

2017-18 ROW Committee Decisions

<b>Year</b>	<b>Minute Ref</b>	<b>Decision Date</b>	<b>Decision Type</b>	<b>Decision Made By</b>	<b>Parish</b>	<b>Location</b>	<b>Details</b>
2017-18	ROW Comm 21/17	19/07/2017	Creation order	ROW Committee	Broughton West	Manor Farm	short length of footpath linking footpath 520029 with 520034
2017-18	ROW Comm 32/17	10/10/2017	Modification	ROW Committee	Mungrisdale	Mosedale and Carrhead Ford	Restricted Byway over Public Road C3033
2017-18	ROW Comm 07/18	17/01/2018	Modification	ROW Committee	Whitwell & Selside, Fawcett Forest, Shap Rural, Orton	Four sections of Old Shap Road	To make DMMOs to modify four bridleways to restricted byways

## 2017-2018 Delegated ROW Decisions

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2017-18	DD17.1	03/04/2017	Temp closure	Head of Park Management	Ennerdale	Bleach Green to Weir	To make temporary TRO – 6 months from 8 May 2017. To allow construction traffic and public to use routes safely (diversion in place alongside)
2017-18	DD17.2	13/04/2017	Temp closure	Head of Park Management	Lowick	Langholme Beck	To issue temporary closure Notice – 13 April 2017 for 21 days due to dangerous bridge.
2017-18	DD17.3	02/05/2017	Temp closure	Chief Executive	Lowick	Langholme Beck	To issue temporary closure Notice from 2 May 2017 for 21 days. Dangerous bridge.
2017-18	DD17.4	08/05/2017	s33 consent	Head of Park Management	Claife, Satterthwaite	Graythwaite	Consent to use rights of way by Graythwaite Enduro, Graythwaite Estates May 2017
2017-18	DD17.5	09/05/2017	Temp closure	Head of Park Management	Lowick	Langholme Beck	To make temporary TRO – 22 May 2017 for 6 months due to dangerous bridge.
2017-18	DD17.6	31/05/2017	Temp closure	Head of Park Management	Askham, Bampton	South west of Scales Farm	To make temporary TRO – 6 months from 3 July 2017. To enable replacement of a bridge on bridleway
2017-18	DD17.7	07/06/2017	Temp closure	Head of Park Management	Bassenthwaite, Underskiddaw	Various	To make 7 temporary TROs to enable construction works for the West Cumbria Pipeline Project - for 3 months from 14 July 2017
2017-18	DD17.8	26/06/2017	Temp closure	Head of Park Management	Underskiddaw	Dodd Wood	To make temporary TRO – 6 months from 31 July 2017 for felling.
2017-18	DD17.9	03/07/2017	Temp closure	Head of Park Management	Various	Frost Hole/Birk Field/Springs Wood	To make temporary TRO – 6 months from 22 July 2017 at three locations. To enable bridge replacement works (Storm Desmond)
2017-18	DD17.10	12/07/2017	Temp closure	Acting Head of Park Management	Lakes: Troutbeck	North of Troutbeck Church	To issue temporary closure Notice – 21 days from 12 July 2017. Danger to the public from subsidence and collapse of path surface

## 2017-2018 Delegated ROW Decisions

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2017-18	DD17.11	24/07/2017	Temp closure	Head of Park Management	Lakes: Troutbeck	North of Troutbeck Church	To make temporary TRO – 6 months from 1 August 2017. Danger to the public from subsidence and collapse of path surface
2017-18	DD17.12	31/07/2017	Creation Agreement & Dedication	Head of Park Management	Haverthwaite	Haverthwaite Heights	Enter into creation agreement with landowner to create section of FP528041 and also dedicate adjacent section of 528041 on LDNPA land
2017-18	DD17.13	07/08/2017	Temp closure	Head of Park Management	Over Staveley	Hall Lane	To make temporary TRO - 6 months from 16 Sept 2017 for bridge replacement work
2017-18	DD17.14	07/08/2017	S147 authorisation	Head of Park Management	Colton	New Close, SD 3214 8702	Authorisation of pedestrian wicket gate
2017-18	DD17.15	21/08/2017	S147 authorisation	Head of Park Management	Borrowdale	Thorneythwaite Farm, NY 2515 1334	Field Gate – to control stock movement as part of new grazing regime
2017-18	DD17.16	11/09/2017	Temp closure	Head of Park Management	Patterdale	Gillside, Glenridding	To issue two temporary closure Notices: 5 days from 12 September 2017, 5 days from 19 September 2017. To enable works on and adjacent to the bridleway for flood recovery work
2017-18	DD17.17	27/09/2017	s33 consent	Head of Park Management	various	Whinlatter and Wythop	Consent for use of rights of way by Lakeland Trial, Vintage Sports Car Club, Nov 2017
2017-18	DD17.18	27/09/2017	s33 consent	Head of Park Management	Various	Brompton Moor/Grizedale	Consent for use of rights of way by Devils Own Rally Oct 2017
2017-18	DD17.19	27/09/2017	s33 consent	Head of Park Management	Broughton West, Whicham, Bootle	Broughton & Dunnerdale Fells	Consent for use of rights of way by Lakes 2 Day Trial, Barrow & District Motor Club, May 2017

## 2017-2018 Delegated ROW Decisions

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2017-18	DD17.20	02/10/2017	Temp closure	Head of Park Management	Various	Grizedale Forest, Broughton Moor, Wythop Woods, Chapel House Plantation	To make temporary TRO – 6 months from 1 December 2017 (to cover Grizedale Stages Rally in December 2017 and Malcolm Wilson Rally in Mar 2018). Danger to the public from motor sports events
2017-18	DD17.21	03/10/2017	s33 consent	Head of Park Management	Various	Grizedale Forest & Broughton Moor	Grizedale Stages Rally, Furness District Motor Club
2017-18	DD17.22	11/10/2017	Temp closure	Head of Park Management	Barton	Seat Farm	To make temporary TRO – 6 months from 6 November 2017. To enable demolition and construction works immediately adjacent to the path
2017-18	DD17.23	26/10/2017	Temp closure	Head of Park Management	Underbarrow & Bradleyfield	Bonfire Hall	To make temporary TRO – 6 months from 19 December 2017. To enable demolition and construction works immediately adjacent to the path
2017-18	DD17.24	27/11/2017	S147 authorisation	Head of Park Management	Crook	Hawkearth Bank, SD 4201 9248 & SD 4211 9250	Authorisation of two 3 ft wicket gates to prevent stock from entering area of woodland regeneration
2017-18	DD17.25	29/11/2017	Temp closure	Head of Park Management	Loweswater	High Nook Farm	To issue temporary closure Notice – 21 days from 29 November 2017. Danger to the public from unsafe bridge
2017-18	DD17.26	14/12/2017	Temp closure	Head of Park Management	Hawkshead	Mountain Road	To make temporary TRO – 6 months from 26 January 2018; closed to four wheeled vehicles to enable resurfacing works
2017-18	DD17.27	19/12/2017	Temp closure	Head of Park Management	Loweswater	High Nook Farm	To issue temporary closure Notice – 21 days from 19 December 2017. Danger to the public from unsafe bridge
2017-18	DD17.28	10/01/2018	s33 consent	Head of Park Management	Various	Grizedale, Whinlatter & Wythop Forests	Malcolm Wilson Rally, Kirkby Lonsdale Motor Club, Morecambe Car Club & West Cumbria Motor Sports Club

## 2017-2018 Delegated ROW Decisions

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2017-18	DD17.29	16/01/2018	Temp closure	Head of Park Management	St John's, Castlerigg & Wythburn	Whitehead Coppice	To make temporary TRO for 6 months from 19 January 2018 for installation of electricity cable
2017-18	DD17.30	19/02/2018	s147 authorisation	Head of Park Management	Nether Staveley	High Wood, FP 558008	Authorisation of two kissing gates to prevent stock entering woodland
2017-18	DD17.31	21/02/2018	Creation Agreement	Head of Park Management	Bampton	Millennium Path	Enter to creation agreement with landowner to dedicate extension of existing footpath 306031
2017-18	DD17.32	27/02/2018	Temp closure	Head of Park Management	Bassenthwaite, Underskiddaw	Various	Issue of 6 temporary 5 day notices in connection with the West Cumbria Pipeline Works 2018
2017-18	DD17.33	07/03/2018	Temp closure	Head of Park Management	St John's, Castlerigg & Wythburn	Raven Crag and Round Mount	To issue temporary closure Notice for 21 days from 7 March 2018 due to windblow and hung up trees following Storm Emma
2017-18	DD17.34	14/03/2018	Temp closure	Head of Park Management	Windermere, Troutbeck	Troutbeck Ford	To make temporary TRO- 6 months from 30 April 2018 for bridge replacement works
2017-18	DD17.35	19/03/2018	Creation Agreement	Head of Park Management	Claife	Boat House to Larch Cottage	Creation Agreement with Claife Parish Council for dedication of section of bridleway as part of Near Sawrey to Hawkshead off road path
2017-18	DD17.36	20/03/2018	Temp closure	Head of Park Management	Bassenthwaite, Underskiddaw, Blindcrake	Various locations	To make 9 temporary TROs each for 6 months from various dates; to enable construction works for the West Cumbria Pipeline Project
2017-18	DD17.37	20/03/2018	Temp closure	Head of Park Management	St John's, Castlerigg & Wythburn	Raven Crag and Round Mount	To make temporary TRO for 6 months from 29 March 2018 due to windblow and hung up trees following Storm Emma

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER FOR BRIDLEWAY 407060 AT BLEACH GREEN, ENNERDALE AND KINNISIDE PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	United Utilities have requested a temporary closure of part of Bridleway 407060 at Bleach Green, Ennerdale & Kinniside Parish because of the likelihood of danger to the public from construction traffic during improvement works.	
Details of Decision	That we make a Temporary Traffic Regulation Order for bridleway 407060, shown as A-B-C on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to make the order	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (176)	
Date of Report	3 April 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	3 April 2017	

## TEMPORARY TRAFFIC REGULATION ORDER FOR BRIDLEWAY 407060 AT BLEACH GREEN, ENNERDALE AND KINNISIDE PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over a section of bridleway 407060 because of the likelihood of danger to the public from construction traffic.

<p><b><i>Recommendation that: a we make a Temporary Traffic Regulation Order for bridleway 407060, shown as A-B-C on the attached plan.</i></b></p>
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### 2 Details of Request

- 2.1 United Utilities have been carrying out various works at Ennerdale Weir over the last few years. They plan to carry out some improvements which will mean that in future spells of dry weather they will not need to carry in temporary pipework and pumps. During the works, the main access for construction traffic will be along the track from Bleach Green cottages to the weir – which also carries public bridleway 407060 (see map below).
- 2.2 This work was originally scheduled to take place in 2016 and at that time UU requested a temporary closure for six months to ensure that construction traffic would not pose a safety risk to users of the bridleway. You approved this closure (file reference 1410.003 [170]), and we made a temporary closure order on 3 May 2016. However the work did not start due to delays in awarding the contract, and time restrictions on working in the river, and the closure was never triggered.
- 2.3 UU now plan to carry out the work this year, and have requested another temporary closure order for the duration of works.
- 2.4 They will install a temporary 2.5 metre wide wheelchair-accessible path immediately to the north alongside the track as an alternative route for the duration of the works. This will enable total segregation of the public and construction traffic.
- 2.5 They have agreed to re-instate the bridleway to a wheelchair accessible condition once the works are complete (it is a Miles Without Stiles 'Path For All').
- 2.6 When they previously applied, we discussed whether it would be possible to have construction traffic and the public on the same path, but with provisions such as banksmen in place to maintain safety. However the level and nature of traffic is likely to temporarily damage the surface, so even if safety was managed adequately, some people would be prevented from using the path easily.
- 2.7 UU have requested a closure period of six months, commencing on 8 May 2017. This is the same duration as the temporary closure order we made in 2016.
- 2.8 If the works are not completed on time then we may apply to the Secretary of State for an extension and the costs of this will be met by the applicant.
- 2.9 The closure will not affect any known private rights.

### 3 Policy Context

- 3.1 A key focus of the Vision for the Lake District National Park 2006–2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient serviced delivery by the Cumbria Countryside Access Partnership.

### 4 Options

- 4.1 The options are to:
- a) Make the order
  - b) Not make the order

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure order are approximately £710+VAT including:
- Staff-time, stationery and postage: approximately £265.
  - Advertising costs: two advertisements costing approximately £280 each.
- 7.2 If an extension has to be applied for from the Secretary of State it will incur the following additional cost:
- Advertising costs: two advertisements costing approximately £280 each
  - Staff time, stationery and postage: £100.
- 7.3 There are no financial implications for us as United Utilities will meet all the costs.

### 8 Risk

- 8.1 As before, the major risk here is if we do not make this order. The closure will safeguard the landowners against claims from users if they were hurt using this path

during the works. If any such claims were submitted we may be held partly responsible for being aware of the danger to users and not taking the necessary action to protect them.

## 9 Legal Considerations

- 9.1 As a National Park Authority, we have the power to temporarily restrict or prohibit the use of highways under section 72 of the Natural Environment and Rural Communities Act 2006. This gives National Park Authorities the power to make orders under section 14(1) of the Road Traffic Regulation Act 1984, following the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007.
- 9.2 We also have delegated power to temporarily restrict or prohibit the use of highways under section 14 of The Road Traffic Regulation Act 1984 in our agency agreement with Cumbria County Council.
- 9.3 Traffic can be restricted or prohibited for a number of reasons, one of which is because of the likelihood of danger to the public, or of serious damage to the road (section 14(1)(b)).
- 9.4 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from a member of the Park Management teams, half an hour from the GIS technician and half an hour from a member of Legal Services. The work involved is part of our day-to-day duties, and over half of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social aspects that will affect sustainability.

## 12 Consultation Responses

- 12.1 We received two responses to our consultation, which are summarised below:

Rec Cathey, Area Ranger	"I don't have any problems with the temporary, accessible path; as long as the stone is 'fine' enough for wheelchair passage along this temporary section and the current bridleway is returned to standards after six months passage of heavy traffic."
Andrew Nelson, IMBA	"Seems reasonable to me...Nothing to add."

- 12.2 We received no responses from other consultees. We did not receive any objections to the previous closure.

### 13 Summary

13.1 The proposed closure would be a logical way of managing the issues during the construction period, it is approved by our consultees, and should not affect the network on a long-term basis. I therefore recommend that we make the required order.

Authorised by:

.....  
Mark Eccles, Head of Park Management

Date.....

Background Papers: Case file 1410.003 (176)  
Author: Sarah Blakemore, Rights of Way & Access Assistant  
Date Written: 3 April 2017.  
  
Version: Final



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Langholme Beck, west of Lowick Bridge Farm has become unsafe and we consider it to be a potential risk to the public. The landowner has vehicular access over the bridge, and he has stopped using it. We therefore consider it appropriate to legally close it pending repair or replacement.	
Details of Decision	That we issue a Temporary Traffic Regulation Notice for part of footpath 551048, as shown on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to issue the Notice	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (177)	
Date of Report	13 April 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	13 April 2017	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over a section of footpath because of the danger to the public resulting from bridge damage.

***Recommendation: That we issue a Temporary Traffic Regulation Notice for part of footpath 551048, as shown on the attached plan.***

### 2 Details of Request

- 2.1 The bridge across Langholme Beck, Lowick Bridge Farm has become unsafe, initial damage was identified in August 2016, and this has deteriorated to the point which we consider it to be a potential risk to the public.
- 2.2 The landowner has vehicular access over the bridge, and he has stopped using it. We therefore consider it appropriate to fence the bridge off and legally close it pending repair or replacement.



**Photo of bridge – the stones in the beck are from the arc on the upstream side, and a hole has developed by the left abutment – some slippage can be seen on the right side of the bridge arch**



**Crack in surface has appeared**

### **3 Policy Context**

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient serviced delivery by the Cumbria Countryside Access Partnership.

### **4 Options**

- 4.1 The options are to:
- a) Make the notice
  - b) Not make the notice

### **5 Proposal**

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £135 + VAT which cover staff-time, stationery and postage.

## 8 Risk

- 8.1 The major risk associated with this is if we do not make this notice. The closure notice will safeguard the potential users of the footpath.

## 9 Legal considerations

- 9.1 There relevant ground for restricting or prohibiting traffic on this path is within section 14(1) or 2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer-term order if necessary.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human resources

- 10.1 The work involved in this proposal is approximately one hour from a member of the Park Management team, 30 minutes from the GIS technician, and 15 minutes from our Legal team. We hope to erect the necessary signs when passing to another site – and will not need to cross the affected field to do so. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

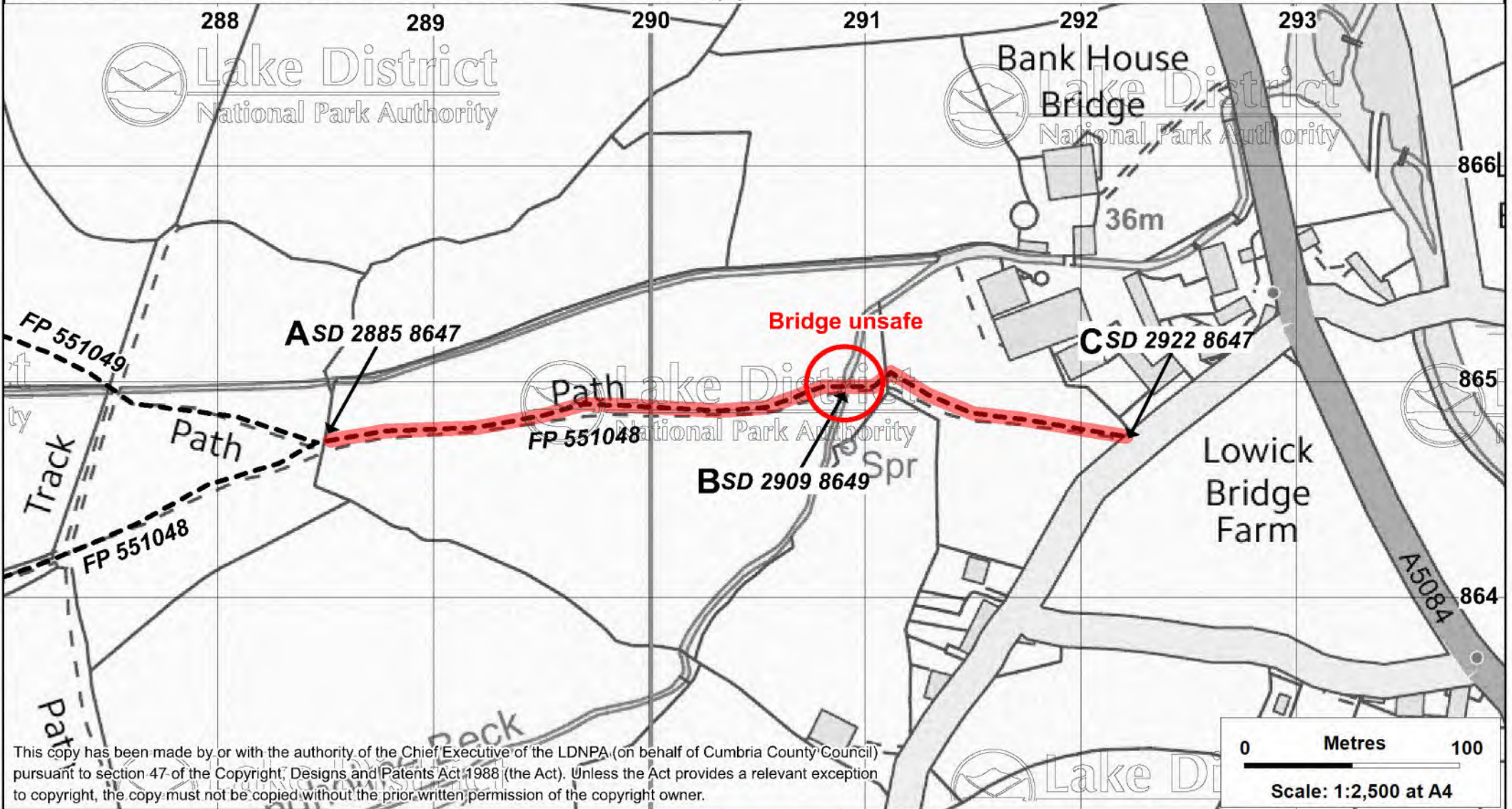
## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

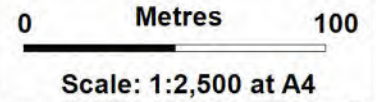
Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
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Background Papers	Case file 1410.003(177)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	13 April 2017
Version	FINAL

**TEMPORARY CLOSURE OF PART OF FOOTPATH 551048,  
AT LANGHOLME BECK, LOWICK PARISH  
ROAD TRAFFIC REGULATION ACT 1984 SECTION 14 (2)**



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<p>© Crown copyright and database rights 2017 Ordnance Survey 100021698 You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Scale</p>	<p><b>NGR for centre of map SD 2904 8648</b></p>	<p> <b>Footpath to be closed</b> There are no alternative routes</p>	<p><b>Authorised signatory:</b></p> <p>Date:</p>
	<p><b>April 2017</b></p>	<p> <b>Other Public Rights of Way</b></p>	

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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Langholme Beck, west of Lowick Bridge Farm has become unsafe and we consider it to be a potential risk to the public. The landowner has vehicular access over the bridge, and he has stopped using it. We therefore consider it appropriate to legally close it pending repair or replacement. We issued an emergency closure notice on 13 April 2017, which lasts for three weeks. It expires on Thursday 4 May 2017	
Details of Decision	That we extend the Temporary Traffic Regulation Notice for part of footpath 551048, as shown on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to issue the Notice	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (177)	
Date of Report	2 May 2017	
Signature of authorising officer	Signed Richard Leafe Chief Executive	
Date	2 May 2017	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH

### 1 Summary

- 1.1 This report recommends extending the temporary prohibition of traffic over a section of footpath because of the danger to the public resulting from bridge damage.

**Recommendation:** *That we extend the Temporary Traffic Regulation Notice for part of footpath 551048, as shown on the attached plan.*

### 2 Details of Request

- 2.1 The bridge across Langholme Beck, Lowick Bridge Farm has become unsafe, initial damage was identified in August 2016, and this has deteriorated to the point which we consider it to be a potential risk to the public.
- 2.2 We issued an emergency closure notice on 13 April 2017, which lasts for three weeks. It expires on Thursday 4 May 2017.
- 2.2 The bridge has not yet been repaired as we are in discussions with the landowner over costs and contributions. We are able to extend the notice by a further 21 days in these circumstances, under Section 15(8)(b)(ii) of the Road Traffic Regulation Act 1984.

### 3 Recommendation

- 3.1 I therefore recommend extending the current closure notice until Thursday 25 May 2017.

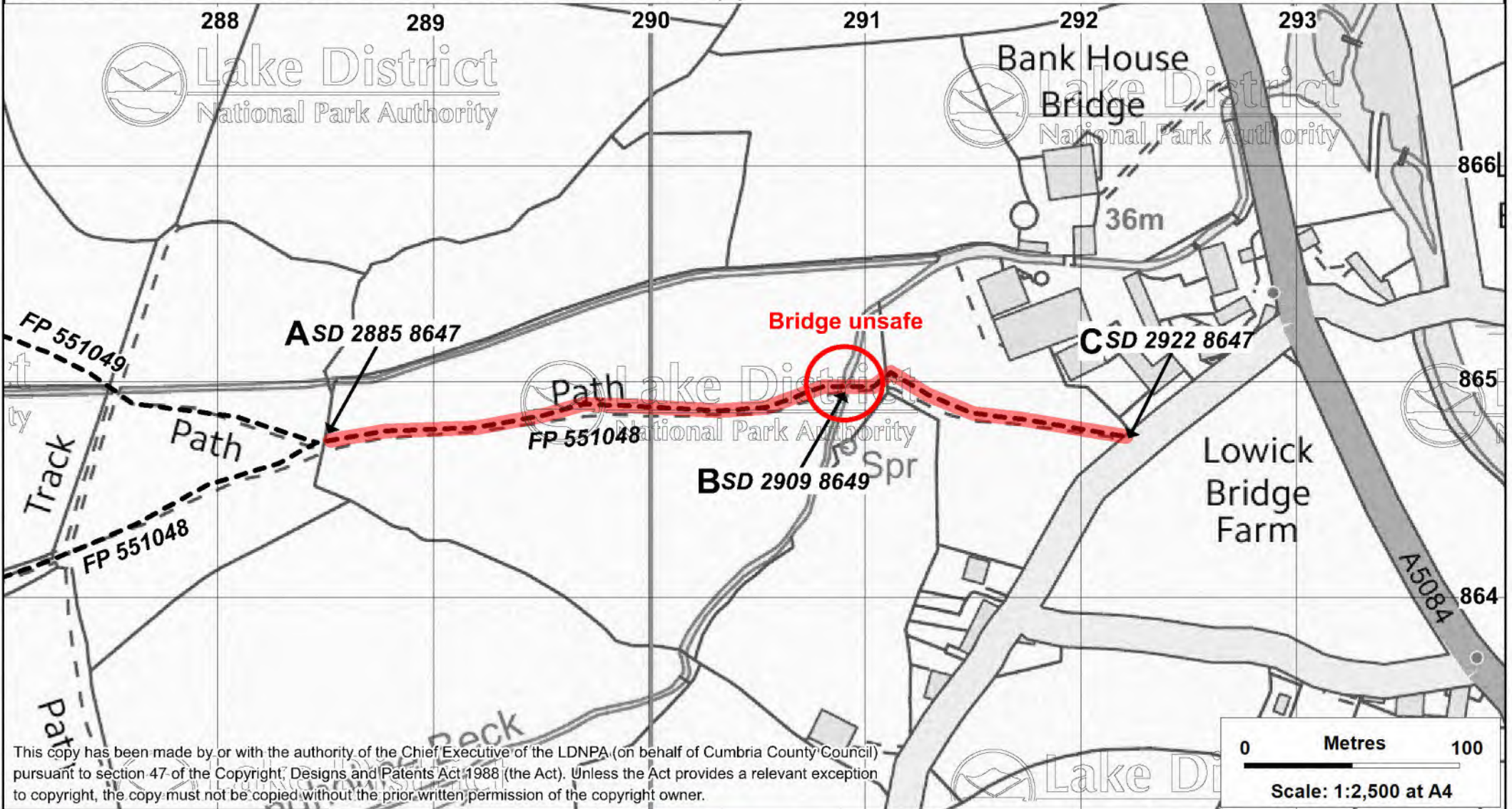
Authorised by:

.....  
Richard Leafe, Chief Executive

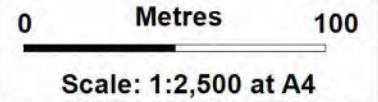
Date.....

Background Papers Case file 1410.003(177)  
Author: Nick Thorne, Countryside Access Adviser  
Date Written: 2 May 2017  
Version FINAL

**TEMPORARY CLOSURE OF PART OF FOOTPATH 551048,  
AT LANGHOLME BECK, LOWICK PARISH  
ROAD TRAFFIC REGULATION ACT 1984 SECTION 14 (2)**



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	<p><b>April 2017</b></p>	<p> <b>Other Public Rights of Way</b></p>	

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

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- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Langholme Beck, west of Lowick Bridge Farm has become unsafe and we consider it to be a potential risk to the public. The landowner has vehicular access over the bridge, and he has stopped using it. We therefore consider it appropriate to legally close it pending repair or replacement. We issued an emergency closure notice on 13 April 2017, which lasts for three weeks. It expires on Thursday 4 May 2017	
Details of Decision	That we extend the Temporary Traffic Regulation Notice for part of footpath 551048, as shown on the plan attached to the report.	
Details of alternative options considered and rejected.		Not to issue the Notice
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (177)	
Date of Report	2 May 2017	
Signature of authorising officer	Signed Richard Leafe Chief Executive	
Date	2 May 2017	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH

### 1 Summary

- 1.1 This report recommends extending the temporary prohibition of traffic over a section of footpath because of the danger to the public resulting from bridge damage.

**Recommendation:** *That we extend the Temporary Traffic Regulation Notice for part of footpath 551048, as shown on the attached plan.*

### 2 Details of Request

- 2.1 The bridge across Langholme Beck, Lowick Bridge Farm has become unsafe, initial damage was identified in August 2016, and this has deteriorated to the point which we consider it to be a potential risk to the public.
- 2.2 We issued an emergency closure notice on 13 April 2017, which lasts for three weeks. It expires on Thursday 4 May 2017.
- 2.2 The bridge has not yet been repaired as we are in discussions with the landowner over costs and contributions. We are able to extend the notice by a further 21 days in these circumstances, under Section 15(8)(b)(ii) of the Road Traffic Regulation Act 1984.

### 3 Recommendation

- 3.1 I therefore recommend extending the current closure notice until Thursday 25 May 2017.

Authorised by:

.....  
Richard Leafe, Chief Executive

Date.....

Background Papers      Case file 1410.003(177)  
Author:                      Nick Thorne, Countryside Access Adviser  
Date Written:              2 May 2017  
Version                      FINAL

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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>SECTION 33 CONSENT - GRAYTHWAITE TRIAL, MAY 2017</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	The Graythwaite Enduro is a small-scale motorbike event that has been held on the Graythwaite Estate for many years. A number of public paths are crossed, and section 33 consent is required for this to happen.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is generally well run, and popular. The landowners are happy to host the event, and the public paths will be marshalled.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	File Reference 1480.015	
Date of Report	8 May 2017	
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management	
Date	8 May 2017	

Lake District National Park Authority  
Murley Moss, Oxenholme Road  
Kendal, LA9 7RL

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Direct email: [nick.thorne@lakedistrict.gov.uk](mailto:nick.thorne@lakedistrict.gov.uk)

Direct dial: 01539 792621  
Our ref: PS/NJT/1480.015  
Your ref:

Date: 8 May 2017

John Kerwin

Dear John

### **Graythwaite Enduro, 27/28 May 2017**

Thank you for contacting us about this year's enduro event, which will cross a number of rights of way on the Graythwaite Estate. Namely:

- FP 566010 – two points north of Black brows
- BW 566017 – two point southwest of Hazelseat
- FP 566019 – two points in Ausin Fell Coppice

For the event planned for 27/28 May 2017, the National Park Authority grants consent under Section 33 of the Road Traffic Act 1988 for these sections of rights of way to be crossed by riders on motorcycles at slow speeds taking part in the Enduro Event on the Graythwaite Estate subject to the following conditions:

You (the Rally organisers) shall:

1. Repair any damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Ensure that chicanes are in place to slow riders down all footpaths and bridleways shown on the attached plan. Riders are to stop if any users of rights of way are approaching crossing points.
4. Post marshals on every right of way affected by the event (at locations specified on the enclosed plan) to warn people of the presence of motor cycles and to ensure that point 3 is complied with.

Richard Leafe, Chief Executive

5. Erect warning signs (for example: 'Motorcycle Event Crossing / Using This Path Ahead' - dated) at appropriate points where rights of way will be affected (on approaches to crossing points, and at either end of sections used, and ensure that all such signs are removed from the site at the close of the event.
6. Limit the number of competitors to 120.
7. Ensure that all motorcycles are silenced according to the British Standards for road use.
8. Liaise with Andrew Wilkinson, to enable him to check the routes used before and after the event to ensure that the above conditions have been complied with.
9. Remove litter deposited on any affected right of way during the event.
10. Ensure that all gates are closed at the end of the event.

Please note that this authorisation only lasts for one year – and that for future events, the Estate will need to apply each time, preferably a month or so in advance.

If you have any queries about this matter, please contact Nick Thorne (01539 792621) or Andrew Wilkinson (07747 656057).

Good luck with the event – and I hope that it goes well.

Yours sincerely

Mark Eccles  
Head of Park Management



Richard Leafe, Chief Executive

A member of the  
Association of National Park Authorities  
A member of the Federation of Nature and  
National Parks of Europe

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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER FOR PART OF FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Langholme Beck, west of Lowick Bridge Farm has become unsafe and we consider it to be a potential risk to the public. The landowner has vehicular access over the bridge, and he has stopped using it. We therefore consider it appropriate to legally close it pending repair or replacement. We have previously issued two emergency 21 day notices and there is now no option available to extend the restriction with any more notices.	
Details of Decision	That we make a temporary Traffic Regulation Order for part of footpath 551048, as shown on the plan attached to the report, for a period of 6 months from 24 May 2017.	
Details of alternative options considered and rejected.	Not to make the order	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (179) Case file 1410.003 (177) – Previous Notices	
Date of Report	9 May 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	9 May 2017	

## **TEMPORARY TRAFFIC REGULATION ORDER FOR PART OF FOOTPATH 551048, LANGHOLME BECK, LOWICK BRIDGE FARM, LOWICK PARISH**

### **1 Summary**

- 1.1 This report recommends that we make an order for a temporary prohibition of traffic over a section of footpath because of the danger to the public resulting from bridge damage, and allow works to repair the bridge.

***Recommendation: That we make a temporary Traffic Regulation Order for part of footpath 551048, as shown on the attached plan, for a period of 6 months from 24 May 2017.***

### **2 Background**

- 2.1 The bridge across Langholme Beck, west of Lowick Bridge Farm has become unsafe. Initial damage was identified in August 2016, and this has deteriorated to the point which we consider it to be a potential risk to the public.
- 2.2 The landowner has vehicular access over the bridge, and he has stopped using it. We therefore consider it appropriate to legally close it pending repair or replacement.
- 2.3 On 13 April 2017 we issued a 21 day emergency notice and extended this for a further 21 days by issuing another notice on 2 May 2017. This current notice expires on 25 May 2017 and there is now no option available to extend the restriction with any more notices.
- 2.4 The bridge has not yet been repaired as we are in discussions with the landowner over costs and contributions. Section 15(8)(b)(i) of the Road Traffic Regulation Act 1984 allows us to continue the restriction by making an Order.

### **3 Policy Context**

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient serviced delivery by the Cumbria Countryside Access Partnership.

### **4 Options**

- 4.1 The options are to:
- a) Make the order
  - b) Not make the order.

## 5 Proposal

5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £185 plus VAT. These costs cover staff time, stationery and postage. The administration costs of a temporary closure order are approximately £710 plus advertising plus VAT.
- 7.2 Because the closure was initially by means of a notice, only one advertisement is necessary, when the order is sealed, as we are not required to consult or advertise a notice of intention. Therefore the cost is slightly less than the usual cost of making an order.
- 7.3 We will meet the costs of making and advertising the order.

## 8 Risk

8.1 The major risk associated with this is if we do not make this order. The closure will safeguard the potential users of the footpath, and enable repair works to be carried out.

## 9 Legal considerations

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on this path is within section 14(1) of the Road Traffic Act 1984; namely because of works being executed on or near the road, and because of the likelihood of danger to the public. Section 15.8(b) allows a notice issued under section 14(2) to be converted into an order.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

10.1 The work involved in this proposal is approximately 12 hours from members of the Park Management team and 30 minutes from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

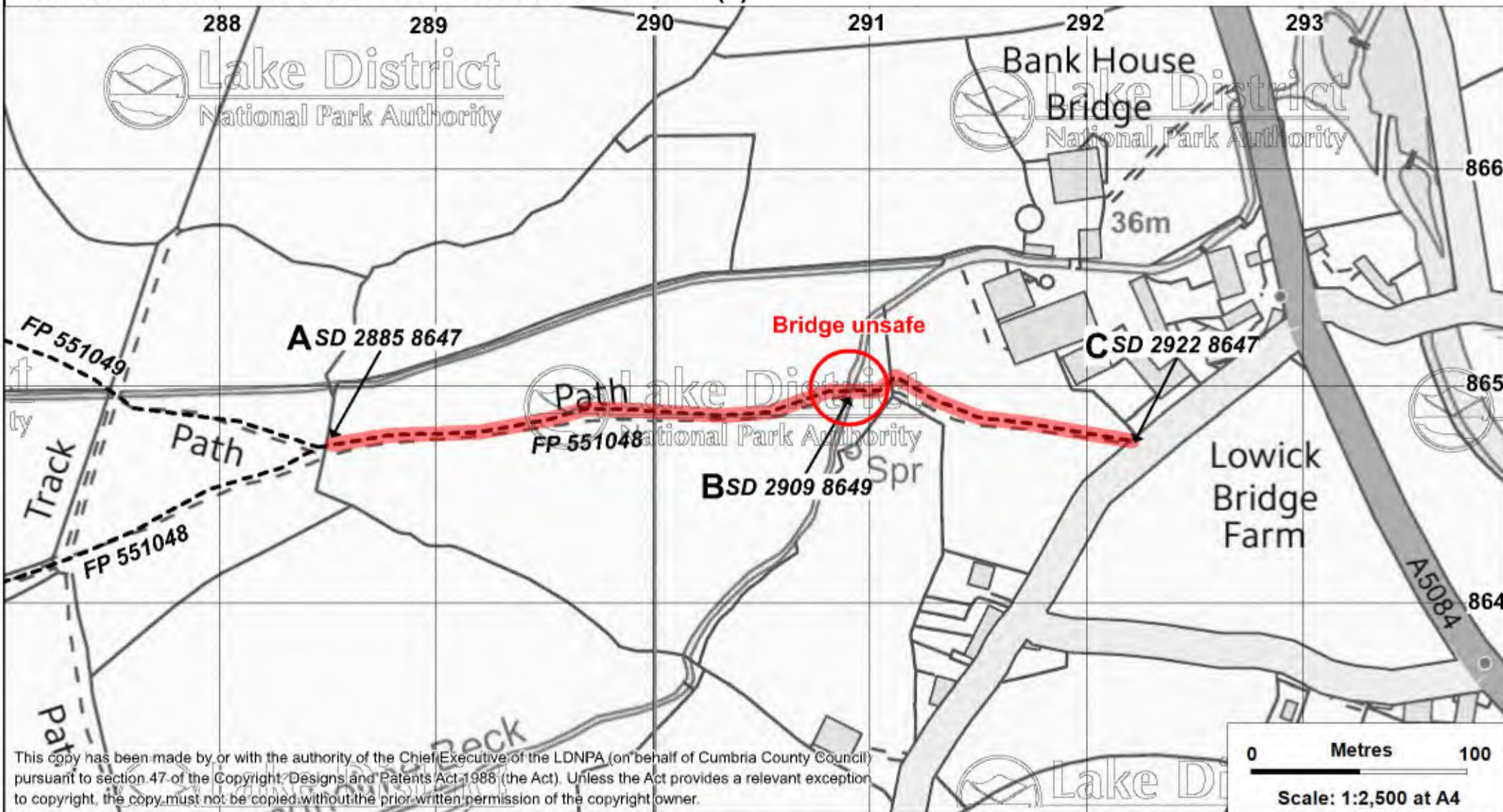
## 11 Sustainability

11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

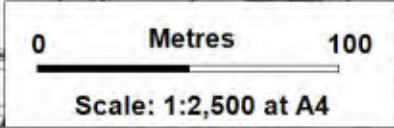
Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
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Background Papers	Case file 1410.003 (179) Case file 1410.003 (177) – Previous Notices
Author:	Sarah Blakemore
Date Written:	9 May 2017
Version	FINAL

**TEMPORARY CLOSURE OF PART OF FOOTPATH 551048,  
AT LANGHOLME BECK, LOWICK PARISH  
ROAD TRAFFIC REGULATION ACT 1984 SECTION 14 (1)**



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	<p><b>May 2017</b></p>	<p> <b>Other Public Rights of Way</b></p>	

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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER; BRIDLEWAY 305001/306007, SOUTH WEST OF SCALES FARM, ASKHAM PARISH &amp; BAMPTON PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	United Utilities have applied for a temporary closure of part of bridleway 305001/306007 in order to carry out works to replace a bridge on the route of the bridleway.	
Details of Decision	That we make a Temporary Traffic Regulation Order for bridleway 305001 and a section of bridleway 306007 as shown A to C on the plan attached to the report.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Not to make the order</li> <li>• Make an order to close an alternative length of the bridleway</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (178)	
Date of Report	31 May 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	31 May 2017	

## TEMPORARY TRAFFIC REGULATION ORDER; BRIDLEWAY 305001/306007, SOUTH WEST OF SCALES FARM, ASKHAM PARISH & BAMPTON PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over bridleway 305001 and a section of bridleway 306007 south west of Scales Farm in Askham and Bampton parishes to allow United Utilities to install a bridge on the bridleway over Brown Beck.

