset. The potential high score from some sections (Figs 6.14, 6.24 & 6.29) is necessarily balanced (in overall summary assessment) by the lower scores obtained from the lengths of the route which have experienced harm, albeit from development or general loss of character due to landscape management practice (Figs 6.6, 6.20 & 6.35 B,D,G). This begs the question as to whether only part of the route justifies recognition as might be implied by the findings. A decision on this point needs to reflect on the conservation implications of selective control and protection. Would, for example, the marginal lower scoring sections continue to deteriorate were they to be excluded (and could they be upgraded)? Conversely would the inclusion of such locations where inappropriate change has occurred devalue the overall conservation assessment of the entire route?

To answer these points it is necessary to reflect on the purpose and reasons for designation ie. What precisely is the designation process attempting to achieve? If it is the recording of the alignment of a lost historic route ie intangible qualities, then a route's physical condition in particular localities may not be relevant. If the route's appearance (the tangible qualities) is crucial to the user experience then managing the surface form and local context might be regarded as of prime importance even if this means excluding areas with lower significance scores. The answer to this conundrum perhaps lies in how stakeholders view the purposes of any designation, a proposition which can only be answered through subsequent research. However, it may not be straightforward to attempt this type of compartmentalisation of issues, as participants may not have considered the philosophical basis for their actions which in turn could lead to a misleading interpretation of the results.

Some clues to stakeholder perceptions can be secured through analysis of the comments made by the Dartmoor Local Consultation Forum (reproduced as part of a review of the Rights of Way Improvement Plan). Unsurprisingly most of the issues concern user conflicts, access and management

problems, but the policy response of the National Park Authority can give some insight into how the issues are being interpreted by a key player.

It should be remembered that the two statutory purposes for designation of the National Park (Environment Act 1995) are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage [of Dartmoor], and

- To promote opportunities for the understanding and enjoyment of the special qualities of the area by the public.

A consultation document titled 'The Future of Dartmoor' published as part of the Rights of Way Improvement Plan submission (Devon CC 2005) sought to identify the special qualities of access valued by the public. This concluded a high public regard for access rights and the freedom to roam, with restrictions being placed on certain users to prevent erosion and reduce the impacts of powered vehicles. This was to be achieved through several related policies the substance of which was to maintain and extend the network of long distance paths; protect paths from inappropriate change or development; identify safe areas for walking; and reductions in vehicular traffic unless there were (amongst other things)...conservation benefits. The emphasis in the comments and the policy response was clearly placed on the enjoyment of the experience by walkers and riders (intangible perceptions), as well as the protection of public rights of way and the provision of alternative routes where the original is threatened by development proposals (policies E11; T3; TF6; TF8; RC2 and RC3), (Devon County Council ROWIP 2005-2012).

From the heritage policy perspective it is also notable that archaeological, historic and nature conservation values are afforded priority consideration by the NPA in routine management and when assessing proposals for recreational events using rights of way and open country. Collectively the policy framework is to ensure that such issues will always be considered, and afforded priority, when creating new linear (or area) access. In circumstances which affect existing rights of way, affect heritage, or conservation features and interests (Policies DNP21- DNP28 and section 6.4 ROWIP) both mitigation and management practices are emphasised.

At the beginning of this case study the following questions were posed:

- What evidence is there of the existence and alignment of the historic trackway, how might the alignment have changed over time and has this diminished its conservation significance?

- Has the historic trackway been detrimentally affected by changes within its local context and wider landscape setting including harm through inappropriate development and use?

- What is the historic trackway's likely sensitivity to further change and how might its conservation be secured?

The evidence from the literature review and the field study suggests the following conclusions:

The evidence of the possible original alignment of the historic trackway is considered to be reasonably sound. The route is clearly traceable over at least two-thirds of its length, although reliance is placed on anecdotal evidence and ancillary structures to confirm its alignment across the high moor and in remote locations. There is evidence that the alignment may have changed elsewhere as new elements have been introduced into the landscape particularly forestry plantations, which now mask long distance views. Other topographical changes including the development of two reservoirs have also impacted on what might have been visually apparent in medieval and earlier times. It is a matter of opinion and judgement as to whether these changes have impaired the conservation significance of the route but on balance this seems unlikely.

The local setting of the trackway has been partially compromised closer to the main settlements of Tavistock and Buckfast. The problem appears more severe in the west (Tavistock) where the changes to the approach to the Abbey grounds are clearly substantial. These changes are not restricted to built development indeed the new golf course has probably had a more significant impact across a broader area than development within the built confines of the town itself. At Buckfast, numerous changes including the substantial rebuilding of the Abbey and changes within the Abbey precinct to meet tourist demands, has compromised the route particularly the approach to the abbey itself, views of which are now lost amongst 20th century housing. The precise route from Holne to Buckfast is also questionable as it is likely to have braided in ancient times due to seasonal changes but this could not be substantiated.

Elsewhere the integrity of the local setting has been retained around rural settlements and there are few obvious changes except for short stretches around Well Town where enclosed fields and new garden boundaries have been introduced. Hard surfacing of some sections has changed the character of part of the route but this does not detract from the high conservation importance of Riddick Lane and Leather Tor Bridge where unsealed surfaces lead directly out onto the high moor just as they must have done for hundreds of years. The broader landscape setting which can only really be appreciated from the higher ground has not so far been harmed by inappropriate development, a fact confirmed by the landscape appraisal. However, the route's overall ability to absorb change is not high. Indeed it could be compromised by even modest development. Incremental change, particularly that not requiring express planning permission, probably represents the greatest threat given that within the National Park itself planning powers are quite extensive. Nevertheless changes outside of the national park boundary but visible from within the park may still be a threat to the integrity of the route.

Drawing together these various aspects of the research, it seems reasonable that the overall route should be subject to designation despite moderate or low scoring in some sections. This approach recognises that intangible values (such as perceptions of users) are given due weight alongside tangible values. The model itself points to some flexibility in the development management process given the need to balance the various sector interests (economic viability with historic value). This would imply that outside of the National Park boundary the alignment of the trackway becomes the important consideration rather than its actual appearance, whilst within the National Park boundary, alignment, physical appearance, maintenance and management become more significant conservation components. Such an interpretation aligns with the overall national conservation policy approach whilst raising the profile of this particular trackway to that of a recognised heritage asset. It is a moot point as to whether the same findings might have emerged had a different trackway been chosen for appraisal.

The second case study may offer some clues as to how well or not the proposed method of evaluation works in different circumstances and what modifications may be necessary. The combined results from these two tests are discussed in section 6.20 and Chapters Seven and Eight.

Case study B:
Bristol City Centre

6.13 Introduction:

This case study tests the model in an inner city location. Although many places could have been selected Bristol City centre was chosen as it provides circumstances similar to those which might be encountered by conservators elsewhere in terms of the resources and practical challenges.

Reliance has to be placed on documentary sources in urban locations rather than field evidence due to the changes occurring over time. As with rural locations the aesthetic value of historic trackways and their communal/social value can be appreciated through ancillary features, including the relationship of trackways to the physical components of the landscape (topography and rivers) and to important buildings and the spaces they define. The issue of the 'lost lanes' is likely to emerge but it may be more straightforward to confirm the historic alignment as the evidence from maps and documents is likely to be greater. Hence tangible visual evidence of a trackway, which may be largely absent, may be supported by intangible evidence, based on people's memories and associations with particular buildings, sites and events, especially so in parts of this case study area which suffered extensive damage in the 2nd World War. The determination of aesthetic value may therefore require some modification. Indeed it may be difficult to argue that the setting or contextual value of a view from a particular historic trackway should be protected from intrusion, if the trackway's local context and setting has already suffered from multiple changes. This presents a policy conundrum.

The role played by communal and social values in understanding the significance of historic trackways in urban areas will necessarily be more complex than in rural locations, largely due to the number of users and their different motives for using a particular route. Apart from obvious issues of access and convenience, it may be difficult to gain insight into the philosophical and intangible values which such users might place on these urban routes. It is suspected that economic, leisure and tourism values will play an important part in the public's perception of the importance of such routes but this issue can only really be informed by further research.

6.14 Bristol City: Historic evolution

The geomorphology and topography of the area suggests that the original choice of the site of Bristol was driven by two needs, a convenient bridging point across the River Avon and a location which could be defended from Viking invasions. The precise location of the early settlement, which is supported by some archaeological evidence, suggests a position on a ridge of high ground running between the River Avon and its tributary the Frome. Ogilby's map of 1675 (*Itinerarium Angliae)* shows eight roads linking Bristol with all the principal towns of the Midlands and south west, whilst the first turnpike commenced in 1726 the last being abolished in 1866 (HTT 1975).

The layout of the settlement around 1000AD may then have looked something like that shown in Fig. 6.37

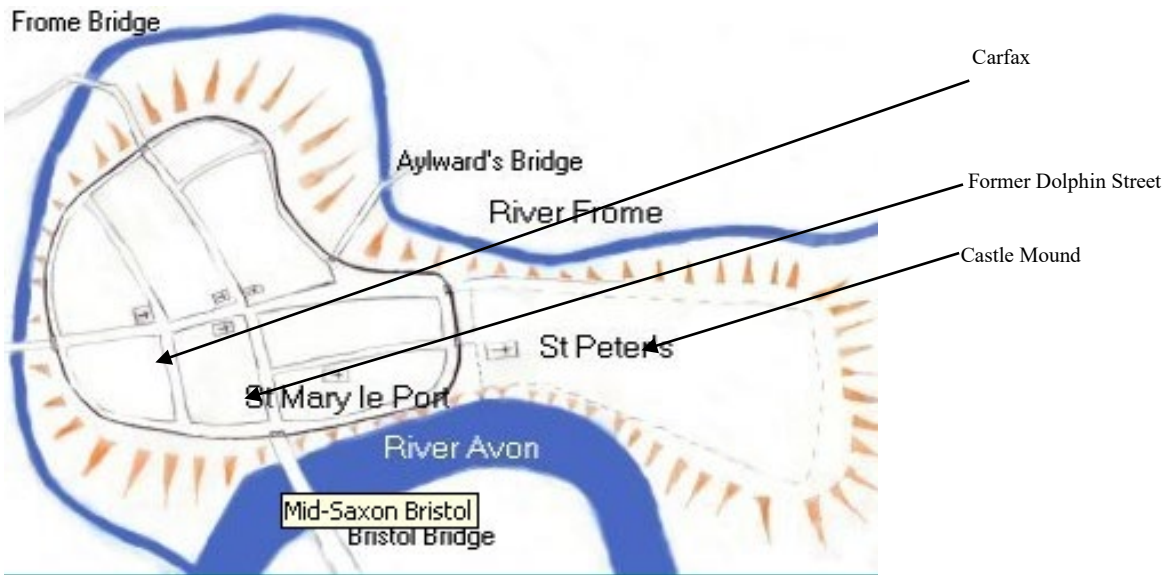


Fig. 6.37 Early Plan form of Bristol:
Source : The Saxon Origins of Bristol (2007)

This conceptual drawing suggests that the early plan form comprised the carfax of High street, Corn Street, Broad Street and Wine Street enveloped by an intramural lane (following the first wall)

comprising Tower lane, St Leonards Lane and St Nicholas Street. The street layout would have formed a grid, dividing the area into quarters with a High Cross (erected 1360) at the centre and town gates (St Nicholas Gate; St John's Gate, Algate, and St Leonards Gate) with associated churches (St Werburg, All Saints, Christ Church and St Ewens). The plan form suggests a tiny area no more than 300 yards wide with St Peter's separated from the fortified structure by an open area which may have functioned as a market place. The south east corner of this area contained the now destroyed church of St Mary Le Port. The area would likely have been similar to an unpaved hollow-way in form and appearance. At the end of the Norman period Bristol had expanded beyond the original Saxon burh and was embraced by a second (outer) town wall running from Newgate to Fromegate. Two walls have been identified, one following the line of King Street and the other the line of Portwall Lane (shown on Map 2 Atlas HTT Vol 2 1975).

Fig 6.38 Ricart's plan of 1479 showing the High Cross and four intersecting roads.
Source: Bristol City Character study 2009

Fig.6.39 William Smith's illustration of 1568
Source Bristol City character study 2009

The evidence of the early development of Bristol is contained in two illustrative drawings:
Ricart's plan of 1479 (Fig 6.38) is the first of its kind and shows four roads meeting at a High Cross, whilst William Smith's small plan of 1568 (Fig 6.39) shows four old gate ways and an inner road following the line of the old wall and intersecting in the centre of the city leading from the main gates.

The bridge over the Avon is first mentioned in a charter dated 1164 (*the 'pons de bristollo*) and was apparently rebuilt in 1248 as a four-arched stone structure. This was again replaced in 1763. The line of the High Street suggests that this led to a bridge on the site of the current bridge, however the plan form of the town implies that an earlier bridge may have been positioned further east than the later stone structure. The line of Temple Street, when projected onto the north bank of the Avon (Fig 6.60 & 6.61) suggests a connection to a possible market as opposed to the fort (Saxon Origins of Bristol 2007). Similarly, Broad Street, on a different alignment, may have led to a bridge over the Frome. It is suspected that Aylwards Gate (now Tower lane) gave access to The Pithay which in turn led to Aylwards Bridge (Fig 6.37) The Frome was diverted circa 1240 to create a better harbour, whilst the stone bridge improved connections to the Redcliffe and Temple Church areas to the south of the Avon, subsequently enclosed by a wall around 1325.

From the 13th century the main thoroughfares (Temple Street, St Thomas Street and Redcliffe Street) would have had connecting lanes linking to wharves on the Avon. This medieval plan form would have survived until the late 15th century. William Smith's perspective map (1568) (fig 6.39) reveals the concentration of buildings and shows the survival of the original Saxon and Norman street pattern north of the Avon, contrasting with the later ribbon development to the south (Pritchard 1926). The Castle was demolished in 1665 and King Street laid out in the 1650's along the outside of the southern town wall; some of the timber framed houses from this period still survive (Fig.6.72).