**Recommendation that:** *we make a Temporary Traffic Regulation Order for bridleway 305001 and a section of bridleway 306007 as shown A to C on Plan 1 at page 5 of this report.*

### 2 Details of Request

- 2.1 United Utilities (UU) are proposing to undertake works to replace the existing culverted pipe crossing of Brown Beck (on the route of Bridleway 305001) with a new bespoke wooden bridge. UU have submitted a Planning Application for this work and we are currently determining this (as a separate issue to this closure). The works are scheduled between the beginning of July and end of September (to comply with seasonal restrictions on working in rivers).



Figure 1: The existing culverted pipe crossing of Brown Beck

- 2.2 UU have requested a temporary closure of the bridleway, so that they can carry out this work without endangering the public. They originally requested a closure of the whole bridleway from Scales Farm as far south as the junction with BW 306005. However there does not seem to be any justification to close the whole of 306007 and we have agreed with UU that the closure should be from Scales Farm (in Askham Parish) to the access land boundary south west of Dale Head (in Bampton Parish).

The southern part of Bridleway 306007 will not be affected, so there will be unrestricted access over the open access land to the south of the area.

- 2.3 The works are taking place at the crossing of Brown Beck at GR NY 4848 1087. It would be possible for the closure to be of a slightly shorter length:
- a) we could restrict only the section of BW305001 immediately adjacent to the works location, leaving unrestricted dead end routes to the north and south of Brown Beck
  - b) we could restrict the full length of BW 305001 as far as the parish boundary (Heltondale Beck) and leave 306007 unrestricted as a dead end route.
- However I believe that there is no reasonable benefit for the public by keeping these short sections open as cul-de-sac routes, and it would be likely to encourage use of the whole bridleway as a through route going over the work site.
- 2.4 UU have considered the feasibility of providing a local diversion or alternative route, but unfortunately, given the location of the work, there appears to be no reasonable alternative route available without creating significant additional costs. We will ensure that signage is placed along the bridleway and at several appropriate locations in the wider rights of way network (see Plan 2, page 6) so that members of the public will find out about the closure before reaching the site, enabling them to alter their plans without too much inconvenience.
- 2.5 The order will last for 6 months from 3 July 2017. However, UU anticipate that it will take approximately two weeks to complete the work on-site and so the actual length of closure will be considerably shorter.
- 2.6 The closures will not affect any known private rights other than that of the landowner and tenant for whom the bridge is being installed.

### **3 Policy Context**

- 3.1 A key focus of the Vision for the Lake District National Park 2006–2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### **4 Options**

- 4.1 The options are to:
- a) Make the order to close section A to C;
  - b) Make an order to close an alternative length of the bridleway, as outlined in 2.3 above;
  - b) Not make the order.

## 5 Proposal

5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

7.1 The costs of a temporary closure order are approximately £710+VAT plus advertising costs of around £200+VAT per advert.

7.2 United Utilities have agreed to meet all the costs involved.

## 8 Risk

8.1 The major risk is if we do not make this order. The closure will safeguard UU against claims from users if they were hurt using the bridleway during the works. If any such claims were submitted we may be held partly responsible for being aware of the danger to users and not taking the necessary action to protect them.

## 9 Legal Considerations

9.1 As a National Park Authority, we have the power to temporarily restrict or prohibit the use of highways under section 72 of the Natural Environment and Rural Communities Act 2006. This gives National Park Authorities the power to make orders under section 14(1) of the Road Traffic Regulation Act 1984, following the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007.

9.2 We also have delegated power to temporarily restrict or prohibit the use of highways under section 14 of The Road Traffic Regulation Act 1984 in our agency agreement with Cumbria County Council. Traffic can be restricted or prohibited for a number of reasons, one of which is 'because works are being or are proposed to be executed on or near the road' (section 14(1)(a)).

9.3 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Park Management teams, half an hour from the GIS technician and half an hour from a member of Legal Services. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social aspects that will affect sustainability.

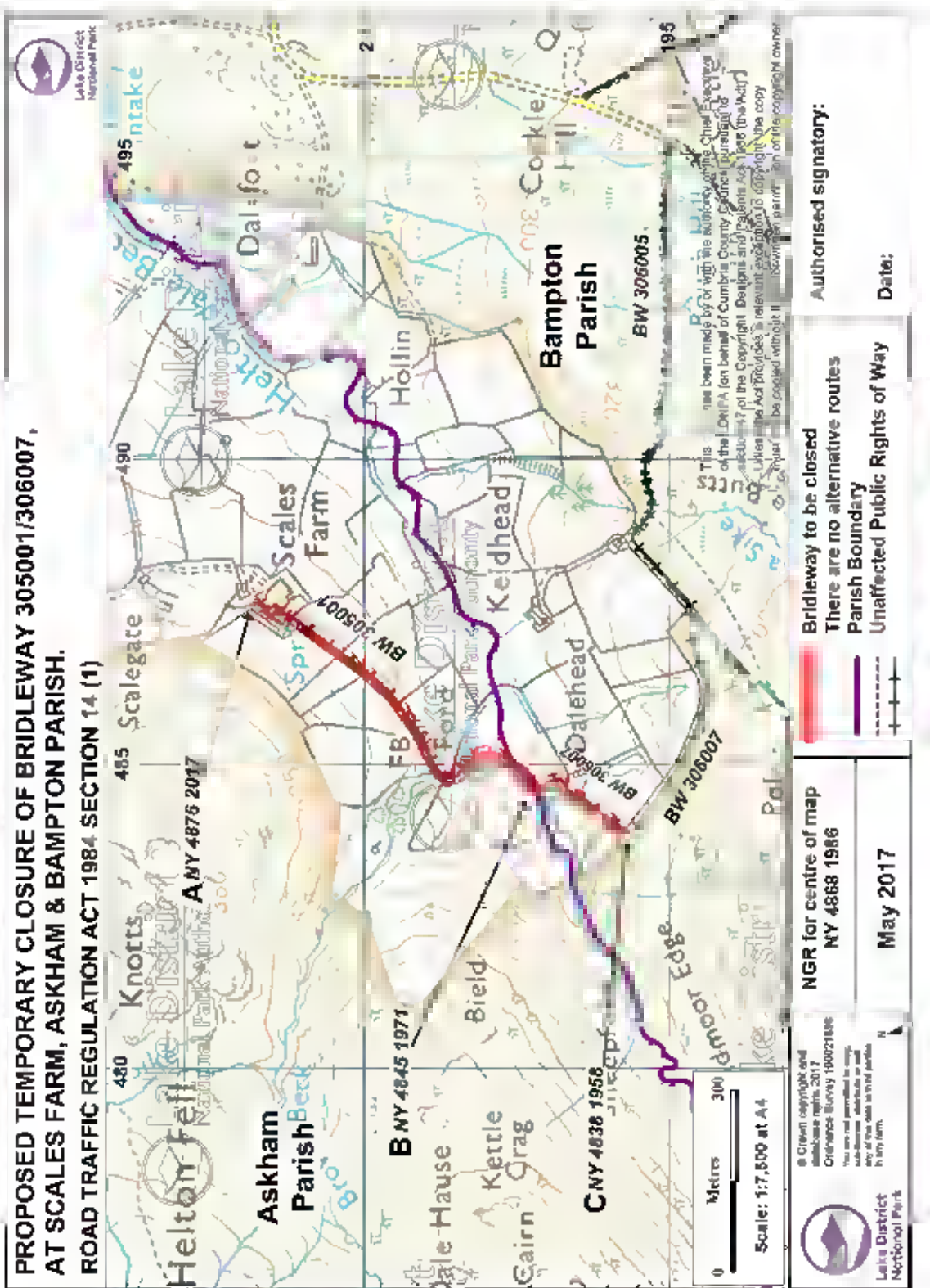
## 12 Consultation Responses

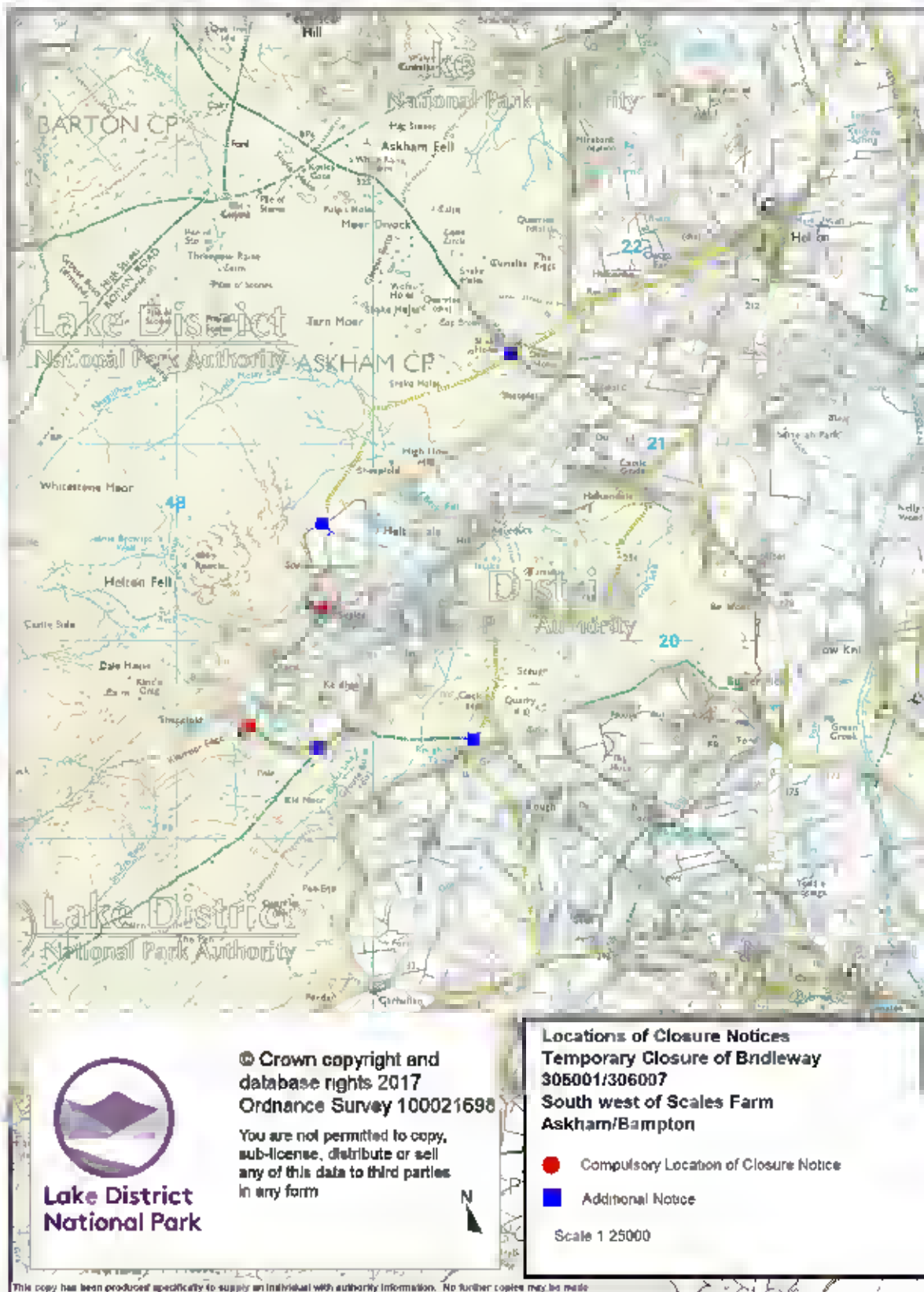
- 12.1 We received the following comments from consultees on the proposed closure:

IMBA (Andrew Nelson)	<i>'It all seems reasonable. I have no comments to make'</i>
Cumbria County Councillor (Neil Hughes)	<i>'The work clearly needs to be done but it's something of a pity that high season has been chosen. Is this inevitable?'</i> We have explained in response to this comment that the timing is determined by in seasonal restrictions on working in rivers.
Kevin Hutchinson, Principal Planning Officer, Eden District Council	<i>'I confirm that Eden DC has no observations to make on the minor works involved in this temporary closure.'</i>

Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
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Background Papers: Case file 1410.003 (178)  
Author: Sarah Blakemore  
Date Written: 31 May 2017  
Version: FINAL





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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF BASSENTHWAITE AND UNDERSKIDDAW</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	United Utilities are undertaking a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires. The pipeline will cross a number of rights of way, and various closures of differing lengths have been requested to aid safe working during the construction period.	
Details of Decision	To make seven temporary traffic regulation orders as set out in this report.	
Details of alternative options considered and rejected.	Not to make the orders.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (180)	
Date of Report	6 June 2017	
Signature of authorising officer	Mark Eccles, Head of Park Management	
Date	7 June 2017	

## TEMPORARY TRAFFIC REGULATION ORDER; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF BASSENTHWAITE AND UNDERSKIDDAW

### 1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over a number of public rights of way to enable the construction of the West Cumbria Pipeline to take place without endangering public safety.

**Recommendation that:** *we make Temporary Traffic Regulation Orders for the following sections of rights of way as shown on the maps from page 5 onwards of this report:*

- **Bassenthwaite Parish**
  - **Location A - Footpath 206019, section A-B**
  - **Location B - Bridleway 206029, section A-B**
  - **Location C - Footpath 206041, section A-B**
  - **Location D - Footpath 206022, section A-B**
  - **Location E - Footpath 206023, section A-B**
- **Underskiddaw Parish**
  - **Location F - Footpath 255001, section A-B**
  - **Location G - Footpath 255010, section A-B**

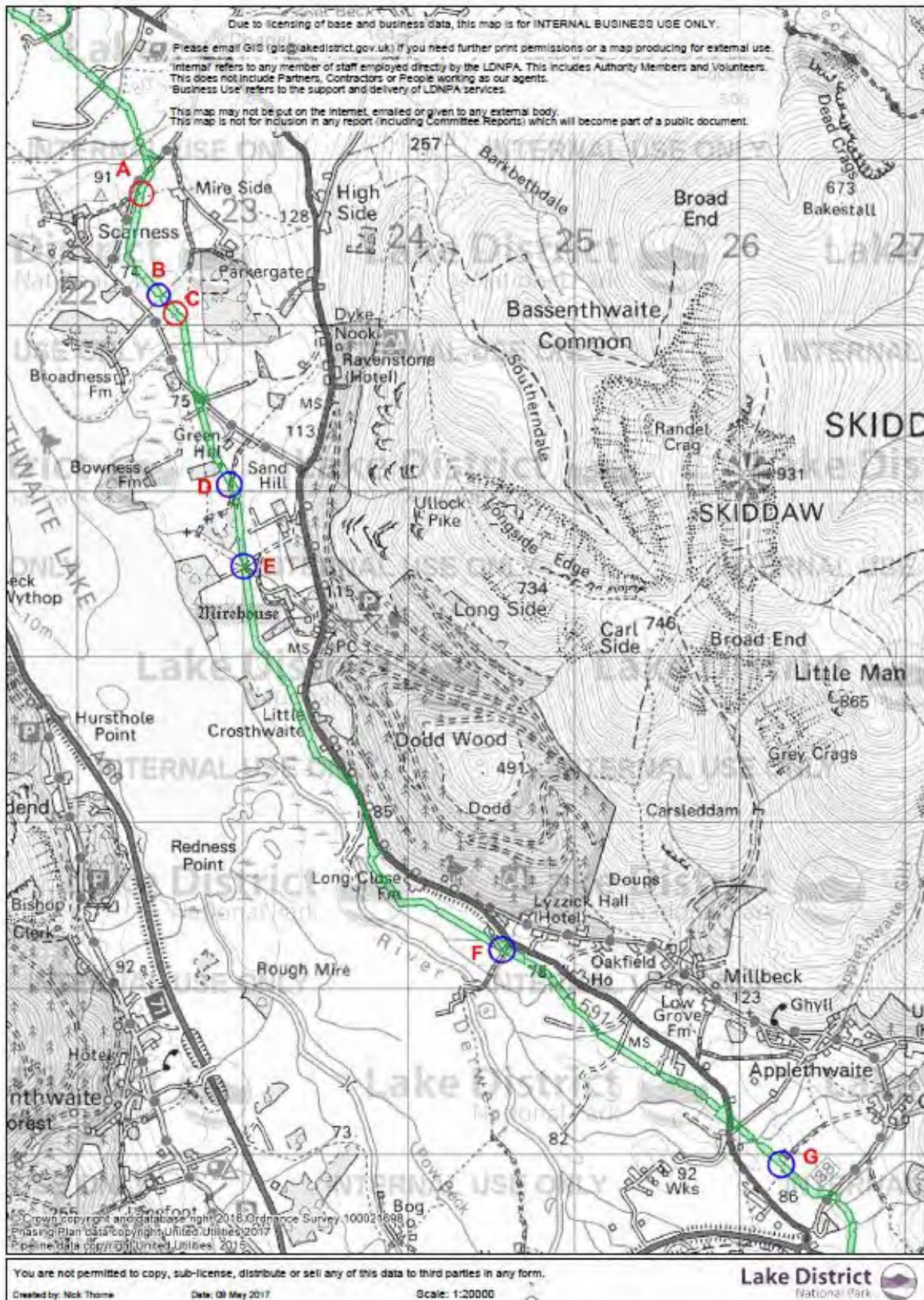
### 2 Details of Request

- 2.1 United Utilities are undertaking a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires. Information about the scheme can be found here <http://cumbria.unitedutilities.com/thirlmere-link-mains.aspx>
- 2.2 The pipelines will follow the route shown on the map within that link (and in the Overview Map on Page 3 of this report), and it will cross a number of roads and rights of way. The current intention, as with most major schemes of this nature, is to create a fenced corridor for the pipeline and working areas.
- 2.3 We have been in discussion with United Utilities and their contractors about the plans for the first set of works, between Keswick and Scarness, which are due to take place between mid July and late October 2017. Seven public paths will be affected (as shown on the map on page 3). Originally, United Utilities asked for all of the paths to be closed for six months without any alternatives being provided. Following negotiation, we have agreed the following proposals:
- Locations A & C – complete closure of the path (for as long as required within the work timetabled) as there are obvious and nearby alternatives.
  - Locations B, D, E, F, G
    - The paths will remain open for the majority of the time.
    - The temporary fencelines on either side of the work corridor will cross the paths, and gates will be installed in these fences. They will all be removed when the work is complete.

- Warning signs will be placed at appropriate locations to alert path users to the likely presence of vehicles and ground disturbance within the corridor.
- The paths, where they cross the worksite, will be closed for a short period within the three month programme. It is not yet certain when each path will be closed, as this will depend on progress on the project and the exact methodology. However, it is not expected that any path will be closed for more than five days or so.
- The idea is that the trenches will be dug and pipes installed up to the path, and then the path will be closed whilst the works are taking place through it, and then restored. This means that although the line of the path itself will be unavailable, there will be a temporary bypass within 20 metres or so, to one side or the other – so access will still be possible with a minor deviation. The precise routes of these bypasses are not yet known, and may vary during the work time, but will be signed on site.
- Signage will be erected to show when the paths are closed and where the alternative routes are.

2.5 An order would last for 6 months from 14 July 2017. However, the works may be completed earlier, and if so the actual length of closure of path at locations A & C will be considerably shorter (the other paths, as explained, will only be closed for five days anyway).

2.6 Closures may affect private rights, and in particular, the closure at location D will affect access to St Bega's Church at Mirehouse. However, these matters are being dealt with by United Utilities.



**MAP 1 – OVERVIEW OF PIPELINE AND CLOSURE LOCATIONS**

### 3 Policy Context

- 3.1 A key focus of the Vision for the Lake District National Park 2006–2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the orders as suggested;
  - b) Not make the orders.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure order are approximately £710+VAT plus advertising costs of generally around £200+VAT per advert.
- 7.2 There are seven orders involved here, but we should only need one advert covering them all – and this will be in the Keswick Reminder, the cheapest of the newspapers we place adverts in. I therefore calculate that the costs will be £5,000.
- 7.3 United Utilities will meet all the costs involved.

### 8 Risk

- 8.1 The major risk is if we do not make this order. The closure will safeguard United Utilities against claims from users if they were hurt using the rights of way during the works. If any such claims were submitted we may be held partly responsible for being aware of the danger to users and not taking the necessary action to protect them.

## **9 Legal Considerations**

- 9.1 As a National Park Authority, we have the power to temporarily restrict or prohibit the use of highways under section 72 of the Natural Environment and Rural Communities Act 2006. This gives National Park Authorities the power to make orders under section 14(1) of the Road Traffic Regulation Act 1984, following the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007.
- 9.2 We also have delegated power to temporarily restrict or prohibit the use of highways under section 14 of The Road Traffic Regulation Act 1984 in our agency agreement with Cumbria County Council. Traffic can be restricted or prohibited for a number of reasons, one of which is 'because works are being or are proposed to be executed on or near the road' (section 14(1)(a)).
- 9.3 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately (for each order) 15 hours from members of the Park Management teams, half an hour from the GIS technician and half an hour from a member of Legal Services. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

## **11 Sustainability**

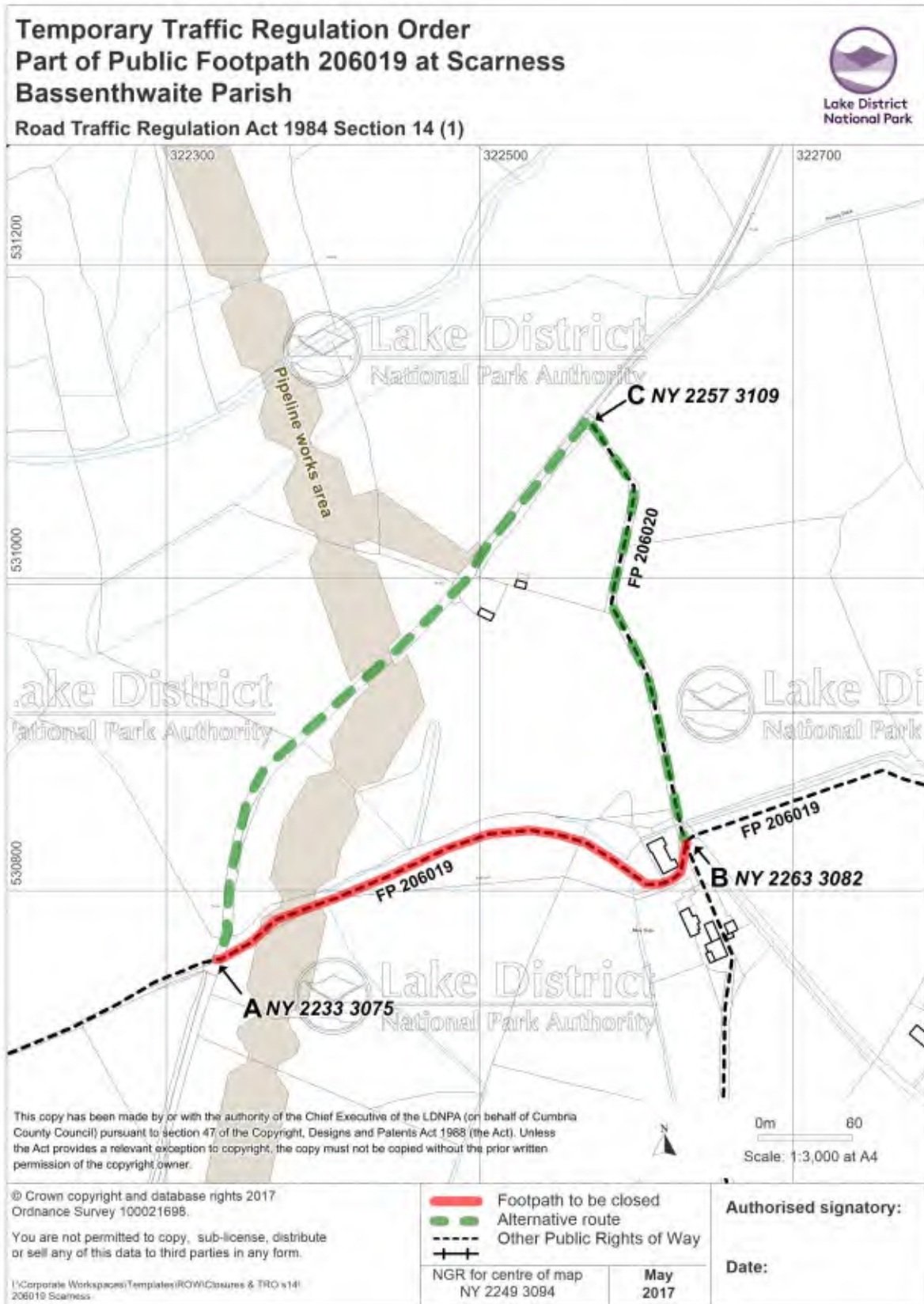
- 11.1 I have not identified any significant environmental, economic or social aspects that will affect sustainability.

## **12 Consultation Responses**

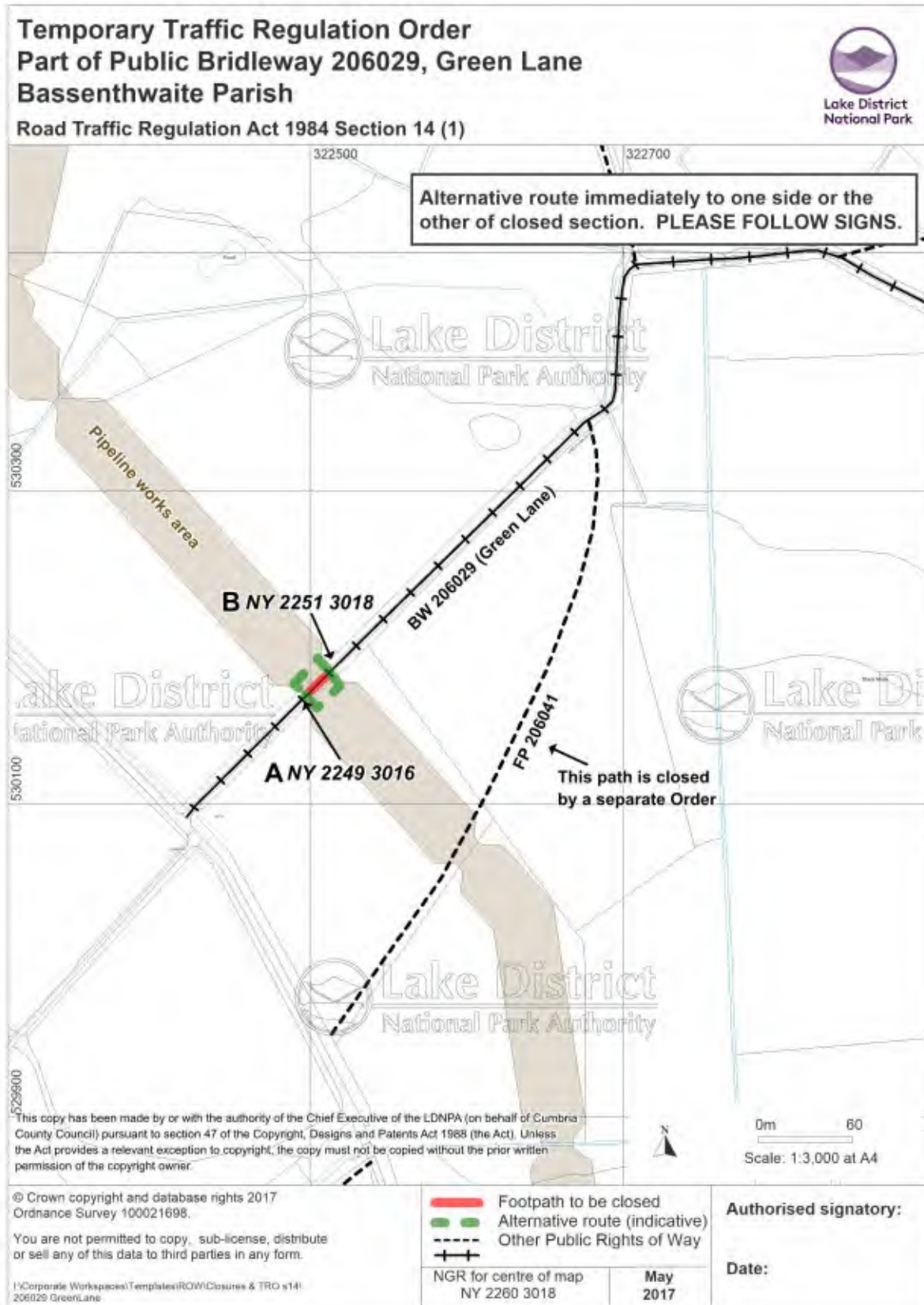
- 12.1 We consulted on the proposed closures – and have received no responses at all.

Background Papers: Case file 1410.003 (180)  
Author: Nick Thorne  
Date Written: 6 June 2017  
Version: FINAL

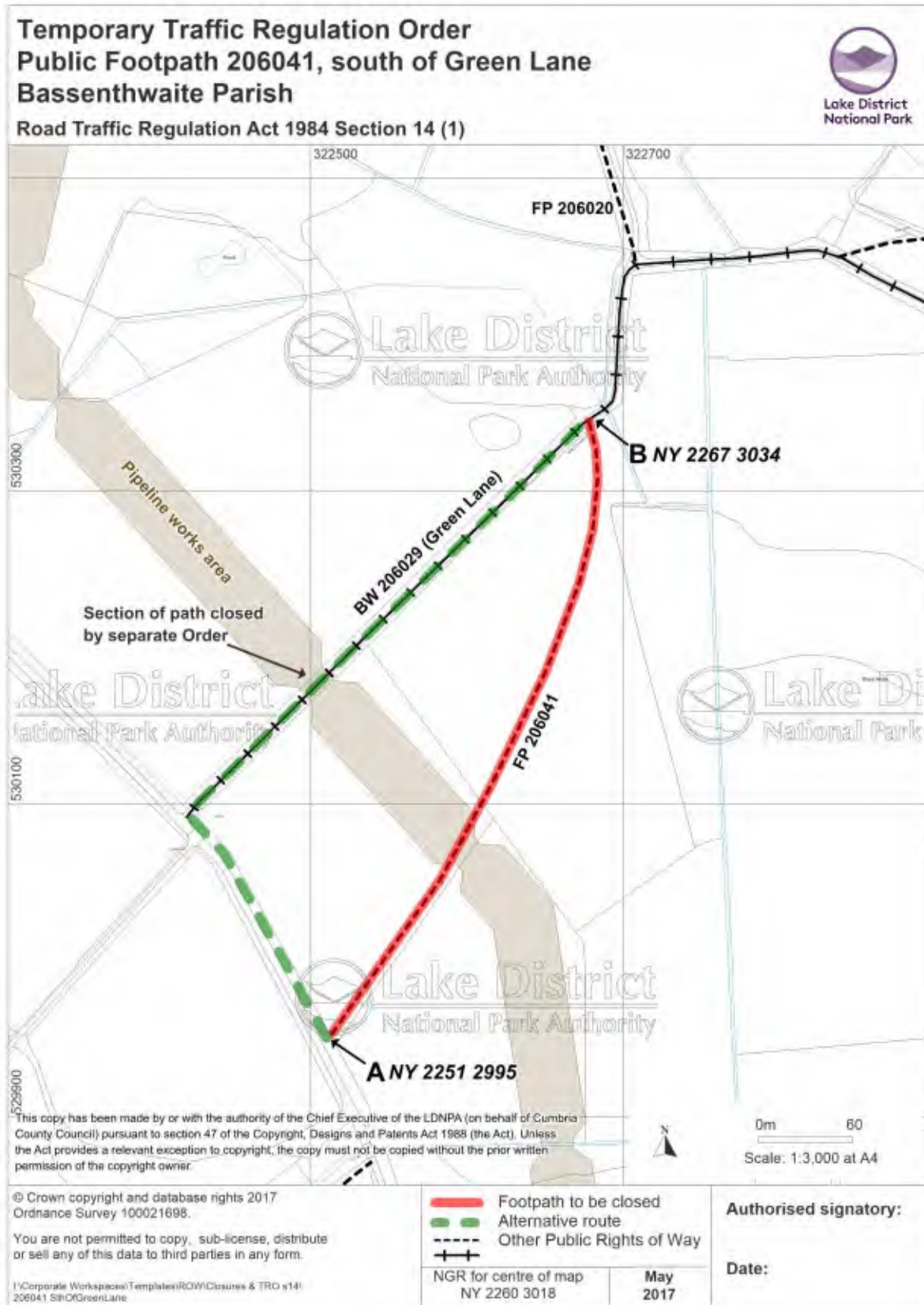
**CLOSURE LOCATION A**



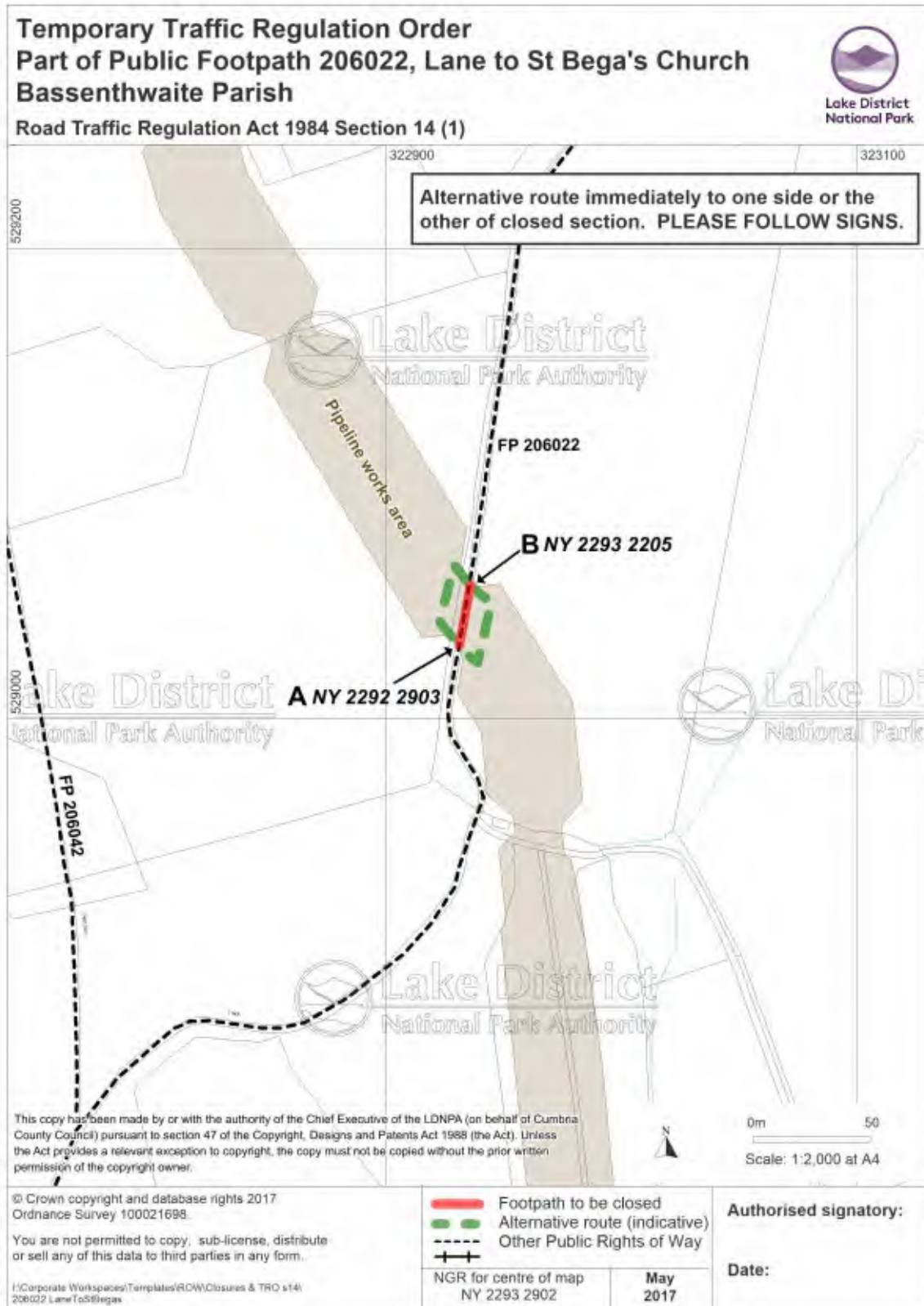
**CLOSURE LOCATION B**



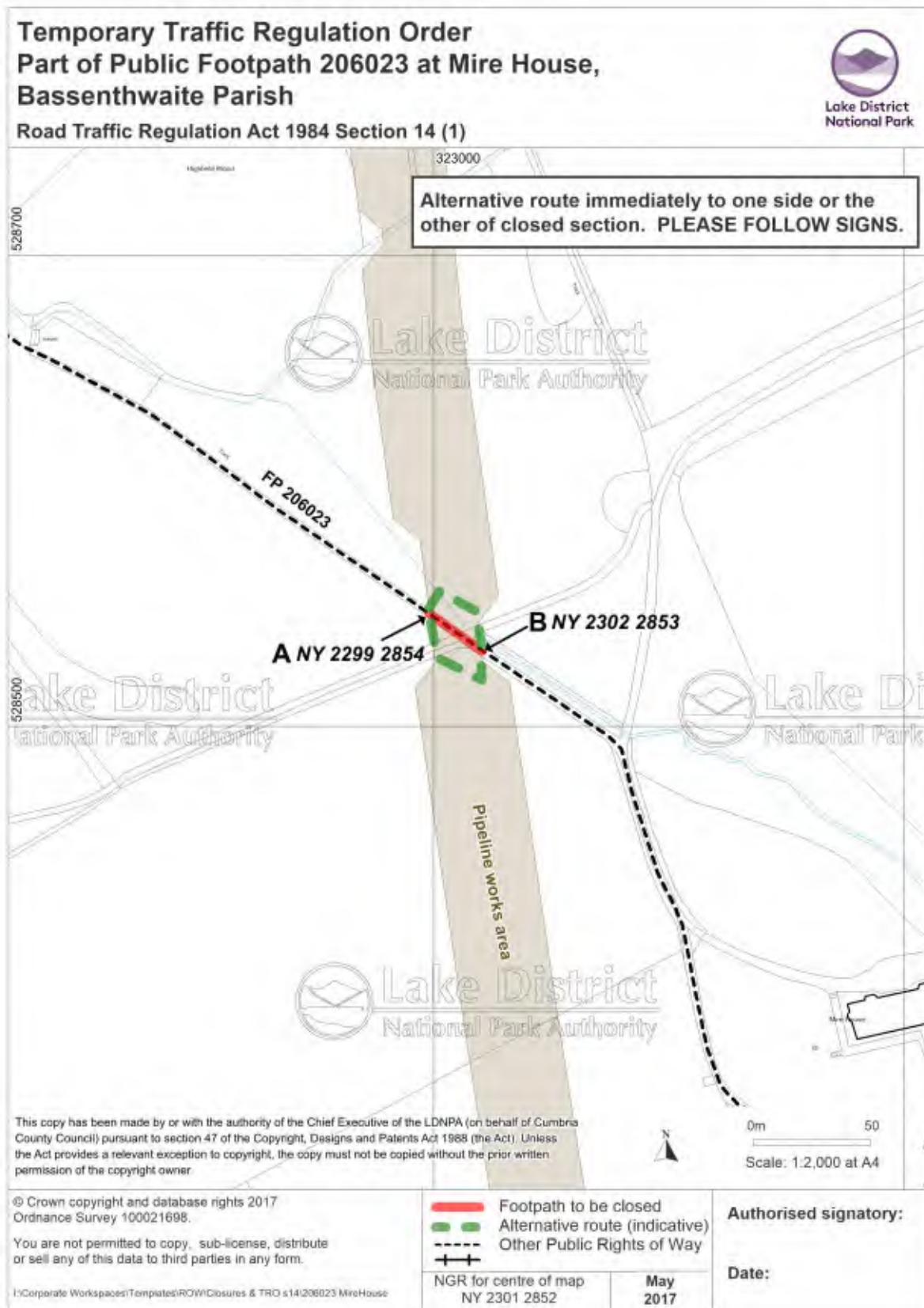
**CLOSURE LOCATION C**



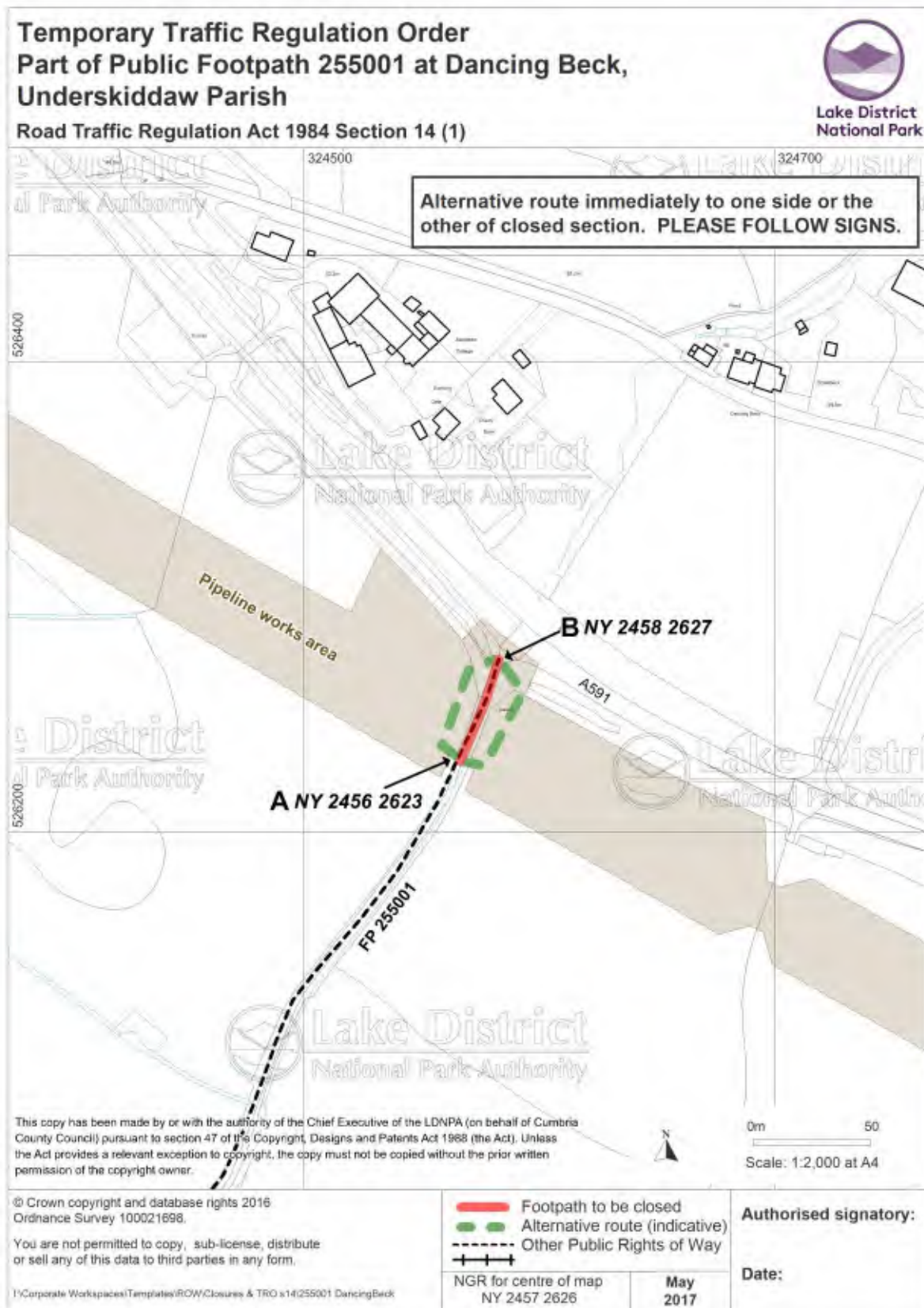
**CLOSURE LOCATION D**



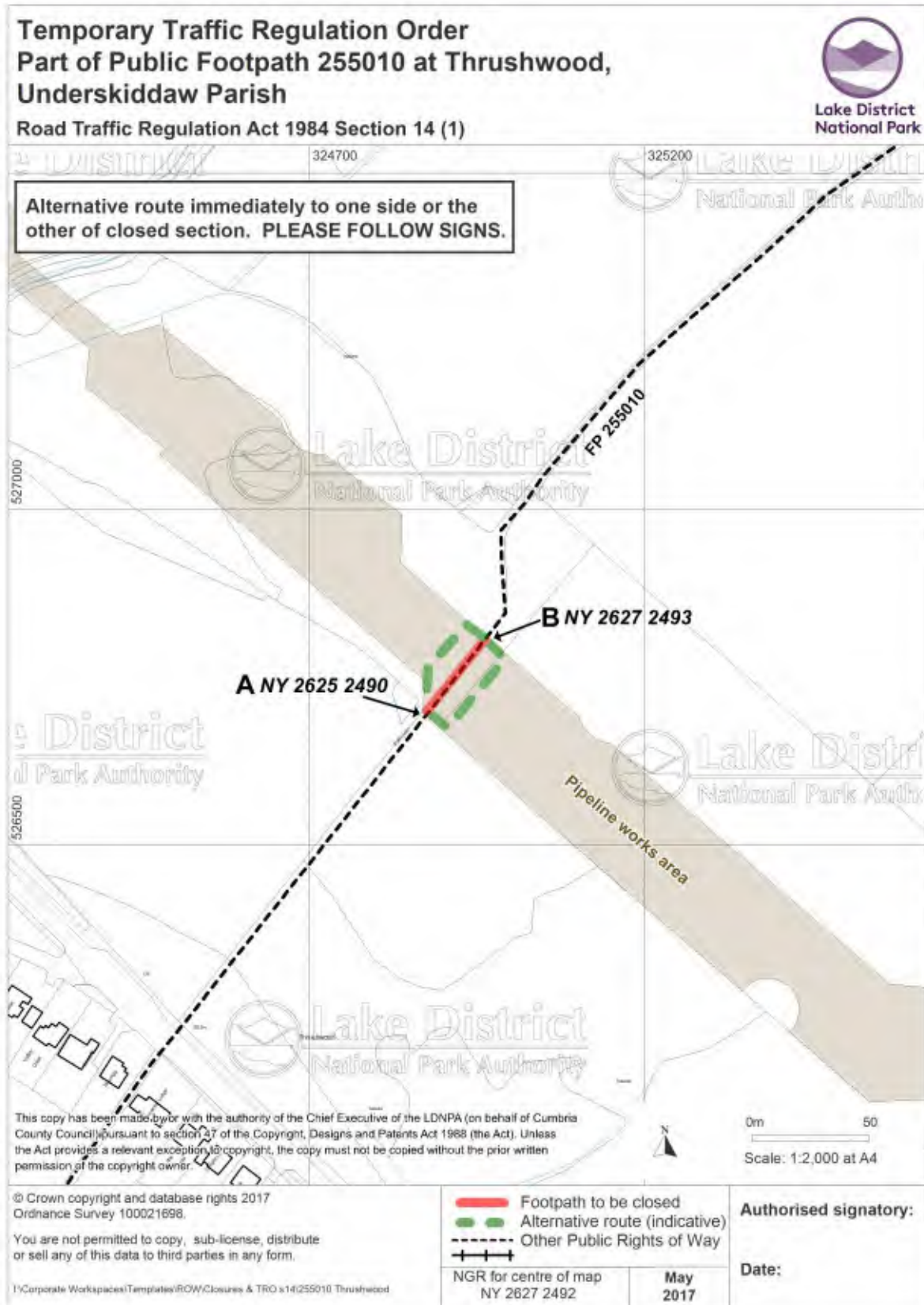
**CLOSURE LOCATION E**



**CLOSURE LOCATION F**



**CLOSURE LOCATION G**



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER: FOOTPATH 255022 AT DODD WOOD SOUTH, UNDERSKIDDAW PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	The Forestry Commission have applied for a temporary closure of part of public footpath 255022 at Dodd Wood South in Underskiddaw Parish to enable felling and thinning works.	
Details of Decision	To make a Temporary Traffic Regulation Order for the section of footpath 255002 as shown in the report	
Details of alternative options considered and rejected.	Not to make the order.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (181)	
Date of Report	20 June 2017	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	26 June 2017	

## **TEMPORARY TRAFFIC REGULATION ORDER; PUBLIC FOOTPATH 255002, DODD WOOD SOUTH, UNDERSKIDDAW PARISH**

### **1 Summary**

- 1.1 This report recommends the temporary prohibition of all traffic over part of a public footpath at Dodd Wood South in Underskiddaw Parish to enable the Forestry Commission to carry out felling and thinning.

<p><b><i>Recommendation that: we make a Temporary Traffic Regulation Order for the section of footpath 255002 as shown A-B on the plan at page 4 of this report.</i></b></p>
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### **2 Details of Request**

- 2.1 The Forestry Commission are planning to clear fell and thin an area of Dodd Wood as shown in green on Plan 1 at page 4 of this report. Because of the large scale nature of the works they consider that continued public usage of the footpath running through the site will be unsafe. The length of the footpath means that it would be difficult to employ banksmen, or other mitigation works, as walkers will take quite some time to move along the footpath from one end to the other
- 2.2 They have therefore requested a temporary closure of this footpath to enable them to carry out the planned works. The closure order would come into effect on 31 July 2017, and would be in place for six months, although the actual length of closure may be shorter than this – and the path will be re-opened if works are completed early.
- 2.3 Unfortunately, because of the size of the affected area, there are no obvious alternative routes. However, there are forestry tracks running south and west from point B that give informal access to other parts of the wood, and footpath 255023 could be used as an alternative north-south route.
- 2.4 The closures will not affect any known private rights.

### **3 Policy Context**

- 3.1 A key focus of the Vision for the Lake District National Park 2006–2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery by the Cumbria Countryside Access Partnership.

### **4 Options**

- 4.1 The options are to:
- a) Make the order
  - b) Not make the order

## 5 Proposal

5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

7.1 The costs of a temporary closure order are approximately £710+VAT plus advertising costs of around £200+VAT per advert.

7.2 The Forestry Commission have agreed to meet all the costs involved.

## 8 Risk

8.1 The major risk here is if we do not make this order. The closure will safeguard the Forestry Commission against claims from users if they were hurt using the footpath during the works. If any such claims were submitted we may be held partly responsible for being aware of the danger to users and not taking the necessary action to protect them.

## 9 Legal Considerations

9.1 As a National Park Authority, we have the power to temporarily restrict or prohibit the use of highways under section 72 of the Natural Environment and Rural Communities Act 2006. This gives National Park Authorities the power to make orders under section 14(1) of the Road Traffic Regulation Act 1984, following the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007.

9.2 We also have delegated power to temporarily restrict or prohibit the use of highways under section 14 of The Road Traffic Regulation Act 1984 in our agency agreement with Cumbria County Council. Traffic can be restricted or prohibited for a number of reasons, one of which is 'because of works are being or are proposed to be executed on or near the road' (section 14(1) (a)).

9.3 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Park Management teams, half an hour from the GIS technician and half an hour from a member of Legal Services. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social aspects that will affect sustainability.

## 12 Consultation Responses

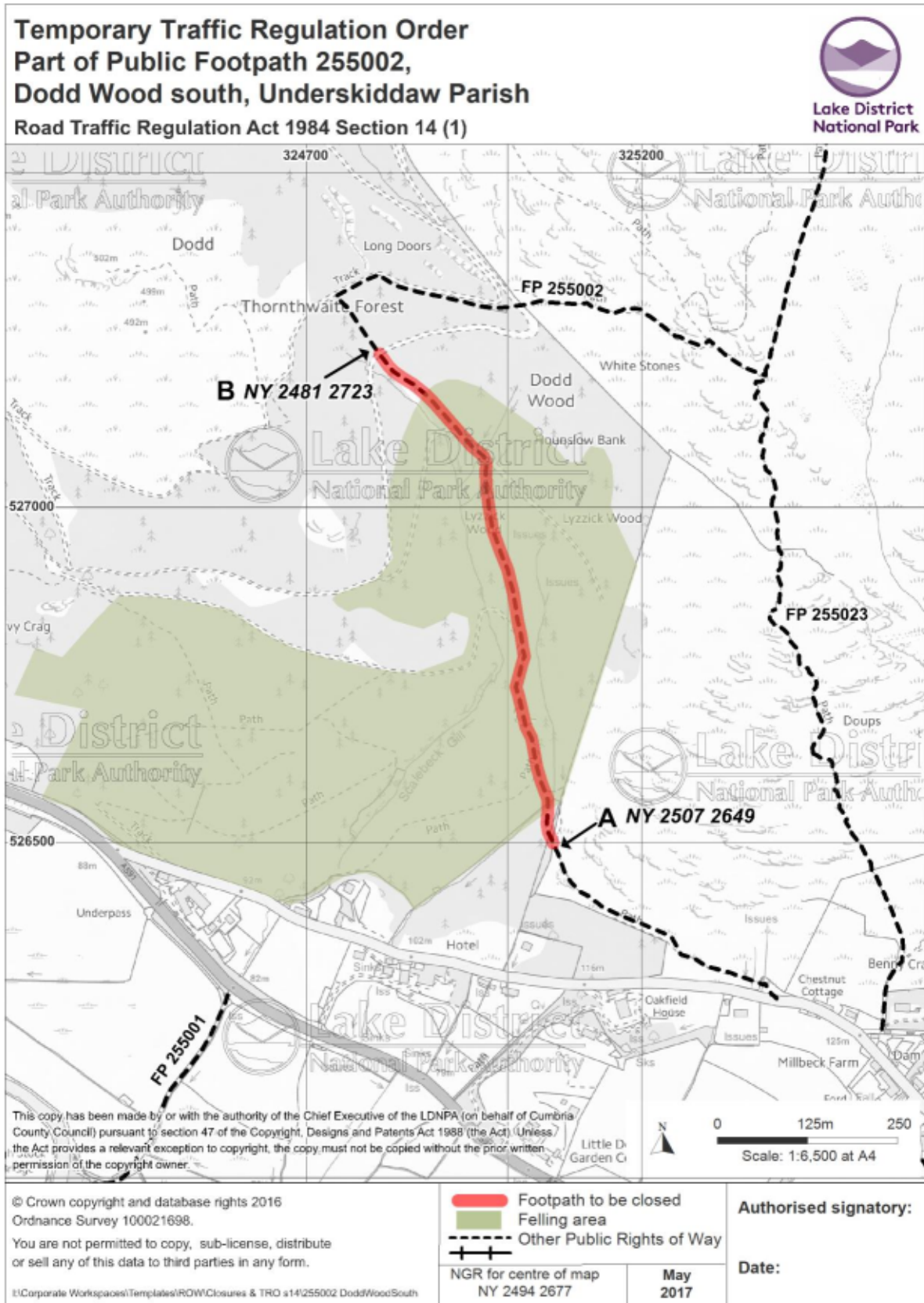
- 12.1 Comments from those responding to our consultation are summarised below

Ramblers	'This is a path that I certainly use but I can see that it would be unsafe while work is going on. My main concern is that the woodland is not completely cleared/destroyed and that the path is reinstated at the end of 6 months in a better state than it is at the moment.'
International Mountain Biking Association	'This is a very well used path by locals and is extremely beautiful. It may not be your jurisdiction but I'd hope FC had plans to reinstate sympathetically. I attach a couple of comments on other affected paths but may be wrong on both counts. The one marked in purple is well used even if it isn't officially a Footpath.' [these comments relate to the definitive status of these paths and is not directly relevant to the proposed closure] 'Also, this work may run at the same time as some of the Threlkeld to West Cumbria water supply which may further restrict RoW's in the area.'

- 12.2 Both of these comments concern the sympathetic reinstatement of the path following works. I have discussed this with the Trees & Woodland Adviser and he will contact FC to ensure that the route is properly reinstated after works. One consultee also refers to the timing of this closure being potentially at the same time as the nearby temporary closures of paths in Underskiddaw and Bassenthwaite parishes due to the West Cumbria Pipeline Project. However the latter are merely re-routing paths during works, so the impact will be minimal.

Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
--

Background Papers: Case file 1410.003 (181)  
Author: Sarah Blakemore, Rights of Way & Access Assistant  
Date Written: 20 June 2017  
Version: FINAL



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  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDERS FOR ROUTES TO RESILIENCE PROJECT BRIDGE REPLACEMENT WORKS AT FROST HOLE, BIRK FIELD AND SPRINGS WOOD</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We are currently implementing the 'Routes to Resilience' flood recovery project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events.	
Details of Decision	That we make three Traffic Regulation Orders to temporarily close various rights of way for bridge replacement works at Frost Hole (Footpath 561008/575029), Birk Field (Footpath 561009/575016) and Springs Wood (Footpath 238036/249058) as shown on the plans attached to the report, for a period of 6 months from 22 July 2017	
Details of alternative options considered and rejected.	For each location: <ul style="list-style-type: none"> <li>• Not to make the order</li> <li>• Make an order restricting either a longer or shorter section of the paths.</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (182) – Frost Hole Case file 1410.003 (183) – Birk Field Case file 1410.003 (184) – Springs Wood	
Date of Report	3 July 2017	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	

## TEMPORARY TRAFFIC REGULATION ORDERS FOR ROUTES TO RESILIENCE PROJECT BRIDGE REPLACEMENT WORKS AT FROST HOLE, BIRK FIELD AND SPRINGS WOOD

### 1 Summary

- 1.1 This report recommends that we make three orders to temporarily prohibit traffic at the locations listed below to enable bridge replacement works as part of the Routes to Resilience Project for flood recovery work.
- Footpath 561008/575029 at Frost Hole (Strickland Roger and Over Staveley Parishes)
  - Footpath 561009/575016 at Birk Field (Strickland Roger and Over Staveley Parishes)
  - Footpath 238036/249058 at Springs Wood (Keswick Parish and St John's, Castlerigg & Wythburn Parish).

**Recommendation:** *That we make three Traffic Regulation Orders to temporarily close various rights of way for bridge replacement works at Frost Hole, Birk Field and Springs Wood as shown on the attached plans, for a period of 6 months from 22 July 2017.*

### 2 Background

- 2.1 We are currently implementing the 'Routes to Resilience' flood recovery project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events. As part of this project, we are planning the following works:
- Replacing an existing bridge at Frost Hole
  - Replacing an existing bridge at Birk Hole
  - Replacing a missing bridge at Springs Wood, in Keswick and St John's, Castlerigg & Wythburn Parishes.
- 2.2 We think that it will be necessary to temporarily close sections of rights of way at each location whilst the works are taking place. At Frost Hole and Birk Field the works involve complete removal of the bridge structure and deep excavation of the existing culvert to increase its capacity, and because of the extent of this work it would not be possible to put in a temporary crossing anywhere nearby. At Springs Wood there will be a large amount of machinery present either side of the bridge location, and we think it will be necessary to close the route to enable the works to be carried out safely.
- 2.3 The orders would be in place for 6 months, but the actual closures would only be in effect when works are taking place. At all three locations it is expected that the works would take approximately two weeks to complete on site.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to

people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.

- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

## 4 Options

- 4.1 For each of the three locations, the options are to:
- a) Make the order
  - b) Not make the order
  - c) Make an order restricting either a longer or shorter section of the paths.

## 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

- 7.1 The cost of making each temporary closure order is approximately £710 plus the costs of two newspaper adverts. These costs cover staff time, stationery and postage.
- 7.2 We will meet the costs of making and advertising the order, as this is not reclaimable through the R2R programme.

## 8 Risk

- 8.1 The major risk associated with this is if we do not make the orders. The closures will safeguard the potential users of the rights of way, and enable the bridge replacement works to be carried out.

## 9 Legal Considerations

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on this path is within section 14(1)(a) of the Road Traffic Act 1984 - namely because of works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately 36 hours from members of the Park Management team, 1.5 hours from the GIS technician and 1.5 from a member of Legal Services team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

## 12 Consultation Responses

- 12.1 There were no comments on the proposed closures at Birk Field and Frost Hole. We received one response regarding the Springs Wood closure, as follows:

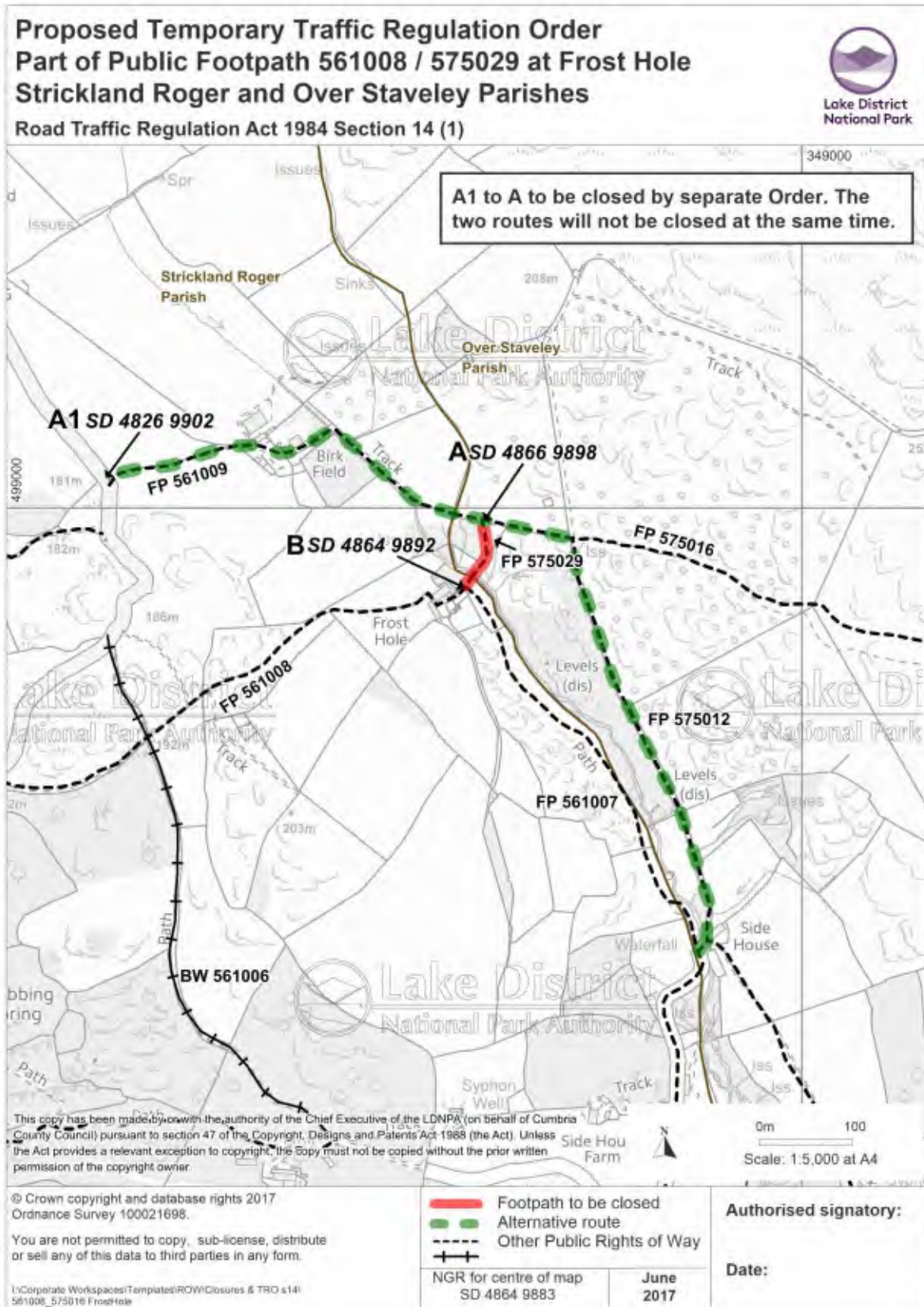
Consultee	Comment
Ramblers	'This looks a good solution; we do need that bridge back.'

Authorised by:  
.....  
Mark Eccles, Head of Park Management  
Date.....

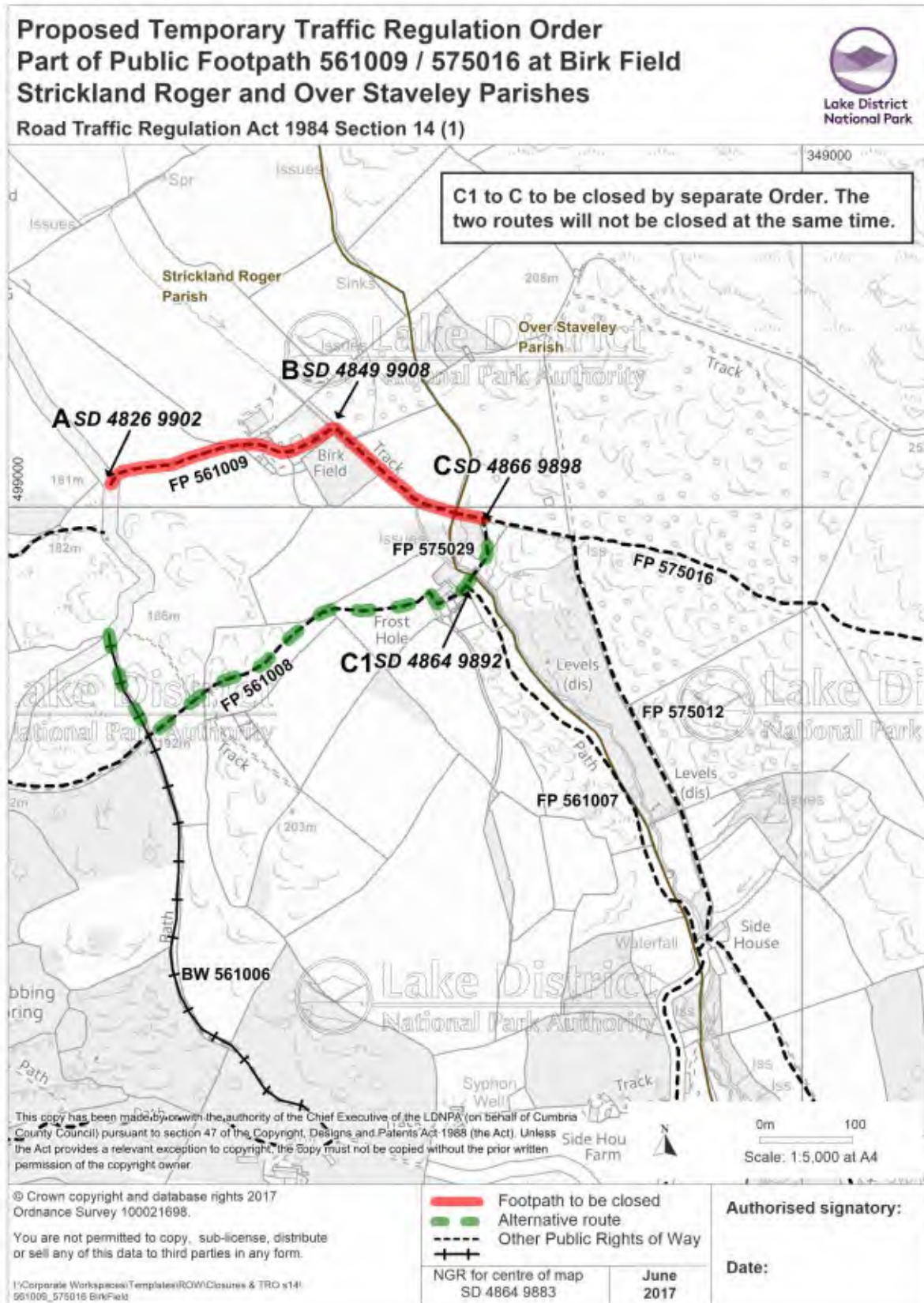
Background Papers      Case file 1410.003 (182) – Frost Hole  
                                 Case file 1410.003 (183) – Birk Field  
                                 Case file 1410.003 (184) – Springs Wood

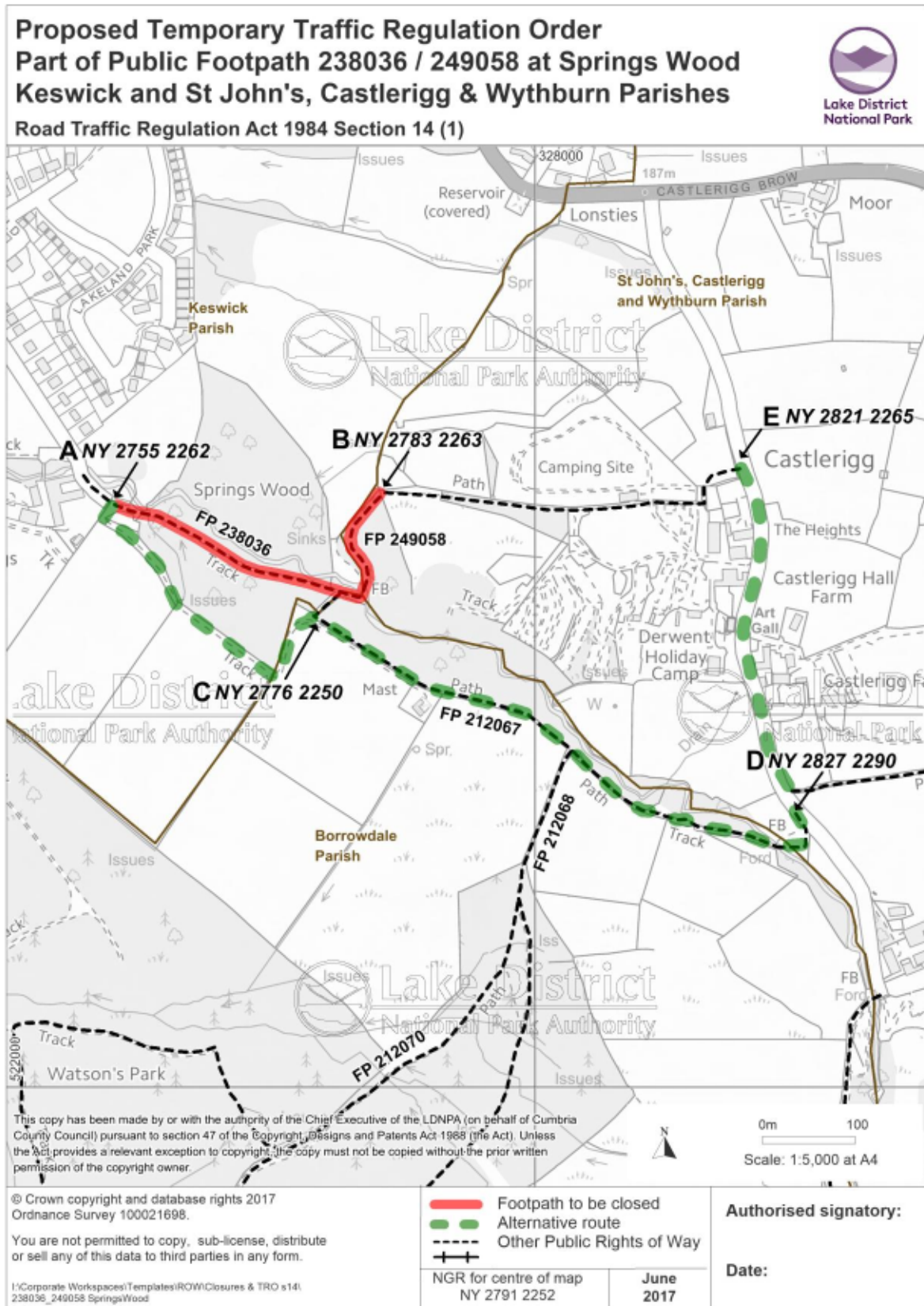
Author:                      Sarah Blakemore  
Date Written:              3 July 2017  
Version                      FINAL

**Plan 1: Frost Hole**



**Plan 2: Birk Field**





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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE; FP 545023 NORTH OF TROUTBECK CHURCH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	A badger sett underneath Footpath 545023, has collapsed resulting in holes in the surface making the path unsafe for users.	
Details of Decision	That we issue a Temporary Traffic Regulation Notice for part of footpath 545023, as shown A to B on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to issue the Notice.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	Case file 1410.003 (186)	
Date of Report	12 July 2017	
Signature of authorising officer	Chris Tomlin, Acting Head of Park Management	
Date	12 July 2017	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATH 545023, NORTH OF TROUTBECK CHURCH, TROUTBECK PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over a section of footpath 545023 because of the danger to the public from holes in the path surface due to a collapsed badger sett.

**Recommendation:** *That we issue a Temporary Traffic Regulation Notice for part of footpath 545023, as shown A to B on the attached plan.*

### 2 Details of Temporary Closure

- 2.1 A badger sett underneath Footpath 545023 has collapsed resulting in holes in the surface making the path unsafe for users.
- 2.2 Park Management staff have contacted Natural England regarding obtaining a licence to repair the path, however this may take some time to be granted. We consider that if we keep the path open with a temporary covering over the existing holes, we would need to check the path daily to make sure no new dangerous holes have appeared. We do not have resources to do this so we think we should make an emergency temporary closure, to take effect immediately
- 2.3 We will place site notices showing an alternative route via bridleway 545026 and the public road as shown A-C-D-E-B on the attached plan.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- Issue the notice
  - Not issue the notice.

## 5 Proposal

5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

7.1 The costs of a temporary closure notice are approximately £135 + VAT which cover staff-time, stationery and postage.

## 8 Risk

8.1 The major risk associated with this is if we do not make this notice. The closure notice will safeguard the potential users of the footpath.

## 9 Legal Considerations

9.1 There relevant ground for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer-term order if necessary.

9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

10.1 The work involved in this proposal is approximately one hour from a member of the Park Management team, 30 minutes from the GIS technician, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

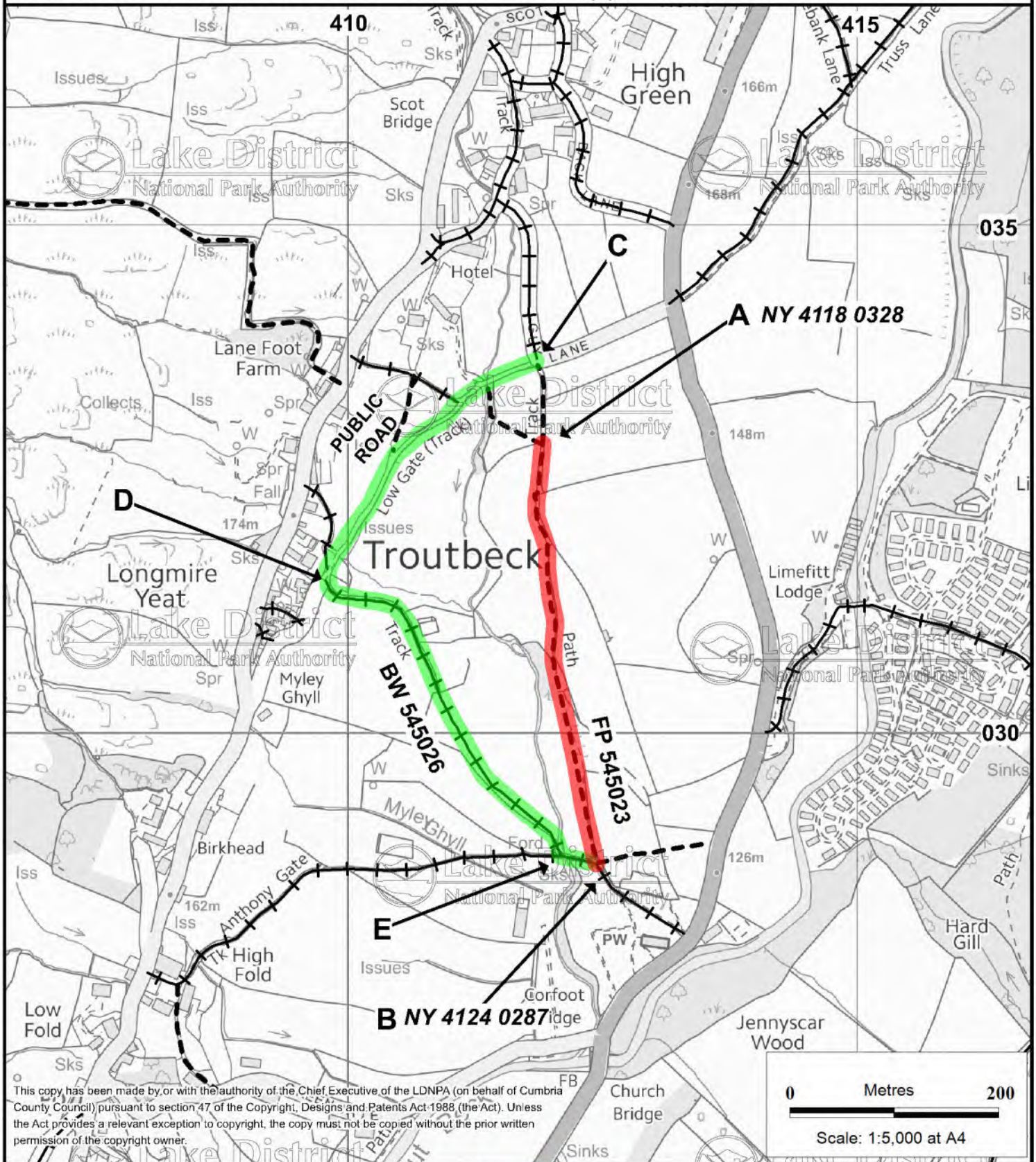
- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:  ..... Chris Tomlin, Acting Head of Park Management  Date.....
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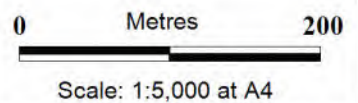
Background Papers	Case file 1410.003 (186)
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	12 July 2017
Version	FINAL

# TEMPORARY CLOSURE OF PART OF FOOTPATH 545023, NORTH OF TROUTBECK CHURCH, TROUTBECK PARISH.

ROAD TRAFFIC REGULATION ACT 1984 SECTION 14 (2)



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- Footpath closed A-B
- Alternative route A-C-D-E-B
- - - Other Public Rights of Way

NGR for centre of map  
NY 4117 0315

**Authorised signatory:**  
  
**Date:**

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER; FP 545023 NORTH OF TROUTBECK CHURCH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	A badger sett underneath Footpath 545023, has collapsed resulting in holes in the surface making the path unsafe for users.	
Details of Decision	That we make a Temporary Traffic Regulation Order for part of footpath 545023, as shown A to B on the plan attached to the report, lasting for a period of 6 months from 1 August 2017.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Extend the current 21 day emergency closure for a further 21 days</li> <li>• Not make the Order</li> <li>• Make an order restricting a greater or lesser length of the footpath</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	Case File 1410.003 (187) - Order Case file 1410.003 (186) – Previous Notice	
Date of Report	24 July 2017	
Signature of authorising officer	Mark Eccles, Head of Park Management	
Date	24 July 2017	

## TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATH 545023, NORTH OF TROUTBECK CHURCH, TROUTBECK PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over a section of footpath 545023 because of the danger to the public from holes in the path surface due to a collapsed badger sett.