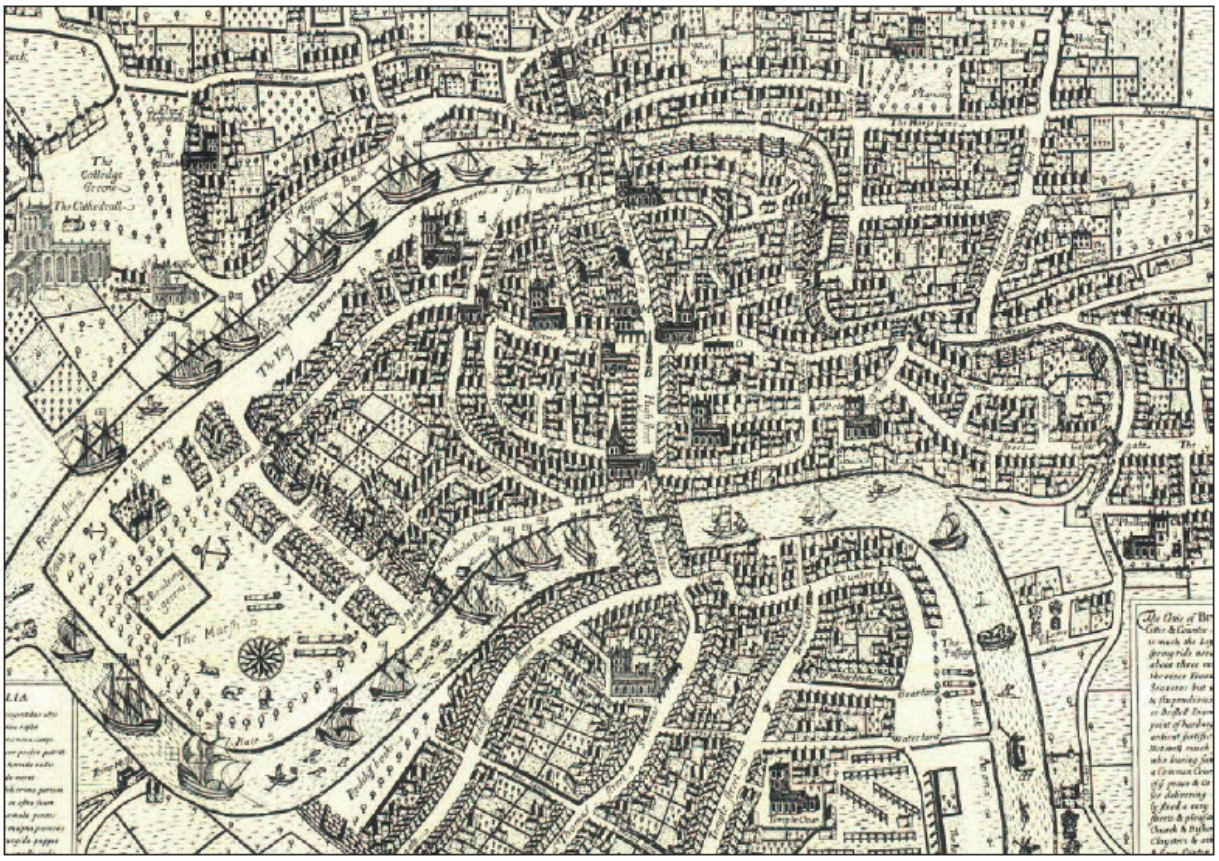


Fig. 6.40 Millerds Plan of 1673
Source: Photographed in British
Map Library Archives July 2017

Millerd's plan (1673) (Fig 6.40) was the first accurately drawn map of Bristol and shows the city layout in the 17th century. This map provides reliable evidence of the position of the trackways some of which may be traced to the present day.

This period saw the widening of St Thomas Street and the removal of Pithay Gate, Queen Street Gate and Lawford's Gate as a result of economic and social pressures. Millerd's plan (1673) was produced shortly after the destruction of the castle (the site later being covered in houses, also since lost) and shows the ancient walls and gates, High Cross, Temple and St Peters Crosses and the Avon Bridge.

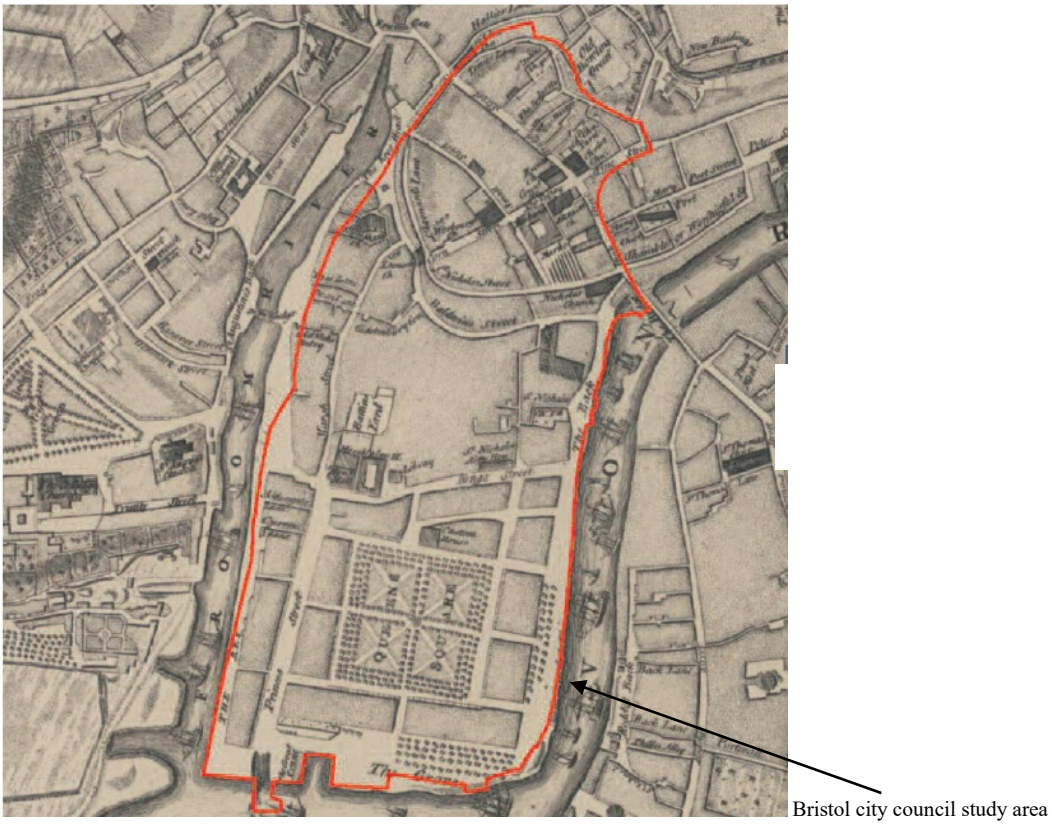


Fig 6.41 John Roques map 1742.
Source: Bristol City archives and
reproduced in 2009 character study

The diversion of the Frome in 1240 at St Augustine's reach and the draining of the marshland allowed the subsequent development of the Georgian Queen Square and Prince Street some 500 years later. The plan form of this area was restored after the removal of the inner road developed in the 1930s and remains as originally designed (HTT 1975).

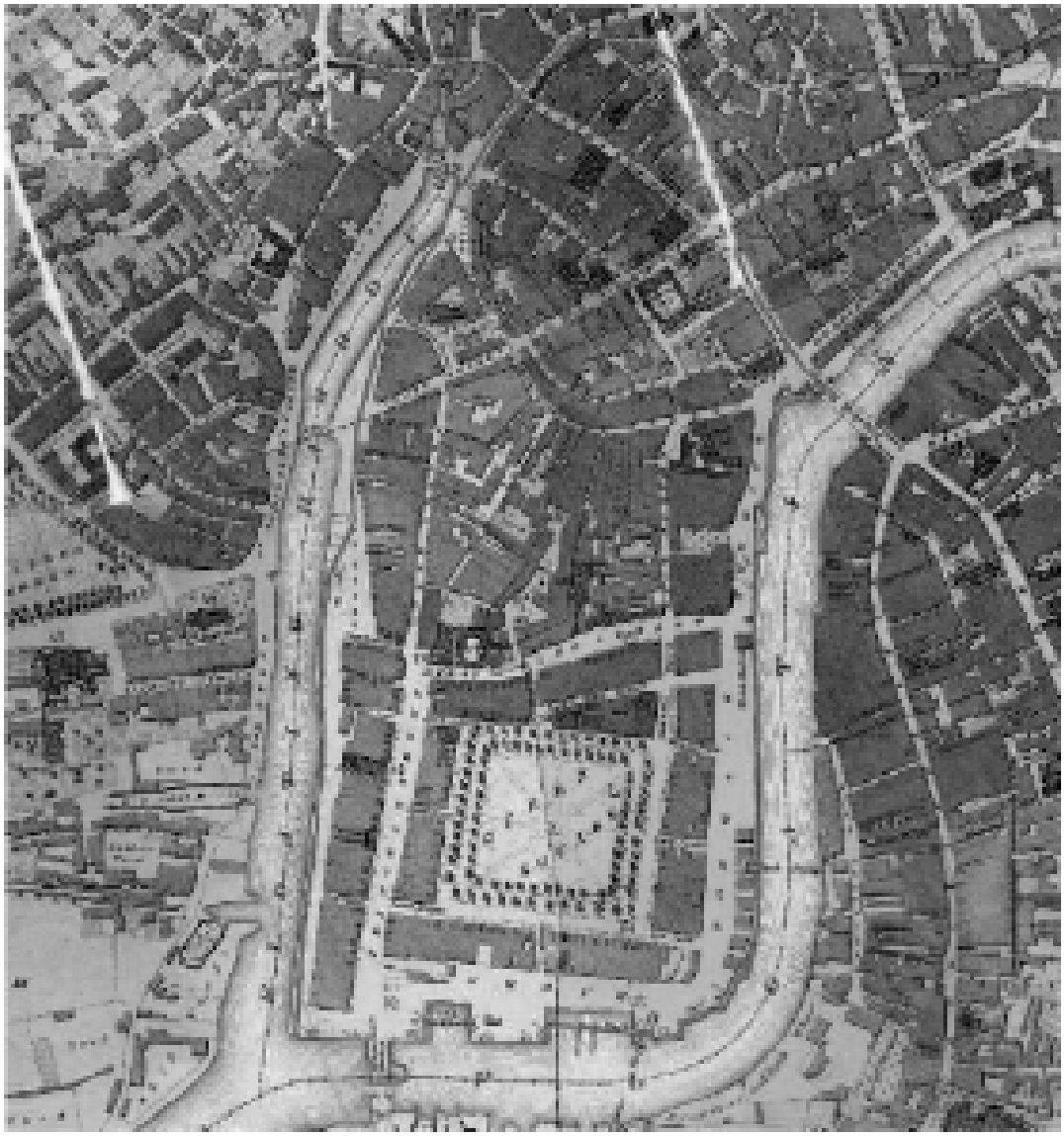


Fig 6.42 Plumley and Ashmeads Plan 1828

Source: Bristol City Character study 2009

Fig.6.43 Bristol 1880's Ordnance Survey Map: Medieval Quarter and Castle

Source: Digimap Ancient Roam accessed July 2016

Fig.6.44 Bristol 1880's Queen Square and King Street

Source Digimap Ancient Roam, accessed July 2016

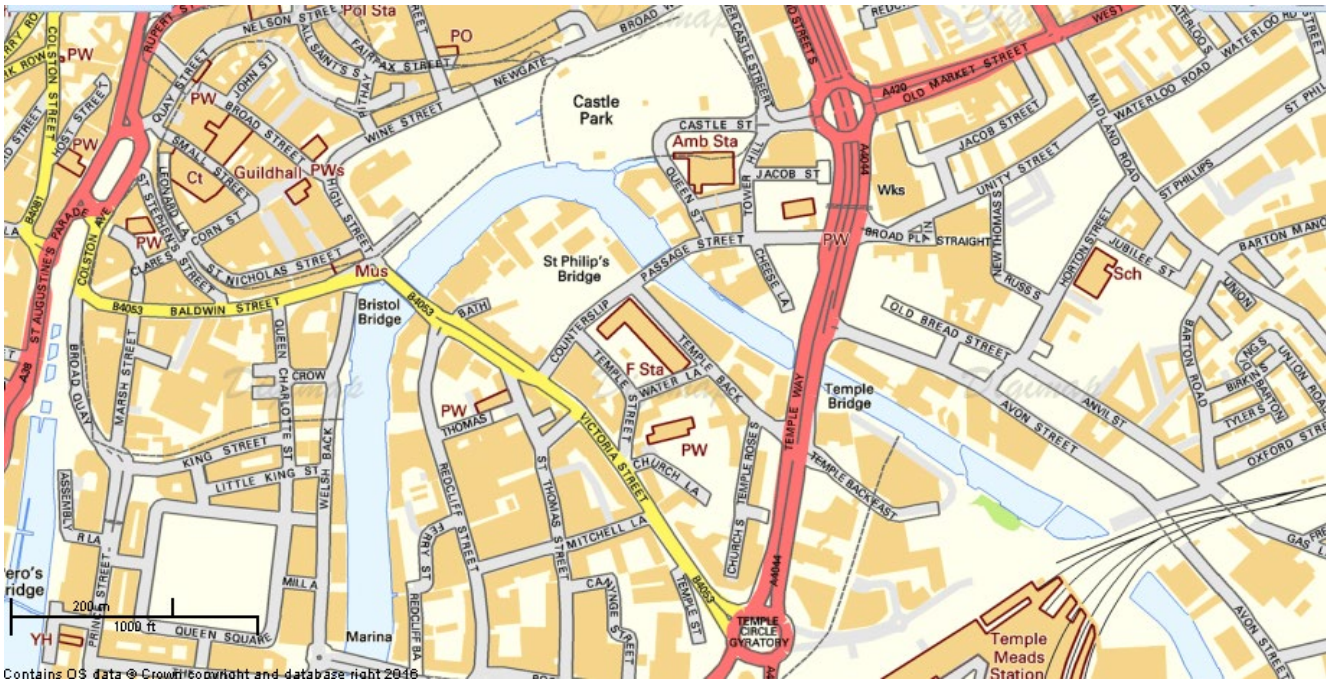


Fig 6.45 Bristol City Contemporary map
Source Digimap Roam

Within the former medieval core Georgian buildings gradually replaced the older timber buildings; the Guildhall, Corn Exchange, and neo-perpendicular churches generally dating from the 1740s onwards. The turbulent 19th Century saw gothic revival style architecture develop in the city centre (Broad Street and Small Street)) with the assize courts and Bank of England, whilst shops and hotels developed in St Nicholas Street and Broad Street.

Large parts of the city were subsequently destroyed during the 20th century and many important buildings were lost. The Castle Park area was significantly changed and the historic street patterns substantially eroded in places, particularly the area around St Mary le Port. This process was compounded by some insensitive redevelopment including large new commercial buildings and road schemes later in the century.

6.15 Case study area: time line

Figs 6.37 to 6.45 present a time line of how the city may have evolved over the last 1000 years. As such they provide evidence of the likely position and alignment of those historic trackways which formed the heart of the original network. This evidence is not complete as some plans, including maps from the 19th century, do not provide comprehensive cover across each time period. An appraisal of these documents suggests that the medieval quarter and the Georgian Queen Square to the south should be the focus of the research. This area includes the conservation area described as 'City and Queen Square' which was designated in 1972 and extended to include Castle Park in 2009. The Council undertook an appraisal of this area in 2009 (Fig 6.41) and the current conservation strategy is based on the appraisal findings. This strategy advises that :

'*the dominant street pattern and the character of spaces should be respected. Where historic patterns remain these should be protected and reflected in proposed schemes. Opportunities should be taken to repair the historic street pattern and enclosed character of the area' (para 6.1.8 and policy B15, CS policy BSC22).*The Council's document PAN15 (Accessibility) adds '*In assessing the permeability [of an area] applicants should .....take opportunities to enhance existing routes or provide new safe, attractive routes..... Any proposal which would result in the partial or complete loss of a public route will be unacceptable unless a satisfactory alternative, linked to existing facilities and adjoining public spaces, can be provided'.*

The Council's policy is well established the question is how far has this been successful in protecting extant trackways and reintroducing those lost to redevelopment?

6.16 Analysis of the study area

For the purposes of analysis the case study area has been sub-divided as shown on Fig 6.46. These sub areas generally reflect the phases in the evolution of the city. The annotated aerial photographs (Figs 6.47, 6.60, 6.61 & 6.78) identify the extant trackways (now city streets) and the likely position of those lost to redevelopment.

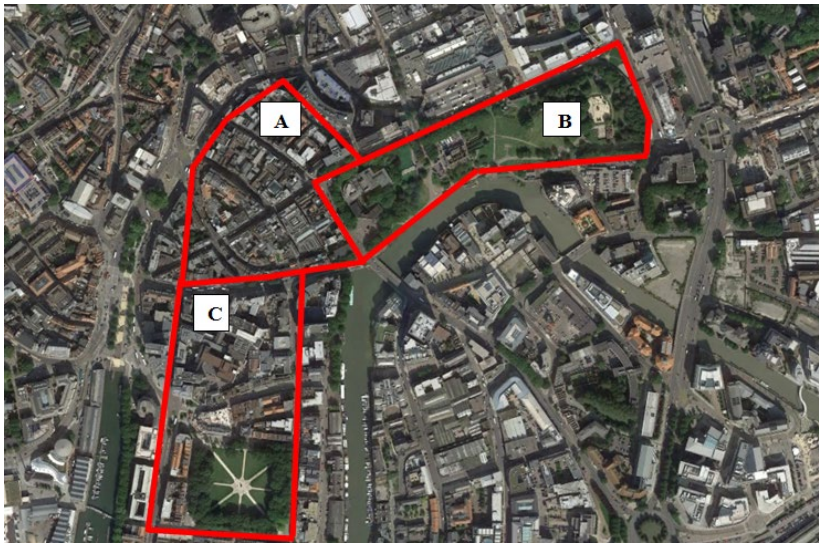


Fig.6.46 Analysis sub-areas

Source Author 2016

Fig 6.47 Location of major city streets and places

Sub area A Corn Street, Broad Street and later City wall

This area comprises the earliest recorded parts of the city. The tight urban grain created by Corn Street, Broad Street and Bell Lane implies a medieval plan form, which has been reinforced by later development respecting the historic building line. There is documentary and visual evidence that these streets remain in their original positions and that their plan form has been resistant to change (Figs 6.48; 6.50 & 6.54) although in places the original plot widths and depths have been substantially modified by 18th and 19th century development. The association of the area with past people and events (historic value) is reflected in the large number of listed buildings (Fig 6.55), including the Guildhall)), which define the original routes despite almost 1000 years of incremental change. The intramural lane which followed the original wall (Bell Lane and Tower lane) can still be identified (Figs 6.53 & 6.54) and can be traced up to The Pithay which led to original Aylands Bridge (Figs 6.56 & 6.57).

Fig 6.48 Corn Street (looking east)

Fig 6.49 Broad Street and St. Johns (looking north)

Fig 6.50 Broad Street (Looking south to site of High Cross)

Fig 6.51Broad Street and High Street (on site of the High Cross)

Fig 6.52 St John's Gate

Fig 6.53Tower Lane (looking east)

Fig 6.54 Bell Lane and Tower Lane

Fig.6.55 Small Street

Fig 6.56 Former Aylwards Gate (junction of Pithay and Tower Lane)

Fig.6.57 Pithay leading to former Aylwards Bridge

Fig 6.58 All Saints Street (looking north)

Fig 6.59 Nelson Street and St John's (looking west)

All Saints Street and Nelson Street lie just outside the earliest city wall but within the medieval extension. Historic references (HTT Vol 2 1975) suggest that the area was previously known as Halliers Lane which linked to Bridlewell Lane and Monken bridge but the alignment has been lost to later development (Fig. 6.61).

Frome Bridge and gates Halliers Lane Pithay and Aylward's bridge Former market site Castle street and Castle Green

Possible first bridge Counterslip St Peter's Church Castle Park

Fig 6.60 The Medieval Quarter

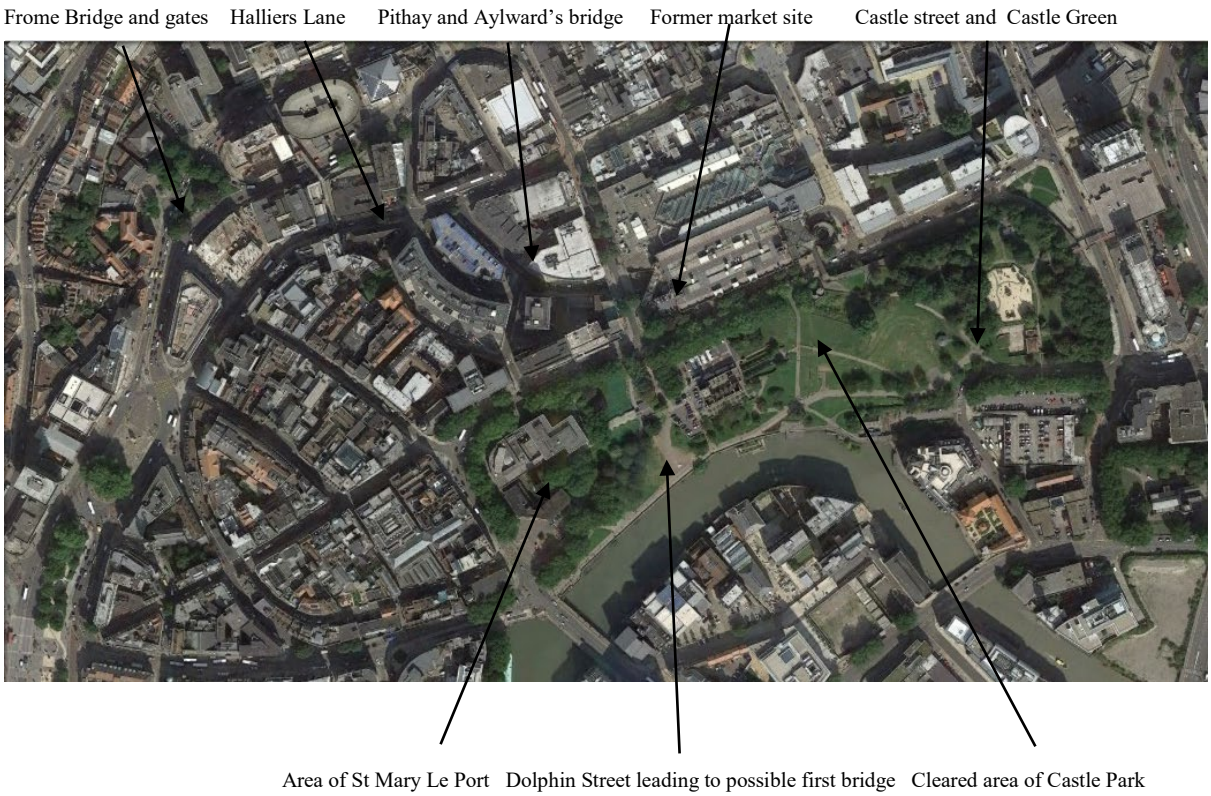


Fig.6.61The Lost trackways

6.17 Assessment of significance

The evaluative model (Fig 6.62 A to C) combines the evidential, historic and aesthetic values of the streets and spaces which comprise each sub area into an assessment of that area's overall conservation significance in respect of the historic trackways which lie within them. To complete the initial calibration of the model judgments are also necessary concerning the area's communal and economic value. The results at this stage should therefore be regarded as provisional and the model would require recalibration following further research. This principle applies to all the sub area appraisals. It is expected that this initial assessment would be followed by specific assessments of each trackway (street) within each sub area to establish significance and determine whether conservation status might be appropriate.

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential		10					10
Historic		10					10
Aesthetic context			7				7
Aesthetic setting				5			5
Communal/Leisure/Economic			7				7
Negative						-2	-2
Total significance score of trackway							37
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3	37	111				√
Moderate sensitivity	2						
Low sensitivity	1						

Fig. 6.62: Assessment of Significance Area A

Notes: Evidential value includes consideration of lost lanes

Historic value takes account of the number of listed buildings in a locality (Source Bristol HER)

Negative value includes post –war destruction and rebuilding

The evaluation suggests that this part of the study area has high conservation significance. Notably it is also highly sensitive to change. Whilst evidential and historic value is apparent, largely due to the quality of the many listed buildings, the aesthetic value is reduced by modern interventions which have particularly affected the former High Cross area (Fig 6.51) and the public realm generally. Three of the former city gate entrances have been lost leaving St John's as the only evidence confirming Ricard's first plan (Fig 6.52). Some of the historic and important back streets and passages such as St Leonards Lane (off Corn Street), have been harmed by new development and anti social markings including the intramural lane (Bell Lane and Tower Lane) whilst the degree of on-street car parking spoils many of the internal views along Small Street and Broad Street. In pedestrianised areas the quality of the street scene and the degree of footfall (implying community and social value) is commensurately much higher. A number of historic trackways have been lost including the Halliers Lane link to Broadmead and others denuded by the dominance of the mass and bulk of back of pavement new buildings particularly in All Saints Street and The Pithay.

Beyond the first city wall the area encompassed by the 13th century wall including Christmas Street (which led to Frome bridge) has experienced significant change. This section of the Frome is now underground and the surface partly occupied by the A38 inner city road, which follows the outer perimeter of the wall. Only one small open space (St John Street churchyard) now remains and this finding reduces the aesthetic value score overall.

Sub area B Wine Street and Castle Park

On the south side of the old city, changes to Wine Street and High Street are apparent. Destruction in World War 2 obliterated the residential area east of All Saints Church and reconstruction saw the widening of Wine Street at its junction with High Street and the introduction of modern large office buildings (Fig 6.61). The loss of St Mary le Port church and St Maryport Street as well as the numerous buildings brought about extensive changes to the medieval street pattern; somewhat paradoxically the open area which was created by this destruction effectively recreated the pre - medieval space which historians suggest might have been the site of the original market (Fig 6.63). Originally, 'The Shambles' (now replaced by the modern Bridge Street) linked to Dolphin Street (Fig 6.64) thereby creating an ancient network of routes around the medieval centre; regrettably modern development has harmed the aesthetic value of The Shambles.

Fig 6.63 The pre medieval market space. Dolphin Street's alignment would have crossed in front of St Peter's Church.

Fig 6.64 Probable alignment of Dolphin Street

The alignment of Dolphin Street has been recreated as a public path following the possible alignment of an ancient trackway which may have led to the first Bristol bridge (Fig 6.66). On the south bank the route becomes obscured but can be traced to 'Counterslip' and Tucker Street (Fig 6.65) the latter having been lost to modern interventions, whilst to the north the modern Union Street completes this historic (north- south) route alignment between the Avon and the Frome (Fig 6.60).

Fig 6.65 Ancient trackway alignment on south side of Avon looking north to (the possible) first Bristol bridge.

Fig 6.66 Possible position of first Bristol bridge looking towards St Peter's church and Dolphin Street path.

The area around St Peter's church now has an open character. This area also suffered severe destruction in the 2nd World War and has reverted to open space following the removal of the

damaged properties. The early plan form of Castle Green, Roaches Lane and Tower Lane is difficult to detect from field survey but may be deduced from the 1880's Ordnance survey map (Fig 6.43). Whilst archaeological investigation has revealed the position of the castle mound, moat and some walls (Figs 6.67 & 6.68), beyond the moat and walls major interventions have changed the character of Lower Castle Street, Queen Street and Tower Hill and development proposals threaten this further (Fig 6.69 & 6.70).