**Recommendation:** *That we make a Temporary Traffic Regulation Order for part of footpath 545023, as shown A to B on the attached plan, for a period of 6 months from 1 August 2017.*

### 2 Background

- 2.1 A badger sett underneath Footpath 545023 has collapsed resulting in holes in the surface making the path unsafe for users.
- 2.2 On 12 July 2017 we issued a 21 day emergency closure. This current notice expires on 1 August. This may be extended for a further period of 21 days, and we have the option for one further 21 day extension. Alternatively, section 15(8)(b)(i) of the Road Traffic Regulation Act 1984 allows us to continue the restriction by making an Order.
- 2.3 Park Management staff have contacted Natural England (NE) to obtain a licence to repair the path (due to restrictions protecting badgers and setts). However this may take some time to be granted, and will require a site visit by NE. We have considered if we could make the path safe to reopen it rather than continue with the restriction. We consider that if we keep the path open with a temporary covering over the existing holes, we would need to check the path daily to make sure no new dangerous holes have appeared. We do not have resources to do this so we think that the current emergency closure will need to be extended. As it is highly unlikely that the situation will be resolved within a further period of 21 days, it appears that a longer term closure will be necessary and so it is logical to convert the temporary closure notice to an order immediately, rather than extend the notice for a further 21 days.
- 2.4 As with the previous emergency notice, we will place site notices showing an alternative route via bridleway 545026 and the public road as shown C-D-E-B on the attached plan.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.

- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

## 4 Options

- 4.1 The options are to:
- a) Extend the current 21 day closure for a further 21 days
  - b) Make the Order
  - b) Not make the Order
  - c) Make an order restricting a greater or lesser length of the footpath.

## 5 Proposal

- 5.1 I recommend option 4.1b for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £185 plus VAT. These costs cover staff time, stationery and postage. The administration costs of a temporary closure order are approximately £710 plus advertising plus VAT.
- 7.2 Because the closure was initially by means of a notice, only one advertisement is necessary, when the order is sealed, as we are not required to consult or advertise a notice of intention. Therefore the cost is slightly less than the usual cost of making an order.
- 7.3 We will meet the costs of making and advertising the order.

## 8 Risk

- 8.1 The major risk if we do not make this order is that a member of the public will be injured in an accidental fall into the holes in the path surface. We have considered if the path could be temporarily repaired and made safe whilst remaining open but we cannot see a reasonable way to achieve this satisfactorily (see 2.3 above). The path can be made safe through works, but this cannot be undertaken until consent has been given by Natural England which has not yet been granted. Therefore the closure order will safeguard the potential users of the footpath until the danger can be abated through works.

## 9 Legal Considerations

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on this path is within section 14(1) of the Road Traffic Act 1984; namely because of the likelihood of danger to the public. Section 15.8(b) allows a notice issued under section 14(2) to be converted into an order.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

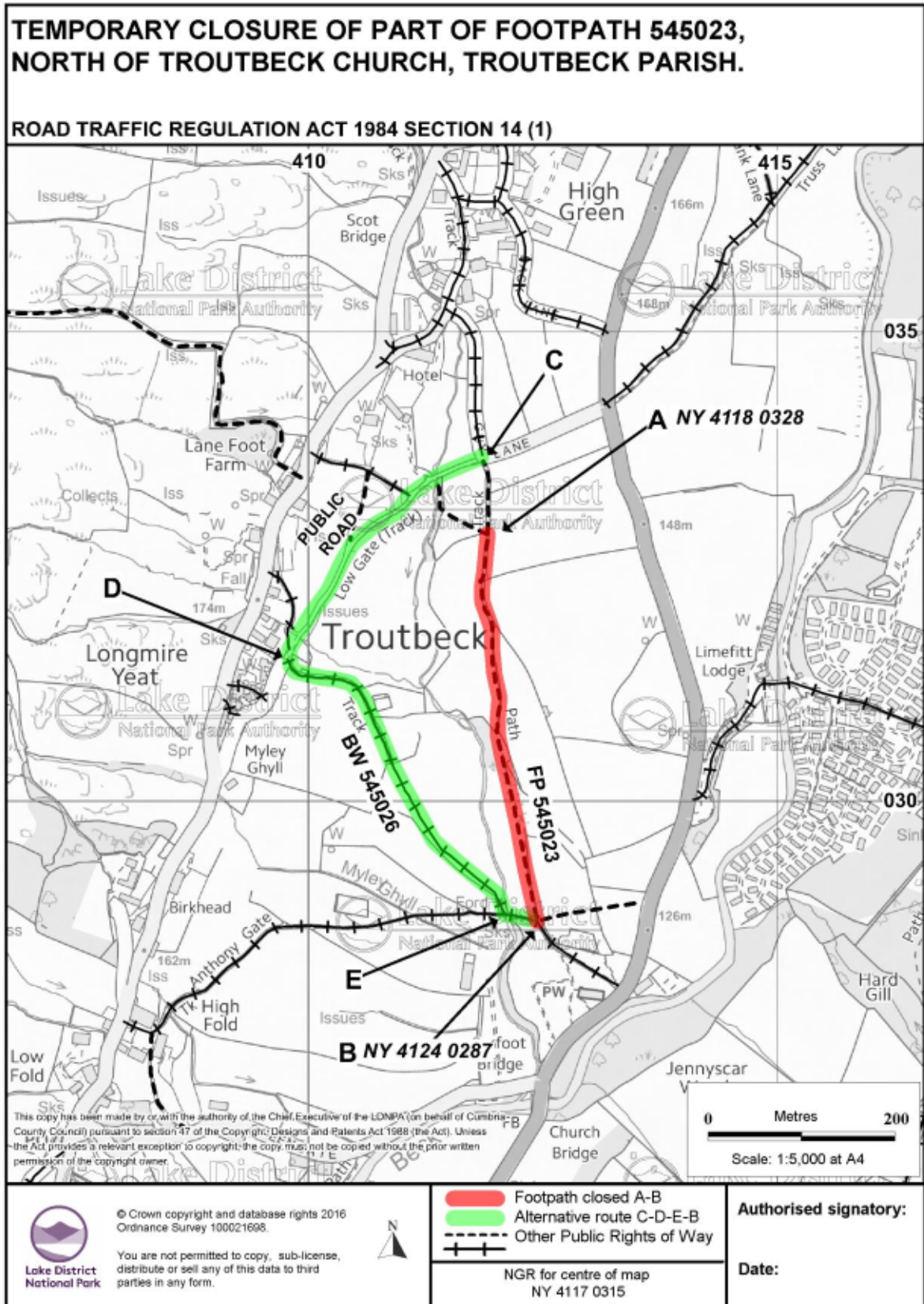
- 10.1 The work involved in this proposal is approximately 12 hours from members of the Park Management team and 30 minutes from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
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Background Papers	Case file 1410.003 (187) – Order Case file 1410.003 (186) – Previous Notice
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	24 July 2017
Version	FINAL



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>CREATION OF FOOTPATH 528041 AT HAVERTHWAITE HEIGHTS, HAVERTHWAITE PARISH</b>	
Relevant section of Scheme of Delegation	<p><b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b>  <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b></p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	We are proposing to create a new footpath in the woods at Haverthwaite Heights. We propose to dedicate the southern part of the path over land owned by LDNPA, and to enter into an agreement with the adjacent landowner to create the northern part of the path.	
Details of Decision	<p>a) We enter into a creation agreement with the owner of the land in Close Wood to create part of Footpath 528041 from C to D as shown on Map 3 attached to the report;</p> <p>b) We dedicate part of Footpath 528041 over our own land in Kirk Doors from A to B to C as shown on Map 2 attached to the report.</p>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• only dedicate the footpath over our land in Kirk Doors;</li> <li>• only enter into an agreement to create the footpath in Close Wood;</li> <li>• do not dedicate the footpath on our own land, or enter into the agreement with the adjacent landowner</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Date of Report	31 July 2017	
Background Papers	Case file 1412.528.05	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	31/7/18	

## CREATION OF FOOTPATH 528041 AT HAVERTHWAITE HEIGHTS, HAVERTHWAITE PARISH

### 1 Summary

- 1.1 We are proposing to create a new footpath in the woods at Haverthwaite Heights which will connect two existing rights of way. To achieve this, we propose to dedicate the southern part of the path over land owned by LDNPA, and to enter into an agreement with the adjacent landowner to create the northern section of the path.

**Recommendation that:**

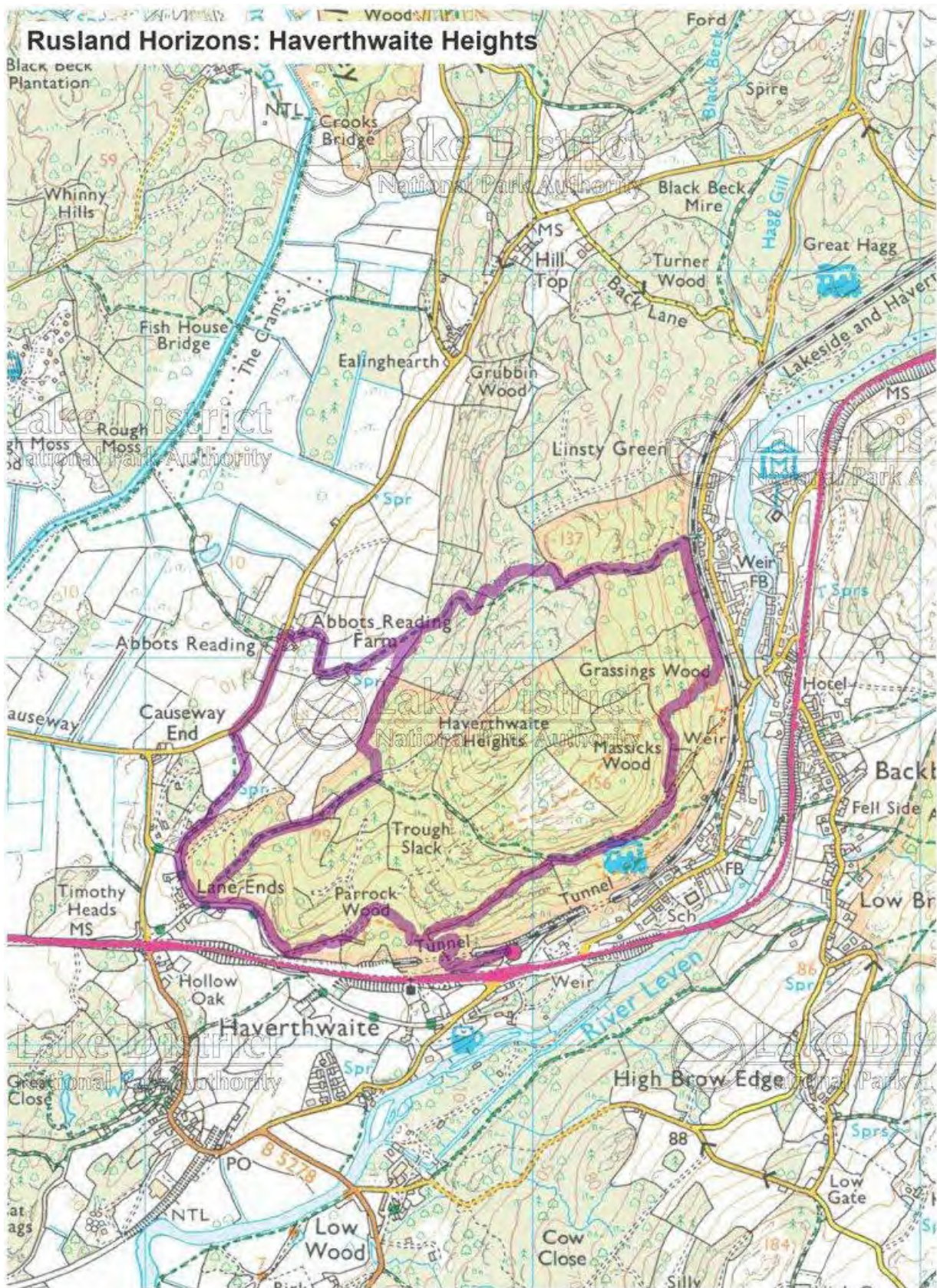
- a** *We dedicate part of Footpath 528041 over our own land in Kirk Doors from A to B to C as shown on Map 3 attached to this report;*
- b** *We enter into a creation agreement with the owner of the land in Close Wood to create part of Footpath 528041 from C to D as shown on Map 4 attached to this report.*

### 2 Background

- 2.1 We are planning to create a new public footpath in the woodland at Haverthwaite Heights which will connect two existing rights of way.
- 2.2 The new footpath will provide a link through two woodland compartments (Close Wood and Kirk Doors) linking Footpaths 528031 and FP 528023. This new link will be promoted as part of one of the Rusland Horizons Greenwood Trail routes (as shown on Map 1 overleaf).
- 2.3 To achieve this objective, we propose to dedicate a section of footpath over our own land in Kirk Doors (points A-B-C on the attached Map 3) and the owner of the adjacent land has kindly agreed to enter into an agreement to create the section in Close Wood (point C to D on attached Map 4).
- 2.4 The photos below show the location and environmental context.



### Map 1: Rusland Horizons Greenwood Trails



NGR for centre of map: SD 3484 8490

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### **3 Policy Context**

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved.
- 3.2 The Partnership's Plan is the Management Plan for the Lake District National Park which contains the policies for achieving the aims and desired outcomes for the Vision. The main delivery aim for access and rights of way is: 'Making the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors from relaxing and tranquil to adventurous and exhilarating'.
- 3.3 Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are listed at Annex 1.

### **4 Options**

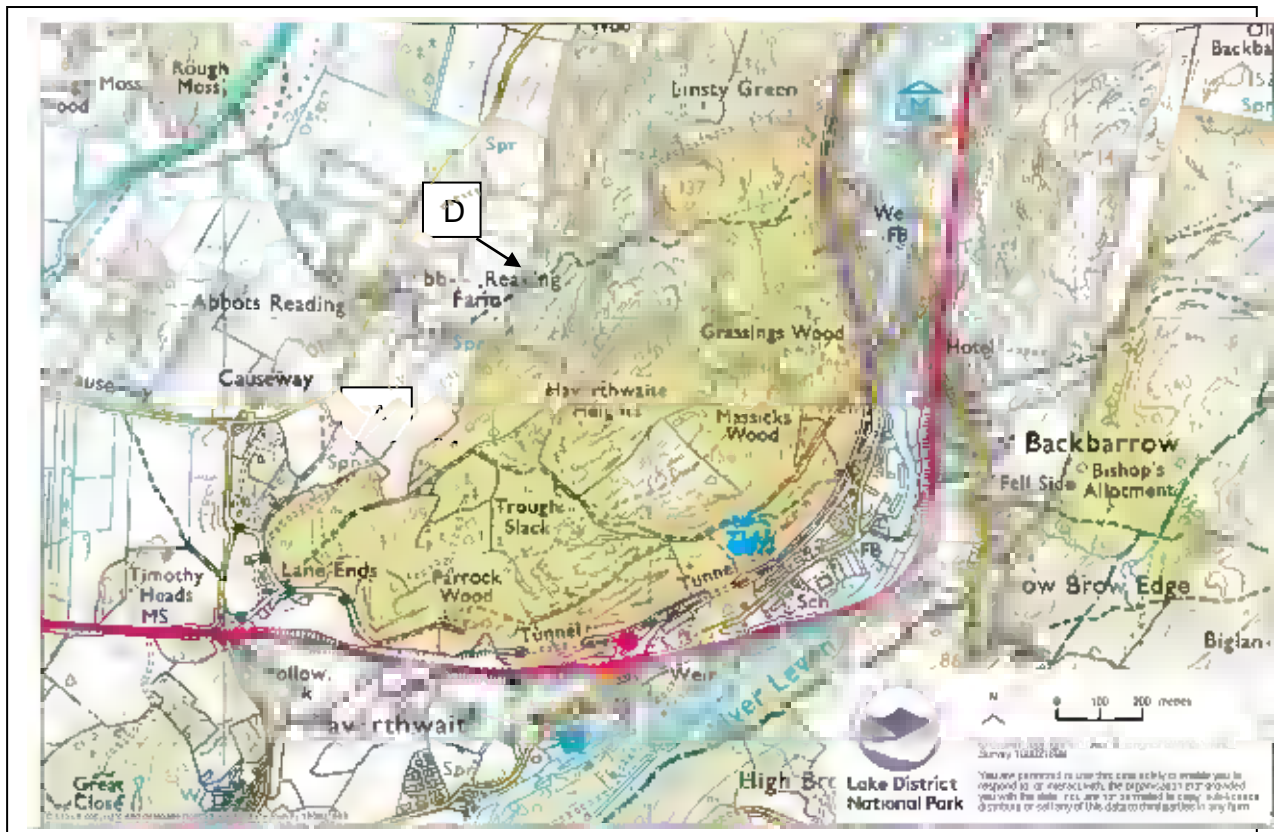
- 4.1 (a) dedicate the southern part of Footpath 528041 over our land in Kirk Doors, and enter a creation agreement with the owner of land in Close Wood to create the northern part of Footpath 528041;
- (b) only dedicate the footpath over our land in Kirk Doors;
- (c) only enter into an agreement to create the footpath in Close Wood;
- (d) do not dedicate the footpath on our own land, or enter into the agreement with the adjacent landowner.

### **5 Proposals**

- 5.1 I recommend option 4.1a for the reasons outlined below.
- 5.2 There are no specific grounds to meet when considering dedications or creation agreements, but it is probably appropriate to consider the tests that apply under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.
- Is there a need for the new path?
  - Is it a good idea to create the new path taking account of:
    - how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
    - how it will affect the rights of those with an interest in the land?

### 5.3 *Is there a need for the new path?*

5.3.1 Map 2 below shows the access network in the surrounding area, with several possibilities for circular walks being created by the new link between A and D.



**Map 2: Existing Access Network Around Haverthwaite Heights**

5.3.2 There is already dedicated open access available over the southern section over our land, but there is currently no public access north of the boundary of the open access land (point C on Maps 3 and 4). Therefore is a clear need for the northern section of the proposed path to create a continuous link between FP 528023 and FP 528031. Even though the southern section is already open access land, dedication of the right of way over this land will ensure that:

- the entire link is protected as a right of way;
- the entire link is more likely to be available at any time (as it would not be subject to any discretionary closures of CROW access);
- long term maintenance is established;
- the public will be more likely to identify it as usable link if the whole route is depicted on OS maps as a linear route rather than as a right of way terminating at an area of open access land.

However, there would be little value in dedicating the linear route over the access unless it is in combination with the creation of the northern part of the route in Close Wood, where there is no open access.

5.4 *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*

5.4.1 The new footpath will provide a link through two woodland compartments (Close Wood and Kirk Doors). This will allow people doing a circular walk from Backbarrow, to have the option to either walk down to Abbots Reading or use the new link. The woodland area at Haverthwaite Heights is well used by locals and visitors to the area

staying at the Lakeland Village Timeshare in Backbarrow, or visiting the Lakeside & Haverthwaite Railway. This new link will also be promoted as one of the Rusland Horizons Greenwood Trail routes (as shown on Map 1).

#### 5.5 *How will it affect the rights of those with an interest in the land?*

- 5.5.1 We own just over half of the land, and this is already dedicated as open access land. It is possible that the presence of a linear right of way could potentially devalue the land, but this would probably not be by a significant amount given that public open access already exists over it.
- 5.5.2 The owner of the land in Close Wood has agreed to the creation agreement, and this suggests they consider that it will not have a negative impact on their ownership.

#### 5.6 *Rights of Way Improvement Plan*

- 5.6.1 Before confirming a public path creation or diversion order we are required to have regard to any material provision of a Rights of Way Improvement Plan (ROWIP). This proposal is not a specific ROWIP proposal put forward by the public. However it is within the general ethos of the ROWIP and it fits within several actions such as creating new links for walkers (action 27) and providing short distinctively waymarked and promoted walking routes in and around where people live and visit (action 28).
- 5.7 There is no identifiable impact on the needs of agriculture and forestry in the Kirk Doors land parcel, as the land already has statutory open access. The effect on the woodland management in the Close Wood land parcel is not likely to be significant as there is already a right of way across the land just to the north.
- 5.8 We consider landscape impact, biodiversity and archaeological interests and have to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. And under section 11 of the Countryside Act 1968 we have to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. The proposals do not appear to have any effects on these aspects.

## 6 **Best Value Implications**

### 6.1 The best value implications are:

- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed creations will aid our effective management and promotion of the rights of way network and is a speedy and pragmatic method of achieving new legal routes.
- b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we can dedicate paths directly without their involvement – thereby making it speedier.
- c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process.
- d) We have **compared** our casework completion rates with other authorities. The creation will help us reach a satisfactory target of processing cases this year.

## **7 Finance Considerations**

- 7.1 The staff costs involved in the legal work are minimal, and I estimate that the staff cost for purely the legal works will be less than £500. The advertisement required will cost around £150+VAT. There will be a new wicket gate installed at point C (cost approximately £80) and two waymarker posts (approx. £20). These will be paid for from the Rusland Horizons budget (because the route will be one of the Greenwood Trails). The on-site work will be carried out by the Rusland Horizons apprentices.

## **8 Risk**

- 8.1 I have not identified any significant risks associated with the proposal.

## **9 Legal Considerations**

- 9.1 The dedication by the adjacent landowner will be made under section 25 of the Highways Act 1980 and we are able to do this under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The later modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Cumbria County Council. The action strikes a reasonable balance between private and public rights.
- 9.2 Section 5 of the National Parks and Access to the Countryside Act 1949 (as amended) imposes a duty on us (amongst other things) to promote the understanding and enjoyment by the public of the Lake District National Park.
- 9.3 Section 65(5) of the Environment Act 1995 allows the LDNPA to take any action which may accomplish the purposes specified in section 5 above, such as dedicating a public footpath on our land.

## **10 Human Resources**

- 10.1 The work involved in completing the creation agreement and dedication is approximately 18 hours from members of the Park Management teams, and 1 hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.

## **11 Diversity Implications**

- 11.1 There are no identified diversity issues. The new paths are not particularly suitable for those with limited mobility due to the gradient on the route. We are not currently planning to surface the route, and we plan to retain the natural woodland ground flora as the surface.

## **12 Sustainability**

- 12.1 I have not identified any significant environmental, economic or social effects.

### 13 Consultation Responses

13.1 We consulted the Highway Authority (Cumbria County Council) but we did not receive a response.

13.2 We received the following consultation responses from external partners:

Natural England (Senior Specialist: Public Access and Rights of Way)	'Thank you for consulting Natural England re: the above proposed dedications and I can confirm that we have no specific comments to make other than it looks to be a useful local link.'
Arboricultural Officer, South Lakeland District Council (SLDC)	'SLDC would have no objections to the proposal providing any construction works were sympathetic to the rooting areas of trees in the woodland. I would also recommend that suitable budget is allocated to assess the risk presented by trees within falling distance of the new path and for any necessary remedial works to be carried out before the footpath is brought into use.'

13.3 We responded to the comments by SLDC Arboricultural Officer as follows:

'...To clarify, the proposed route is not going to be surfaced, and will remain a woodland floor so there will be no adverse damage to the trees along the route. We have also walked the proposed route with our Trees and Woodland Adviser to check it and he didn't have any concerns regarding the trees. Please do get in touch if you have any further comments or concerns.'

We have received no further comments from SLDC.

## 14 Recommendation

- 14.1 The proposal will create a useful link in the rights of way network and allow for new circular routes in the locality of Haverthwaite Heights to the benefit of the public. In particular it will facilitate the development of the suite of Greenwood Trails in the Rusland Horizons area. The proposal has generally received the support of those who responded to our consultation, and there are no significant disadvantages or risks associated with it. I therefore recommend that we create Footpath 528041 through dedicating part of the route over our own land and entering into a creation agreement with the adjacent landowner.

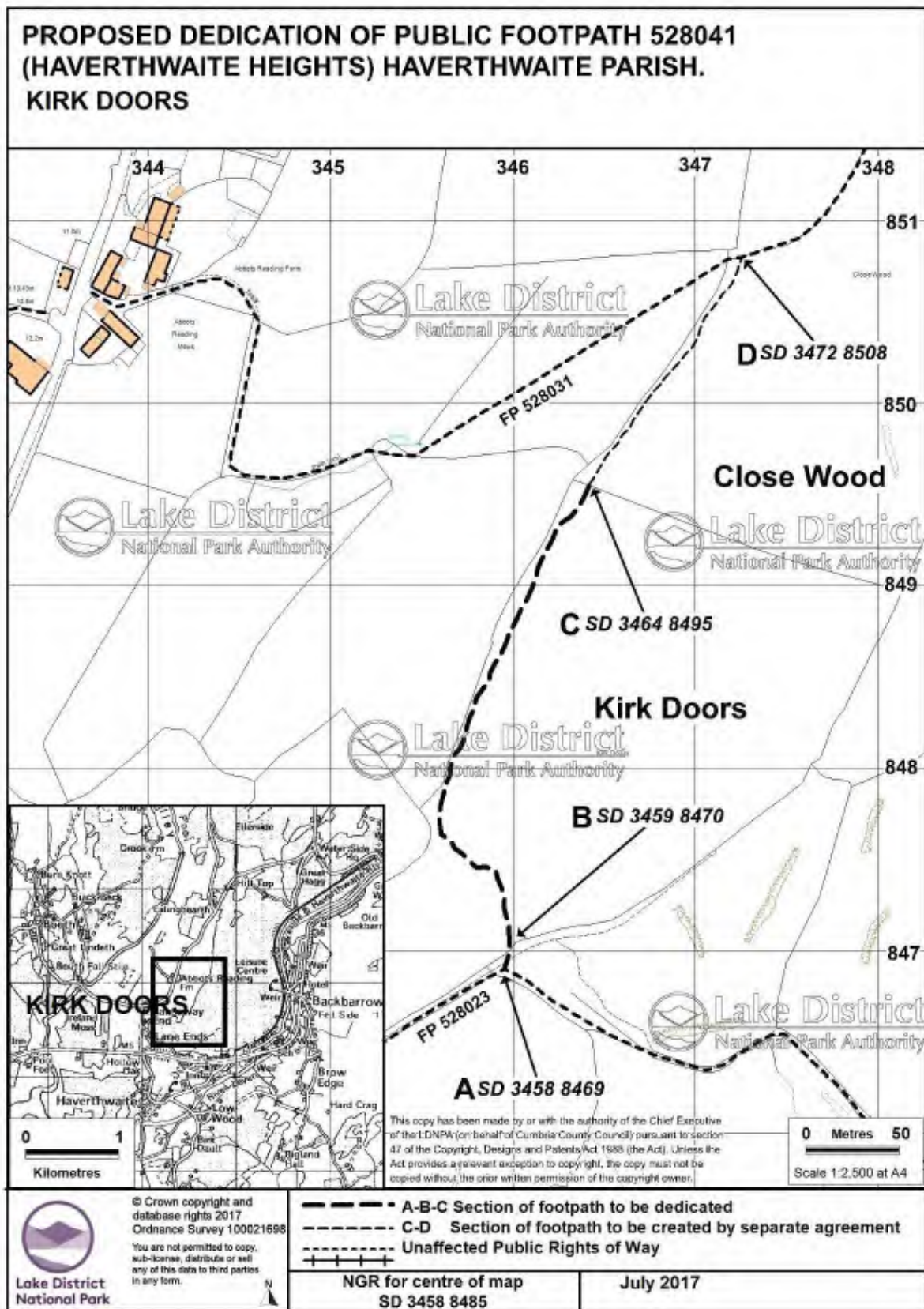
<b>Background Papers:</b>	Case file reference 1412.528.05
<b>Author:</b>	Sarah Blakemore, Rights of Way and Access Assistant
<b>Date Written:</b>	31 July 2017
<b>Version</b>	Final

Authorised by:

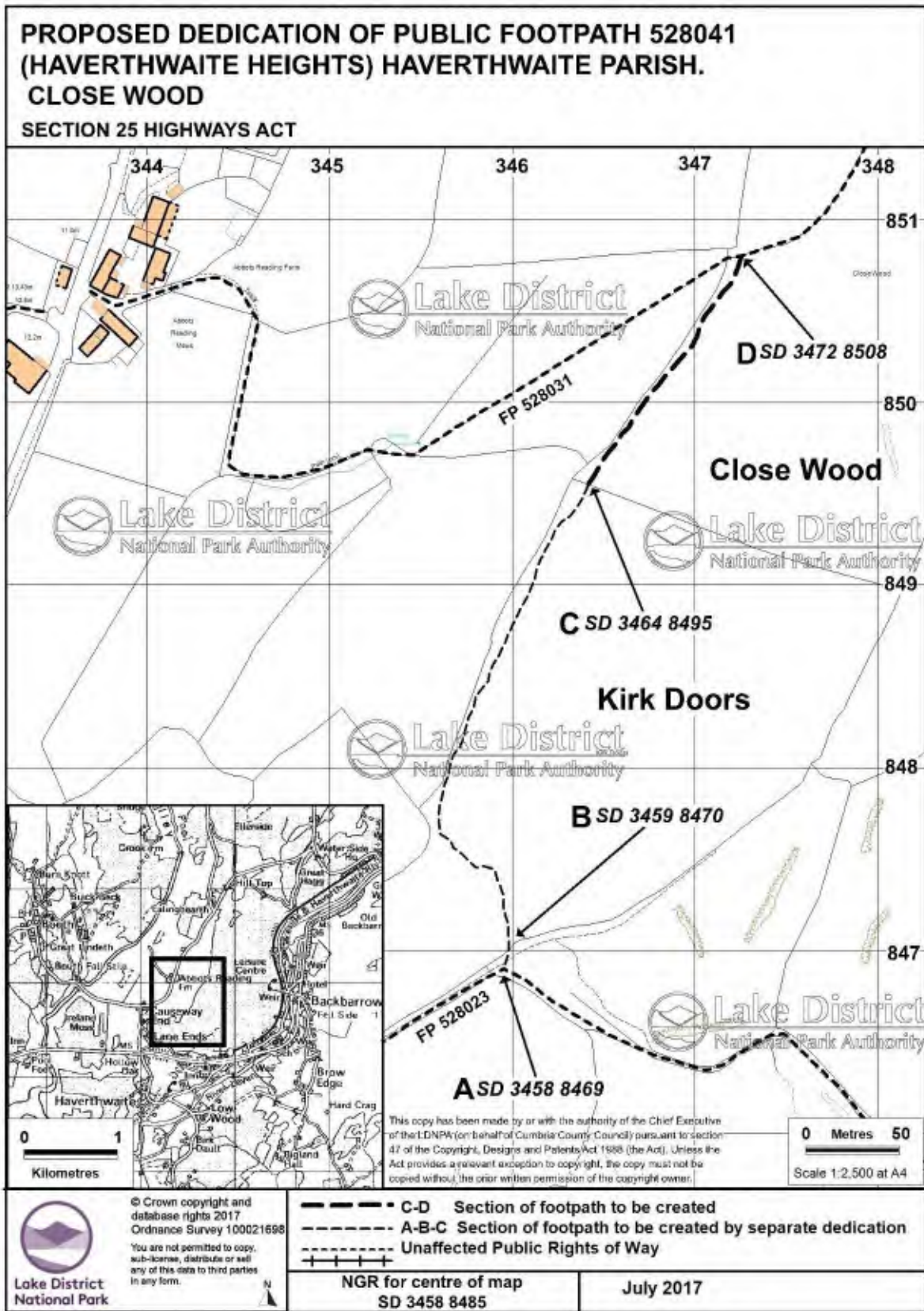
.....  
Mark Eccles , Head of Park Management

Date.....

Map 3: Site Plan Kirk Doors



**Map 4: Site Plan Close Wood**



## **Annex: Our Policies on Changes to the Public Path Network**

Policies on changing the public path network have been developed and approved by the Authority. These are listed below, and reference is made to them, where appropriate, in the later annexes.

- There will be a presumption in favour of preserving the historical integrity of the network.
- The concerns of those managing land, especially for agriculture and forestry, will be recognised where legitimate operations may affect the public's enjoyment of or safety in using a public right of way. Under schedule 6 of the Countryside & Rights of Way Act 2000, we also have to look at the impact of all changes on agriculture and forestry.
- There will be a presumption against re-alignment of cross-field paths onto routes following field edge boundaries.
- There will be a presumption against any reduction in the amount of public access in the National Park.
- Where the route in use at present differs from the definitive line, there will be a presumption in favour of restoring the original route before considering a legal diversion.
- The future maintenance and management implications of any proposed change to the network will be considered.
- Changes should, if possible enhance public benefit through enabling the better enjoyment of the cultural landscape and nature conservation interest and should not reduce the ability of the public to discover any of the special qualities / features of the National Park.

**CREATION OF PART OF FOOTPATH 528041 AT KIRK DOORS, HAVERTHWAITE HEIGHTS, HAVERTHWAITE PARISH**

**1. Summary**

1.1 This report confirms the legal event which will create a footpath on land in the ownership of the Lake District National Park Authority.

<b>Recommendation:</b>	<b><i>Part of footpath 528041 from A to B to C on land owned by the LDNPA is dedicated by the signing of this document.</i></b>
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**2. Background**

2.1 We are proposing to create a new footpath at Haverthwaite Heights, Haverthwaite Parish. To achieve this, we propose to dedicate part of the path over land owned by LDNPA, and to enter into an agreement under the provisions of section 25 of the Highways Act 1980 with the adjacent landowner to create the northern section of the path.

2.2 The scheme of delegation allows for the Head of Park Management to accept dedications of public rights of way under the Highways Act. Where the creation is through a dedication on our own land, the actual formal dedication is made by the Head of Park Management in consultation with the Authority Solicitor. The Authority Solicitor has been consulted and has approved this dedication on LDNPA land.

Background Papers: Case File 1412.528.05  
Report to Head of Park Management, 31 July 2017  
Author: Sarah Blakemore, Rights of Way & Access Assistant  
Date Written: 31 July 2017

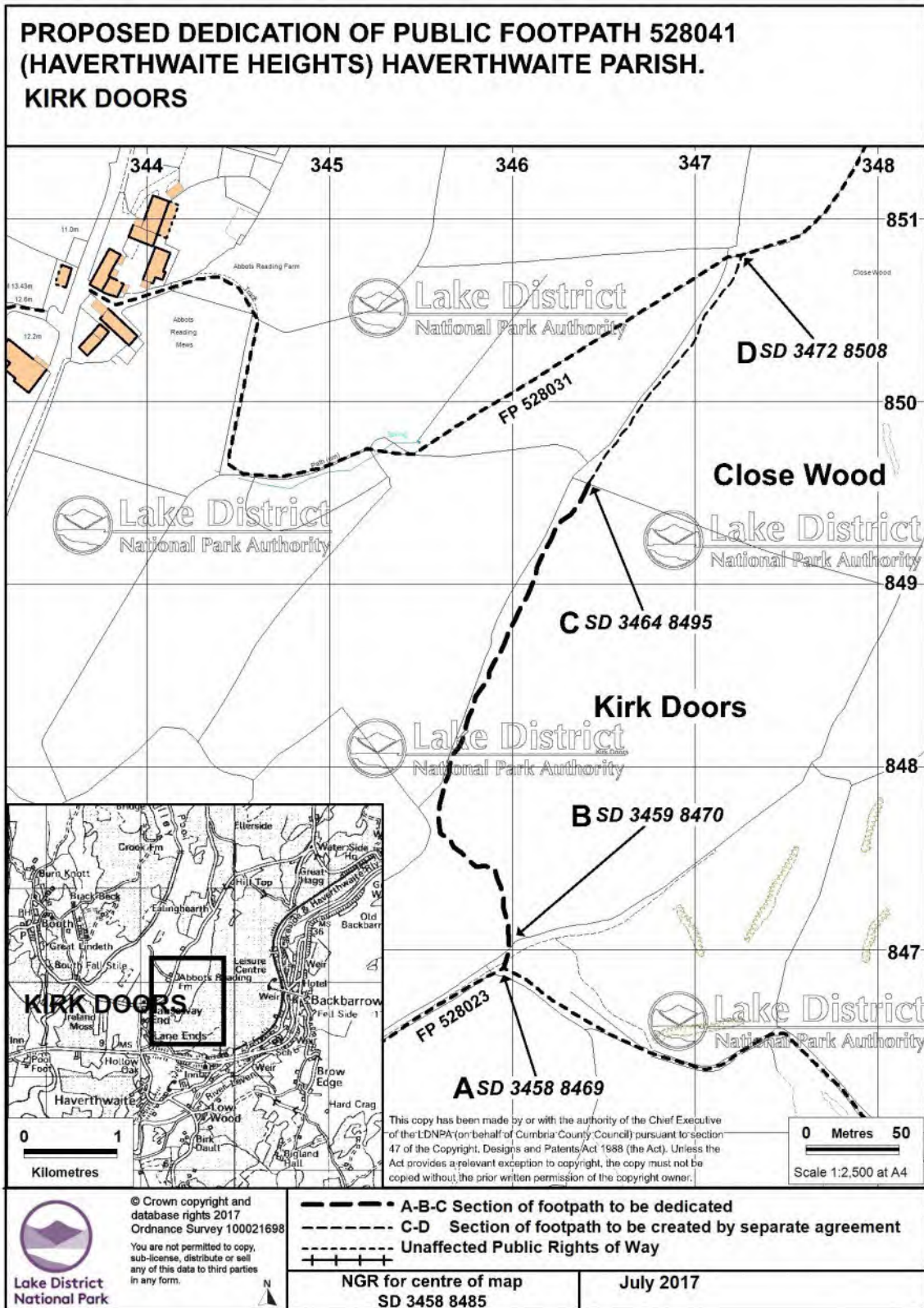
The Lake District National Park Authority hereby dedicates the following as a public footpath:

- Part of Public Footpath 528041: a strip of land 2 metres wide and around 450 metres long at Haverthwaite Heights from Footpath 528023 at SD 3458 8469 generally northwards to the northern boundary of Kirk Doors at SD 3464 8495, as shown by bold black dashes between A-B-C on the plan attached to this report.

.....  
Mark Eccles, Head of Park Management  
Date.....

.....  
Julie Wood, Authority Solicitor  
Date.....

**Map 1: Site Plan**



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDERS FOR ROUTES TO RESILIENCE PROJECT WORKS AT HALL LANE, OVER STAVELEY</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We are currently implementing the 'Routes to Resilience' flood recovery project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events.	
Details of Decision	That we make a Traffic Regulation Order to temporarily close part of Byway Open to All Traffic 561022 (Hall Lane), Over Staveley Parish, to enable culvert replacement work as shown A to B on plan attached to the report, for a period of 6 months from 16 September 2017.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Not to make the order</li> <li>• Make an order restricting either a longer or shorter section of the Byway.</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (185)	
Date of Report	7 August 2017	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	7 August 2017	

## TEMPORARY TRAFFIC REGULATION ORDER OVER BYWAY OPEN TO ALL TRAFFIC 561022 FOR ROUTES TO RESILIENCE PROJECT WORK AT HALL LANE, OVER STAVELEY PARISH

### 1 Summary

- 1.1 This report recommends that we make an order to temporarily prohibit traffic over a section of Byway Open to All Traffic 561022 (Hall Lane) to enable work to replace a culvert, as part of the Routes to Resilience Flood Recovery Project.