Fig. 6.67 Castle Green looking towards site of the Keep

Fig. 6.68 The Castle Mound area

Fig 6.69 Castle Street reconfigured and now without housing

Fig.6.70 Castle gate and drawbridge location

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential			7				7
Historic			7				7
Aesthetic context				5			5
Aesthetic setting			7				7
Communal/Leisure/Economic			7				7
Negative						-10	-10
Total significance score of trackway							23
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3						
Moderate sensitivity	2	23	46			√	
Low sensitivity	1						

Fig 6.71 : Assessment of significance Area B

Notes: Evidential value includes consideration of lost lanes ;

Historic value takes account of the number of listed buildings in a locality (Source Bristol HER)

Negative value includes post –war destruction and rebuilding

Conservation area designation applies to the whole study area and is taken into account in the assessment values

The evaluation suggests that the degree of change which this area has experienced reduces its overall conservation value. Whilst most of this change has been due to 2nd World War destruction, the removal of the domestic buildings and loss of the original plan form when the area was rebuilt failed to appreciate the area's significance and this, together with the introduction of large office buildings, has harmed the visual environment and reduced the overall aesthetic value. The Council recognises this and expresses the desire to bring about further redevelopment and introduce more sympathetically designed buildings (Bristol City Council Conservation Appraisal 2009). The change to Wine Street /High Street has not been consistent with the intention to reinstate the original alignment and the loss of the High Cross is a significant detractor from the area's overall historic value. The spaces created around St Peter's church (Fig 6.63) are clearly important for their communal and social value, evidenced by the number of users seen in the spaces during the field survey. The re-creation of the link from the former Dolphin street and Union street across what might have been the early market area, is particularly important in recognising this earliest of trackways across the city and opens the prospective of continuing the route south, if a new pedestrian bridge were to be built on the line of the likely first bridge (Fig 6.64). This partially restored route is particularly significant in terms of recognising the area's historic value. The presence of archaeology in Castle Park confirms the evidential value of the site and this is enhanced by the identification and conservation of parts of the remaining city walls which can be seen as surface features. Nevertheless immediately south of Castle Street future rebuilding may again intrude on the area's historic value.

Sub area C Baldwin Street and Queen Square

By way of contrast the south part of the study area between Baldwin Street and The Grove has a mixed character. The plan form between King Street and Baldwin Street is medieval in origin, has grown incrementally and possesses a number of important Tudor buildings (Fig 6.72). Documents suggest that several historic trackways were lost or re-routed over time including the northern section of Marsh Street and St Stephen's Street, both of which linked historically to Baldwin Street, which today is a modern thoroughfare (HTT 1975 Atlas map 2, vol 2).

Queen Square lies to the south of King Street and is built on reclaimed marshland (following the re-direction of the Frome circa 1240) in typical rectilinear Georgian style with listed terraced properties fronting a large tree- lined and grassed open space. The re-routing of the inner ring road (Redcliffe

Way) which sub-divided the square and harmed its aesthetic value has enabled enhancement and restoration of the buildings and spaces which are of very high conservation value.

Fig 6.72 King Street (looking west)

Fig 6.73 Medieval quarter with modern interventions

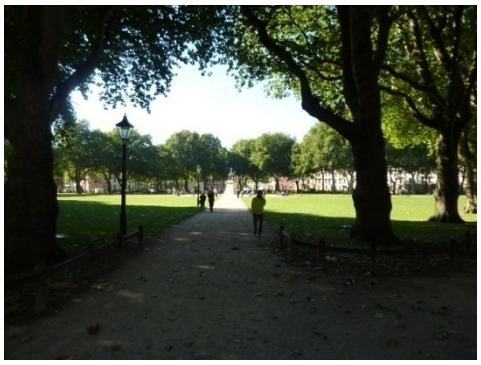


Fig 6.74 Queen Square (the path follows the former Redcliffe Way)

Fig 6.75 Georgian Terrace on east side of Queens Square

Fig 6.76 Queen Square (traffic calmed and restored)

Fig 6.77 Reconfigured junction at Broad Quay/Marsh Street and King Street

Fig 6.78 Queen Square Marsh Street (lost in part) and St Leonard's gate King Street Back Street (altered)

	Assessment category	Excellent	Very good	Good	Fair to Poor	Negative	Significance score
	Weighting of values	10	7	5	2	-2-10	
Value category							
Evidential			7				7
Historic			7				7
Aesthetic context		10					10
Aesthetic setting		10					10
Communal/Leisure/Economic			7				7
Negative						-5	-5
Total significance score of trackway							36
Sensitivity	Sensitivity to change weighted by value	Significance score of trackway	Significance x sensitivity weighted value	Assessment of conservation significance	Low <30	Medium 30-50	High >50
High							
Moderate							
Low							
High sensitivity	3						
Moderate sensitivity	2	36	72				√
Low sensitivity	1						

Fig.6.79 Assessment of significance Area C

Notes: Evidential value includes consideration of lost lanes

Historic value takes account of the number of listed buildings in a locality (Source Bristol HER)

Negative value includes post –war destruction and rebuilding

Conservation area designation applies to the whole study area and is taken into account in the assessment values

The contrasting nature of this sub area presents challenges for a summary assessment. Extensive conservation enhancement of the streets and spaces has raised the area's overall aesthetic quality with the appropriately restored street surfaces adding much to the setting. This process has emphasised the importance of the historic trackways and the buildings which are juxtaposed to them. The removal of through traffic from the 18th century Queen Square has enabled the restoration of an outstanding space and encouraged economic activity, it has also emphasised the area's communal and social value. Queen Square area is of more 'recent' origin in comparison with other parts of the study area and presents a planned form rather than one which has grown incrementally, however its significance is not denuded and the links created from the Square to the surrounding streets to the north are evidentially, historically and aesthetically very important (Fig 6.73). The Council's policy of restoring the plan form and layout of the historic trackways which formed part of the original city is evident but changes to Marsh Street and St Stephen's Street are not reversible and are lost to the original plan form (Fig 6.77).

6.18 Assessment conclusions

The purpose of this case study was to test whether the evaluative model could be applied to an intensively developed urban area which has undergone significant change. It will be recalled that the overall aim of the research is to determine whether historic trackways might be regarded as heritage assets based on the criteria adopted by Historic England for other heritage assets. Three questions are posed in section 6.2 which should be considered against the available evidence; they are taken in turn below.

From an analysis of the historic structure and plan form what evidence can be deduced of the possible presence of historic trackways in the city centre?

There is little doubt that historic trackways can still be identified in the study area based on both documentary research and field survey (Figs 6.61 & 6.62). The evidential and historic value of these trackways, which have long been city streets, confirms their conservation significance and importance to the heritage value of the city. But the three sub areas present contrasting results largely due to 20th century interventions which have affected their aesthetic value to differing degrees. Sub area A retains much of its original plan form within the original city boundary (first wall) but has been compromised in the medieval extension (second wall). Sub area B has seen the greatest harm but the restoration of the Castle Park area has brought with it a new phase in the city's evolution which has raised its communal and social value and introduced much needed new leisure space. Sub area C has benefited

from well placed conservation enhancement and traffic calming which has emphasised its historic, economic and communal value. In most cases it is the relationship with historic buildings and the public realm which reinforces this contribution to significance ie. contextual value.

Has the process of urban evolution and development substantially reduced the conservation value of the remaining historic trackways to a point where they might no longer be considered as being of conservation significance?

The concept of conservation as opposed to preservation (Hobson 2004) accepts that change in historic places is inevitable and in many situations quite desirable. Nevertheless it is a matter of degree. Some changes in the study area were forced by circumstances and rather than restore the previous urban structure the opportunity was taken to introduce new infrastructure to meet economic demands rather than replicate the historic pattern. The council's conservation policy suggests that this urban renewal may have gone too far and there is a desire to recapture some of the past and redress some planning decisions. In particular locations the conservation value in terms of the setting and local context of the trackways has been reduced mostly due to the impact of new buildings, and in extreme cases the trackways themselves have been lost. Nevertheless a majority remain and contribute collectively to the heritage value of the conservation area.

How sensitive are the extant trackways to further change and how might their conservation value be secured?

The Council has had mixed success in protecting the existing historic trackways and reintroducing those lost to previous development. Clearly they have to achieve a balance with the economic needs of the city and the desire to conserve heritage but there is little doubt that the historic plan form is sensitive to development impacts. The introduction of pedestrian zones and traffic calming brings both tangible and intangible benefits and changes the perception of the trackways from the user perspective. The contrast with streets that have not been calmed is very apparent and the opportunity to continue this process is apparent.

The sensitivity of these various historic routes to harm is recognised in policy documents (BCCA 2009 and Core strategy) with the intention to encourage re-instatement, however this should preferably not extend to realignment compromises. The several small passageways found throughout the medieval quarter are likely to present the best opportunities for such action when the adjacent buildings come forward for redevelopment. At present some are spoilt by modern interventions (Fig 6.56) and present an unwelcoming experience, nonetheless their historic value as evidence of the original plan form of the area is significant.

This case study therefore suggests that it is quite possible to identify the evidential, historic and aesthetic value of historic trackways in an urban location. Problems start to emerge when applying the test of communal value. This issue needs to be pursued with various stakeholders as they may have quite different perceptions of the value of these routes from those of the historian. Indeed it may prove necessary to revise the emphasis given to certain values in the model as a result of any consultation process.

Several other questions also arise which emphasise the difference between attempting to conserve trackways in urban locations from their rural counterparts. The first concerns the coarseness of the analysis itself. In rural areas the often ubiquitous nature of the terrain permits the use of strategic landscape appraisal techniques. These techniques are not generally appropriate in urban areas where the level of detail necessitates a process similar to that of a conservation area character appraisal. Indeed a complex city area such as Bristol, justifies a street by street assessment with each street being individually evaluated for its specific significance against Historic England criteria. In these circumstances it is then possible to grade each street for its heritage value and significance as an input to the development management process. It is also possible at this level of analysis to identify specific sites where the policy approach might encourage reinstatement of an historic trackway, as part of a design led solution in any redevelopment proposal. It is unclear how far this already occurs in negotiations with developers and remains as a future research question.

Finally, there is the broader policy question of the necessity for further heritage designations in urban locations. Within conservation areas it might reasonably be assumed that historic trackways implicitly benefit from protection, although they might not specifically be considered as heritage assets. Outside of conservation areas they would not benefit from such protection and designation would appear in principle to be justified providing significance can be proven. In either circumstance it is suggested that designation helps to clarify the position when proposals for redevelopment come forward. This is especially the case when site development schemes are the subject of negotiation or when works are proposed in the public realm. Further, conservation area designation does not specifically assist in securing the re-instatement of ancient routes lost to the historic plan form of cities and towns. In this case the Historic Environment Record needs to identify the likely route of an historic trackway(s) so that interested parties can consider options for possible reinstatement during negotiations on planning proposals. In the case of Bristol, the Council's policy is to encourage re-instatement where

opportunities arise as part of a broader conservation strategy; recognition of their status as heritage assets generally may be helpful in negotiations. Designation therefore secures the twin purposes of conserving historic trackways, meeting the tests of significance and encouraging the reinstatement of trackways where evidential research confirms an historic alignment has been lost to the existing plan form.

6.19 Findings from the case studies

These are considered under the headings set out in Chapter Five: Initial desk top research; Field survey; Performance of the model; and Possible changes.

Initial desk top research

The literature review confirmed that relevant documentary evidence which would form the foundation of the first stage of the work could be acquired from both national and local archive sources. This is critical to the assessment of both evidential and historic value and without which most of the comments could not be supported and would appear as mere conjecture or opinion. Nevertheless the case studies presented contrasting problems. Research at the British Map Library revealed that only a limited amount of pertinent literature was available for the Dartmoor case study, nonetheless some key literature sources were identified (see bibliography) mostly taking the form of manuscript books and their bibliographies, the latter providing further clues on possible documentary sources. However, many of these sources were older books and sourcing them (some could not be found) proved difficult. Investigation at local archive sources was also problematic as it was unclear who held the material and whether it was publicly accessible. In some circumstances original maps and plans could not be located. The desk-top research therefore relied mostly on published documents, but this was incomplete. Despite several museums and libraries suggesting promising titles, the process was not completely satisfactory.

By contrast the Bristol case study, proved less problematic in research terms with a considerable library of electronic data (some from a newly created Local Authority internet site) being immediately available and accessible through various archive sources. A unique problem associated with the topic concerned the reliance on old maps, plans and documents which were not in a form capable of reproduction. In the context of Dartmoor this presented a handicap to producing a regression time line (one of the key ways of evidencing change). In Bristol most of this information had been copied and

published, although the quality of the reproductions presented problems of interpretation. Other specialist archive sources, such as aerial photographic libraries, were found to be remote from survey locations and difficult to interrogate, whilst some required registration and annual fee payments. Future case studies should be expanded to incorporate this information within the evaluative process.

Another problem concerned the special skills required to interpret some of the archive material. The older documents present interpretive problems, especially where Celtic or Old English phrases were used, whilst an understanding of the etymology of certain words is required when interpreting some information. This necessitates specialist knowledge.

There is also a risk of over-reliance on Ordnance Survey Mapping to identify and attempt to predict the alignment of former historic trackways. This comment applies equally to both case study locations. In the Dartmoor case there is very little available evidence to triangulate the Ordnance Survey depiction of the routes of trackways and commentaries by early field archaeologists, such as Crawford (1953), suggest that some of this information may be misleading or inaccurate. In the Bristol case, the availability of perhaps the most comprehensive pre-ordnance survey mapping to be found anywhere in United Kingdom, might allay fears about the accuracy some of the important evidential conclusions being drawn upon. The problem of identifying and mapping other estate documents pre the Ordnance Survey needs to be the subject of further investigation, to establish if a general research methodology can be suggested, as this problem is likely to emerge wherever historic trackways outside of historic urban areas are being investigated.