**Recommendation:** *That we make a Traffic Regulation Order lasting for a period of 6 months from 16 September 2017 to temporarily close part of Byway 561022, Hall Lane, Over Staveley, as shown A to B on the attached plan, to enable replacement of a culvert as part of Routes To Resilience Flood Recovery works.*

### 2 Background

- 2.1 We are currently implementing the 'Routes to Resilience' Flood Recovery Project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events.
- 2.2 As part of the Project, we are planning works at Hall Lane, Over Staveley, including:
- Removal of two 1 metre concrete pipes and replacement with a precast concrete box culvert
  - Drainage remedial work and improvements over at several points on the route
  - Surface improvements over a 600m section of the route.

**Photo 1:**  
Concrete pipes to be removed and replaced with precast box culvert.



- 2.3 We think that we can accommodate continued public access where the surfacing and drainage works are taking place and these sections of the Byway will remain open throughout the work programme. However we think that it will be necessary to temporarily close the short section where the culvert is being replaced during that part of the work programme. This will be necessary because the full width of the byway needs to be removed to access and remove the culverts. It would be very difficult to put in a temporary crossing anywhere in the immediate vicinity of the culvert to accommodate path users whilst the culvert is removed and replaced.

- 2.4 We have arranged an alternative route with a temporary crossing point in an adjacent field. Unfortunately this would not be suitable for vehicular users of the Byway due to the ground conditions. Therefore the alternative route will be available for walkers, cyclists and horseriders only.
- 2.5 The order would be in place for six months, starting from 16 September 2017, but the actual closure would be in effect only when the culvert replacement is taking place on site. It is expected that this will take approximately one to two weeks to complete.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the order
  - b) Not make the order
  - c) Make an order restricting either a longer or shorter section of the Byway.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## **7 Finance Considerations**

- 7.1 The cost of making a temporary closure order is approximately £710 plus the costs of two newspaper adverts. These costs cover staff time, stationery and postage.
- 7.2 Our time, which is the bulk of the cost, is being logged to the R2R project, and is reclaimable. However, we will have to meet the costs of the advertisements as this is not reclaimable.

## **8 Risk**

- 8.1 The major risk if we do not make the order is that a path user could be injured by works or machinery or by the lack of a crossing point on the Byway whilst the culvert is being removed. Additionally the presence of path users may compromise the efficiency of the works through additional health and safety requirements where the public are present in the immediate vicinity. Therefore the proposed temporary closure will safeguard potential users of the Byway, and enable the culvert replacement works to be carried out safely and efficiently. The provision of a nearby alternative route for walkers, cyclists and horseriders means that this will be achieved with the least possible inconvenience to the public.

## **9 Legal Considerations**

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on this path are within section 14(1)(a) of the Road Traffic Act 1984 - namely because of works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 12 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 from a member of Legal Services team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

## 12 Consultation Responses

- 12.1 We did not receive any comments on the proposed temporary closure, other than a comment from Cumbria County Council regarding a technical issue with consultation site plan, which has now been corrected in the final version attached to this report.

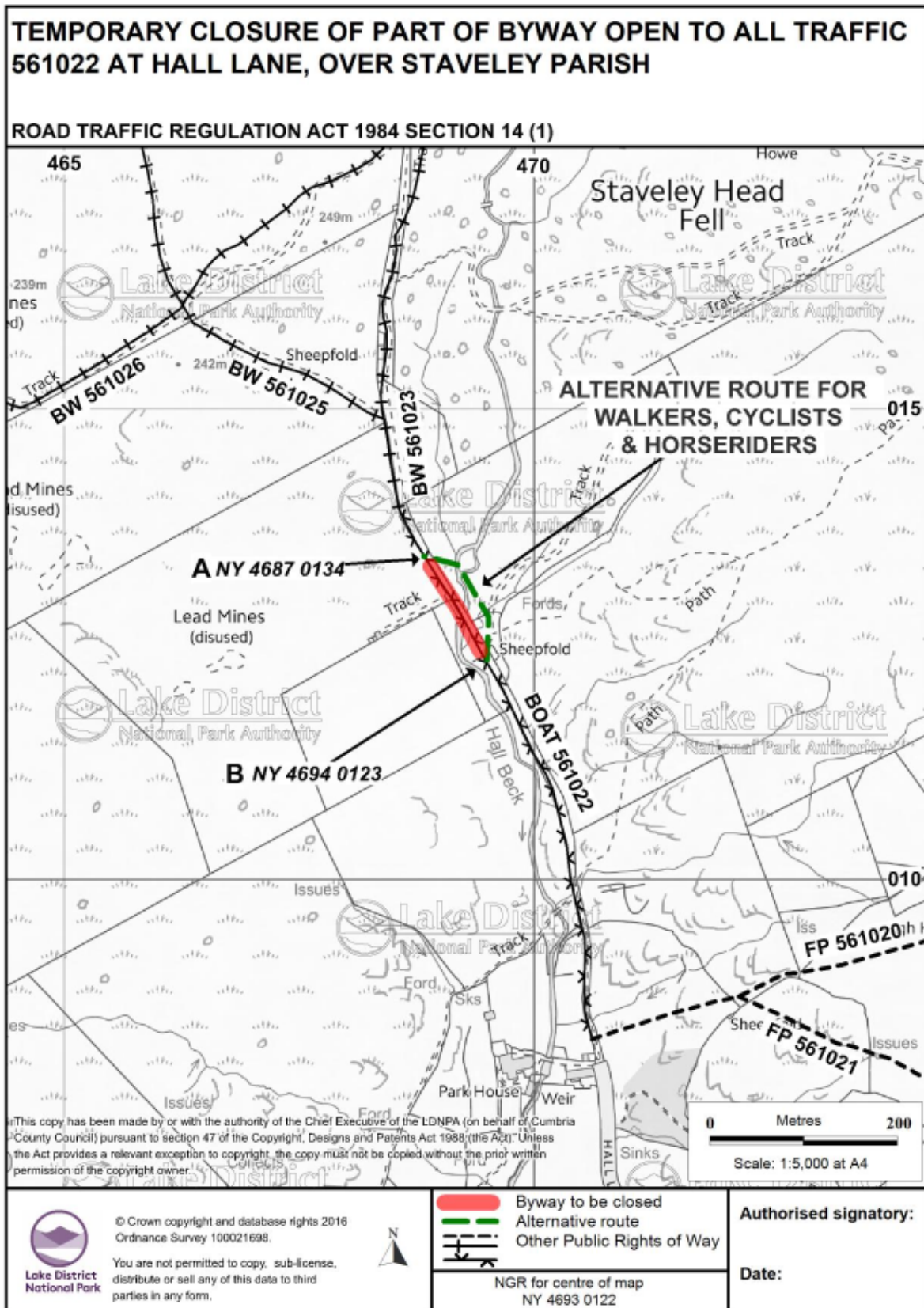
Authorised by:

.....  
Mark Eccles, Head of Park Management

Date.....

Background Papers	Case file 1410.003 (185)
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	7 August 2017
Version	Final

**1: Site Plan**



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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>AUTHORISATION OF NEW GATE, FP 511027, NEW CLOSE, COLTON PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a request to authorise a new gate across public footpath 511027 at New Close, Oxen park for the purposes of preventing stock movement to increase agricultural efficiency.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not to grant authorisation (explanation overleaf)	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	7 August 2017	
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management	
Date	7 August 2017	

## Brief Summary of reasoning for authorisation

The request has been made by the owner of New Close Farm, Oxen Park, Colton.

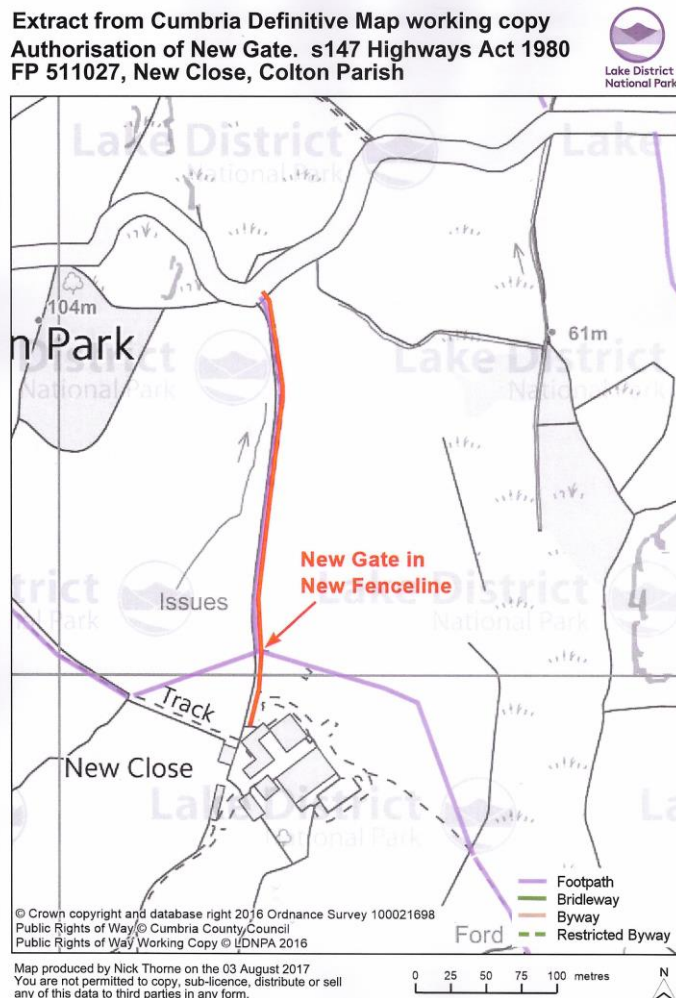
Footpath 511027 currently crosses the farm access drive, the eastern side of which has no solid boundary. In order to increase the general efficiency of the farm, the owner wishes to fence alongside the access track, separating it from the field. This will make vehicle movements and other stock movements easier by reducing the interaction with the stock in the field. This fenceline would cross footpath 511027.

The owner has therefore asked if he can install a simple wicket gate in the fence to accommodate the path.

There seems to be no reason for refusing such an application. Although the increase in efficiency of the farm can only be marginal – the owner considers that it will help overall.

We will stipulate that the gate must be fitted according to our 2011 agreed specifications, and with an easy-to-use catch. And consequently there should be no great additional inconvenience to the walking public.

The application form and letter are stored in the paper file 1410.002, and the data will be



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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>AUTHORISATION OF NEW GATE, FP 212032, THORNEYTHWAITE FARM, BORROWDALE PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a request from the National Trust to authorise a new gate across public footpath 212032 at Thorneythwaite Farm, Borrowdale to control stock movement as part of a new grazing regime being introduced on the land.	
Details of Decision	To grant authorisation.	
Details of alternative options considered and rejected.	Not to grant authorisation (explanation overleaf).	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None.	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	17 August 2017	
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management	
Date	21 August 2017	

## **Brief Summary of reasoning for authorisation**

The National Trust, owners of Thorneythwaite Farm, Borrowdale have requested authorisation to erect a field gate in new fencing crossing footpath 212032. Following the initial application in May 2017 the Trust have now provided further clarifying information to enable us to proceed with the authorisation.

The footpath runs along the eastern boundary of an enclosure which is an ancient wood pasture. The whole of this pasture has previously been grazed by sheep. A new HLS agreement is being set up which will manage the land as wood pasture through reintroducing cattle grazing. With the agreement of Natural England, the Trust propose to divide the enclosure into two compartments with a new fence (as shown in red on the attached map) which crosses footpath 212032. The smaller northern compartment will be used as an intake for managing sheep movements between the fell and valley fields to the north. The larger southern compartment will be managed as wood pasture by a new cattle grazing regime. The Trust state that it will be necessary to divide the field with a fence in order to efficiently run this new grazing regime by separating different stock. They have therefore requested authorisation for a new field gate where the fence crosses footpath 212032. They have requested a field gate rather than a wicket or bridle gate in order to allow for agricultural vehicular access.

I would recommend that we authorise the application. It seems reasonable to accept that the new fence is necessary to keep cattle and sheep separate, which would be essential to effectively implement the new grazing scheme. The proposal would allow agricultural use of the land to be carried out more effectively by segregating cattle and sheep, and controlling the movements of stock into the area being managed as wood pasture under the HLS agreement. Additionally the new grazing regime made possible by the fencing will establish a more environmentally sustainable method of grazing the land. It will also allow for the restoration of the ancient wood pasture which will enhance the historic and landscape character of the area.

We will stipulate that the gate must be fitted according to our 2011 agreed specifications, and with an easy-to-use catch. Therefore there should be no great additional inconvenience to the walking public. The Trust will be responsible for future maintenance of the gate.

The application form and letter are stored in the paper file 1410.002, and the data will be added to our asset management database when installed.

### Map 1: Location of Proposed New Gate and Fencing



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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICES FOR ROUTES TO RESILIENCE PROJECT WORKS AT GILLSIDE CAMPSITE, GLENRIDDING, PATERDALE</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We are currently implementing the 'Routes to Resilience' flood recovery project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events.	
Details of Decision	That we issue two Traffic Regulation Notices to temporarily close two sections of Bridleway 357060, at Gillside Campsite, Glenridding, Patterdale as shown A to B to C on the two attached plans, for 5 days each to enable works as part of Routes To Resilience Flood Recovery Project.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Issue the Notices</li> <li>• Do not issue the Notices</li> <li>• Issue Notices restricting either a longer or shorter section of the Bridleway</li> <li>• Issue a Notice for only one of the work sites, and leave the other unrestricted.</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (189)	
Date of Report	11 September 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	11/09/2017	

## **TEMPORARY TRAFFIC REGULATION NOTICES OVER BRIDLEWAY 357060 FOR ROUTES TO RESILIENCE PROJECT WORKS AT GILLSIDE CAMPSITE, GLENRIDDING, PATERDALE PARISH**

### **1 Summary**

- 1.1 This report recommends that we issue two Notices to temporarily prohibit traffic on Bridleway 357060 at Gillside Campsite, Glenridding, Patterdale to enable works to be carried out on the path. The Notices would apply to separate sections of the route, for two different periods of five days each in September 2017. The works are being carried out as part of the Routes To Resilience Flood Recovery Project to make the bridleway more flood-resistant.

<p><b>Recommendation:</b> <i>That we issue two Traffic Regulation Notices to temporarily close two sections of Bridleway 357060, at Gillside Campsite, Glenridding, Patterdale as shown A to B to C on the two attached plans, for 5 days each to enable works as part of Routes To Resilience Flood Recovery Project.</i></p>
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### **2 Background**

- 2.1 We are currently implementing the 'Routes to Resilience' Flood Recovery Project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events.
- 2.2 As part of the project, we are planning works at Gillside Campsite, Glenridding, Patterdale including work to make bridleway 357060 more flood-resistant (by constructing river bank revetment and rock armour). The works will be at two locations on the bridleway.
- 2.3 We think that it will be necessary to temporarily close the sections of the bridleway where the works are being carried out. This will be necessary because the presence of heavy machinery on the route during the works could pose a danger to the public, and the presence of the public in the immediate vicinity may compromise the efficiency of the work programme.
- 2.4 For both closures, we have arranged an alternative route just to the south of the Bridleway, as shown on Maps 1 and 2.
- 2.5 Each Notice will be in place for five days from the date of issue.
- 2.6 The work must be completed before the end of September 2017 due to Environment Agency seasonal restrictions on working in rivers.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Issue the Notices
  - b) Do not issue the Notices
  - c) Issue Notices restricting either a longer or shorter sections of the Bridleway
  - d) Issue a Notice for only one of the work sites, and leave the other unrestricted.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. We have considered if it would be possible for one five-day notice to cover the two areas of work, but the Contractor has indicated that the two sections are unlikely to be completed with one five-day period.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation Notices is not a **competitive** procedure. Cumbria County Council can also process temporary closure Notices, but we are the best placed organisation to make this Notice.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure notice is approximately £135 + VAT which covers staff-time, stationery and postage. However the cost of the second notice will be marginal, given that some of the preparation work for the two notices can be done at the same time.
- 7.2 Our time is being logged to the R2R project, and is reclaimable.

## 8 Risk

- 8.1 The major risk if we do not issue the Notices is that a path user could be injured by heavy machinery on the route during works. Additionally the presence of path users may compromise the efficiency of the works through additional health and safety requirements where the public are present in the immediate vicinity. Therefore the proposed temporary closure will safeguard potential users of the Bridleway, and enable the flood resilience works to be carried out safely and efficiently. The provision of a nearby alternative route means that this will be achieved with the least possible inconvenience to the public.

## 9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path are within section 14 (2) of the Road Traffic Regulation Act 1984 – namely, works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately three hours from a member of the Park Management team, 30 minutes from the GIS technician, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:

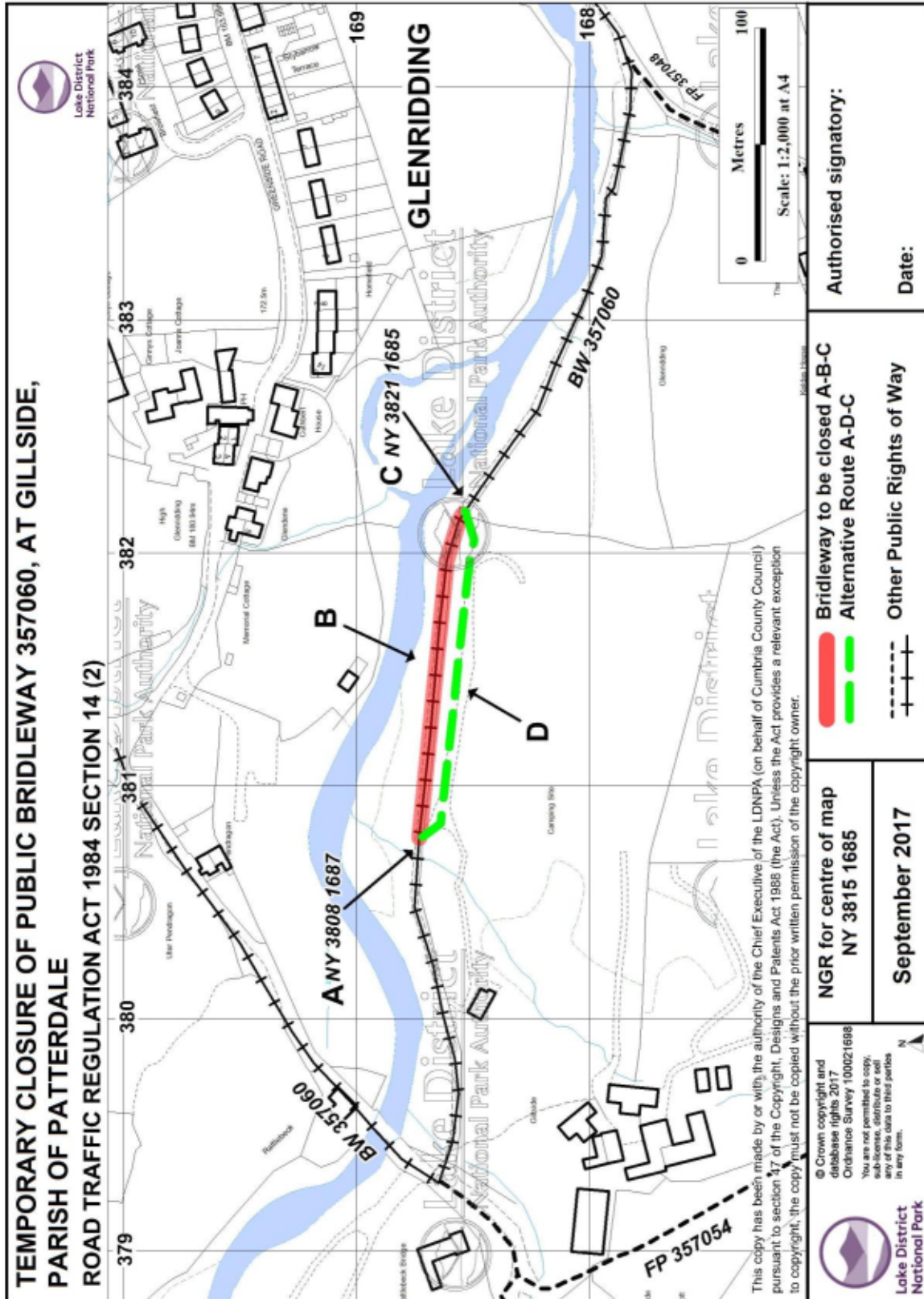
.....  
Mark Eccles, Head of Park Management

Date.....

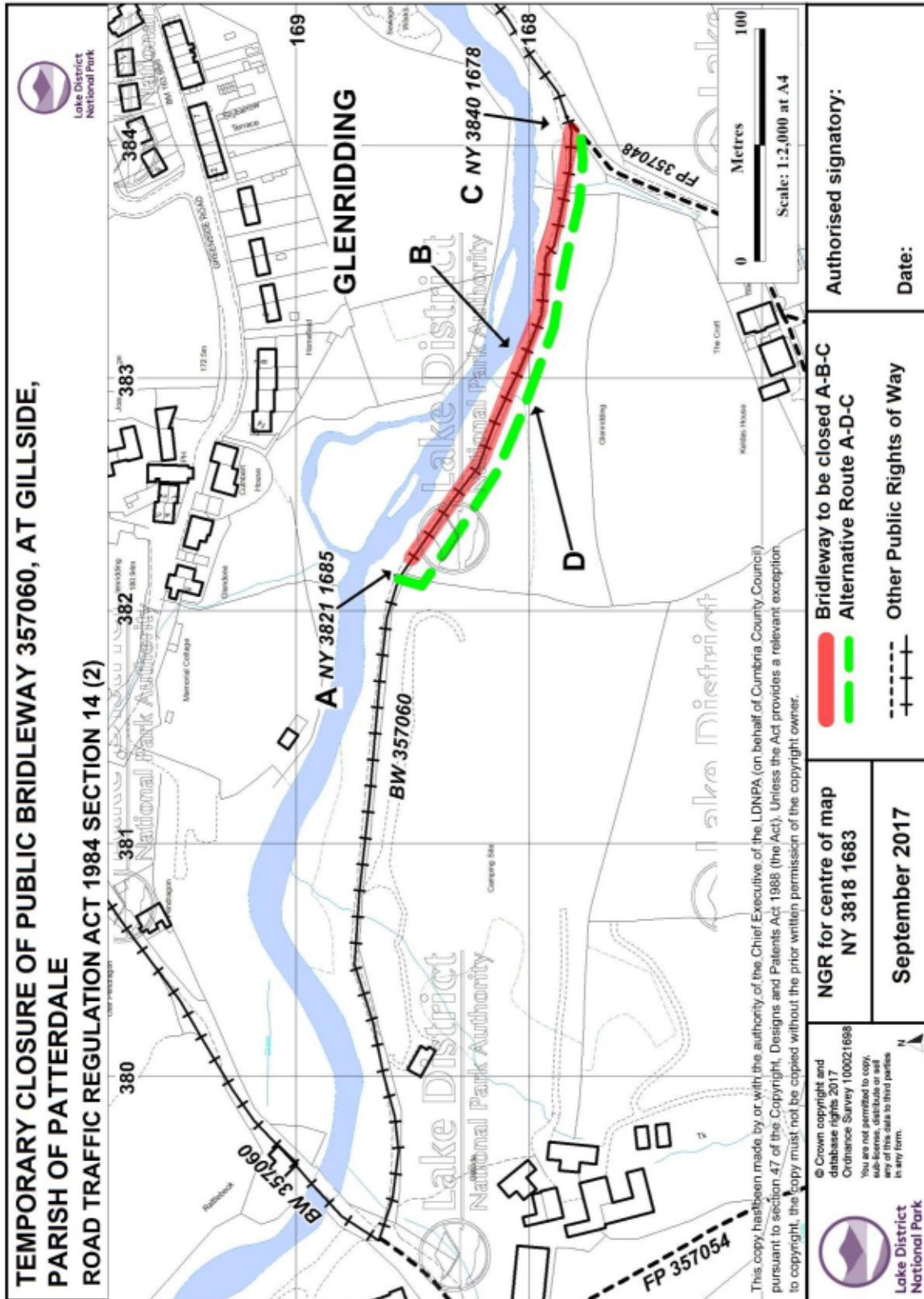
Background Papers  
Author:  
Date Written:  
Version

Case file 1410.003 (189)  
Sarah Blakemore, Rights of Way & Access Assistant  
11 September 2017  
Final

**Map 1: Site Plan, Notice 1**



**Map 2: Site Plan, Notice 2**



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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>SECTION 33 ROAD TRAFFIC ACT CONSENT – VINTAGE SPORTS CLUB LAKELAND TRIAL, NOVEMBER 2017</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b> <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	The Lakeland Trial run by the Vintage Sports Car Club takes place every year in the Wythop and Whinlatter areas. It is a challenge event involving older cars and hill trials. It has been running for many years. A number of public paths are crossed or used, and section 33 consent is required for this to happen.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is well run, successful, popular, and no incidents have arisen during past events. The landowners are happy to host the event, and the public paths will be marshalled. Most of the public paths are merely being used for access, and extra conditions have been applied to the sections actually being used for the hill climbs.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	File Reference 1480.002	
Date of Report (letter)	27 September 2017	
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management	
Date	27 September 2017	

Richard Leafe, Chief Executive



A member of the  
Association of National Park Authorities  
A member of the Federation of Nature and  
National Parks of Europe

Lake District National Park Authority  
Murley Moss, Oxenholme Road  
Kendal, LA9 7RL

Telephone: 01539 724555  
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Email: [hq@lakedistrict.gov.uk](mailto:hq@lakedistrict.gov.uk)  
Website: [www.lakedistrict.gov.uk](http://www.lakedistrict.gov.uk)

Direct email: [nick.thorne@lakedistrict.gov.uk](mailto:nick.thorne@lakedistrict.gov.uk)

Direct dial: 01539 792621  
Our ref: PS/NJT/1480.002  
Your ref:

Date: 27 September 2017

Dear Mr Couper

**Vintage Sports Car Club – Lakeland Trial, 11 November 2017  
Section 33 Highways Act 1980 Consent.**

Thank you for contacting us about this year's event. I note that the following public paths are affected:

- FP 264002, Peel Wyke (used for access only);
- FP 264009/201004, Kings Wood (used/crossed for access only);
- BW 264003, Wythop Woods – (used/crossed for access only);
- BW 220003, Honister (Drumhouse) – used as part of the event (section 1);
- BW 228032, Green Lonning, Wythop Mill – used as part of the event (section 12) and as access.

For the event planned for 11 November 2017, the National Park Authority grants consent under Section 33 of the Road Traffic Act 1988 for these sections of footpath and bridleway to be used by vehicles taking part in the Vintage Sports Car Club Trial subject to the conditions overleaf.

In addition to the general conditions overleaf – the consent is granted based on the following specific information provided in respect of the Drumhouse, Wythop, and Green Lonning sections.

- The speed of the cars on the hill climbs is likely to be no more than 20mph;
- Cars will be dispersed throughout the day (9am – 4pm);
- There will be around 22 marshalls on the 600 metres of the Drumhouse event route, and 10 marshals on the 300 metre long Wythop section, and a similar ratio on the new Green Lonning Section. These marshals will spot and inform any walkers approaching the route from the open access land, and any walkers, cyclists or horse-riders on the bridleways itself.
- Marshalls will only allow a car to begin the hill climbs if the bridleway is clear.
- Public using the bridleways will be informed of the event by the marshals. If the public wish to continue along the bridleways, cars will not be allowed to start the climb. Alternatively, it is acceptable for the public to be asked (not demanded) to wait for the car to complete the climb before continuing. The Wythop route in particular is used by cyclists.

Yours sincerely

Mark Eccles  
Head of Park Management

Richard Leafe, Chief Executive



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## ***Conditions of Authorisation***

You (the Rally organisers) shall:

1. Repair any damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Arrange for marshals to be posted on the rights of way – in particular on those sections identified in our letter, and on any points where access routes cross rights of way, to warn people of the presence of motor vehicles and stop the competitive sections if necessary.
4. Arrange for warning signs to be posted at all points where rights of way enter the woodland site (eg: 'Danger – Motor Vehicle Event Ahead' - dated), and ensure that all such signs are removed from the site at the close of the event.
5. Limit the number of entrants to 100 vehicles
6. Remove litter deposited on any affected footpath or bridleway during the event.

Richard Leafe, Chief Executive



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- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	<b>SECTION 33 ROAD TRAFFIC ACT CONSENT – DEVILS OWN CLASSIC RALLY, OCTOBER 2017</b>
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b> <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.
Background	The Devils Own Classic Rally is an annual event, held in different parts of the country, involving historic cars, mainly on forest tracks – some of which also carry footpaths or bridleways. The event is run in the dark (after 8.00pm).
Details of Decision	Consent is granted subject to the usual conditions.
Details of alternative options considered and rejected.	Not granting consent. This would not be reasonable. We are not aware of any issues with this rally when held elsewhere – and have set conditions with regard to managing the use and marshalling the affected public paths.
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	Nick Thorne, Countryside Access Adviser
Background Papers	File Reference 1480.001
Date of Report (letter)	27 September 2017
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management
Date	27 September 2017

Richard Leafe, Chief Executive



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Direct dial: 01539 792621  
Our ref: PS/NJT/1480.001  
Your ref:

Date: 27 September 2017

Dear Mr Savage

**Devils Own Classic Rally – 7 October 2017  
Section 33 Highways Act 1980 Consent.**

Thank you for belatedly contacting us about this event. I note that the following public paths are affected, as shown on the maps attached to this letter:

- Broughton Moor:
  - FP 520001
  - FP 520058
  - BW 520004
  
- Grizedale, East:
  - FP 560012
  - FP 560011
  - BW 560004
  - FP 566029
  - FP 566028
  - BW 566021
  
- Grizedale, North:
  - BW 529005
  - FP 529007
  - BW 566009
  - BW 566030
  - BW 512066
  - FP 512047
  - FP 529006
  - BW 529039
  - FP 529019

For the event planned for 11 November 2017, the National Park Authority grants consent under Section 33 of the Road Traffic Act 1988 for these sections of footpath and bridleway to be used by vehicles taking part in the Devils Own Classic Rally subject to the conditions overleaf.

In particular, the marshalling points set out on maps within email discussions with Nick Thorne, Countryside Access Adviser, must be adhered to.

Richard Leafe, Chief Executive

I appreciate that there had been some sort of mix-up at your end, meaning that the application was made quite late. But even without it being late, we would appreciate a full discussion before any future similar events are planned. We would much prefer to be involved in advising on the route choice - hopefully to avoid the usage of public rights of way, rather than being provided with what is effectively a fait accompli.

Yours sincerely

Mark Eccles  
Head of Park Management

### ***Conditions of Authorisation***

You (the Rally organisers) shall:

1. Repair any damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Arrange for marshals to be posted on the rights of way being used for the event, and on any points where access routes cross rights of way, to warn people of the presence of motor vehicles and stop the competitive sections if necessary.
4. Arrange for warning signs to be posted at all points where rights of way enter the woodland sites (eg: 'Danger – Motor Vehicle Event Ahead' - dated), and ensure that all such signs are removed from the site at the close of the event.
5. Limit the number of entrants to 60 vehicles
6. Remove litter deposited on any affected footpath or bridleway during the event.

Richard Leafe, Chief Executive



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  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>SECTION 33 ROAD TRAFFIC ACT CONSENT – LAKES TWO DAY TRIALS, OCTOBER 2017</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	The Lakes Two Day Trial is an off-road motorbike trial held in the Duddon and Bootle areas over a weekend every October. It has been running for many years. A number of public paths are crossed or used, and section 33 consent is required for this to happen.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is generally well run, and popular. The landowners are happy to host the event, and the public paths will be marshalled.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	File Reference 1480.001	
Date of Report (letter)	27 September 2017	
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management	
Date	27 September 2017	

Richard Leafe, Chief Executive



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Direct email: [nick.thorne@lakedistrict.gov.uk](mailto:nick.thorne@lakedistrict.gov.uk)

Direct dial: 01539 792621  
Our ref: PS/CS/ME/1480.001  
Your ref:

Date: 27 September 2017



Dear Mr Birkett

### **Lakes Two Day Trial - 14-15 October 2017**

Thank you for the details of this year's Lakes Two Day Trial, and your request for section 33 consent to run this motorcycle event on or across rights of way.

For the event planned for 14 & 15 October 2017, we grant consent under Section 33 of the Road Traffic Act 1988 for the sections of rights of way listed to be crossed or used by riders on motorcycles at slow speeds taking part in the trial subject to conditions set out overleaf. The main condition is, as ever, the need to get permissions from all the affected landowners – which I understand you have already done. As in previous years, all the relevant previously agreed points need to be marshalled.

#### **Saturday 14 October 2017**

FP 520010	Haveriggholme	Crossed by event
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#### **Sunday 15 October 2017**

BW 430016	Little Fell	Crossed by event
BW430016	Butcher's Breast	Crossed by event
BOAT 402016	Copycow	Crossed by event
BW 402031	Low Kinmont	Event runs along for 350 metres

Good luck with the event – and I hope it goes well.

Yours sincerely

Mark Eccles  
Head of Park Management

Richard Leafe, Chief Executive



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You (the event organisers) shall:

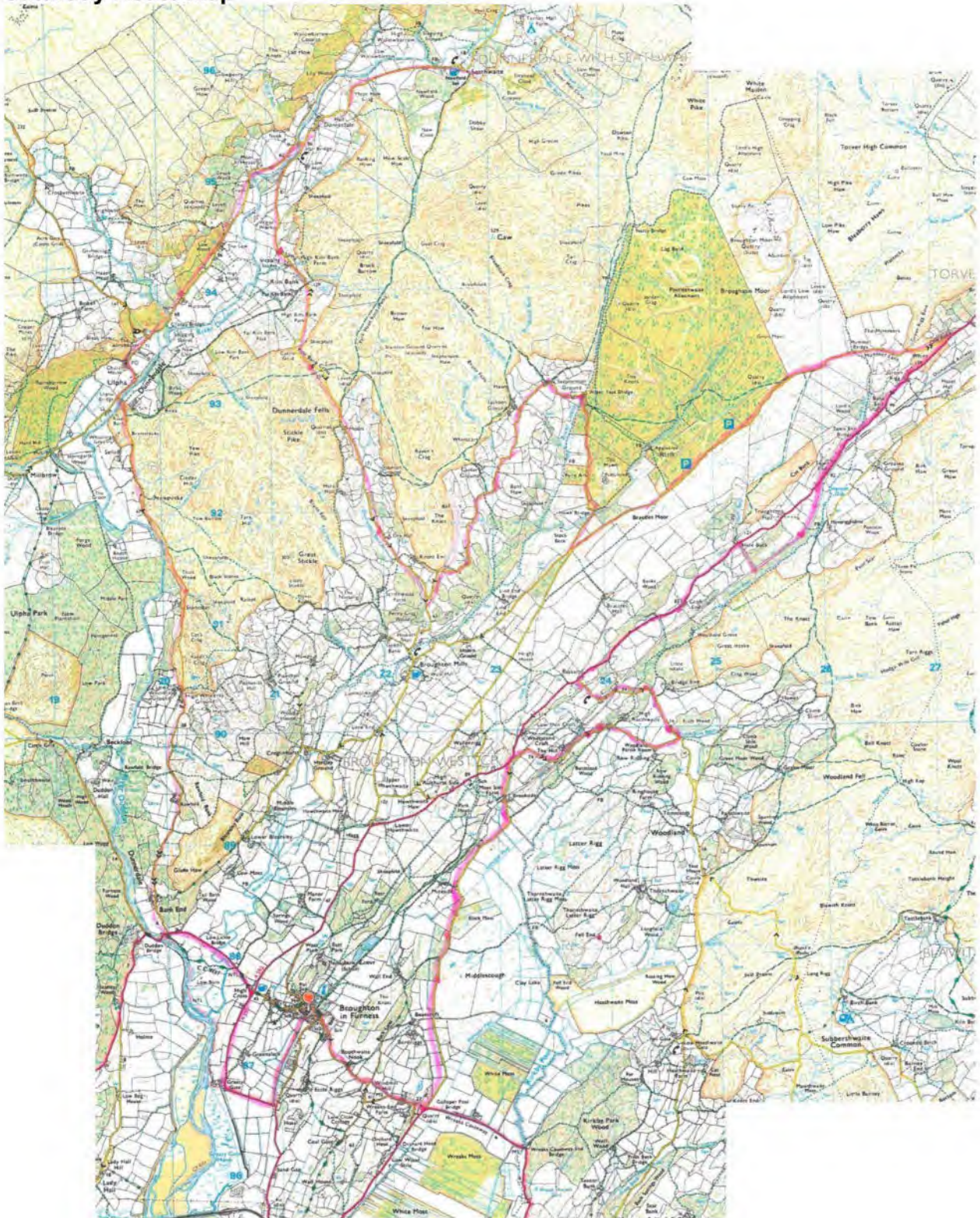
1. Repair any damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Ensure that chicanes are in place to slow riders down on all footpaths and bridleways crossed or used by the trial. Riders are to stop if any users of rights of way are approaching crossing points.
4. Arrange for marshals to be posted on every footpath or bridleway affected by the event (at locations specified in table above) to warn people of the presence of motor cycles and to ensure that point 3 is complied with.
5. Arrange for warning signs to be posted at all points where rights of way are affected (these should say something like: 'Motorcycle Event Ahead' – and be dated; they must not say 'warning, exercise caution' or other such wording likely to deter users), and ensure that all such signs are removed from the site at the close of the event.
6. Not exceed 180 competitors.
7. Ensure that all motorcycles are silenced according to the British Standards for road use.
8. Liaise with Andrew Wilkinson, Field Ranger (07747 656057), to enable him to check the site before and after the event to ensure that the above conditions have been complied with.
9. Remove litter deposited on any affected footpath or bridleway during the event.
10. Ensure that all gates are closed at the end of the event.
11. Take photographs before and after the event and pass to the LDNPA so that any damage to the ground can be monitored.