The assessment of community value, particularly economic and leisure value, is hampered by a lack of statistics over the use of trackways in terms of volume and frequency. Whilst national trails are known to be very popular, especially those in open country, gauging just how many people might be using them and over what time period, tends to rely on transport statistics, such as numbers of cars in official car parks, volumes of passengers at local rail stations, use of youth hostels etc. Focussed statistics on actual use of particular trackways is much more difficult to obtain and necessitates observational records as part of the field survey process. The results however are always only going to be partial and impressionistic rather than statistically accurate. Other means of obtaining the data (where such exists) needs to be investigated, primarily through contact with stakeholders such as the Ranger service responsible for specific routes. A limited investigation with some national organisations failed to reveal any comprehensive attempt to collect this type of information, which

presents a problem when attempting to form judgments about the communal value of particular trackways.

Field Survey issues

The two case studies have revealed that there are practical issues concerning the approach to the field survey work as well as technical problems.

Having identified from archive documents the suspected alignment of the particular historic trackway under investigation, reconnoitre of the area is a pre-requisite as this may reveal both physical and legal issues. A particular problem which arose within the Dartmoor case was how to decide which of several routes might be the correct alignment when the route becomes braided. Indeed, seasonality might lead to several equally valid alignments being identified as some paths become difficult during winter months. This is apparent with some national trails such as the Icknield Way, which has at least four possible alignments near Tring. Access problems may also arise in terms of whether the full extent of the route, which could be only a few miles, but may be very much longer, can be accessed from public rights of way or whether permissions might be necessary beforehand. Where access rights begin and end is also difficult to establish from mapping given that Ordnance Survey records all carry disclaimers in terms of the depicted paths (apart from the first series). In tracing the routes of potential ancient trackways located closer to towns and villages, the author's previous field research (Stevenson 2014), found that many locations were inaccessible due to potential problems of trespass. Obtaining the necessary consents proved time consuming and alternative approaches, such as using historic aerial survey information and comparing this with modern mapping was preferred, although this was not entirely satisfactory from an interpretive perspective.

Given that surveys can take place in all types of locations ensuring the safety of the surveyor is essential. The Monastic Way crossed inhospitable terrain and completion of the survey was found to be very weather dependent. Apart from obvious problems of underfoot conditions, the appraisal of aesthetic value necessitated strategic landscape appraisal, which was dependent on long distance visibility being obtained from remote locations, to calibrate the evaluative model and take the necessary photographs (Chapter Five refers). As such the full evidential appraisal of the route took five days, not the three days originally planned. A possible way of reducing this time frame is to identify representative locations from desk top analysis and omit others, but there is risk that

important evidence may then be missed. Both approaches might be trialled to form a view on which may be best in the specific circumstances being faced. This problem is only likely to arise where long distance routes are involved.

In Bristol all the routes in the area were surveyed in less than two days despite the complexity of the location. The aesthetic value appraisal came against other problems not least being the congestion and obstruction from vehicles and pedestrians, which impacted the aesthetic value assessment. It is suggested that this can be overcome by adjusting the survey to daylight hours using early mornings in the summer months. This comment is generally applicable to most urban surveys.

A particular problem found on Dartmoor was how to locate and then interpret associated landscape features. Applying the interpretive criteria listed in Appendix 2 becomes challenging for the inexperienced surveyor, but the importance of these visual clues is difficult to under-state as they may be the only visual evidence of a route's former alignment, but many may be damaged by the ravages of time or in the case of way markers may have been repositioned. The ancient crosses on Dartmoor are a good example of this process. Stone bridges which may have replaced fords are also very helpful in determining the indicative route of a former historic trackway, but in Bristol these were found to have been moved or dismantled altogether. When attempting to trace the so called 'lost ways' mentioned by Taylor (1979), this problem is likely to emerge with some force. In this circumstance local knowledge may be helpful if suitable persons can be contacted. The value of this information has been recognised in case law decisions but making contact may be through chance discussions with parish clerks and other local representatives. In urban areas a Local authority archivist may be the first option when local memory concerning particular buildings or events is important to establishing providence.

6.20 The performance of the model in the case studies

Given that one of the core objectives of the research is to develop and test the evaluative model and the methodology used to calibrate the components of the model, it is important to understand how the model has performed in the case studies and what changes might be required. Generally, the case studies have confirmed that the evaluative model is appropriate and fit for purpose, but that particular circumstances may require adjustments. It may not be possible for example, to gather evidence on all of the value criteria necessary to calibrate the model. In these circumstances a narrative approach is

likely to represent the fall-back position. In some respects this may be the preferred approach as it fits with the established methods of assessment used by national organisations. However these methods are in place largely to make judgements about impacts rather than assessments of significance from first principles and only then to understand impacts on buildings or sites. The evaluative model also has weaknesses in terms of the qualitative judgements which are necessary to calibrate the particular elements. These issues need to be kept under review and changes introduced as more information is revealed through case studies and contact with stakeholders.

The model framework presents a logical way of assessing value led criteria but the sensitivity scoring process can be criticised as ill-refined. Other categories extending the 'Low-Moderate-High' calibration might be justified depending on the detail and accuracy of the base data base. The model might also be criticised for combining economic value with communal and leisure value into one category of assessment. This was felt appropriate as 'economic value' was felt to relate more closely to tourist spend (walkers, riders, and other leisure users) than mainstream commercial activities, but it is appreciated that making an economic value led distinction based around different types of user could be misleading when specific types of historic trackway are under investigation (mineral and forestry haulage routes being obvious examples). It is arguable that the model could be recalibrated to allow for this circumstance.

A further point is that the assessment of communal value in this research is incomplete. Taking this research forward would require face to face contact with a wide spectrum of stakeholders to establish their motives. At this point the assessment in the model needs to be expanded. A separate matrix focussing on communal value and stakeholder involvement could be justified depending on the sophistication of the data being collected. Care needs to be taken to avoid over-complication of the assessment process especially if lay persons are to be encouraged to participate in the evaluation. This latter aspect is considered crucial if recognition of the heritage value of historic trackways is to form part of national and local policy.

The next chapter draws together the research findings and suggests a possible way forward for the development of policy and practice.

Chapter 7

Analysis of the findings and consideration of approach

7.1 Overview and background

The objective of this chapter is to:

'consider whether the evidence supports the need for any change to governance and practice in terms of recognising the specific heritage significance of historic trackways'.

Chapter Two reviewed the typology of historic trackways in the UK. It recognised their differing characteristics and the absence of any recent research or literature into their contribution to national heritage. The difficulty of proving conservation value and significance was considered in Chapter Three against a philosophy designed to record built assets but which largely ignores landscape features. Nevertheless important changes to the philosophical understanding of the merits of historic trackways both from an intangible and tangible perspective were emerging at the European level, with charters from ICOMOS (2008) clarifying to national governments their merits as heritage assets from different perspectives. Key amongst these was the spiritual contribution that trackways could make to improve understanding of the history of places and how tourism was exciting interest from the public, who were experiencing the various routes and visiting notable shrines, often for the first time. Their spiritual and physical journey had effectively become as important as the destination. In many respects this was not a new phenomenon as people had walked many of these routes for thousands of years, the new aspect was the more explicit recognition of the significance of these activities and that national groups such as the Long Distance Walkers Association were specifically identifying historic routes to encourage their use for leisure purposes based around their cultural importance.

Below national level the legal and policy aspects of the research were seen to be more complex. Chapter Four examined how the law and policies affecting historic trackways was being interpreted at the local level and considered through case law decisions the myriad and often conflicting outcomes of specific cases, most of which focussed on legal rights of access, rather than the historic value of particular routes. The conflicts emerging between the importance of conserving particular routes for their heritage value and the legal rights to walk them were seldom explored in any depth and

emphasised a failure in legislation to appreciate the subtle differences which these two, sometimes contradictory, arguments presented. Whilst the policy approach in specific locations, such as designated landscapes, attempted to understand and address these issues the attempts were partial, inconsistent and mostly limited to particular locations where physical problems concerning user conflicts had manifest themselves and were attracting public disquiet. Further, the changes proposed in emerging legislation were likely to exacerbate the problem but few agencies had the resources or inclination to consider how they might come to terms with these issues.

Against this background Chapter Five began to examine alternative methodologies for identifying and conserving historic trackways using mechanisms set down by Historic England and Natural England, but embracing the approach set out by ICOMOS and CMYRU. In particular, it looked at how an evaluative model might be formulated and used by interested agencies and stakeholders, to provide a more consistent basis against which evidence could be gathered and policies formulated. This might, in turn, inform the planning policy systems and be used in development management, where specific proposals emerged which could threaten the existence of an ancient route. Chapter Six then sought to apply the evaluative model through two case studies to test its robustness in different circumstances: a single route crossing a National Park and a city environment which had undergone extensive change.

7.2 New aspects to the modelling process

The evaluative model set out in Chapter Five suggests a new mechanism for establishing the value and significance of an historic trackway. It does so by combining a numerical and narrative assessment in an attempt to overcome some of the disadvantages of a purely narrative assessment. It should be appreciated that the author's methodology is based on that suggested by Kalman (2014) but departs from current UK practice. As an adjunct to a Heritage Impact Statement the model widens the scope of what is essentially a subjective assessment and introduces more transparency. A potential weakness is that it may not be possible to secure all of the information necessary to calibrate all elements of the model, such as when an historic document cannot be traced, hence a decision to describe a particular historic route as a heritage asset has the risk of relying on less than perfect information. Nonetheless, the nature and scope of the variables, which go beyond the categories adopted by Historic England, enables consideration to be given to other contributory factors, such as

economic value (including leisure value) and environmental (landscape) value, which are important contributors to heritage when linear features such as trackways are being assessed.

The difficulties of securing objectivity become more pronounced when intangible values (spiritual and perceptual) are introduced into the process. The importance of recognising these values was discussed in Chapter Three and has been largely ignored in the traditional assessment process, which relies on tangible (physical) values to determine whether an asset is worthy of conservation. Whilst introducing intangible values into the assessment is not straightforward, early models used in the planning process based around community (public) participation, provide a good benchmark (Arnstein 1969). These present a mechanism for involving stakeholders directly in the assessment process but requires a broad approach, as unlike public consultation on statutory local plans and neighbourhood plans, the parties involved may not all be resident in the survey area. Hence other methods of contact such as through the internet, to identify and collect remote data is likely to become more important, such as that used in market and consumer surveys. At present this approach seems incomplete, indeed there is an absence of reliable statistical data even of the most well known routes, presumably because of the difficulties and expense of capturing and analysing it. This was confirmed through contact with a number of the national agencies involved in countryside access who had not considered the intangible values which people place on using historic routes, because the data, which essentially relies on in-depth interviews, had not been collected and was generally considered to be too difficult and costly to obtain. How this information is collected and interpreted is critical to a rounded assessment of the significance of historic trackways to justify any action to support designation. It requires a holistic approach to modelling significance, rather than the more limited approach of traditional modelling practice based around desk top studies and which focuses on tangible values. Further research is required to confirm the overall capabilities of the evaluative model as a mechanism for assessing the significance of historic trackways from first principles.

‘

7.3 Legal, governance and policy critique

‘There is no comprehensive legislation at present which satisfactorily protects historic lanes and tracks and the historic features and wildlife habitats which are part of them from the changes which are occurring in the countryside; their conservation and management therefore rests largely on the awareness, voluntary will and effort of farmers, landowners and the general public’ (Hampshire County Council 1980).

This quotation begs the question as to whether its sentiments remain valid after almost forty years and numerous Acts of Parliament?

The conservation of historic trackways has not received official attention since cancelling the Lost Ways Project in 1997. Surprisingly therefore, when questioned about their approach (Stevenson 2014) national agencies continued to opine about their importance to historic landscape character and of the need to promote their conservation in perpetuity. In practice, the approach was found to be inconsistent with the focus on nationally renowned areas, such as Avebury, leaving aside the challenging issue of how to conserve historic trackways outside of designated landscapes and scheduled sites. Recent research with Historic England (2018) has revealed that 113 scheduled monuments (designated under the Archaeological Areas Act 1979) incorporate historic trackways as part of the area designation, the majority being sub surface, but very few are listed under the Town and Country Planning Listed Buildings and Conservation Areas Act 1990. This implies a narrow interpretation of the legislation at national policy level.

Historic England publications such as Pre Industrial Roads and Tracks (EH 2011) and the Street Furniture Listed selection guide (HE 2017) (pages 2 &3) give reasons as to when a street surface might qualify for listing. In these special cases, local distinctiveness (in terms of materials and engineering construction,) longevity of unaltered use and civic ambition might be reasons for recognising roads and streets as structures under the Listed Building Acts. Examples quoted of listed surface structures include Fore Street , St Ives; Stepcote Hill, Exeter; Royal Crescent, Bath; West Street, Henley on Thames; Merton College Oxford; Shaftesbury Gold Hill; and Vicar's Close Wells. Interestingly, Historic England advise that the topic is an under-researched aspect of the historic environment with those streets qualifying for listing being exceptional.

Chapter Four referred to the problem of determining the legal and policy status of historic trackways. A literal reading of the NPPF (Annex 2 glossary) and the NPPG, implies that historic trackways are only envisaged as 'non-designated heritage assets' (Appendix 1) as they do not receive any explicit reference. This opinion is supported by reviewing the approach of Inspectors and Local Authorities, neither of whom seem to accord antiquity weight in their decisions (Fig. 4.1 A to E). This leaves the precise legal and policy status uncertain.

The imprecise national policy framework has a cascade effect on local policy formulation. The policy review (Chapter Four) confirmed that National Park Authorities offer little by the way of specific and compelling guidance. Whilst the protection of ancient and historic trackways may be implicit where they occur as features within designated landscapes, they are seldom mentioned explicitly and not given any policy priority over recreational access. Similarly, AONB authorities generally offer little by way of strategic policy advice and tend to focus on specific local land management issues.

The consequence is a fragmented structure offering little vision, with incremental decisions lacking any particular policy justification. Where conservation objectives are secured it is through other countryside initiatives, however these seldom balance the economic, environmental and conservation issues, notwithstanding the 'Sandford' principles (Chapter Four). The Historic England document Easy Access to Historic Landscapes (2010) is a good example of the mixed message which the agency is sending to organisations, with emphasis on implementing the Equality Act 2010, rather than conservation.