Richard Leafe, Chief Executive



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# Saturday Route Map



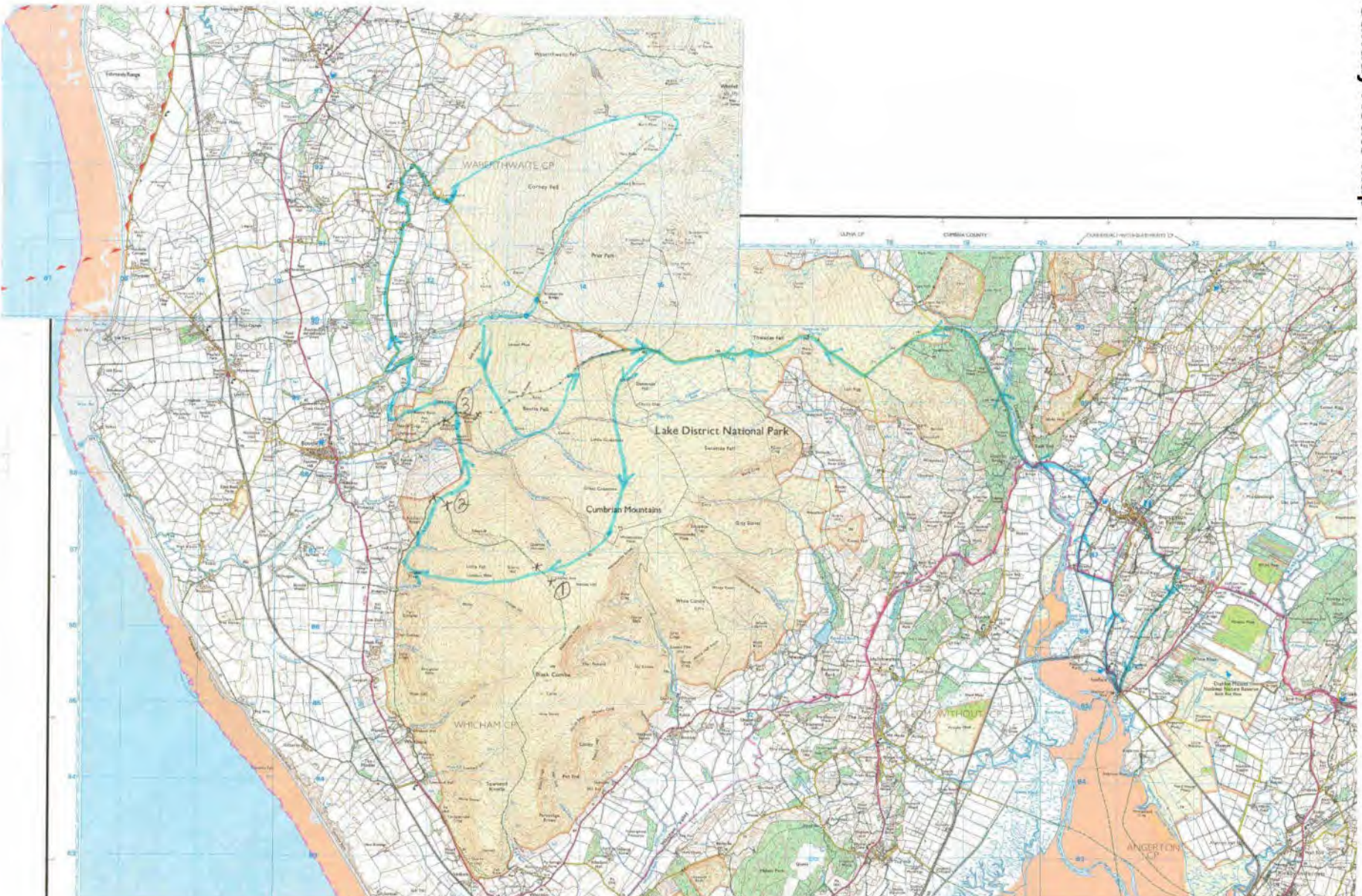
Richard Leafe, Chief Executive



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# Sunday Route Map



Richard Leale, Chief Executive

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  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE AND WHINLATTER FORESTS, BROUGHTON MOOR, WYTHOP WOODS AND CHAPEL HOUSE PLANTATION FOR MOTOR SPORT EVENTS</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b> <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	The Grizedale Stages Rally and Malcolm Wilson Rally are major motor rallies which run annually the Lake District. The organisers of the rallies, have requested that we close rights of way in the vicinity to protect the public from danger during the events.	
Details of Decision	That we make a Temporary Traffic Regulation Order for the areas affected by the Grizedale Stages and Malcolm Wilson Rallies in the areas of Grizedale Forest, Broughton Moor, Wythop Woods, Whinlatter Forest and Chapel House Plantation, to be in force for six months, but only to be operative on the two rally dates as specified in the report at 2.1.	
Details of alternative options considered and rejected.	To allow the events to take place without a closure order in place.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file: 1410.003 (188)	
Date of Report	2 October 2017	
Signature of authorising officer	Signed  Mark Eccles Head of Park Management	
Date	2 October 2017	

## PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE AND WHINLATTER FORESTS, BROUGHTON MOOR, WYTHOP WOODS AND CHAPEL HOUSE PLANTATION FOR MOTOR SPORT EVENTS

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over footpaths and bridleways to protect the public from danger whilst motor sport events take place.

***Recommendation that: We make a Temporary Traffic Regulation Order for the areas affected by the Grizedale Stages and Malcolm Wilson Rallies in the areas of Grizedale Forest, Broughton Moor, Wythop Woods, Whinlatter Forest and Chapel House Plantation – to be in force for six months, but only to be operative on the two rally dates as specified in the report at 2.1.***

### 2 Details of Request

- 2.1 Two major motor rallies run annually in the Lake District - the Grizedale Stages Rally and the Malcolm Wilson Rally:
- The Grizedale Stages (GSR) will take place this year on **Saturday 2 December 2017**. It usually runs through Grizedale Forest and Broughton Moor, however, for this year only (a 30<sup>th</sup> anniversary event) it will have an additional stage in Chapel House Plantation near Staveley-in Cartmel.
  - The Malcolm Wilson Rally will take place on **Saturday 3 March 2018**. This runs through Grizedale Forest, Wythop Woods and Whinlatter Forest.
- 2.2 The Forestry Commission and motor rally organisers have requested that we close the rights of way affected by the rallies (as shown on the attached maps). The closure would be to protect the public from danger from vehicles taking part in the rally. We have worked with the organisers and landowners for many years and have closed the footpaths and bridleways throughout the forests, as requested.
- 2.3 To mitigate against any potential negative impact in Grizedale Forest one side of the forest will remain open for use. The closure will be clearly signed and the Forestry Commission will put information on their website to emphasise that the rally is being held at the weekend.
- 2.4 The Forestry Commission have consulted the local parish councils about the use of the forests at the weekend and they have no objections.
- 2.5 To ensure that we carry out the necessary closure work within the legal requirements and as efficiently as possible, we have agreed to make one order covering both rallies. This will save time and costs for both us and the organisers.

- 2.6 The order will be written so that it is clear that the paths are only closed during events and when the site notices are in place. The paths will be open and unaffected at all other times. A list of paths affected is at Annex 1 of this report.
- 2.7 There are no possible alternative routes for the public to use when the rallies are taking place. However, we will publicise the order through letters to local bodies, such as parish councils, Ramblers, horse societies, tourist information centres, youth hostel association, outdoor education centres, and so on, as well as press releases in the local newspapers. The order will also be displayed on our website.

### **3 Policy Context**

- 3.1 The Vision for the Lake District National Park sets out our aspirations for what we hope to achieve by 2030. To summarise, these are to have a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. A landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 The Partnership's Plan contains the policies and actions for achieving the aims of the Vision. The main delivery aim in the Partnership's Plan for access and rights of way is to make the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors from relaxing and tranquil to adventurous and exhilarating.
- 3.3 Our Business Plan states what actions will be taken as the National Park Authority plays its part, in partnership with others, in realising the Vision. It seeks an outcome that provides high-quality and unique experiences for visitors within a stunning and globally significant landscape: experiences that compete with the best in the international market to strengthen the tourism sectors across the National Park.
- 3.4 The Park Management Service Plan contains the Business Plan priorities for our service, including Contributing to World Class Visitor Experiences. This aims to achieve a programme of activity that will implement the adopted Cumbria and the Lake District Access and Recreation Strategy.
- 3.5 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### **4 Options**

- 4.1 The options are:
- a) to make an order to close the public rights of way directly affected by the rallies
  - b) to allow the events to take place without a closure order in place.

## 5 Proposal

5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8, which in summary are:

- to protect the public against danger from fast-moving vehicles
- to safeguard the event organisers against an injury claim.

## 6 Best Value Implications

6.1 The best value implications are as follows:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

7.1 The costs of this temporary closure order are £2105 excluding VAT which includes:

- Staff-time (administration), stationery, postage and so on;
- Advertising costs: three advertisements – in two newspapers to cover all areas (notice of intention; order; reminder for March closure);
- Staff time – Ranger time and travel to check site closure notices on the morning of the rally (2 days total).

7.2 The two event organisers will meet the costs of the order between them. This charge is normally divided equally between the two events. However given that the GSR includes an extra stage at an additional site this year (Chapel House Plantation), they have agreed to pay an additional charge for half a day's ranger time to cover the time and mileage involved in checking the signs at the extra site. Therefore the total charge for 2017 will be (excluding VAT on administrative charge):

Grizedale Stages Rally	£1140
Malcolm Wilson Rally	£965

## 8 Risk

8.1 The major risk associated with this is if a closure order was not made. The order will safeguard the event organisers and landowners against claims from users if they were hurt using these paths through collision with vehicles involved in the rallies. It will also safeguard the public against potential incidents with fast-moving vehicles.

- 8.2 If any such claims were submitted we may be held to be partly responsible for being aware of the danger to users and not taking the necessary action to protect them. Having responsibility for the rights of way network in the National Park, we could not justifiably allow these events to run without a closure order in place, given the vehicle speeds.

## **9 Legal Considerations**

- 9.1 We have delegated powers to temporarily restrict or prohibit the use of footpaths and bridleways under section 14 of The Road Traffic Regulation Act 1984 in our Agency Agreement with Cumbria County Council. We also have the ability to make closure orders in our own right under section 72 of the Natural Environment and Rural Communities Act 2006.
- 9.2 Traffic can be restricted or prohibited for a number of reasons, including danger to the public (section 14(1)(b) Road Traffic Regulation Act 1984).
- 9.3 The Head of Park Management has delegated powers to authorise the issue of Notices and the making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 45 hours from members of the Park Management Teams, and less than one hour from the Solicitor. The work involved is part of our day-to-day duties.

## **11 Sustainability**

- 11.1 I have not identified any significant economic or social effects that will affect sustainability. There is an issue regarding environmental sustainability. Although not directly related to the order making process, any damage to the rights of way caused by the events is to be made good by the organisers and the Forestry Commission.

## 12 Consultation Responses

<b>Consultee</b>	<b>Comments</b>
Ramblers (Elizabeth Barraclough)	<i>"I don't think you have any option but to close the footpaths, the area will not be pleasant to walk in while the rallies are on. But we should resist any application for more motor rallies in the forests."</i>
<b>Our Response</b>	We have noted your comments.
<b>Consultee</b>	<b>Comments</b>
Highway Authority, Cumbria County Council (David Gibson)	<i>"Thank you, no comments to make."</i>
<b>Consultee</b>	<b>Comments</b>
Staveley in Cartmel Parish Council	<i>"Cartmel PC have no objection to the proposed Temporary Closure of Public Rights of Way for Motor Sports Event."</i>
<b>Consultee</b>	<b>Comments</b>
Above Derwent Parish Council	<i>"ADPC discussed the below at their meeting last night, and support the event, although request that the roads are regraded, the drains/gullies are cleared, and all debris is removed as soon as possible after the event."</i>
<b>Our Response</b>	<p>We ensure that the routes are made good after use, and as part of the conditions of consent for the Rally we specifically require that the organisers:</p> <ul style="list-style-type: none"> <li>• Repair any damage to or reinstate the surface of the footpaths and bridleways or any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event.</li> <li>• Remove litter deposited on any affected footpath or bridleway during the event.</li> </ul>

<b>Background Papers:</b>	Case file reference 1410.003 (188)
<b>Author:</b>	Sarah Blakemore, Rights of Way and Access Assistant
<b>Date Written:</b>	2 October 2017
<b>Version</b>	Final

Authorised by:

.....  
 Mark Eccles, Head of Park Management

Date.....

## Route Descriptions

All the public footpaths and bridleways in the affected areas will be included in the order.

They are shown on the relevant maps and are listed below.

### Grizedale Stages & Malcolm Wilson Rallies

Parish	Right of Way		From (SD)	To (SD)
Colton	BW	511084	309 925	315 928
Colton	BW	511055	306 924	310 937
Colton	BW	511085	314 923	312 925
Coniston	FP	512002	318 970	324 971
Coniston	BW	512003	317 953	320 947
Coniston	FP	512004	312 949	317 951
Coniston	BW	512005	323 951	318 950
Coniston	BW	512006	318 944	323 951
Coniston	FP	512047	324 956	329 971
Coniston	FP	512061	329 976	327 984
Coniston	BW	512066	318 970	325 955
Hawkshead	BW	529005	338 963	342 964
Hawkshead	FP	529006	342 975	339 966
Hawkshead	FP	529007	336 965	337 968
Hawkshead	FP	529019	339 973	339 986
Hawkshead	BW	529039	341 965	344 978
Hawkshead	FP	529041	329 971	330 976
Satterthwaite	FP	566001	307 946	312 949
Satterthwaite	BW	566002	310 937	318 944
Satterthwaite	FP	566003	319 933	318 943
Satterthwaite	BW	566004	323 951	337 963
Satterthwaite	FP	566005	335 963	336 965
Satterthwaite	BW	566006	337 924	330 927
Satterthwaite	BW	566007	328 923	333 942
Satterthwaite	FP	566026	322 909	334 920
Satterthwaite	FP	566027	326 906	328 923
Satterthwaite	BW	566030	325 955	330 942
Satterthwaite	BW	566031	335 943	315 928
Satterthwaite	BW	566032	314 923	336 919
Satterthwaite	BW	566033	323 923	317 930
Satterthwaite	FP	566038	334 963	336 955

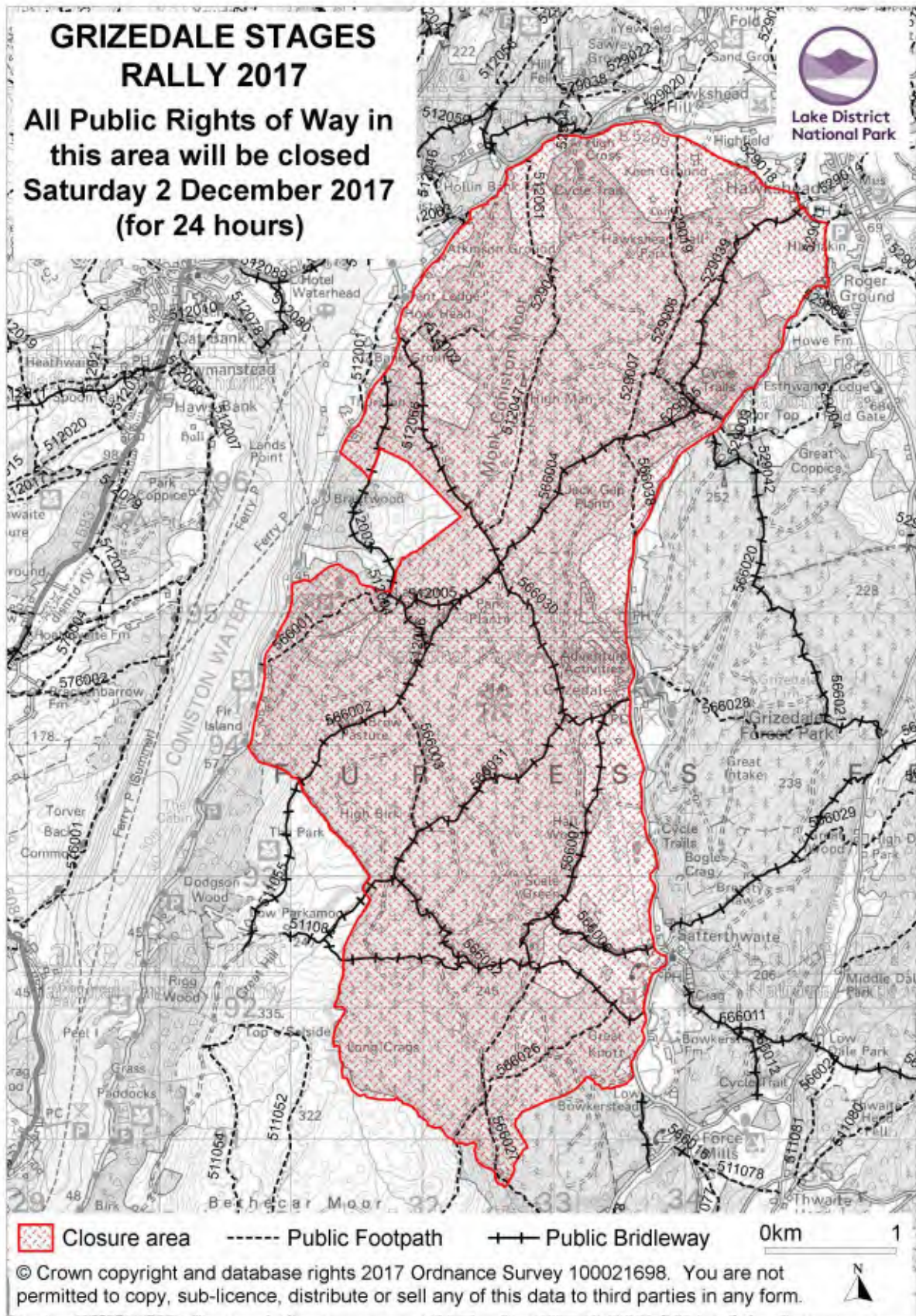
### Grizedale Stages Rally only

Parish	Right of Way		From (SD)	To (SD)
Broughton West	FP	520001	239 928	244 925
Broughton West	BW	520044	239 928	257 931
Broughton West	FP	520058	248 929	244 925
Staveley-in Cartmel	FP	573028	395 866	382 855
Staveley-in Cartmel	BW	573032	385 860	388 857
Staveley-in Cartmel	FP	573029	385 857	382 852

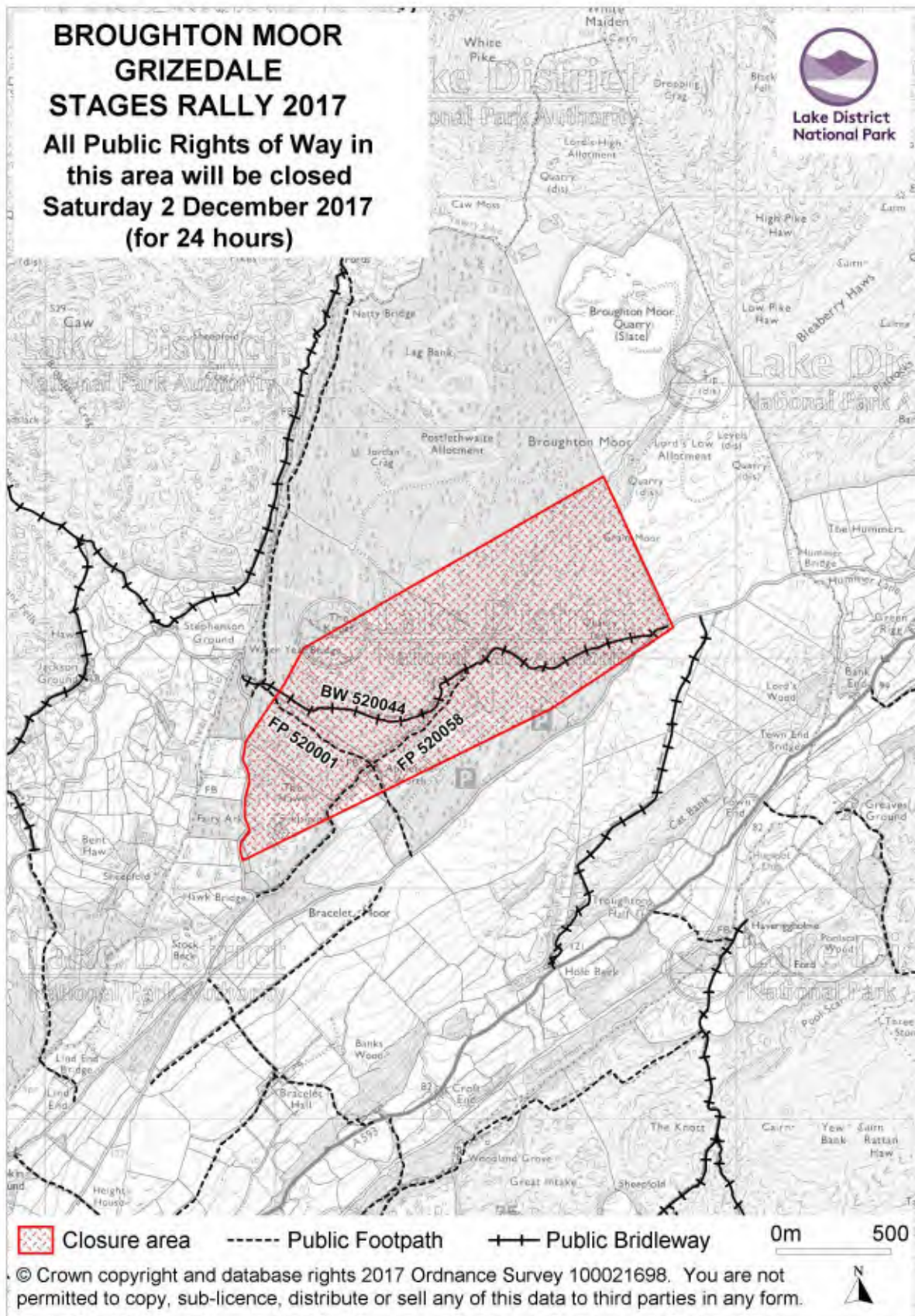
Malcolm Wilson Rally only

<b>Parish</b>	<b>Right of Way</b>		<b>From (NY)</b>	<b>To (NY)</b>
Above Derwent	FP	201004	211 280	217 276
Above Derwent	BW	201006	212 047	217 250
Above Derwent	BW	201065	213 284	215 282
Lorton	FP	242017	181 256	189 262
Lorton	FP	242023	181 255	181 256
Lorton	FP	242024	181 254	181 256
Wythop	FP	264002	204 305	204 305
Wythop	BW	264003	207 290	213 284
Wythop	FP	264005	199 306	202 305
Wythop	FP	264009	207 281	212 280
Wythop	FP	264012	204 305	202 306

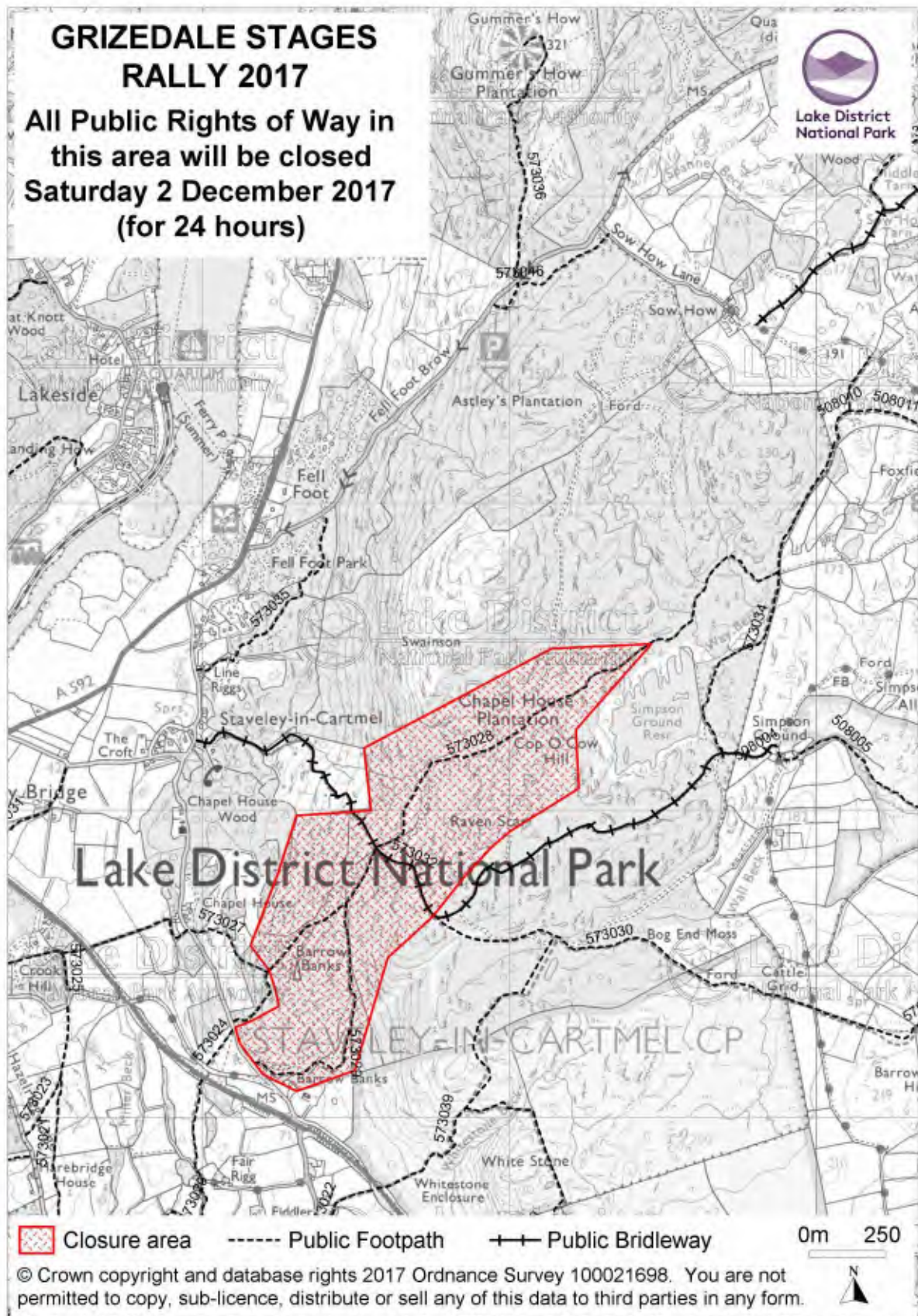
Map 1: Grizedale Forest (Grizedale Stages & Malcolm Wilson Rallies)



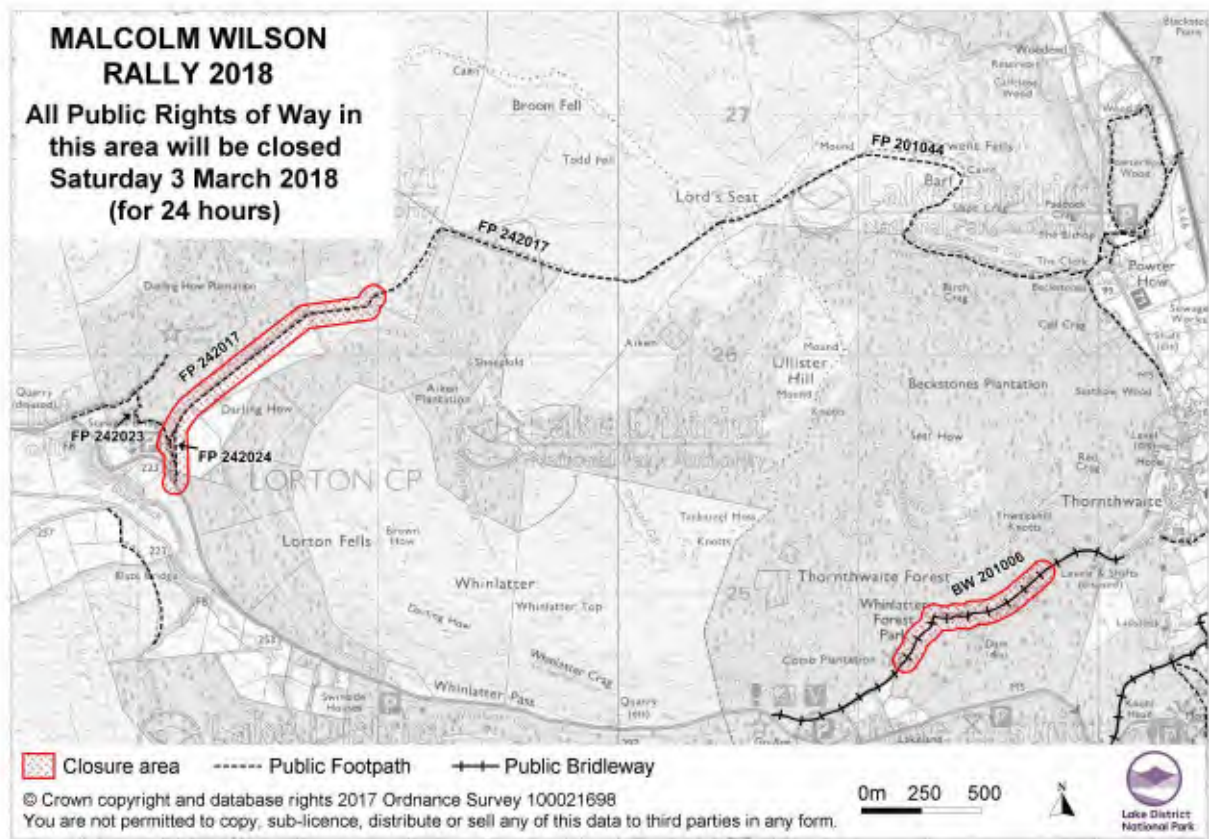
### Map 2: Broughton Moor (Grizedale Stages Rally)



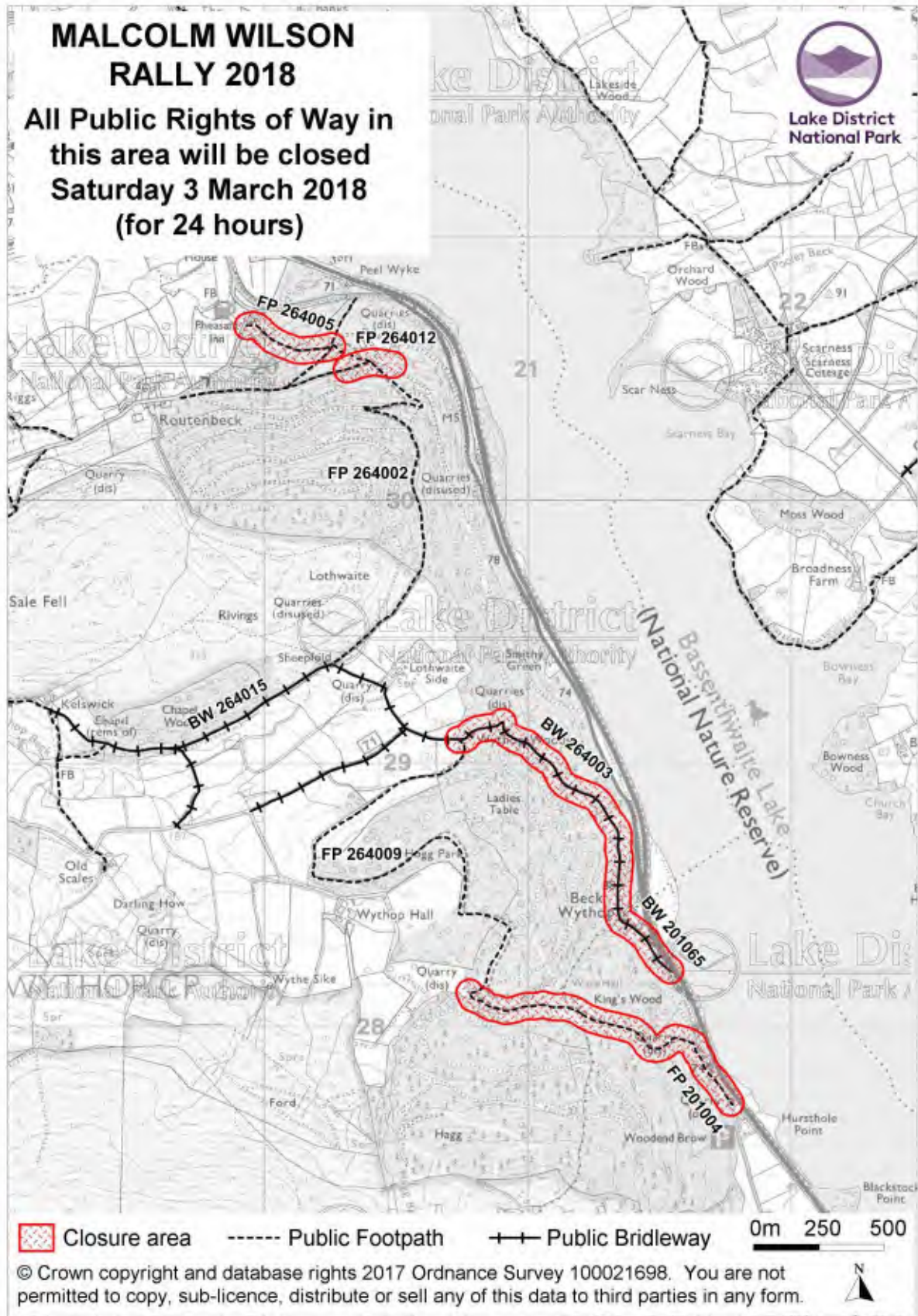
### Map 3: Chapel House Plantation (Grizedale Stages Rally)



### Map 4: Whinlatter Forest (Malcolm Wilson Rally)



Map 5: Wythop Woods (Malcolm Wilson Rally)



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- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>SECTION 33 ROAD TRAFFIC ACT CONSENT – GRIZEDALE STAGES RALLY DECEMBER 2017</b>	
Relevant section of Scheme of Delegation	<p><b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b>  <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b></p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	The Grizedale Stages Rally is an annual event run by the Furness & District Motor Club which has been running for 30 years. A number of public paths are crossed or used by the event, and section 33 consent is required for this to happen.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is well run, and no incidents have arisen during past events. The landowner (Forestry Commission) is happy to host the event, and the public paths will be marshalled.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	File Reference 1480.002	
Date of Report (letter)	3 October 2017	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	3 October 2017	

Lake District National Park Authority  
Murley Moss, Oxenholme Road  
Kendal, LA9 7RL

Telephone: 01539 724555  
Fax: 01539 740822  
Minicom: 01539 792690  
Email: [hq@lakedistrict.gov.uk](mailto:hq@lakedistrict.gov.uk)  
Website: [www.lakedistrict.gov.uk](http://www.lakedistrict.gov.uk)

Direct email: [mark.eccles@lakedistrict.gov.uk](mailto:mark.eccles@lakedistrict.gov.uk)

Direct dial: 01539 792688  
Our ref: PM/SB/1480.006  
Your ref:

Date: 3 October 2017

Graham Parker  
Grizedale Stages Rally



Dear Graham

**Section 33 consent for Grizedale Stages Rally  
Saturday 2 December 2017**

Thank you for supplying details of the proposed route of this year's rally. The following sections of public footpaths and bridleways will be used by vehicles:

Crossed by rally route		Section forms part of rally route	
FP 512061	FP 529019	BW 512066	FP 529007
FP 512047	FP 529006	BW 566030	BW 566004
BW 566032	FP 529041	BW 566031	BW 566002
FP 566026	BW 529005	FP 566003	BW 566033
FP 566038	FP 512003	FP 566027	BW 512006
BW 566006	FP 512005	BW 566007	BW 520044
FP 566005	FP 573029	BW 529039	FP 520001
FP 573028		BW 529005	FP 520058
		BW 573032	

We grant consent under Section 33 of the Road Traffic Act 1988 for these footpaths and bridleways to be used by vehicles taking part in the Grizedale Stages rally on 2 December 2017 subject to the conditions listed below.

You (the Rally organisers) shall:

1. Repair any damage to or reinstate the surface of the footpaths and bridleways or any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done immediately after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us fully against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any death, injury or loss of or damage to property which is caused directly or indirectly by your act or omission in respect of the event.

3. Take all reasonable safety precautions to protect members of the public using or intending to use any affected footpath or bridleway irrespective of the formal closure of these routes to the public.
4. Remove litter deposited on any affected footpath or bridleway during the event.
5. Arrange for marshals, over 18 years of age, to be posted at each end of every right of way affected by the event and at the points at which it will be necessary for traffic to diverge from the right of way to warn people of the presence of motor vehicles. Marshals must be aware of radio locations for communication.
6. Ensure that all gates are closed at the end of the event.
7. Arrange for notice of any Traffic Regulation Order to be displayed in a prominent position at each end of the length of road to which the order relates and at the points at which it will be necessary for traffic to diverge from the right of way, stating the effect of the order and, where applicable, the alternative route or routes available for traffic. Each notice shall be displayed throughout the period during which the order is in force and you shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the order remains in force or are promptly replaced as often as occasion requires during that period.

If you have any queries about this matter, please contact Sarah Blakemore, Rights of Way & Access Assistant ([sarah.blakemore@lakedistrict.gov.uk](mailto:sarah.blakemore@lakedistrict.gov.uk)).

Yours sincerely

Mark Eccles  
Head of Park Management

Copy to: Motor Sports Association (Competition Authorisation Office)

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF FOOTPATH 307006 (THE ULLSWATER WAY) AT SEAT FARM, BARTON.</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We have received an application to for a temporary closure of part of public footpath 307006 at Seat Farm, Barton to enable demolition and construction works immediately adjacent to the path. An alternative route will be provided.	
Details of Decision	That we make a Traffic Regulation Order to temporarily close a section of Footpath 307006 at Seat Farm, Barton as shown A to B on the plan attached the report, for a period of 6 months to enable demolition and construction work adjacent to the route.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Make the order</li> <li>• Not to make the order</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (190)	
Date of Report	11 October 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	11 October 2017	

## TEMPORARY TRAFFIC REGULATION ORDER OVER FOOTPATH 307006 (THE ULLSWATER WAY) AT SEAT FARM, BARTON PARISH

### 1 Summary

- 1.1 This report recommends that we make an order to temporarily prohibit traffic on Footpath 307006 at Seat Farm, Barton to enable demolition and construction works adjacent to the path. The Order would come into effect in November 2017 and last for six months. However, the applicant has indicated that they anticipate the project will take two years to complete (on a part time basis), and so they are likely to seek an extension of the closure for a further period.

**Recommendation:** *That we make a temporary Traffic Regulation Order to close a section of Footpath 307006, (the Ullswater Way) at Seat Farm, Barton as shown A to B on the attached plan, for a period of six months commencing November 2017.*

### 2 Background

- 2.1 We have received an application to temporarily close part of Footpath 307006 (which forms part of the Ullswater Way) at Seat Farm whilst demolition and construction works are being carried out.
- 2.2 The applicant has requested the closure to allow building work to be carried out immediately adjacent to the path. This will involve demolishing a timber chalet and garage and constructing a two storey house with basement. The applicant states that the development will inevitably encroach on the line of the path due to deep excavation operations and the presence of heavy machinery and stored materials – particularly as the stone wall which currently encloses the east side of the path will be removed during construction (and later rebuilt in the same position with the original stone).
- 2.3 A temporary alternative route will be available in the field to the west (as shown A-B-C on the attached plan) for the duration of the closure.
- 2.4 The order would be for a period of six months, however the applicant has indicated that the building work is likely to take two years to complete (as it will be carried out on a part-time basis) and so it is likely they will ask us to have the order extended by the Secretary of State at the end of the six months.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the order
  - b) Do not make the order

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. This temporary closure and diversion will allow the works immediately adjacent to the path to go ahead safely and efficiently.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation Notices is not a **competitive** procedure. Cumbria County Council can also process temporary closure Notices, but we are the best placed organisation to make this Notice.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure order is approximately £710 + VAT plus the cost of two newspaper adverts which covers staff-time, stationery and postage. All the costs will be met by the applicant.
- 7.2 Any costs involved in extending the closure (approximately £150) will also be met by the applicant.

## **8 Risk**

- 8.1 There is some risk if we do not make the order that a path user could be injured by the adjacent demolition or construction if the safety of the public was not properly managed on-site during works. However in this particular case the primary justification for the closure is to enable the works to go ahead efficiently rather than primarily an issue of danger to the public. The Ullswater Way is a very popular route, and used by many 'casual' or less adventurous walkers. It may well be possible to manage public access on the route during works e.g. with banksmen or by asking the public to wait for a few minutes during operations near to the path. But given the volume of walkers on the route and the type of users, it is fair to say the requirement to marshal the public on site and interrupt operations to ensure public safety may make it unreasonably difficult to carry out the works efficiently. The provision of a very good and convenient alternative route away from the work area adds weight to the justification in this particular case for excluding the public to facilitate the works.

## **9 Legal Considerations**

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path are within section 14 (1) (a) of the Road Traffic Regulation Act 1984 – namely, works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act, and under our Agency Agreement with Cumbria County Council.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Park Management teams, half an hour from the GIS technician and half an hour from a member of Legal Services. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

## **11 Sustainability**

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

## 12 Consultation Responses

We carried out a public consultation on the proposed closure and received the following replies

<b>Consultee</b>	<b>Comments</b>
Highway Authority, Cumbria County Council (David Gibson)	<i>"Is there an assurance that the wall will be reconstructed on the same alignment?"</i>
<b>Our Response</b>	One of the conditions of the planning consent was that <ul style="list-style-type: none"> <li>• New and partly rebuilt stone walls to the site boundaries shall be sited on the line of existing walls and shall not encroach into the public right of way passing the site.</li> </ul>
<b>Consultee</b>	<b>Comments</b>
Neil Hughes, Cumbria County Councillor	<i>"Fine with me assuming the proposed new development receives (or has received) planning permission."</i>
<b>Our Response</b>	We have already granted planning consent for this development.
<b>Consultee</b>	<b>Comments</b>
Val Edmondson, LDNPA Ranger	<i>"I would whole heartedly support the Seat Farm request as the alternative route is a very good one and will be much more convenient for the public while work is being carried out."</i>

Authorised by:

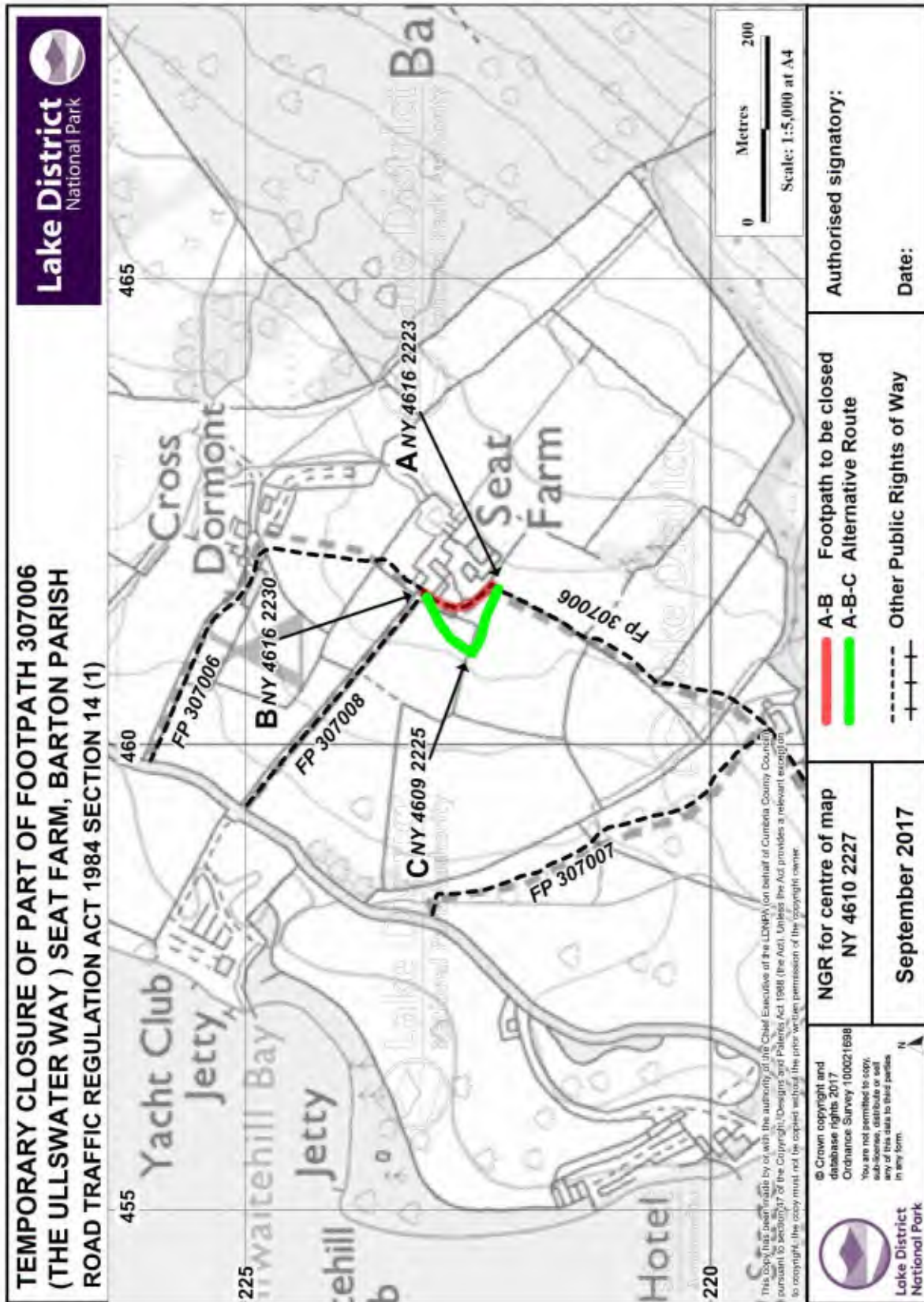
.....  
 Mark Eccles, Head of Park Management

Date.....

Background Papers  
 Author:  
 Date Written:  
 Version

Case file 1410.003 (190)  
 Sarah Blakemore, Rights of Way & Access Assistant  
 11 October 2017  
 Final

**Map 1: Site Plan**



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

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  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF FOOTPATH 577038 (THE ULLSWATER WAY) AT BONFIRE HALL, UNDERBARROW AND BRADLEYFIELD PARISH.</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We have received an application to for a temporary closure of part of public footpath 577038 at Bonfire Hall, Underbarrow and Bradleyfield to enable demolition and construction works immediately adjacent to the path. An alternative route will be provided and the applicant has agreed that the alternative route will be made good for public use.	
Details of Decision	That we make a temporary Traffic Regulation Order to close a section of Footpath 577038 at Bonfire Hall, Underbarrow and Bradleyfield as shown A-B-C on the plan attached the report, for a period of 6 months to enable demolition and construction work adjacent to the route, subject to the applicant bringing the alternative route into an acceptable condition for public use.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Make the order subject to the applicant making good the alternative route to a standard acceptable to LDNPA</li> <li>• Make the order</li> <li>• Not to make the order.</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (191)	
Date of Report	25 October 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	26 October 2017	

## TEMPORARY TRAFFIC REGULATION ORDER OVER FOOTPATH 577038 AT BONFIRE HALL, UNDERBARROW AND BRADLEYFIELD PARISH

### 1 Summary

- 1.1 This report recommends that we make an order to temporarily prohibit traffic on Footpath 577038 at Bonfire Hall, Underbarrow and Bradleyfield to enable building works adjacent to the path. Making the order will be conditional upon the applicant providing an alternative route suitable for public use. The Order would come into effect in November 2017 and last for six months. However, the applicant has indicated that they anticipate the project will take longer than this to complete, and so they are likely to seek an extension of the closure for a further period.

**Recommendation:** *That we make a temporary Traffic Regulation Order to close a section of Footpath 577038, at Bonfire Hall, Underbarrow and Bradleyfield as shown A-B-C on the attached plan, for a period of six months, subject to the applicant bringing the alternative route into an acceptable condition for public use.*

### 2 Background

- 2.1 We have received an application to temporarily close part of Footpath 577038 at Bonfire Hall whilst demolition, construction and refurbishment works are being carried out immediately adjacent to the definitive line of the path.
- 2.2 The definitive line runs directly between the buildings at Bonfire Hall; see photos below (supplied by the applicant's architect).
- 2.3 It appears that the definitive line is not always used and the public have mainly been using an alternative route on the outside of the buildings to the east and north of the Hall. A new fence line has recently been erected which is blocking the definitive line north of the Hall.



**Photo 1:**  
the definitive line  
through the  
buildings at  
Bonfire Hall



**Figure 2:**  
the  
definitive  
line  
through  
the  
buildings  
at Bonfire  
Hall

- 2.4 The applicant has requested the closure to allow demolition and refurbishment works to be carried out immediately adjacent to the path. Given the closeness of the buildings to be demolished to the path, this seems a reasonable request (albeit that the public are not currently often using the path and it has recently been obstructed).
- 2.5 An alternative route will be available for the duration of the closure (as shown A-D-C on the attached plan). At the moment the proposed alternative is muddy and churned up from use by construction vehicles. The applicant has agreed to make the alternative suitable for public use.



**Photo 3:**  
the  
proposed  
alternative  
route  
south of  
the new  
gate at  
point D



**Photo 4:**  
the proposed  
alternative route

- 2.6 The order would be for a period of six months, however the applicant has indicated that the building work is likely to take longer than this to complete and so it is likely they will ask us to have the order extended by the Secretary of State at the end of the six months.

### **3 Policy Context**

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### **4 Options**

- 4.1 The options are to:
- a) Make the order subject to the applicant making good the alternative route to a standard acceptable to LDNPA
  - b) Make the order
  - c) Do not make the order.

## 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. This temporary closure and diversion will allow the works immediately adjacent to the path to go ahead safely and efficiently and will remove any potential danger to the public using the definitive line.
- 5.2 Given the current state of the proposed alternative route, I recommend that the order should not be made until the route has been brought into an acceptable condition for public use as agreed with an LDNPA Ranger. Making the order conditional upon the applicant making good the alternative route will ensure that the public are not unduly inconvenienced.

## 6 Best Value Implications

- 6.1 The Best Value implications are:
- The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - Processing temporary traffic regulation Notices is not a **competitive** procedure. Cumbria County Council can also process temporary closure Notices, but we are the best placed organisation to make this Notice.
  - We have carried out the required **consultations**.
  - We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

- 7.1 The costs of a temporary closure order is approximately £710 + VAT plus the cost of two newspaper adverts which covers staff-time, stationery and postage. All the costs will be met by the applicant.
- 7.2 Any costs involved in extending the closure (approximately £150) will also be met by the applicant.

## 8 Risk

- 8.1 There is a risk if we do not make the order that somebody using the definitive line could be injured by the adjacent demolition or construction works, and given that the passageway between the buildings is relatively narrow, it would be hard to manage public safety on the definitive line without significantly causing disruption to the work programme.

## 9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path are within section 14 (1) (a) of the Road Traffic Regulation Act 1984 – namely, works being executed on or near the road.

- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act, and under our Agency Agreement with Cumbria County Council.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 16 hours from members of the Park Management team, and half an hour from a member of Legal Services. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

## **11 Sustainability**

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

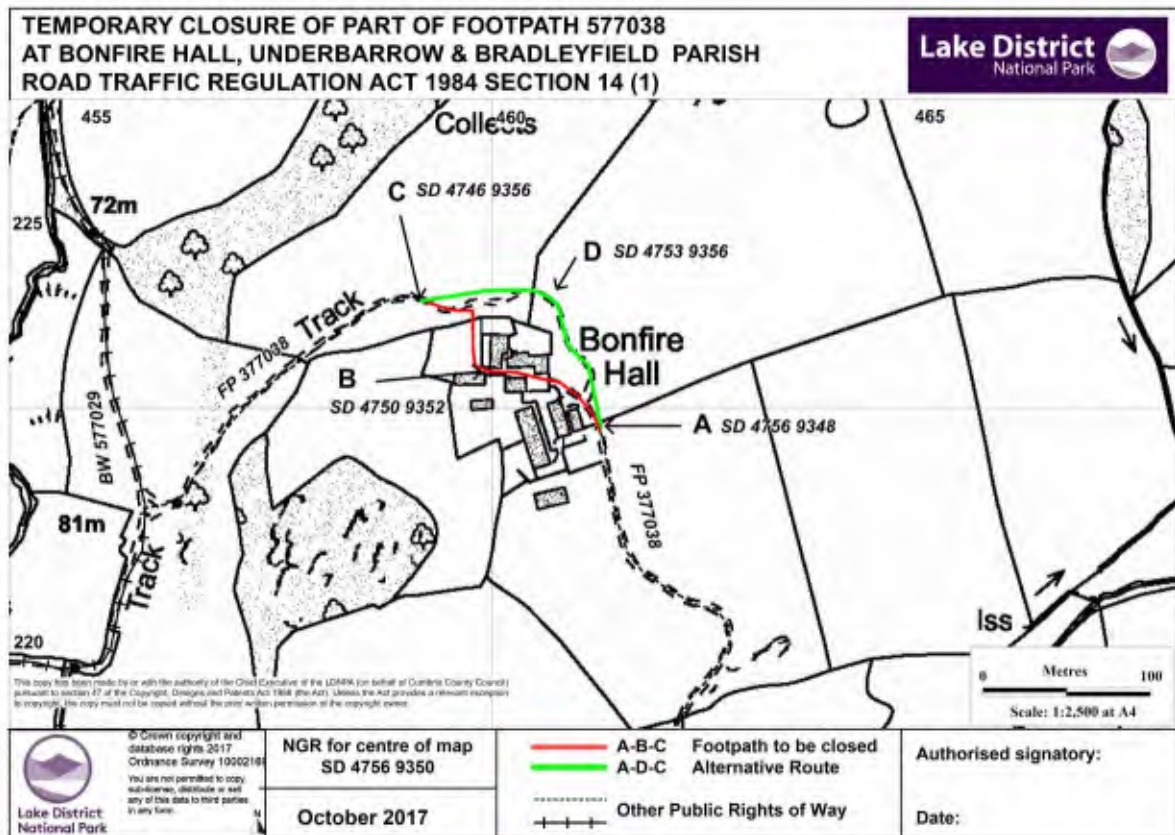
## 12 Consultation Responses

<b>Consultee</b>	<b>Comments</b>
Highway Authority, Cumbria County Council (David Gibson)	"That all looks fine"
<b>Consultee</b>	<b>Comments</b>
Underbarrow & Bradleyfield Parish Council (Parish Clerk)	<i>"This has been circulated all to Councillors at Underbarrow &amp; Bradleyfield Parish Council and I have received no objections at all to the proposals"</i>
<b>Consultee</b>	<b>Comments</b>
Dave Bell, LDNPA Ranger	<i>"The track they wish to put the TTRO on... is now in an unacceptable state. Really they need to scape this off and surface dress it with 'MOT' aggregate to make it unable. Once through the gate into the open field then it's fine."</i>
As a result of the Ranger's comment I have contacted the applicant to seek assurances that the alternative route will be made good as a condition of the order being made and the applicant has responded that this will be done. (see Appendix for full email correspondence)	

Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
--

Background Papers	Case file 1410.003 (191)
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	25 October 2017
Version	Final

**Map 1: Site Plan**



## Appendix: Correspondence Regarding Alternative Route

### Sarah Blakemore

---

**From:** Charles Crewdson [REDACTED]  
**Sent:** 25 October 2017 12:42  
**To:** Sarah Blakemore  
**Cc:** Emma Corbett  
**Subject:** Re: Temporary Closure and Diversion of footpath at Bonfire Hall

Dear Sarah,

The proposals your Ranger suggests will be taken forward.

Regards

Charles

On 25 Oct 2017, at 12:27, Sarah Blakemore <[Sarah.Blakemore@lakedistrict.gov.uk](mailto:Sarah.Blakemore@lakedistrict.gov.uk)> wrote:

Hi Emma

Further to my earlier emails. Today is the deadline for getting approval for this temporary closure/deadline to meet your requested timescale of bringing the order into effect in mid November 2017. As I explained in my earlier emails, I am not in a position to proceed with this at the current time, until I have a response from you to our request that the alternative route is brought up to an acceptable standard for public use.

I await to hear from you.

**Sarah Blakemore**  
Rights of Way & Access Assistant  
Lake District National Park Authority  
[www.lakedistrict.gov.uk](http://www.lakedistrict.gov.uk)  
01539 792698 ext. 2730

Please note my working days are Monday, Tuesday and Wednesday.

---

**From:** Sarah Blakemore  
**Sent:** 23 October 2017 14:02  
**To:** 'Emma Corbett' [REDACTED]  
**Subject:** Re: Temporary Closure and Diversion of footpath at Bonfire Hall  
**Importance:** High

Hello Emma

Further to my email. The public consultation on the proposed closure/diversion has now finished and so I will be preparing a report for our Head of Park Management on the application for a temporary closure and diversion.

I think it's unlikely that he will approve a closure without your assurances of the alternative route being made good, so I would appreciate if you would give me a response on this matter as soon as possible. I cannot go ahead with putting the closure in place without the approval of the Head of Park Management and any interruption in the timeline will result in a delay in any closure being brought into effect.

I hope to hear from you soon.

Regards  
Sarah

**Sarah Blakemore**  
Rights of Way & Access Assistant  
Lake District National Park Authority  
[www.lakedistrict.gov.uk](http://www.lakedistrict.gov.uk)  
01539 792698 ext. 2730

Please note my working days are Monday, Tuesday and Wednesday.

---

**From:** Sarah Blakemore  
**Sent:** 18 October 2017 17:27  
**To:** 'Emma Corbett' [REDACTED]  
**Cc:** David Bell <[David.Bell@lakedistrict.gov.uk](mailto:David.Bell@lakedistrict.gov.uk)>; Nick Thorne <[Nick.Thorne@lakedistrict.gov.uk](mailto:Nick.Thorne@lakedistrict.gov.uk)>  
**Subject:** Temporary Closure and Diversion of footpath at Bonfire Hall

Hi Emma

I am currently carrying out a consultation with the public and various interested parties on the proposed closure/temporary diversion at Bonfire Hall.

The ranger for the area has expressed concern about the condition of the route of the temporary diversion east of the Hall. He feels that this route would not be acceptable for the public to use because it has been churned up by vehicles. I have attached some photos and a plan annotated by the Ranger.

Given the surface condition, we request that some remedial work is done before this alternative could be used as a diversion to enable the closure. The Ranger has suggested that the mud needs to be scraped off and the surface dressed with 'MOT' aggregate to make it an acceptable condition for use.

The temporary closure will need to be approved by our Head of Park Management, and the condition of the alternative route and its effect on the enjoyment of the path by the public will be one of the issues he will consider in deciding whether to approve the temporary closure.

I would be grateful if you could consider these issues and confirm what action you intend to take before the closure is put in place.

Best wishes  
Sarah

**Sarah Blakemore**  
Rights of Way & Access Assistant  
Lake District National Park Authority  
[www.lakedistrict.gov.uk](http://www.lakedistrict.gov.uk)  
01539 792698 ext. 2730

Please note my working days are Monday, Tuesday and Wednesday.

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

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- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>AUTHORISATION OF NEW GATES, FP 513002 and 513003 HAWKEARTH BANK, CROOK PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a request from the landowner at Hawkearth Bank, Crook Parish to authorise new wicket gates on public footpaths 513002 and 513003. The two gates are needed to prevent stock from entering and grazing an area of woodland regeneration.	
Details of Decision	To grant authorisation.	
Details of alternative options considered and rejected.	Not to grant authorisation (explanation overleaf).	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None.	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	27 November 2017	
Signature of authorising officer	Signed  Mark Eccles, Head of Park Management	
Date	27 November 2017	

## **Brief Summary of Reasoning for Authorisation**

The owner of land north of Hawkearth Bank, Crook has requested two new wicket gates (as shown on the attached map) on Footpath 513002 and 513003.

There is going to be an area native woodland regeneration on the land. A new fence (as shown in red on the attached map) is being erected around the area to prevent sheep and cattle from entering and grazing the land. The new fence will cross Footpath 513002 at SD 4211 9250 and Footpath 513003 at SD 4201 9248.

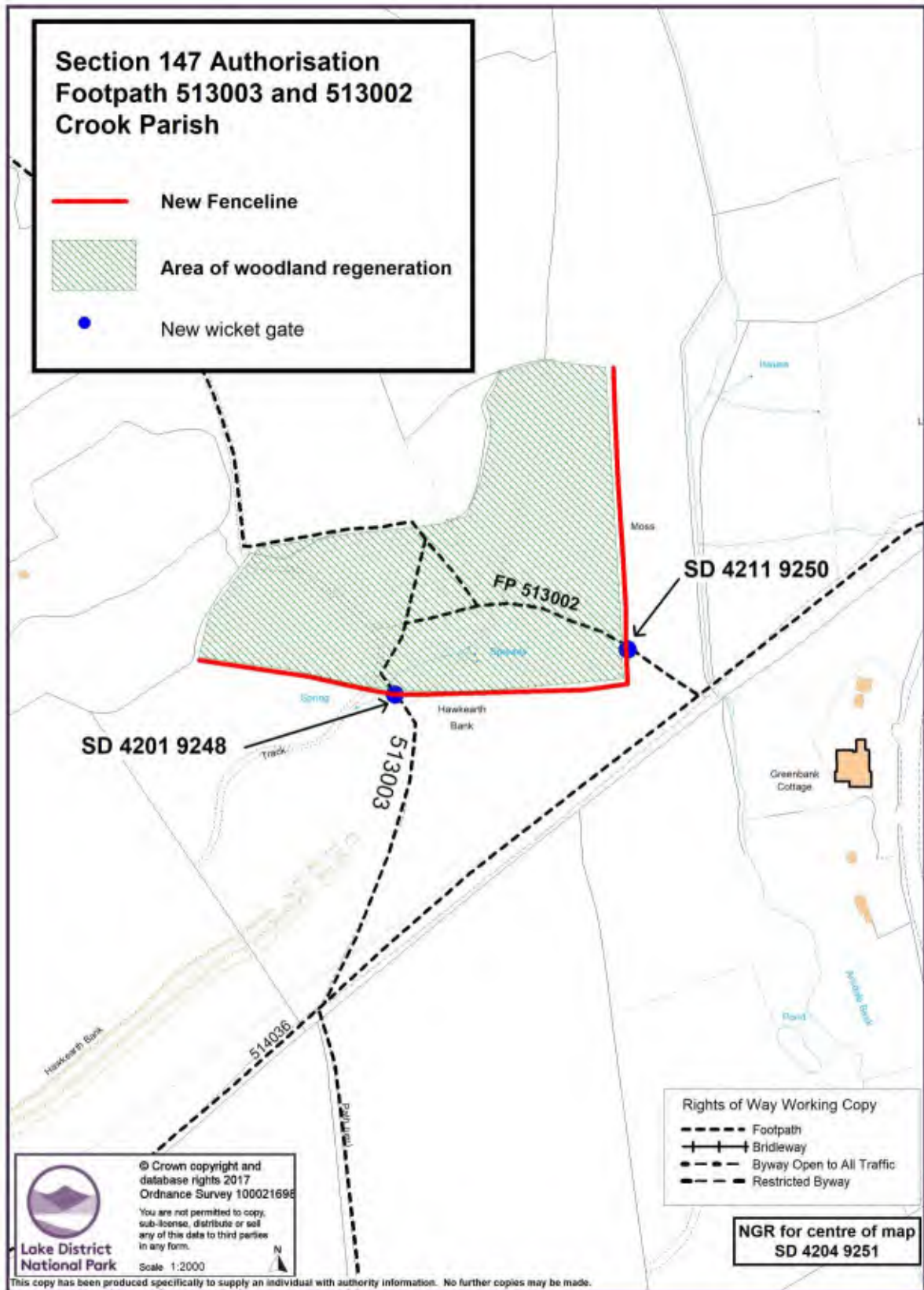
The landowner has therefore requested authorisation for new gates at these points. The structures will be 3ft wicket gates with metal catches (of an approved design).

I would recommend that we authorise the application. It seems reasonable to accept that the new fence is essential to keep livestock out of the woodland regeneration area and therefore that the gates in the fence on the rights of way are necessary in order to establish woodland cover on the land. If we do not give authorisation and the area remains unfenced then the efficiency of the land for woodland/forestry would be greatly reduced.

We will stipulate that the gates must be fitted according to our 2011 agreed specifications, and with an easy-to-use catch. Therefore there should be no great additional inconvenience to the walking public. The landowner will be responsible for future maintenance of the gates.

The application form and letter are stored in the paper file 1410.002, and the data will be added to our asset management database when installed.

**Map 1: Location of Proposed New Gate and Fencing**



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  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE FOR PART OF BRIDLEWAY 243012, HIGH NOOK FARM, LOWESWATER PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Highnook Beck, at High Nook Farm has collapsed due to the heavy rain last week. The bridge has been examined by structural engineers on behalf of the owners (the National Trust) and they have condemned the remaining structure as unsafe. It is therefore necessary to legally prevent public access pending repair or replacement of the bridge.	
Details of Decision	That we issue a Temporary Traffic Regulation Notice for part of Bridleway 243012, as shown A-B-C on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to issue the Notice	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	Case file 1410.003 (193)	
Date of Report	29 November 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	29 November 2017	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR BRIDLEWAY 243012 AT HIGH NOOK FARM, LOWESWATER PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over a section of bridleway because of the danger to the public resulting from storm damage to a bridge.

**Recommendation:** *That we issue a Temporary Traffic Regulation Notice for part of Bridleway 243012, as shown A-B-C on the attached plan.*

### 2 Details of Request

- 2.1 The bridge across Highnook Beck at Nigh Nook Farm in Loweswater has partially collapsed due to flooding in the heavy rain last week (see figure 1). The National Trust have had the bridge inspected by structural engineers who have condemned the remaining structure and advised that it must not be used. Therefore for public safety, we need to prevent public access pending repair or replacement of the bridge.



Figure 1

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Issue the notice
  - b) Do not issue the notice.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £135 + VAT which cover staff-time, stationery and postage.

### 8 Risk

- 8.1 The major risk associated with this is if we do not issue the notice. The closure will safeguard potential users of the bridleway who may be injured if they attempt to use the unsafe bridge.

## 9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer term order if necessary.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately two hour from a member of the Park Management team, 30 minutes from the GIS technician, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

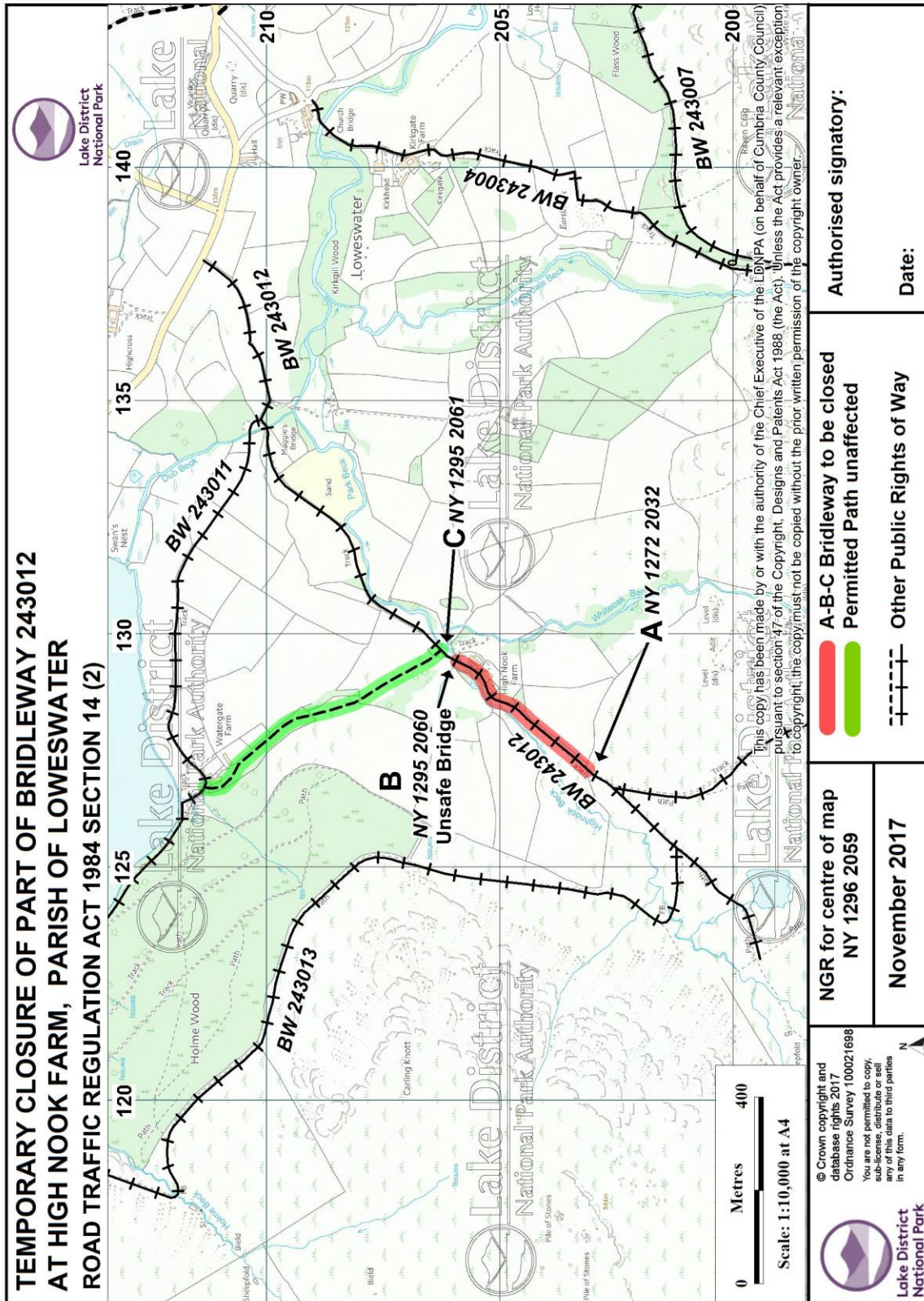
## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
--

Background Papers	Case file 1410.003 (193)
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	29 November 2017
Version	FINAL

Appendix: Location Plan



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER RESTRICTING FOUR WHEELED TRAFFIC ON PART OF BYWAY OPEN TO ALL TRAFFIC BOAT 529037 (MOUNTAIN ROAD) HAWKSHEAD PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We are planning to carry out stone pitching works on part of the 'Mountain Road' in Hawkshead parish (BOAT 529037). We think that it will be necessary to close part of the route to four wheeled vehicles (including four wheeled mechanically propelled vehicles and horse drawn carriages) when the work is taking place. All other users will be unrestricted. The order would be in place for six months, but the actual closure would be in place only during works (for about two weeks).	
Details of Decision	<b><i>That we make a Traffic Regulation Order to temporarily prohibit four wheeled traffic on part of Byway Open to All Traffic 529037 as shown A to B on the plan attached to the report, for a period of 6 months from 26 January 2018.</i></b>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Make an order restricting either a longer or shorter section of the Byway</li> <li>• Make an order restricting one or more additional classes of user e.g. cyclists, walkers, horseriders, motorcyclists</li> <li>• Do not make an order</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (192)	
Date of Report	13 December 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	14 December 2017	

## TEMPORARY TRAFFIC REGULATION ORDER RESTRICTING FOUR WHEELED TRAFFIC ON PART OF BYWAY OPEN TO ALL TRAFFIC 529037 (MOUNTAIN ROAD) HAWKSHEAD PARISH

### 1 Summary

- 1.1 This report recommends that we make an order to temporarily restrict four wheeled traffic on part of Byway Open to All Traffic 529037 (Mountain Road) in Hawkshead Parish to enable stone pitching surfacing works.

**Recommendation:** *That we make a temporary Traffic Regulation Order to temporarily prohibit four wheeled traffic on part of Byway Open to All Traffic 529037 as shown A to B on the plan attached, for a period of 6 months from 1 February 2018.*

### 2 Background

- 2.1 A section of the 'Mountain Road' in Hawkshead Parish (Byway Open to All Traffic 529037) has deteriorated over the years. We are intending to stone pitch a 30m section with local stone from Tilberthwaite. The section to be pitched is at the southern end of the route, to the north of Lonningarth. The work will be carried out by a contractor.
- 2.2 We believe that it will be possible for walkers, cyclists, horseriders and motorcycles to continue to use the route during the works. The pitching will be done alternately on one half width of the route whilst the other half remains open to users. However, it will not be possible to accommodate wider vehicles which would take up more than half of the width. Therefore we are proposing to close a section of the route to four wheeled vehicles (including four wheeled mechanically propelled vehicles and horse drawn carriages) when the work is taking place.
- 2.3 The section to be restricted is shown A to B on the attached plan. The remaining section of BOAT 529037 and its continuation BOAT 512065/571015 (in Skelwith and Coniston parishes) will be unrestricted but will not be available as a through route to four wheeled vehicles. We have selected point B as the appropriate start of the restriction because there is room for vehicles to turn around there (see photos 1 and 2 overleaf).
- 2.4 The order would be in place for six months, but the actual closure would only be required during the works (which are expected to last for about two weeks in early February 2018).



Photos 1 and 2:  
Proposed turning point at B,  
Northern end of section of BOAT  
to be restricted



### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the order prohibiting access by four wheeled vehicles between points A and B on the attached plan
  - b) Make an order restricting either a longer or shorter section of the Byway
  - c) Make an order restricting one or more additional classes of user e.g. cyclists, walkers, horseriders, motorcyclists
  - d) Do not make an order.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The cost of making the temporary closure order is approximately £710 plus the costs of two newspaper adverts. These costs cover staff time, stationery and postage.
- 7.2 We will meet the costs of making and advertising the order.

## **8 Risk**

- 8.1 If we do not make the order the work programme may be disrupted by use by four wheeled vehicles occupying part of the width being pitched and this could potentially damage the works before it is completed.

## **9 Legal Considerations**

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on this path is within section 14(1)(a) of the Road Traffic Act 1984 - namely because of works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Park Management team, 1 hours from the GIS technician and 0.5 from a member of Legal Services team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## **11 Sustainability**

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

## 12 Consultation Responses

12.1 We carried out a consultation on the proposed restriction, including with the County Council. We received a number of responses, several of which were not directly related to the appropriateness of a closure but instead were concerned with details of the surfacing works or procedural aspects of the consultation process. The full consultation responses are reproduced in the Appendix, and those that are directly relevant are shown below, together with our responses:

Consultee	Comment
Nick Fieldhouse, Kankku	<i>In specific relation to this closure, we've no real problem but would suggest consideration of the following:  Does it have to be closed over weekends - if not then it would help to be open for weekend use? Can we avoid valentines weekend and the half term weeks?</i>
Our response	Our Contractor is going to start the work in the last week of January and it will continue for a couple of weeks. All being well, we anticipate that it will be completed and the route reopened by the weekend at the start of the valentines/half term week. This is the timescale we are aiming at, but I must add that we can't absolutely guarantee it, as at this time of year bad weather can cause delays.
Stephen Hodgson, Borwick Lodge	<i>'Please can you confirm that private farm track, Borwick Ground marked on the plan attached (in blue) will not be blocked or restricted when work is in progress, as 24 hour access is required to our land at Lonningarth'</i>
Our response	I can confirm that the route marked in blue on your map will not be affected by the works and will remain unrestricted at all times.
National Trust (David Towler)	<i>'Simon Hill our Coniston Area Ranger commented as follows:  Looking at the map my comments are as follows.  1. Without a full closure, how do they think vehicles will turn around? Looks like they are thinking vehicles will turn on our track into Iron Keld. My concern is that this could result in damage to our access / drystone wall boundaries and track surfaces. 2. Potential to cause congestion and along the route with increased likelihood of vehicles meeting head on. 3. Impact on High Arnside - Have they consulted Martin Meredith?  I would also add it's quite disappointing to see work to a route which is already in my opinion in good condition - particularly the section they are proposing to pitch. There are routes in much greater need of work in the South Lakes than those. Not least the Tilberthwaite UCR.  Please can you comment on some of the questions which Simon raises.'</i>
Our	Thanks very much for your response to our consultation on the

<p>response</p>	<p>proposed restriction of four wheeled vehicles on part of the Mountain Road Byway during resurfacing works. Sorry for the delay in responding.</p> <p>I have discussed the points you have raised with the relevant Rangers. I'm very happy to respond to each of your concerns in turn:</p> <ul style="list-style-type: none"> <li>• Our rangers visited the site to look for a suitable turning space to allow vehicles to continue to use the northern section of the Byway. They identified that there was sufficient space immediately before point B to allow vehicles to turn around without causing any damage to the gates or field boundaries. We don't anticipate that there will be any surface damage, but we would of course make good any damage should it occur.</li> <li>• I appreciate your concerns over increased congestion or difficulties that could result from vehicles meeting on the unrestricted section. However, we consider the risk of potential difficulties is small as the route is already open to be driven in two directions rather than just one way traffic.</li> <li>• We consulted all those individuals and organisations who may have their access directly affected by the temporary restriction order. High Arnside is not directly affected by the closure with its entrance being located approximately 160m up the Byway from the main road at the north. We appreciate there may be some indirect effects in that any vehicle that goes up the road during the restriction must then come back down this 160m section, but this is a Byway for the public vehicular use and not a private access road to High Arnside.</li> <li>• Finally I note your ranger's comments on wider issues of prioritisation of works on this route rather than the Tilberthwaite UCR and I am sorry that he is disappointed with this. I think it is important to bear in mind that maintaining the surface of UCRs is the responsibility of the County Council – we have delegated responsibility only for footpaths, bridleways and byways but not unsurfaced roads such as the Tilberthwaite UCR. The works on the Mountain Road Byway have been scheduled for some time, and have been prioritised in part because of local concern over the state of the surface, which we are responsible for.</li> </ul> <p>Thanks again for taking the time to respond to the consultation. I hope I have addressed at least some of your concerns about the proposed temporary restriction, but if you have any further comments please do get in touch.</p>
<p>Coniston Mountain Rescue Team</p>	<p><i>'Could you clarify what vehicular access we might have please when we're responding to emergencies either via or on the mountain road, which we occasionally need to do?</i></p>

	<i>The access from Borwick Lodge end is favoured if going to Iron Keld / Black Fell area as the route from the North while navigable in our vehicles is much worse and slower not to mention uncomfortable for any casualty we may be carrying. With that in mind, are there any plans to address the road North of these works in the future?</i>
Our response	<p>During the closure period it is likely that it won't be possible to physically access the southern section due to machinery and materials on the route. Section C to B will be entirely unaffected. The closure will be in place only during the time that works are being carried out. We expect work to start at the end of January and to continue for about two weeks (although this will be weather dependent)...</p> <p>I have spoken to the area ranger with regard to any plans for other works to the route, and we do not have any plans to do carry out works on the northern section at the present time.</p>

Authorised by:

.....  
Mark Eccles, Head of Park Management

Date.....

Background Papers      Case file 1410.003 (192)  
Author:                      Sarah Blakemore, Rights of Way & Access Assistant  
Date Written:              13 December 2017  
Version                      Final

**Map 1: Location Plan**



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  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE FOR PART OF BRIDLEWAY 243012, HIGH NOOK FARM, LOWESWATER PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Highnook Beck, at High Nook Farm has collapsed due to the heavy rain last month. The National Trust's structural engineers have condemned the remaining structure as unsafe. On 29 November 2017 we issued an emergency Temporary Restriction Notice to restrict public access for 21 days. A temporary bridge is going to be installed one metre downstream of the existing bridge. Therefore we need to continue the closure until the temporary bridge is in place.	
Details of Decision	That we issue a Temporary Traffic Regulation Notice for part of Bridleway 243012, as shown A-B-C on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to issue the Notice	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	Case file 1410.003 (193)	
Date of Report	19 December 2017	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	19/12/2017	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR BRIDLEWAY 243012 AT HIGH NOOK FARM, LOWESWATER PARISH

### 1 Summary

- 1.1 This report recommends the extension of the temporary prohibition of traffic over a section of bridleway because of the danger to the public resulting from storm damage to a bridge.

**Recommendation:** *That we issue a second Temporary Traffic Regulation Notice for part of Bridleway 243012, as shown A-B-C on the attached plan for a further 21 days.*

### 2 Details of Request

- 2.1 The bridge carrying Bridleway 243012 across Highnook Beck at Nigh Nook Farm in Loweswater has partially collapsed due to flooding in the heavy rain last month (see photo 1). The National Trust have had the bridge inspected by structural engineers who have condemned the remaining structure and advised that it must not be used. Therefore for public safety, we issued a temporary emergency closure Notice on 29 November to prevent public access over the bridge.



Photo 1

- 2.2 The structural engineers have now confirmed that the bridge needs to be rebuilt. This cannot be done until June next year due to Environment Agency seasonal restrictions on working in watercourses. A temporary bridge one metre downstream of the existing bridge is going to be installed to allow access to High Nook Farm and the public will be able to use this. The temporary bridge should be ready for use by Christmas, or early in the New Year. Therefore we need to extend the period of the closure to cover this period.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Issue the Notice
  - b) Do not issue the Notice.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £135 + VAT which cover staff-time, stationery and postage.