The case studies demonstrate that both within and outside of designated areas historic trackways are suffering from harm. Previous research by the author (Stevenson 2014), which examined the situation at Offa's dyke and the Isle of Wight, both of which contain designated and non-designated landscapes, identified the harm which had occurred in the absence of effective policies, with historic trackways succumbing to development pressures around Trefonen, Chepstow and Newport (IOW). There are also significant on-going management problems with physical damage being prevalent in many locations. The response has been to implement Rights of Way Improvement Plans which concern themselves with engineering led improvements rather than refine the work in favour of conservation.

Previous research (Stevenson 2014) concerning historic trackways within the North York Moors, Dartmoor and the South Downs NPs, emphasised that even where strict controls are available to statutory agencies and despite evidence of harm, there was a reluctance to pursue enforcement powers until the situation had deteriorated to a point that it could no longer be tolerated. This may be due to resource considerations and Kind (1980 p9) suggests that a policy of benign neglect i.e. management of use by avoiding formal acknowledgement of unclassified unsealed routes, may have been adopted in some locations as a cost saving measure. Whilst no specific evidence to support this assertion has been identified, it is apparent that some locally appropriate conservation techniques may have higher

costs than alternative 'engineered' solutions. Cost may therefore influence the choice of technique and may not lead to a satisfactory conservation outcome. The South Downs NPA has examples of this practice. Inappropriate repairs can therefore present conservation threats as much as neglect or development.

By contrast evidence from The Ridgeway and the IOW (Stevenson 2014) demonstrates the benefits of simple cost effective pre-emptive conservation action, coupled with temporary legal intervention and the use of Environmental Stewardship Agreements, to overcome injurious activities. Nonetheless, harm caused by legitimate agricultural activities, such as ploughing across field pathways, is still apparent and should be rectified at the instigator's cost (the polluter pays principle).

One philosophical point bears mention. In previous research (Stevenson 2014) some interested parties (who asked to remain anonymous) felt that identifying historic trackways which were not protected by existing legislation might action their removal by third parties, similar to the problems faced by works taking place to buildings prior to their inclusion on the statutory list. The extent of this problem is unknown, but it seems sensible that agencies responsible for maintaining trackways at public expense should be made aware that their works might harm the conservation significance of a particular trackway, so that appropriate remedial action can be taken using conservation techniques sympathetic to the circumstances.

This issue poses two fundamental and related questions:

(i) What would be the benefits of designation and do they out-weigh any potential dis-benefits?
(ii) Is designation an effective mechanism for controlling harmful activities given that historic trackways may have to meet so many different user requirements?

As thousands of miles of historic trackways have been lost or harmed the literature review and field studies suggest that some form of protection seems appropriate, even if it risks their continuance. To deny their existence does not seem sensible or tenable. Rather, the categorisation of historic trackways based on their sustainability and resilience to harm, as promoted in the North York Moors, Lake District and Yorkshire Dales National Parks, offers a solution to user conflicts and allows for engagement with interested parties. The process however, needs to be expanded to AONBs as well as other non-designated landscapes.

There is also a need to distinguish between trackways which are significant from an historic and philosophical perspective, from those more general lanes and paths, including routes that have undergone major change, which could no longer be viewed in tangible terms as presenting conservation significance. This supports the evaluative methodology set out in Chapter Five. It enables a consistent and practicable approach to the recognition of historic value and significance, based on the principles adopted by Historic England and Natural England, but adjusted to the special circumstances presented by historic trackways. It is appreciated that the mechanism suggested has been superseded by a narrative approach, however a combination of both a narrative and scoring technique, is considered a practicable option, allowing for a more robust review which focuses on conservation rather than legal procedures. Whilst the latter are clearly important from an access and landowner perspective, they tend towards a narrow interpretation, given that historic value does not specifically feature in government advice to planning inspectors when dealing with contested cases. This omission is seen to be a failing in the legislative and policy processes. Given that these issues are unlikely to be reviewed again (Chapter Four section 4.9 refers to the previous debates), indeed the implication of the CROW Act 2000 is that statutory powers are moving away from increased control, an alternative approach using the planning policy framework, may offer the best option for securing the recognition and conservation of historic trackways for the foreseeable future. How this approach might be implemented is discussed in the next section.

7.4 A framework for supplementary guidance

Given that historic trackways are not explicitly identified as ‘heritage assets’ within law and guidance how might their conservation be secured?

As amendments to the NPPF (and the NPPG) are unlikely and the proposed amendment to the CROW Act (which merely extends the timescale for recording ‘lost ways’ on definitive maps) is a short term palliative, any attempt to conserve historic trackways necessarily relies on other action.

One option is a LPA led approach, which includes historic trackways on a local list of non-designated heritage assets as and when they are identified. The Historic Environment Record (HER) provides a useful tool for this purpose, given that it is already recognised and promoted as an authoritative evidence base for the recording of heritage assets.

Creating a link between the HER, the Local List and the Local Plan will permit the recording of historic trackways in a formal way, as non-designated heritage assets, against a consistent set of criteria. Fig 7.1 explains the suggested process.

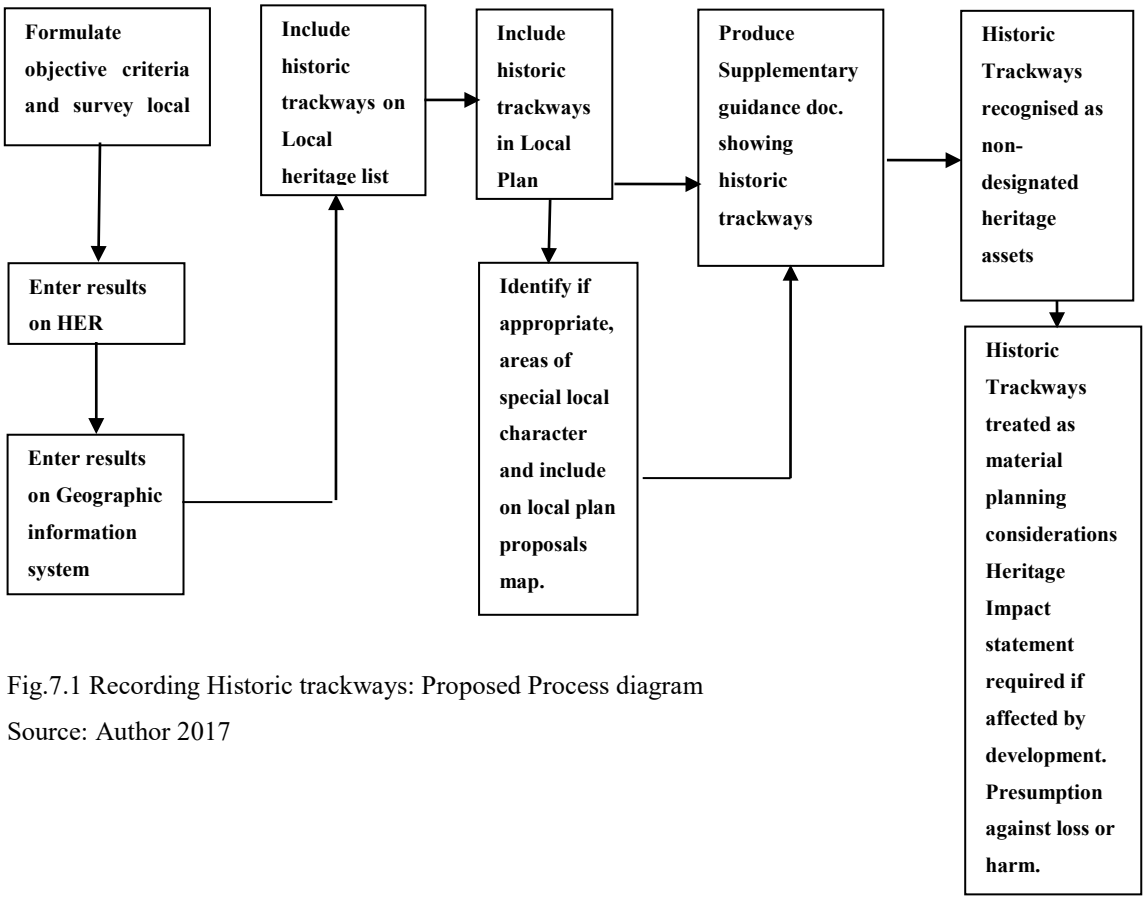


Fig.7.1 Recording Historic trackways: Proposed Process diagram
Source: Author 2017

It would be necessary to secure (or amend) an overarching conservation policy in the statutory local plan, which specifically recognises historic trackways as non- designated heritage assets, backed up by a Supplementary Planning Document. This would identify the elements being conserved in historic and aesthetic terms (e.g. location, alignment, structure and foundations, fabric and surfaces, ecology, hedgerows, trees, banks, boundaries and viewpoints) and about which specific evidence would need to be collected. This may lead to the identification of 'areas or routes of special local character' on the local plan proposals map incorporating important landscapes, archaeology and historic trackways. This information could also be included within a geographic information system held by the LPA Archaeologist/Conservator and subject to regular monitoring and updating.

The inclusion of historic trackways in the local plan process would raise their status to that of a 'material consideration'[11] in the determination of planning applications and for enforcement matters. It would also assist in the withdrawal of permitted development rights [12]Article 4 directions under the General Permitted Development Order 1995(as amended) and encourage the preparation of design guidance, balancing access and land management with conservation objectives.

This procedure would address the conservation imperative and bring historic trackways specifically within the umbrella of the planning process without recourse to further legislation. It would also overcome the disparity of approach created by different landscape and heritage designations and address the problem of value and significance being given less weight than user requirements in Local Highway Authorities Rights of Way Improvement Plans.

Whilst this may be seen as introducing another development constraint, it does so within the formal context of the development plan and allows for incremental additions to Historic Environment Records. It would also allow for additions or amendments to the definitive map to be considered as part of the overall local plan preparation process and permit authorities to match their resources to the survey work, including engaging with the voluntary sector. The process thus becomes more manageable, less frenetic and puts conservation at the heart of the debate rather than marginalised.

In terms of resources, the merit of involving volunteers in the recording process also bears mention. Although the High Weald AONB organisation attempted a pilot study (Fig 4.5) and volunteers are used on path repair work in the National Parks (National Trust 'Fix the Fells Initiative'), little has been done to promote community archaeology projects or similar on a wider platform. Local volunteers are often well informed and can bring expertise and enthusiasm to the task raising awareness within the community and may free Local Authority resources. The challenge is to provide clear guidelines to field surveyors to ensure a consistent approach to the recording of information so that the evidence can be relied upon.

[11.] The Planning Inspectorate offer advice as to what constitutes a material consideration (http:www.planning portal.gov.uk)

[12] Town and Country Planning General Permitted Development Order 1995 (as amended)

7.5 Implementing the framework

The evidence from the preceding chapters provides a framework as to how this approach might be implemented. Three specific interrelated sections can be identified: Policy; Development Management and Land Management. The approach, of necessity, requires testing through contact with stakeholders to identify any problems and to permit modifications to fit individual local conditions. The practical and resource implications (both personnel and financial) also requires consideration, but with the exception of items (iv),(xiii),(xiv), (xv), (xvi) and (xvii), they are procedural in form and can be internalised within local authority management systems.

(A) Policy Approach:

(i) Adopt a clear vision in the Local Authority Community Plan for the conservation of heritage assets (both designated and non-designated) and ensure that heritage policies are aligned with other areas of Local Authority responsibility.

(ii) Ensure local plan policies provide a clear and consistent basis for the conservation of historic/ancient trackways and that conflicts of interest are identified and resolved as far as possible.

(iii) Ensure that historic trackways are incorporated within the Historic Environment Record through a regular process of updating and recording and that the information from the HER is included within a local list of non-designated heritage assets providing the evidence base for the statutory local plan.

(iv) Produce a Supplementary Planning Document setting out the criteria for the survey and recording of historic trackways, including desk based and field evaluation processes, explaining how they will be conserved through the planning system.

(v) Ensure that consultation arrangements with the Local Highway Authority, Local Archaeologists, Recreational Access Managers, and Local Planners are fully inclusive and reflect the necessity to conserve historic trackways.

(vi) Ensure that Right of Way Improvement Plans respect the historic value of historic trackways when promoting improvements for recreation and disabled access.

(vii) Petition Historic England to revise documents which promote outcomes contrary to the conservation of historic trackways.

(viii) Through discussions with partners and interest groups, encourage government to reconsider its approach towards section 53 of the Countryside and Rights of Way ROW Act 2000 and issue new guidelines to Inspectors concerning the emphasis given to historic value when determining cases under Rights of Way legislation.

(ix) Consider whether historic trackways suffering particular harm might be placed on a local equivalent of the 'Heritage at Risk Register'.

(B) Development Management Approach

(x) Before validating any planning application ensure that it contains sufficient details concerning any historic trackway likely to lie within the application site. If necessary advise the applicant at any pre- application meeting that a Heritage Impact Statement will need to accompany the application. Attach condition(s) to any planning permission requiring an archaeological investigation/appraisal of the site (desk top or field evaluation) before commencement of any approved scheme.

(xi) Pursue enforcement action where environmental damage or breaches of Traffic Regulation Orders is harming historic trackways and introduce new TROs (including seasonal and temporary orders) restricting access where harm is evident.

(xii) Withdraw permitted development rights where land management practice is harming conservation interests including damage to hedgerows, historic banks, trees and ecologically sensitive sites.

(C) Land Management Approach

(xiii) Promote Heritage Partnership Agreements and Environmental Stewardship Schemes wherever possible, and promote and support Rural Payment Grant Applications (or their successors).

(xiv) Encourage Highway Authorities to define and categorise historic trackways based on their practical suitability for various types of use using Voluntary Codes of Practice backed by legislative intervention. The code should encourage farmers to reduce vehicular damage to trackway surfaces, banks and boundaries and reduce the erosion caused by animal grazing.

(xv) Produce a comprehensive directory of Conservation Good Practice backed up by an awareness campaign highlighting the value of conserving heritage assets.

(xvi) Produce and promote guidance on how to identify and record historic trackways and encourage volunteers to become involved in pilot studies such as Community Archaeology Projects, to inform the Historic Environment Record.

(xvii) Introduce visitor management programmes to encourage walkers to avoid historically sensitive routes and provide sign-posted alternatives with information boards explaining the conservation intentions.

7.6 Analysis conclusions

The evolution of heritage legislation and guidance has left a vacuum and has misunderstood the role and importance of historic trackways as heritage assets. A policy- led approach based on local

initiatives and actions, focussed on the HER, local lists, the Local Plan and Neighbourhood Plans presents an opportunity to redress this position.

Some authorities (such as the IOW and Snowdonia) have previously been keen to advance the policy approach but cite the absence of resources as being a handicap (Stevenson 2014). Nevertheless some subtle changes to their existing policies could be a welcome first step. The policy approach can also be used to overcome the contradiction of Rights of Way Improvements plans resulting in outcomes contrary to conservation objectives.

The evidence currently points to historic trackways remaining on the periphery of the legal and national planning policy framework. As such their identification on a local list of non-designated heritage assets via the HER is considered a pragmatic alternative.

Whilst the suggestions in this section are intended to comprise a comprehensive package it is recognised that they are an ideal and may not be achieved in all circumstances. The minimum approach requires recommendations (i), (ii), (iii), (iv), and (xiv) being implemented. As these involve actions to which the LPA is already committed they should not present insurmountable difficulties, but their benefit to the conservation of historic trackways may readily become apparent.

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Chapter 8

Conclusions and Future Research

'A heritage asset holds meaning for society over and above its functional utility' (para 11 PPS5 Guidance note)

8.1 Introduction

This research has been framed around the aims and objectives listed in Chapter One and has sought to test the premise that historic trackways should be specifically recognised as heritage assets, with positive steps taken to conserve their heritage value. In so doing it has reviewed the available historic and contemporary literature, considered the implications of various field survey techniques and has promoted a mechanism for evaluating the survey findings which might, with modest adjustments, align with current conservation orthodoxy.

It is apparent from the two case studies and previous research (Stevenson 2014) that land use pressures are escalating around various sector interests, but that the conservation implications have not been explained. The response has been partial and not particularly effective, other than in those high profile locations such as the Lake District and North York Moors NPs, where authorities have used legislative powers and organisations, such as the National Trust, have employed volunteers to promote innovative conservation techniques.

Outside of designated areas the circumstances are much less encouraging as this and previous research (Stevenson 2014) has shown. Whilst part of the problem emanates from permitted, but insensitive practices, the official response has not always been satisfactory with marked disparities evident across the country.

The research findings point to a systemic failure, with development, access, and land management issues, accorded priority over conservation value and significance. This in turn has influenced the local policy regime. The consequences have only been challenged in particular localities where harmful practices have been identified. Conservators have recognised that this has been due to a lack of awareness of the asset and of the options for conservation and have introduced campaigns and agreements, but others offer funding limitations as a reason for not tackling the issue.

Chapter Seven has set out an approach which the author considers might be pursued, which is pragmatic in terms of resources and offers the prospect of raising awareness whilst tackling the issue of redressing harm. Nevertheless, there is a need to promote a better understanding of the role and value of historic trackways and to share best practice in the choice of conservation techniques. The latter is thought to be an appropriate topic for further research but is a very large and potentially complex subject. It does have the advantage however of some excellent practice examples in some localities. The research would need to draw on this advice supplement it and present it in a user friendly form, for example in a manual of good practice.

Whilst central government advisory bodies have focussed on the resource implications of identifying rights of way little concern has been given to actual conservation. Indeed, it has been argued by some stakeholders (Stevenson 2014) that it may be preferable not to identify historic trackways, if the outcome is damaging improvement works or encouragement to certain sector interests to eliminate the asset. Whilst this may be a risk, evidence from the research suggests that responsible parties are quite keen to understand the value of the asset and to take steps to conserve it. This was endorsed by previous case study research on the Isle of Wight where Environmental Stewardship Agreements backed up by the Rural Payments Plan was encouraging a change in attitude (Stevenson 2014).

More problematic, is where development interests are involved as only designation as Public Rights of Way (PROW) seems likely to halt destruction, unless the trackway has been identified and is subject to policy protection. In most cases this appears unlikely. Rather, it is up to the Local Planning Authority to consider the historic value of the trackway(s) before the grant of any planning permission, but the case law review suggests that the weight given in the decision process is not high when balanced against other planning and economic considerations. The reluctance of Inspectors to intervene when determining PROW appeals, even when faced with evidence of historic value, suggests that a change in national guidance will be necessary before this problem is resolved. The development plan policy approach is seen as a possible way to introduce more balance into the decision process, but will take time to implement across the country.

The absence of up to date literature and informed research is a disappointing finding, as without this the conservation problem is going unnoticed, whilst impacts are gathering pace. This research has sought to draw together and add to the existing body of knowledge focussing on practical steps that

responsible agencies and third parties can take. As such it has taken a strategic stance rather than a local perspective. The latter requires further informed study, especially how to structure the necessary research into local issues within constrained local authority budgets and an impractical legislative timescale.

8.2 Research Aims reviewed

Whilst the findings of this study may not fit with the de-regulatory approach being advocated by government, the evidence suggests that the conservation/development balance is not correct and historic trackways will continue to be lost unless more effective intervention is secured.

Based on the research it seems reasonable to conclude that historic trackways should be regarded as heritage assets worthy of conservation in principle, but in the absence of formal legislative protection, the actions taken to safeguard their heritage value should be those set out in Chapter Seven. But these are only a first step to evolving a more detailed, consistent and comprehensive strategy for the recording and protection of a largely unappreciated cultural asset. It is this work which remains to be addressed and is in every respect a significant task.

The challenging nature of the research task should not be underestimated. Those attempting the process need to evolve a clear strategy including determining the level of detail (strategic or local) being sought. In most cases it is suspected that interested parties are likely to take a problem centric approach, but work by Hoskins (1982) highlights the time and resources required to study trackways in only a single parish. Whilst this approach would add considerably to knowledge the resource implications would be significant. The academic value of this research is that it offers a mechanism for assessment, which is practical in terms of the resources required and which might achieve the purpose of providing a viable foundation from which historic trackways could achieve protection.

The evaluative model takes as its start point the value driven criteria familiar to conservators and supplements this with economic and environmental criteria, which respects the emerging theories at international level. It takes the information revealed in the literature review, most of which is of some antiquity, but which doesn't attempt to consider significance as understood in modern terminology and attempts to recast it in a more modern form. This requires fresh analytical thinking around methods of data capture and its re-expression in a format that presents a consistent approach across a

topic which is likely to present quite different local circumstances. The introduction of intangible values into the assessment, as discussed in Chapter Three, also necessitates a fresh approach. This research has sought to draw out the importance of changes to philosophical thinking at international level, but for logistical reasons has stopped short of the in-depth social surveys required to supplement the information gathered from the literature review and field surveys to fully calibrate the evaluative model. This work is necessary to establish the communal and social value of historic trackways but is a large task and may best be undertaken on local basis, although it may be possible to establish certain principles and motivations using internet research techniques based around questionnaires. The types of question might be formed around those set out in previous research (Stevenson 2014). This research has therefore taken a pragmatic approach and the suggestions for future study below, are intended add to knowledge and enhance the aims of this initial work.

8.3 Next steps in the research process

Following completion of this foundation study future research needs to consider the following:

1. An update and review of current law, policy and procedures.

A considerable amount of research was completed for the author's Masters Degree and this study. This work will require review, updating and expansion. In the intervening period, the author has made contact with expert lawyers and has attended focussed training sessions run by the British Horse Society's legal team. This has prompted the identification of recent cases which now require investigation. At the same time the policy basis continues to evolve as new documents emerge, whilst others will have been updated and amended. It is suggested that through stakeholder contact, relevant cases where the decisions may inform the way forward might be identified. This is intended to marry with the choice of new case study locations and may be one of the determining criteria for selecting a particular location to investigate in detail. Taylor's research (1979) some fifty years ago, with its numerous field examples could provide the foundation for this process. A further circumstance concerns the emerging legal situation, which will set the framework for the CROW Act changes. An understanding with stakeholders of the implications for the future protection of the trackways needs to be achieved. This is a large and complex area and is a potential research topic in its own right.

2. Further development of the evaluative model.

Whilst extensive preliminary work was undertaken to formulate the model it is apparent that further development is necessary, including the testing of alternative mechanisms, leading to the refinement of the model before it is applied to real world situations. This would enable a more rigorous model to be introduced which addresses the issues emerging through the case studies. The choice of case study locations was based partly on information sourced from the author's previous Master's degree, but more rigorous criteria need to be developed to assist in the identification of new representative case study locations. It is suggested that the criteria might be informed through stakeholder interviews, where practice issues will surface which may point to more in-depth analysis. The author now has field experience from eight case study locations, but the imperative remains to select locations that will inform and bring new data to the research rather than repeat previous findings.

A future research intention would be to contact all principal stakeholders drawn from professional disciplines and with the knowledge to augment and criticise the research in a pragmatic way. This could be based on a series of semi –structured interviews which could be used to triangulate the findings, with regular contact between the parties. An ideal situation would be to undertake direct research in one locality working with a particular stakeholder, to identify and implement a series of trial policies and practices to test the outcomes in a real world rather than theoretical situation.

3. Development of practice guidance

The final stage in the process would then be the development of practice guidance which could be adopted by agencies and provide a consistent methodology for conserving historic trackways within the development plan framework. An appropriate comment on which to close this research comes from Christopher Taylor's book 'Roads and Tracks'(1979 p182) which still represents a sound foundation on which to base any future studies.

'The prehistoric trackways, the Roman Roads, the Medieval Tracks, the Turnpike Roads and all the rest are still with us. Some are abandoned and remain only to tell us of their past. Most are alive and allow us to live in the present'.

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Snowdonia NP http://www.eryri-npa.gov.uk/planning

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APPENDIX 1

Glossary of terms and definitions used in the study

The following list of terms and definitions are taken from numerous official sources including statutes and government guidance. In some cases the definitions are abbreviated and reference should be made to the National Planning Policy Framework (NPPF) or Guidance documents for the full description.

Historic trackway:

Ancient way which largely retains its original form and characteristics. The term has an explicit definition adopted in this study which is set out in full in Chapter Two.

*AONB :*Area of Outstanding Natural Beauty
An Area designated under the National Parks and Access to the countryside Act 1949Act but with additional controls added under subsequent legislation.

CROW Countryside and Rights of Way Act 2000

Designated Heritage Asset

A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered battlefield or Conservation Area designated under the relevant legislation.

Development Plan

A statutory document setting out the policies and proposals of a Local Planning Authority for the use and development of land and buildings within its area. The term includes Local Plans and Neighbourhood Plans.

Development

Section 38 of the Planning and Compensation Act 2004 defines development as 'the carrying out of building, engineering, mining and other operations in on over or under land or the making of any material change of use to any buildings or other land'.

English Heritage/Historic England

Government organisation set up under the National Heritage Act 1983 responsible for the care and management of the historic environment throughout England. There are separate organisations with comparable responsibilities in Scotland and Wales.

Heritage Asset

The National Planning Policy Framework defines heritage asset as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in the planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)"

HEAP Heritage Environment Action Plan

A plan setting out proposals for the management of change affecting the historic environment across a defined area, usually prepared by archaeologists within a Local Planning Authority.

HER Historic Environment Record

Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

HIS Heritage Impact Statement

A statement accompanying a planning application setting out the likely impact of the proposal on a heritage asset(s).

ICOMOS International Council of Monuments and Sites

International organisation that approves charters and sets guidelines for the conservation of heritage assets, sites and monuments world wide.

LCA Landscape Character Assessment

A technical mechanism for appraising the impact of development proposals on the landscape of a locality.

LDF Local Development Framework

The suite of Planning documents that comprise the development plan. It may include Development plan documents and a core strategy and have accompanying Supplementary Planning documents (SPD's). The term LDF has now been dropped in favour of ' Local Plan'.

Local listing

Non-designated Heritage Assets identified by the Local Planning Authority during the process of decision making or through the plan making process.

LPA Local Planning Authority

District Council or unitary authority responsible for the determination of planning applications under the Town and Country Planning Acts.

Monuments Protection Programme

English Heritage initiative dating from 1986 to provide a systematic review of all recorded monuments in England.

Natural England

Government organisation responsible for the protection of the Natural Environment

NPA National Park Authority

An Authority designated under the National Parks and Access to the Countryside Act 1949.
NPMP and AONBMP

National Park Management Plan or Area of Outstanding Natural Beauty Management Plan.
A non-statutory document prepared by the responsible agency setting out objectives and actions for the protection of the landscape and access to the countryside.

Non-designated Heritage Asset

Assets of archaeological or heritage interest which may be of equivalent significance to scheduled monuments or listed buildings.

NPPF National Planning Policy Framework

Government policy document adopted March 2012, explaining the operation of the planning system and how the policies and proposals should be interpreted.

NPPG National Planning Guidance

Adopted March 2014, supplementing information in the NPPF.

PINS Planning Inspectorate Service: available at http://www.planning portal.gov.uk.

ROWIP Right of Way Improvement Plan

A plan prepared under the Countryside and Rights of Way Act 2000 setting out proposals for the improvement of public rights of way.

PROW Public Right of Way

A highway over which the public has a right to pass and repass.

The following definitions are used:

Footpath	A highway over which the public have a right of way on foot only not being a footway. (section 329 and section 336 of the HA 80 and TCPA 90 respectively.
Bridleway	A highway over which the public have a right of way on foot or horseback or ride a bicycle.
Restricted byway	A highway over which the public have a right of way on foot or horseback and for non mechanically propelled vehicles with or without a right to drive animals of any description, but no other rights of way.
Byway open to all traffic (BOAT)	A highway over which the public have a right of way for vehicular and all other kinds of traffic (section 66 WCA81)
Public path	A highway being either a footpath, bridleway or restricted byway.
Road used as a Public Path (RUPP)	A highway other than a public path used by the public for the purposes for which footpaths or bridleways are so used (Now regarded as restricted byways).
Unclassified Country Roads	Non-statutory description of the lowest class of publicly maintainable highway too minor to be classified. county means maintainable by a county. Most highway authorities regard them as BOATS.

Setting

The surroundings in which a heritage asset is experienced. Setting is not fixed and may evolve and its elements may make a positive or negative contribution to the asset.

Significance

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance relates to physical presence and setting.

Appendix 2

Research techniques and background information

Whilst new technology has assisted research (aerial photography and ground radar analysis), documentary research, particularly the use of old maps remains an essential part of the process. This begs the question as to what to look for and how to interpret the data? This appendix considers the issues.

Historic mapping

The *Middle Ages* were generally devoid of maps with reliance being placed on written itineries to describe boundaries of landed estates. The most important medieval map of Britain was produced by Gough circa 1360. This is the best cartographic evidence available from the period, indeed the Public Records Office lists only 4 maps prior to 1500. The 16th century saw revised interest in maps largely due to the increase in trade in the Tudor period. Around 1570 Saxton began by producing the first county maps (34 in total) followed by Norden, the latter's maps showing roads for the first time (Evans and Lawerence 1979). Between 1760 and 1840, 29 new County maps were available depicting roads, including lesser roads and turnpike roads (Cary's new itinery). These 18th century county maps were the first to attempt to map local roads. Prior to this the best records are those from Ogilby's (Britannia 1677) a geographical and historic description of England and Wales interleaved with 100 scroll style maps depicting main roads , side roads and other features including bridges.

Three particular types of map appeared from the 16th century and provide a group up to the 19th century: *Estate maps, Enclosure Maps and Tithe Maps*. For analytical purposes these must be used alongside written sources. There are difficulties in using such manuscript plans as accuracy was an issue, however the plans may be checked through comparison with the first edition 6in and 25in Ordnance Survey plans.

Estate plans

These plans started to appear in 1570s and total about 30,000. They vary in terms of scale, size, extent, content, detail and depiction. The first analytical task is to establish the scale by reference to a 25 or 6 inch Ordnance Survey map. Interpretation of detail may be helped by reference to the '*English Place Names Society'* and the dictionary of field names. Three problems maybe encountered in their use: they may not be drawn for a particular area or at a particular date; they may not have survived; or they may be difficult to find.

Enclosure maps

Few plans of the old landscape (pre 1830) now survive. Enclosure awards depict in detail boundaries and roads and date from 1720 to 1900 but records can be incomplete in some counties. Some maps may show old enclosures, roads stopped up and old roads and new roads. They may be researched at county record offices (W. E. Tate English County listings).

Tithe maps

These maps are not standardised in terms of scale or detail and may have been copied from existing estate or parish maps. They covered about 75% of England and Wales and were classified as 1st and 2nd class; only first class are capable of being used in legal evidence due to problems of accuracy. They may pre-date the first published Ordnance Survey maps in a locality by many years. Importantly, they may show the rural landscape for first time as at 1840 and include roads and paths. An index to the Tithe Survey can be obtained from the Ordnance Survey.

Town plans

These form a particular category and may contain valuable evidence of the medieval street plan. They generally appeared after the first county maps around 1570. Only a few predate 1612 with Ricard's plan of Bristol (1479) being the earliest surviving manuscript. Millerd's later plan of Bristol was subsequently revised 4 times by 1730. The first manuscript plan of Oxford dates from 1578, whilst Rocque published large scale plans in the 1740s.

The Ordnance Survey

The first series of the Ordnance Survey provide a key resource. Whilst the first 1 inch maps date from the late 18th century, the first 6inch map did not appear until 1841 and the first 25inch map in 1854. These larger scale plans are more useful for historic research than the 1 inch but it is important to appreciate that the date of survey may be well before the date of publication. A comparison of ordnance survey maps produced since the early 1800s will enable the chronology of changes to be accurately identified especially in urban areas, but will be of less assistance in rural locations where coverage was more sparse. These maps can be assumed to provide reliable evidence of the nature of the trackways as they appeared to the first surveyors. A trackway appearing on such maps, which generally had survey dates from 1825 to 1880, can reasonably be assumed to have been in existence for at least 200 years, although it is entirely possible that many would have existed prior to that date but may not be shown on such maps as they could have been 'lost' before the first survey. A further advantage is that it is possible to relate Ordnance Survey 6" and 25" county series maps to other documentary sources such enclosure maps, turnpike maps, tithe maps, estate plans and deeds, produced somewhat earlier, although considerable care is required in the interpretation process. Triangulation with other historic clues such as local place names, many of which appear on the first maps, is also possible as part of the confirmation process to determine historic alignment and significance.

Researching historic plans

There are problems in finding out what maps were originally drawn, determining where they are and what the repositories actually possess. West's 'Town Records' (1983) lists repositories in Great Britain, whilst a geographical directory is held by the Royal Commission on historic manuscripts. Fordham (1924) and Chubb (1927) provide the only national lists for historic road maps found by the author. Further information regarding map sources may be found in Hindle (1989), Maps for Local History.

It is important to use an historic map rather than a contemporary one especially in areas of extensive change such as city centres. The British Library holds the field drawings which may reveal other information not included on the published versions.

Two historic documents are worthy of note as they reveal much about the survey process and how information is displayed on published maps: Ordnance Survey Instructions to Field Examiners 1905 and Ordnance Survey Instructions to draftsmen and plan examiners 1906. Paras 157 -167 of the former advises that:

(i) Antiquities should be shown on maps using particular typescripts, thus Roman Roads are shown in Egyptian typescript; those not Roman constructed prior to 1066 in Old English; those from the period 1066-1688 in German Text; and those after 1688 in ordinary text (normally Times New Roman Italic). Examiners are required to ascertain the period to which the antiquity belongs.

(ii) Where churches remain in use they are not to be shown as antiquities.

(iii) If a building although of ancient date is not of importance or an object of interest it may not be shown as an antiquity;

(iv) Where stone crosses or other antiquities have been moved from their original site both the original site and the new location are to be shown;

(v) Roads are classified according to their general character not their condition (paras 85 - 98), temporary tracks are not shown.

This information is a key to interpreting the earliest of the maps and plans at 25 inch scale when looking for historical features.

Aerial photography

After 1946 aerial photography introduced a new technique of landscape appraisal. Early photographs looked at historic sites and antiquities, including scheduled monuments and trackways. More sophisticated analysis has followed including crop mark investigation aided by computer three dimensional modelling. The National Centre for Aerial Photography has comprehensive aerial records which alongside maps can be used to form an illustrative time line of changes.

Etymology

Both documents and maps contain myriad references to places, particularly roads, lanes and paths, but what, if anything, can be deduced from these names? The following comprises a list of names with their likely meanings, derived from various literary sources as an aid to interpretation:

Ancient name	**General meaning**
Actus	Unit of length (35m) in Roman measurement
Agger	Bank
Burh	Fortified place
Brycg	Bridge
Black	In title suggests antiquity
Cheriton	Early church
Chessels	Roman Villa
Dyke	Defensive structure
Ditch	Sunken route
Drove or Ox Drove	Animal hearding routes
Driftway or Saltway	Salt route
Dwyard	Deer enclosure
Ecles (eglos/eglwys)	Pre English church
Faer	Passage
Ford	River Crossing
Ffordd	Road (Welsh)
Forth eglos	Church path (in Cornish)
Green Way	Ridgeways
Green Road	Turnpikes
Green Lane	Hedgerow bounded track
Herepaeth	Saxon track probably military
Hyth	Landing place
Holanweg	Hollow way
Heol	Road
Kirk	Church 10th century

Minster	Monastery or large church with secular clergy
Magna Via	Royal route
Meres	Boundary
Newports	11th century
Newland	13th century
Paeth	Minor path
Portland	Land belonging to port or market
Portway or Port Street	Saxon terms: route leading to a settlement
Rhyd	Ford
Sarn	Road
Sais	English
Stayngate	Stony road
Strata Florida	Geology and ground form
Straet	Roman road also referenced in Saxon charters
Shute	Steep slope
Stow	Church of ancient foundation/holy place
Terra firma	Firm ground
Via	Route
Via regia	Route taken by King
Via Comitis	Earls Way
Wald	Woodland
Weg	Minor
Witches	Towns producing salt

Field Survey Techniques

The surveyor needs to be aware of numerous factors which may influence the character and appearance of a suspected trackway and how these factors are likely to vary according to the location. The related elements of geology, topography aspect, drainage, land use and management will significantly impact on the potential appearance and characteristics of a trackway and how it has endured over time.

The geology over which the route passes will affect both its physical composition and the biological components which have developed with it. Soft easily eroded porous rocks (chalk) may develop sunken hollow-ways and braiding; hard rock formations (granite) offer little change and minimal surface damage. In wetland areas (Somerset levels) trackways may become submerged in clay or peat formations and lost when the water table rises. The geology of an area may also encourage quite different flora and fauna due to soil condition. Trackways which pass through semi-natural habitats such as unimproved agricultural land, woodland, heath, marshland and wetlands tend to present a richer plant life than found in intensively farmed locations, whilst those subject to shading, artificial drainage and intrusive adjoining land uses particularly on the urban fringe, may have a quite different eco-system.

Dating trackways is difficult. One rough approach uses the presumption that the more shrub species found in a particular hedge the older it is likely to be. When this hedge is associated with a lane or path it may indicate the possible date. A technique mentioned by Hoskins (1955) suggests counting the number of species in any 30 yard length. A hedge with an average of one or two species probably dates from the enclosure period (1750 -1850) whilst one with 5 or 6 is likely to be Tudor, and one with 12 might be Saxon. Generally older hedges normally contain a wide variety of shrubs including spindle, field maple, guilder rose and wayfaring tree.

Hoskins suggests that a hedgerow chronology might be created from documentary (map) and field research and bases a suggested approach on the assumption of one shrub for every 100 years of life using a sample hedge of up to 100 yards in length. This may be referenced to the field patterns obtained from the first edition 6 inch map compared to the current edition. Similarly tithe maps may indicate the position of 19th century hedgerows but dating cannot be precise to within 50 years. Care must be taken as in the Tudor period the planting of mixed hedges was not uncommon.

Alternative indicators of the age and position of ancient trackways may emerge from an examination of ancient ecclesiastical boundaries (not modern civil parish boundaries). Where trackways coincide with such boundaries they are likely to be of considerable antiquity. Boundaries themselves may provide helpful evidence as old lanes were often strips of common land running between private ownerships with banks on both sides accompanied by ditches. In some cases the route may have been decided by the existence of a boundary and in others by the existence of a lane. Hoskins (1955) refers to short sections of roads which do not appear to lead anywhere and concludes that these are probably

the remnants of old estate boundaries (Saxon, Medieval or Celtic) formed by the double ditching method.

Milestones may also be indicative of an ancient lane and provide generally good evidence, they are also pointers to the former importance of a route which may now have been lost. Other built features may accompany trackways including buildings associated with former turnpikes and bridges. The latter form an important landscape feature in many localities indicating both the possible age and alignment of a trackway(s) and may have replaced a ford crossing. Particular types of features and their characteristics have been mentioned within the discussion on typology.

Trackways within urban areas present quite different problems of identification and analysis. Where major change has occurred documentary references, particularly charters and maps may have to be relied upon, but field survey can still reveal some clues. The dating of historic buildings and features standing alongside an historic route such as old inns, horse troughs and milestone markers as well as surface treatment may help both to confirm a possible alignment although actual dating may be very difficult in the absence of archaeological evidence.

APPENDIX 3:

List of consultee questions used in the MSc research (Stevenson 2014)

The following questions formed the basis of a series of semi –structured interviews with professional officers in local authorities where previous research had identified their involvement in the conservation of historic trackways. The interviews were based on and supplemented the findings of the six case studies used in the research. The interviews were approximately of one hour duration and simple notes taken of the responses. In accordance with ethical principles no comments were individually attributed to any particular officer, however in response to particular requests an acknowledgment of their help was given in the final thesis. Ethical approval for the process was obtained before the interviews took place.

1. What are the key issues concerning the conservation of ancient trackways within your local area?
   (i) CROW Act/ LPA Policy/Funding/Management.
   (ii) MPV off roading or general wear and tear.
   (iii) Loss of pathways to development.
   (iv) Farming and Land Management practice.

   How do the issues vary from location to location?

2. What major planning/PROW cases are currently being considered in your area and are you part of the consultation process? How much weight is given to your response in the final decision?

3. Can you identify examples of good and poor conservation practice in the maintenance and repair of ancient trackways? What handicaps do you face in trying to protect the trackways?

4. How are you reconciling the demands for greater countryside access and the requirements of the PROWIP with the conservation of the trackways? Is this an issue for you and if so which takes precedence?

5. Do you advise farmers and landowners on the best conservation techniques for particular locations?

6. How important are volunteers to ensuring that the work gets done? Do you offer training programmes and if so how are they funded?

7. How are the CROW Act changes being handled? Do you regard the changes as harmful and if so what steps would you recommend? Are you involved in a 'Lost Ways' project?

8. What role do Environmental Stewardship Agreements play in the conservation process? Are they successful and what steps will you take to encourage works to continue now that the programmes are ending and the grant monies are being withdrawn?

9. Are EH and NE guidelines helpful to ancient trackway conservation? Is the emphasis on access for all under the Equalities Act 2010 damaging?

10. What attitude is taken when developers seek footpath diversions to enable development to take place? Are they resisted, especially where there are known ancient trails being affected?

11. Are there planning issues around permitted development rights which are harmful to conservation and should the rights be withdrawn?

12. What contact is there between government organisations, National Park and AONB Authorities, Highway Authority, Archaeology officers and Planners? Are the arrangements formal or informal and do they work well?

13. What contact is there with local organisations, volunteers and the local media etc.?

14. If you had to identify any particular part of the process which might be improved what would it be?