## 8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The closure will safeguard potential users of the bridleway who may be injured if they attempt to use the unsafe bridge.

## 9 Legal Considerations

- 9.1 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.
- 9.2 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer term order if necessary.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately two hours from a member of the Park Management team, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
--

Background Papers	Case file 1410.003 (193)
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	19 December 2017
Version	FINAL



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>SECTION 33 ROAD TRAFFIC ACT CONSENT – MALCOLM WILSON RALLY MARCH 2018</b>	
Relevant section of Scheme of Delegation	<p><b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b>  <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b></p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	The Malcolm Wilson Rally is an annual motor sports event which uses routes over Forestry Commission land in Grizedale Forest, Whinlatter Forest and Wythop Woods. A number of public paths are crossed or used by the event, and section 33 consent is required for this to happen.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is generally well run, the Forestry Commission is happy to host the event on its land, and the public paths will be marshalled.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	File Reference 1480.007	
Date of Report (letter)	10 January 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	10/01/2018	

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Direct dial: 01539 792698 ext. 2730  
Our ref: PM/SB/1480.007  
Your ref:

Date: 10 January 2018

Ronnie Sandham  
Secretary to the Malcolm Wilson Rally



Dear Ronnie

**Malcolm Wilson Rally 3 March 2018**

Thank you for your recent request for authorisation to use a number of rights of way during the annual Malcom Wilson Rally. The following sections of public footpaths and bridleways will be affected:

Parish	Rights of Way	Parish	Rights of Way	Parish	Rights of Way
Satterthwaite	BW 566032	Satterthwaite	BW 566031	Colton	BW 511084
Satterthwaite	FP 566026	Satterthwaite	FP 566003	Colton	BW 511085
Satterthwaite	FP 566027	Hawkshead	BW 529005	Colton	BW 511055
Satterthwaite	BW 566033	Hawkshead	FP 529007	Wythop	FP 264005
Coniston	BW 512006	Satterthwaite	BW 566002	Wythop	FP 264002
Coniston	BW 512005	Satterthwaite	FP 566001	Wythop	FP 264009
Coniston	BW 512003	Coniston	FP 512004	Wythop	FP 264012
Coniston	BW 512066	Coniston	FP 512061	Above Derwent	FP 201004
Satterthwaite	BW 566030	Satterthwaite	BW 566004	Wythop	BW 264003
Coniston	FP 512002	Satterthwaite	FP 566038	Above Derwent	BW 201065
Hawkshead	FP 529019	Satterthwaite	FP 566005	Above Derwent	BW 201006
Satterthwaite	BW 566006	Hawkshead	FP 529006	Lorton	FP 242017
Satterthwaite	BW 566007	Hawkshead	BW 529039	Lorton	FP 242024

We grant consent under Section 33 of the Road Traffic Act 1988 for these footpaths and bridleways to be used by up to 150 vehicles taking part in the Malcolm Wilson Rally on 3 March 2018 subject to the conditions overleaf. However, this consent is also conditional on there being a limit of 150 competing vehicles and that you provide us with a copy of the rally route in advance of the event.

We have made the combined temporary closure order for the Grizedale Stages and Malcolm Wilson Rallies. You will shortly receive the closure notice and maps, ready for putting up before the rally.

Richard Leafe, Chief Executive



A member of the  
Association of National Park Authorities  
A member of the Federation of Nature and  
National Parks of Europe

Good luck with the event, and if you have any queries about this matter, please contact Sarah Blakemore at Murley Moss (contact details in header).

Yours sincerely

Mark Eccles  
Head of Park Management  
CC: Motor Sport Association (Competition Authorisation Office)

You (the Rally organisers) shall:

1. Repair any damage to or reinstate the surface of the footpaths and bridleways or any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us fully against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any death, injury or loss of or damage to property which is caused directly or indirectly by your act or omission in respect of the event.
3. Take all reasonable safety precautions to protect members of the public using or intending to use any affected footpath or bridleway irrespective of the formal closure of these routes to the public.
4. Remove litter deposited on any affected footpath or bridleway during the event.
5. Arrange for marshals, over 18 years of age, to be posted at each end of every right of way affected by the event and at the points at which it will be necessary for traffic to diverge from the right of way to warn people of the presence of motor vehicles. Marshals must be aware of radio locations for communication.
6. Ensure that all gates are closed at the end of the event.
7. Arrange for notice of any Traffic Regulation Order to be displayed in a prominent position at each end of the length of road to which the order relates and at the points at which it will be necessary for traffic to diverge from the right of way, stating the effect of the order and, where applicable, the alternative route or routes available for traffic. Each notice shall be displayed throughout the period during which the order is in force and you shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the order remains in force or are promptly replaced as often as occasion requires during that period. .

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  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER RESTRICTING TRAFFIC ON FOOTPATH 249077 AT WHITEHEAD COPPICE, ST JOHN'S, CASTLERIGG &amp; WYTHBURN PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We have received an application for a temporary closure of Footpath 249077 at Whitehead Coppice, St Johns, Castlerigg & Wythburn Parish to enable cable installation works. The order would be in place for six months from 16 February 2018, but the actual closure would be in place only during works (for about two weeks).	
Details of Decision	<b><i>That we make a temporary Traffic Regulation Order to close Footpath 249077 as shown A to B on the plan attached to the report, for a period of 6 months from 16 February 2018.</i></b>	
Details of alternative options considered and rejected.	a) Make the order b) Not make the order	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Background Papers	Case file 1410.003 (194)	
Date of Report	16 January 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	16/1/2018	

## **TEMPORARY TRAFFIC REGULATION ORDER OVER FOOTPATH 249077 AT WHITEHEAD COPPICE, ST JOHN'S, CASTLERIGG & WYTHBURN PARISH**

### **1 Summary**

- 1.1 This report recommends that we make an order to temporarily close Footpath 249077 at Whitehead Coppice St John's, Castlerigg & Wythburn as shown A to B on the attached plan, for a period of six months from 16 February 2018 to enable cable installation works under the line of the path. The closure will be in effect when works are taking place on site, which are scheduled to last for about two weeks.

<p><b>Recommendation:</b> <i>That we make a temporary Traffic Regulation Order to close Footpath 249077, at Whitehead Coppice, St John's, Castlerigg &amp; Wythburn as shown A to B on the attached plan, for a period of six months.</i></p>
---

### **2 Background**

- 2.1 We have received an application for a temporary closure of Footpath 249077 at Whitehead Coppice, St Johns, Castlerigg & Wythburn Parish.
- 2.2 Works to are scheduled to be carried out to install a new electricity LV cable into the River Gauging Cubicle adjacent to the footpath alongside the River Greta. This work will involve the path surface being excavated by heavy machinery followed by installation of the cable. The applicant has stated that the works at this site are likely to take slightly longer than normal because the excavation will be within the area of the tree canopy.
- 2.3 The closure order would be in place for six months, but the closure would only be in effect when the works are taking place on site. Works are scheduled to last for approximately two weeks from 19 February 2018. The landowner has indicated that BT are also wishing to install a cable at the site and it is hoped that it will be possible for BT and the contractors installing the LV cable to liaise to carry out the work at the same time. However, if this is not feasible, it is possible that BT may wish to put in place a second closure for works within the timeframe allowed by the 6 months duration of the order.
- 2.4 The path would be closed between points A and B on the attached plan. An alternative route would be available along the line of the Keswick Railway Path from C to B. The proposed temporary closure would also affect the permissive cycle path over the public footpath.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the order
  - b) Do not make the order.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. This temporary closure will allow the cable installation works to go ahead safely and efficiently and will remove any potential danger to the public from machinery involved in the excavation and cable installation works.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation Notices is not a **competitive** procedure. Cumbria County Council can also process temporary closure Notices, but we are the best placed organisation to make this Notice.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The costs of a temporary closure order is approximately £710 + VAT plus the cost of two newspaper adverts which covers staff-time, stationery and postage. All the costs will be met by the applicant.

## **8 Risk**

- 8.1 There is a risk if we do not make the order that somebody using footpath could be injured by the excavation and installation works on the path. Given that works will involve heavy machinery excavating the surface of the path, it would be hard to manage public safety keeping the definitive line open (for example by using banksmen) without causing unreasonable disruption to the work programme.

## **9 Legal Considerations**

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path are within section 14 (1) (a) of the Road Traffic Regulation Act 1984 – namely, works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act, and under our Agency Agreement with Cumbria County Council.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 16 hours from members of the Park Management team, and half an hour from a member of Legal Services and half an hour by a member of ICT team. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

## **11 Sustainability**

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

## 12 Consultation Responses

- 12.1 We carried out a consultation on the proposed closure. Cumbria County Council and the LDNPA Area Ranger both indicated that they had no comments to make.
- 12.2 We received a comment from Matt Hodges, Right to Ride Representative, Cycling UK:

*I am not personally familiar with the footpath and permissive cycle path and it is several years since I used the railway path. Looking at the plan I am concerned that the marked alternative route stops at the A66 which is not a pleasant road for walking or cycling though Google shows a short length of shared path and cycle crossing. The marked alternative should continue to the end of the closure at point A. Also the contractor should be required to sign the diversion with special shared path diversion continued signs where it joins crosses and leaves the A66.*

Our response was as follows:

Thanks very much for your comments on the proposed temporary closure at Whitehead Coppice. To put the issue into context, the public footpath and permitted cycle path were created by an agreement between the National Park and the landowner a few months ago and if the scheduled cable installation work had been carried out before the creation came into effect then the contractor could have carried out the work without any provision for a formal closure/alternative route. I absolutely agree with you that users would not want to walk or cycle on the carriageway of the A66. You are correct, there is a shared path along the side of the road so it is not necessary to cycle/walk along the A66 if using the alternative route. There is a refuge at the crossing point opposite the end of the road to Bridge Cottage. I think that given that actual closure will only be in place for about two weeks, and realistically there is no other possible alternative I think it is not unreasonable for the Keswick Railway from B to C to be suggested as an alternative route to this short closure. I will ensure that the site notices at points A and C make it clear that a crossing of the A66 is necessary and that users should take appropriate care in using the alternative.

Authorised by:

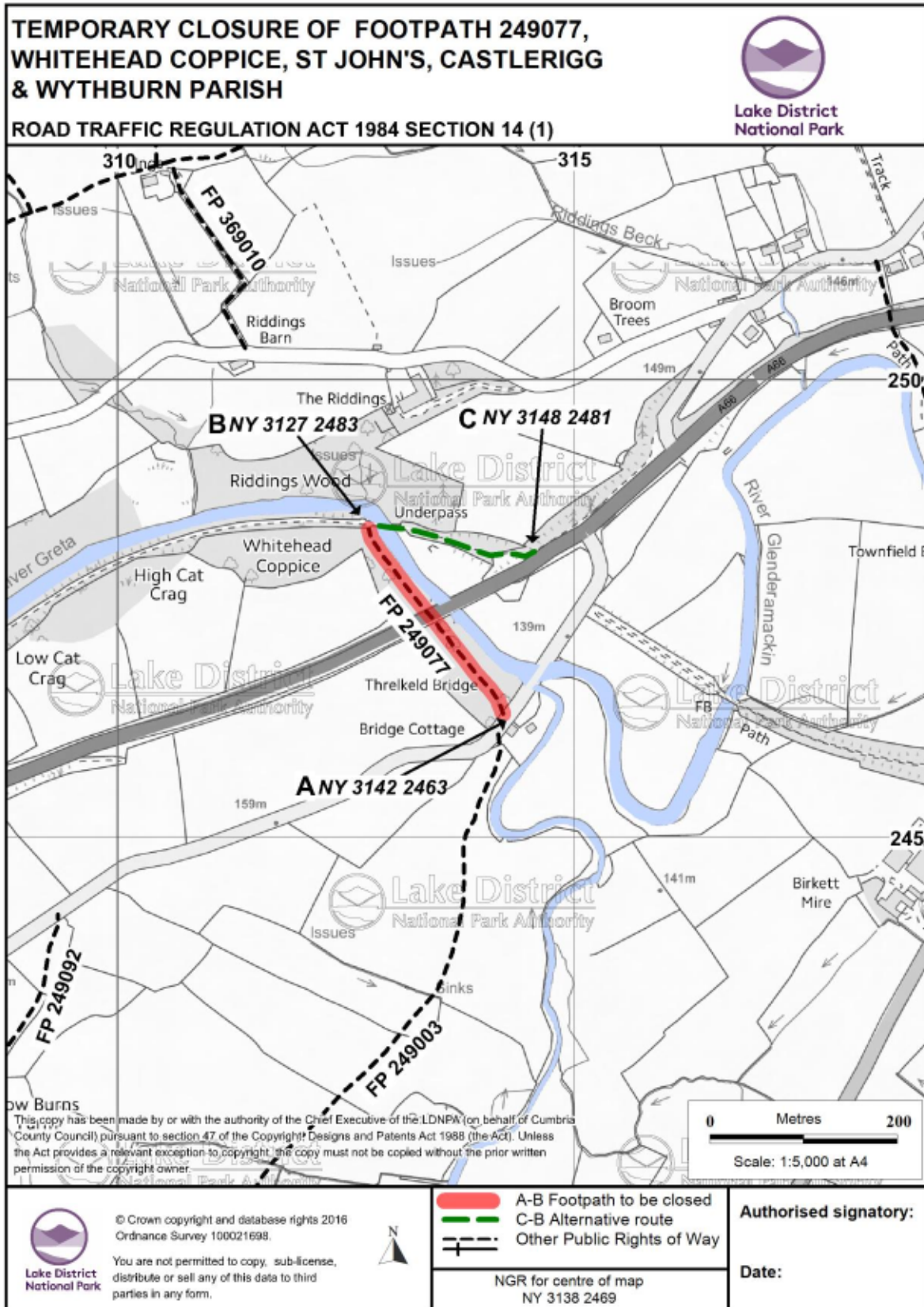
.....  
Mark Eccles, Head of Park Management

Date.....

Background Papers  
Author:  
Date Written:  
Version

Case file 1410.003 (194)  
Sarah Blakemore, Rights of Way & Access Assistant  
16 January 2018  
Final

**1: Site Plan**



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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>AUTHORISATION OF NEW KISSING GATES, PUBLIC FOOTPATH 558008, HIGH WOOD, NETHER STAVELEY PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a request from the landowner to authorise two new kissing gates across public footpath 558008 at High Wood, Nether Staveley to prevent stock from entering the woodland so enabling regeneration.	
Details of Decision	To grant authorisation.	
Details of alternative options considered and rejected.	Not to grant authorisation (explanation overleaf).	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None.	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	14 February 2018	
Signature of authorising officer	Signed  Mark Eccles Head of Park Management	
Date	19 February 2018	

## **Brief Summary of reasoning for authorisation**

The new owner of High Wood, north of Borwick Fold, Nether Staveley Parish has begun a process of regeneration and replanting. Footpath 558008 runs through a small part of this woodland, and both boundaries the path passes through are fairly low dry stone walls with stone step stiles providing access.

Although these walls are cattle-proof, they are probably not sheep-proof. They certainly would not keep deer out of the woodland.

The owner has installed tall wooden kissing pens immediately inside the stone stiles to make the boundaries stock-proof, and has requested authorisation for these under section 147 of the Highways Act 1980.

The new gates are usable, and meet our general standards for kissing gates. However, it does mean that there are two boundaries to cross within a few metres of each other – which is not ideal.

Whilst I see the need for making the boundaries deer-proof, I consider that the way this has been done is not ideal. It is not the way we would have advised if we had been approached before the work was done. We would have advised that the stone stile be reconfigured, maybe with a gate on top of it so that there was only one boundary to negotiate. However, given that the work has already been done, it is worth seeking an alternative to requiring the structure to be removed at present.

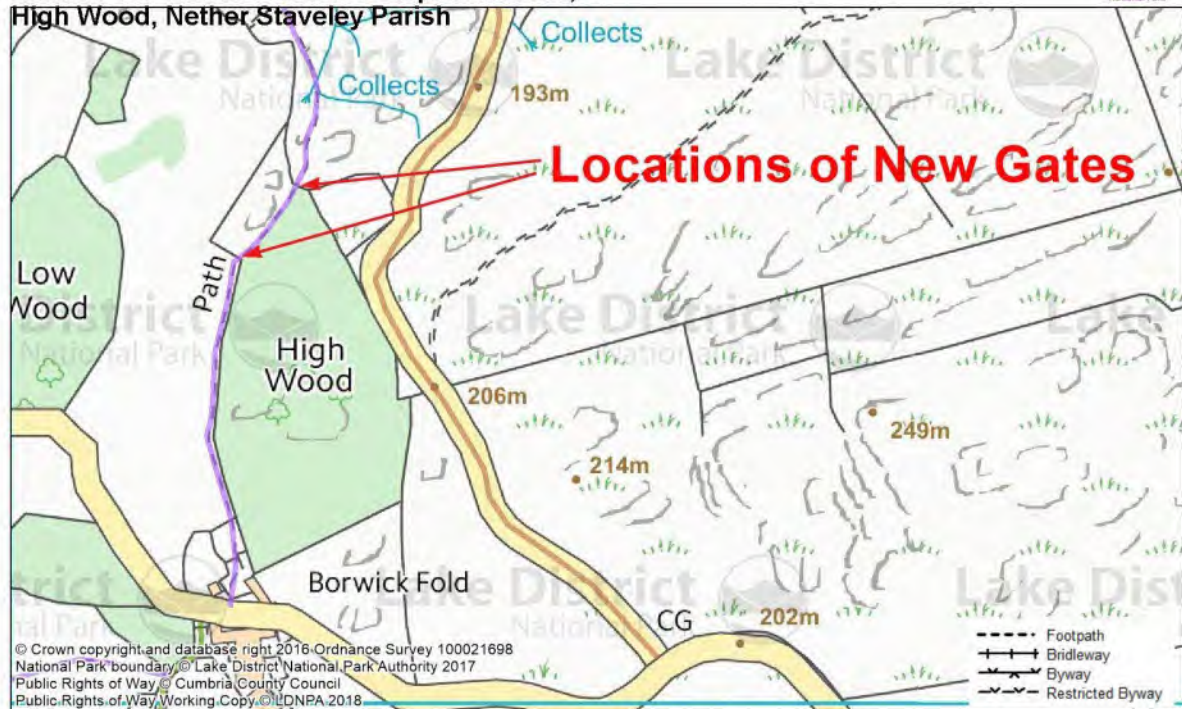
I have discussed the matter with our trees officer, and he considers that woodlands of this nature should regenerate sufficiently to not require deer-proofing within around 10 years. The gates have been there for a year or so already.

I would therefore recommend that we authorise the application for a time limited period. For 10 years until February 2028. At that time, the gates will be removed. And as they will then be wearing out anyway, if further deer-proofing is needed, the matter of a better long-term solution can be discussed at that point.

The application form and letter are stored in the paper file 1410.002, and the data will be added to our asset management database when installed.

### Map 1: Location of New Gates

Extract from the Definitive Map for Cumbria (relevant date: 1 January 1976)  
Section 147 Authorisation. Footpath 558008,  
High Wood, Nether Staveley Parish



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Direct email: [mark.eccles@lakedistrict.gov.uk](mailto:mark.eccles@lakedistrict.gov.uk)

Direct dial: 01539 792688  
Our ref: PM/ME/1410.002  
Your ref:

Date: 14 February 2018

Dear Mr Ross

**Public Footpath 558008 at High Wood, Nether Staveley Parish  
Erection of kissing gates at grid references SD 4417 9730 and SD 4413 9726**

Thank you for your application to erect new gates across footpath 558008 at High Wood, Nether Staveley. On behalf of the Lake District National Park Authority, I authorise you to erect a kissing gates at the above locations, as shown on the attached map.

The gates will enable efficient use of the land for forestry by controlling animal movement, particularly deer. My authorisation is granted under Section 147 of the Highways Act 1980.

Because there is already a stone stile forming part of the wall boundary of High Wood, these gates are only really required to keep deer out of the woodland and are additional structures extremely close to the existing stiles. I have therefore consulted with our tree officer as to how long such gates would be required to allow effective regeneration of the woodland. He has advised that in his view a period of 10 years would suffice.

We must consider the needs of many users and the authorisation is therefore subject to the conditions below.

- The kissing gates meet the LDNPA structures standard 2011 and have acceptable catches, and a minimum clear width of 1 metre.
- You will maintain the gates in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gates and recover the costs from you.
- Liability for this safe maintenance lies with the landowner / occupier.
- The authorisation will end on 1 February 2028. Or earlier if the use of the land changes and either of the gates is no longer necessary to control animal movement or the land is no longer agricultural or forestry. When the authorisation ends, you must remove the gate to restore uninterrupted passage.

Richard Leafe, Chief Executive



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Association of National Park Authorities  
A member of the Federation of Nature and  
National Parks of Europe

Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structure will remain an unauthorised obstruction.

If you have any queries please contact the Ranger, Den Porter on 07557 030451 or Nick Thorne, Countryside Access Adviser, on (01539) 792621.

Yours sincerely

Mark Eccles  
Head of Park Management

Copied to: Den Porter, Ranger and Nick Thorne, Countryside Access Adviser

.....

**Landowner Confirmation**

- I am the owner/lessee/occupier\* of the land shown on the plan attached to this letter.
- I agree to the above conditions

Print name .....

Signature ..... Date .....

\*Delete as appropriate

.....

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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>CREATION OF EXTENSION TO FOOTPATH 306031, THE MILLENNIUM PATH, BAMPTON PARISH</b>	
Relevant section of Scheme of Delegation	<p><b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b>  <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b></p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	Bampton Parish Council has a project to create a 30 metre off-road extension to footpath 306031 (the Millennium Path) west of Black Bridge. The Parish Council has gained the permission of the landowner and has approached us to enter into a legal creation agreement.	
Details of Decision	We enter into a creation agreement with the landowner to create an extension to Footpath 306031 from A to B as shown on Map 2 included in the report.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• do not enter into the creation agreement</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Date of Report	21 February 2018	
Background Papers	Case file 1412.306.04	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	21/2/2018	

## **EXTENSION OF FOOTPATH 306031, THE MILLENNIUM PATH, BAMPTON PARISH**

### **1 Summary**

This report recommends that we enter into a creation agreement with the landowner to dedicate an off road extension to Bampton Footpath 306031.

***Recommendation that: We enter into a creation agreement with the landowner to create an extension to Footpath 306031 from A to B as shown on Map 2 included in the report***

### **2 Background**

- 2.1 Bampton Parish Council has a project to extend and improve footpath 306031 (the Millennium Path). Currently this footpath path terminates on the C3043 road west of Black Bridge and path users have to walk along the road for about 30m to reach the adjacent footpath (FP 306019).
- 2.2 The Parish Council has gained the permission of the landowner to create an off-road extension to the Millennium Path and has approached us to enter into a legal agreement with the landowner to create this new section of the footpath.
- 2.3 In addition to the proposed dedication of the path extension, the Parish Council is planning some works on the extension and the current footpath, and also on FP 306019 at the end of the extension.

These additional improvements include:

- Minor improvements to the surface of the existing path
- Stock fencing the field side of the extension, and laying the hedge between the extension and the road between GR NY 5184 1810 and NY 5180 1813 to leave a 2 metre wide path (see photo 1).
- Realigning the kest opposite the tree to allow a 2 wide metre path between the tree and the hedge
- Replacing existing steps with a pedestrian ramp at point B (at the junction with the extended path, see photo 2)
- Creating a stone pitched surface where the agricultural access crosses the current footpath (at Grid Reference NY 517 181).



Photo 1: From end of extension, Point B, looking north west along the route to Point A.



Photo 2: Point B, where extension of Millennium Path joins existing FP 306019 – steps to be replaced with pedestrian ramp

### **3 Policy Context**

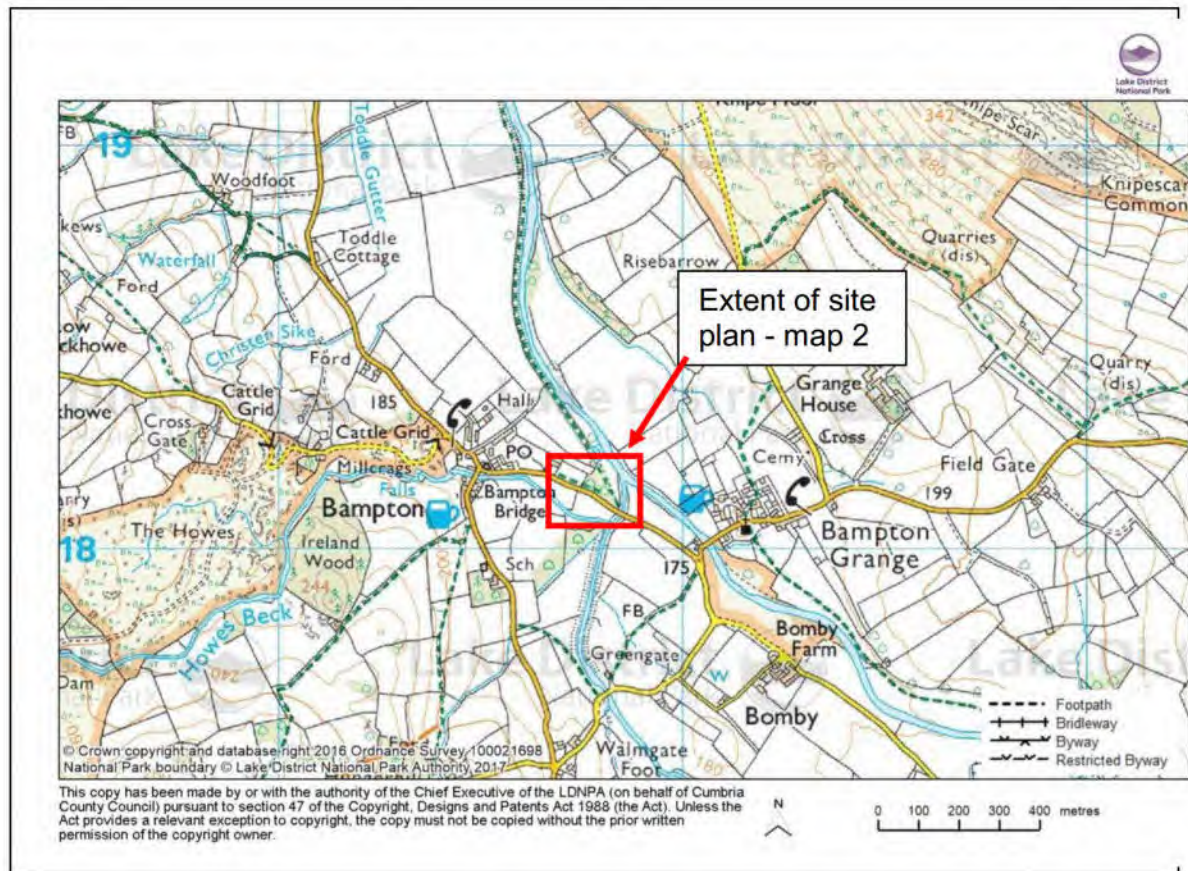
- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved.
- 3.2 The Partnership's Plan is the Management Plan for the Lake District National Park which contains the policies for achieving the aims and desired outcomes for the Vision. The main delivery aim for access and rights of way is: 'Making the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors from relaxing and tranquil to adventurous and exhilarating'.
- 3.3 Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are listed at Annex 1.

### **4 Options**

- 4.1 (a) Enter into the creation agreement  
(b) Do not enter into the creation agreement.

### **5 Proposals**

- 5.1 I recommend option 4.1a for the reasons outlined below.
- 5.2 There are no specific grounds to meet when considering dedications or creation agreements, but it is probably appropriate to consider the tests that apply under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.
- Is there a need for the new path?
  - Is it a good idea to create the new path taking account of:
    - how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
    - how it will affect the rights of those with an interest in the land?



**Map 1 – Outline map of rights of way and access in the locality of Bampton**

5.3 *Is there a need for the new path?*

5.3.1 See map 1 for an outline of rights of way and access in the locality, and map 2 (overleaf) for the detailed site plan. It is possible to go from point A and point B by walking along the road so the path is not essential in terms of creating new access to inaccessible areas.

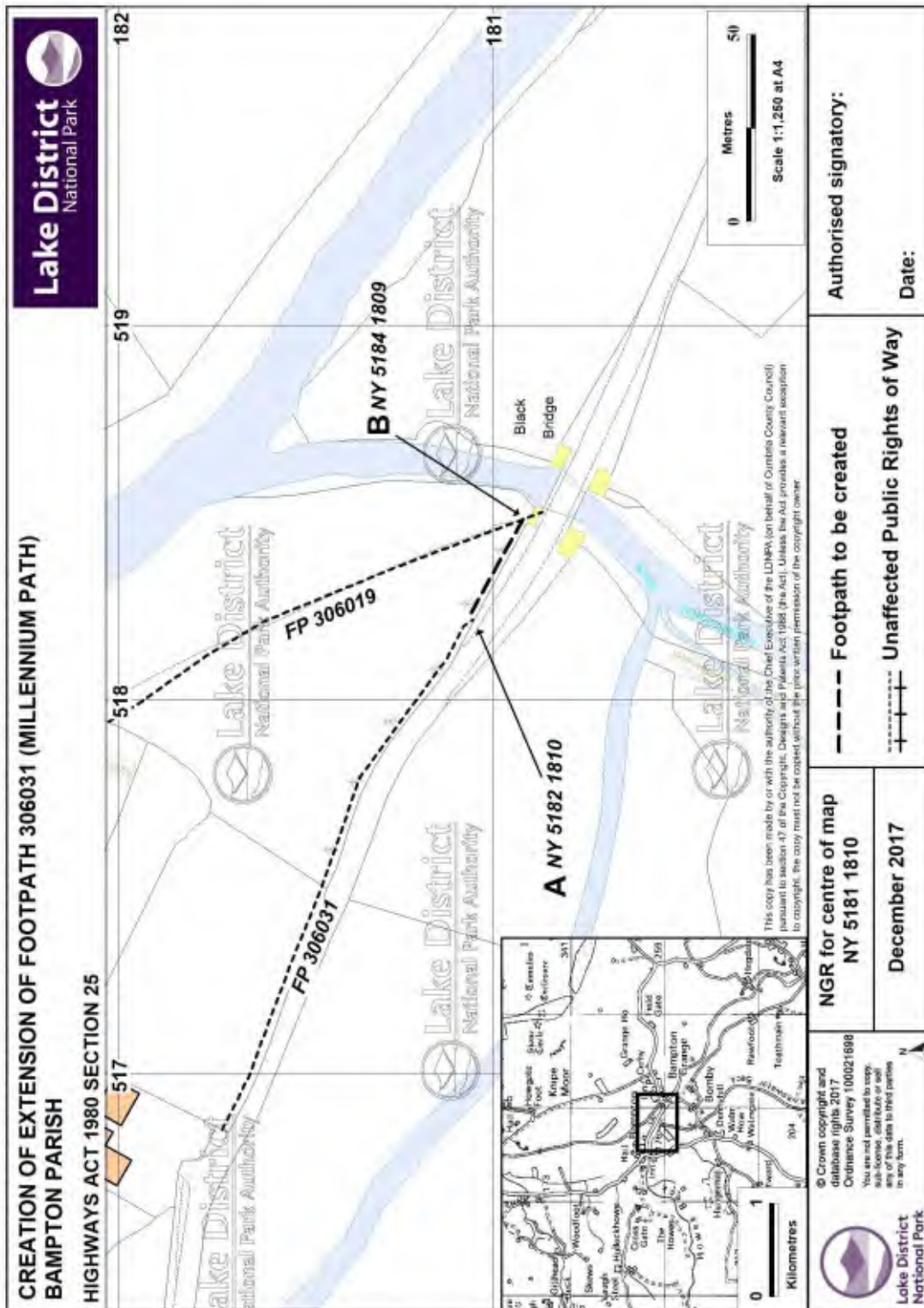
5.4 *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*

5.4.1 The new section of footpath will create an alternative to walking along the road from point A to B. For the majority of users this will be more convenient and enjoyable in terms of their experience, and it will reduce hazard from interaction with vehicles.

5.5 *How will it affect the rights of those with an interest in the land?*

5.5.1 The landowner has agreed to the creation agreement, and this suggests they consider that it will not have a negative impact on their ownership.

**Map 2: Site Location Plan**



## 5.6 *Rights of Way Improvement Plan*

- 5.6.1 Before confirming a public path creation or diversion order we are required to have regard to any material provision of a Rights of Way Improvement Plan (ROWIP). This proposal is not a specific ROWIP proposal put forward by the public. However the creation of the extension and the associated improvement works are within the general ethos of the ROWIP and it fits within several actions such as barrier reduction (action 3) and creating new links for walkers (action 27).
- 5.7 There is no identifiable impact on the needs of agriculture and forestry. The new path will be fenced on the field side and this will reduce any potential impact on agricultural operations.
- 5.8 We must consider landscape impact, biodiversity and archaeological interests and must conserve biodiversity under the Natural Environment and Rural Communities Act 2006. And under section 11 of the Countryside Act 1968 we have to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. The proposals do not appear to have any effects on these aspects. Natural England have been consulted on any effects on the adjacent SSSI and has no objections.

## 6 **Best Value Implications**

- 6.1 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed creations will aid our effective management and promotion of the rights of way network and is a speedy and pragmatic method of achieving new legal routes.
  - b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we can dedicate paths directly without their involvement – thereby making it speedier.
  - c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process.
  - d) We have **compared** our casework completion rates with other authorities. The creation will help us reach a satisfactory target of processing cases this year.

## 7 **Finance Considerations**

- 7.1 The staff costs involved in the legal work are minimal, and I estimate that the staff cost for purely the legal works will be less than £500. The advertisement required will cost around £150+VAT.
- 7.2 As with all creation agreements made under section 25 of the Highways Act, the future maintenance responsibilities will be that of a normal highway maintainable at public expense. That is – the surface and signs will be

maintained by the highway authority, and the gates by the landowner, and so on.

- 7.3 The improvement works will be funded from the Access Improvement budget for 2017-18.
- 7.4 Volunteers are being used to carry out the hedge laying adjacent to the path. The Parish Council maintains the adjacent hedge and fence and has agreed to add the new section to its maintenance list.

## **8 Risk**

- 8.1 I have not identified any significant risks associated with the proposal.

## **9 Legal Considerations**

- 9.1 The dedication by the adjacent landowner will be made under section 25 of the Highways Act 1980 and we are able to do this under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The later modification element will be made under section 53A (2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Cumbria County Council. The action strikes a reasonable balance between private and public rights.
- 9.2 Section 5 of the National Parks and Access to the Countryside Act 1949 (as amended) imposes a duty on us (amongst other things) to promote the understanding and enjoyment by the public of the Lake District National Park.
- 9.3 Section 65(5) of the Environment Act 1995 allows the LDNPA to take any action which may accomplish the purposes specified in section 5 above, such as dedicating a public footpath on our land.

## **10 Human Resources**

- 10.1 The work involved in completing the creation agreement and dedication is approximately 18 hours from members of the Park Management teams, and 1 hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.

## **11 Diversity Implications**

- 11.1 The proposed improvements on the existing path and the extension will increase the accessibility of the path for people with impaired mobility.

## 12 Sustainability

12.1 I have not identified any significant environmental, economic or social effects.

## 13 Consultation Responses

13.1 We consulted the Highway Authority (Cumbria County Council) who have stated they have no objection to the proposal (see Annex 2 for a full transcript of our correspondence).

13.2 We received the following consultation responses from other partners:

Natural England (Senior Specialist: Public Access and Rights of Way)	<i>'Thank you for consulting Natural England re: the above proposal and no comments other than I'm presuming the works involved do not fall within the boundaries of the adjacent stream which is part of the Eden tributaries SSSI so no consents would be needed from ourselves?'</i>  NB: the Natural England case office for the SSSI confirmed that the path extension and the works on it are just outside the SSSI boundary and so not require consent.
Cumbria County Councillor	<i>'I fully support this'</i>
Eden District Council	<i>'I confirm that Eden DC has no objection to the proposal'</i>
Ramblers Association local rep	<i>'Thank you for consulting us on this proposal to extend FP306031. We welcome this proposal, as linking the two footpaths will be useful for locals and visitors out walking. The improvements to the paths are also welcomed'</i>

## 14 Recommendation

- 14.1 The proposal will create a useful link in the rights of way network and will contribute to road safety by providing a new off-road section.
- 14.2 The proposal has generally received the support of those who responded to our consultation, and there are no significant disadvantages or risks associated with it.  
I therefore recommend that we enter into an agreement with the landowner to create an extension to Footpath 306031.

<b>Background Papers:</b>	Case file reference 1412.306.04
<b>Author:</b>	Sarah Blakemore, Rights of Way and Access Assistant
<b>Date Written:</b>	21 February 2018
<b>Version</b>	Final

Authorised by:

.....  
Mark Eccles , Head of Park Management

Date.....

## **Annex 1 : Our Policies on Changes to the Public Path Network**

Policies on changing the public path network have been developed and approved by the Authority. These are listed below, and reference is made to them, where appropriate, in the later annexes.

- There will be a presumption in favour of preserving the historical integrity of the network.
- The concerns of those managing land, especially for agriculture and forestry, will be recognised where legitimate operations may affect the public's enjoyment of or safety in using a public right of way. Under schedule 6 of the Countryside & Rights of Way Act 2000, we also have to look at the impact of all changes on agriculture and forestry.
- There will be a presumption against re-alignment of cross-field paths onto routes following field edge boundaries.
- There will be a presumption against any reduction in the amount of public access in the National Park.
- Where the route in use at present differs from the definitive line, there will be a presumption in favour of restoring the original route before considering a legal diversion.
- The future maintenance and management implications of any proposed change to the network will be considered.
- Changes should, if possible enhance public benefit through enabling the better enjoyment of the cultural landscape and nature conservation interest and should not reduce the ability of the public to discover any of the special qualities / features of the National Park.

## Annex 2: Correspondence with Cumbria County Council

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**From:** Nick Thorne  
**Sent:** 21 February 2018 14:48  
**To:** 'Gibson, David J'  
**Cc:** Sarah Blakemore  
**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

Thanks David

**Nick Thorne**  
Countryside Access Adviser  
Lake District National Park Authority  
Direct 01539 792621

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**From:** Gibson, David J [<mailto:David.Gibson@cumbria.gov.uk>]  
**Sent:** 21 February 2018 14:44  
**To:** Nick Thorne  
**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

No objection Nick

David

David Gibson | Senior Countryside Access Officer | Economy and Highways | Parkhouse Building | Kingmoor Park | Carlisle | CA6 4SJ |

Tel: 07825386761

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**From:** Nick Thorne [<mailto:Nick.Thorne@lakedistrict.gov.uk>]  
**Sent:** 06 February 2018 09:23  
**To:** Gibson, David J  
**Cc:** Smith, Sandra; Sarah Blakemore  
**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish  
**Importance:** High

Hi David

We have prepared our report for Mark Eccles, Head of Park Management – and included the email correspondence below.

However, he has come back to us and asked the following:

- Do CCC support or object to the proposal?
- If they support the proposal, are there conditions attached to the support, if so what and why – and are they necessary / achievable?

- If they do not support the proposal, why not – and how can the issues be addressed / overcome?

He has asked me to ensure that future responses from CCC also cover these two questions.

So – please could you respond accordingly to this consultation, and if you could do the same for future consultations that would be great.

On that note, could you supply us with copies of some recent creation agreements entered into by CCC so we have an idea of what it is we should be achieving for the purposes of consistency.

Many thanks David.

**Nick Thorne**

Countryside Access Adviser  
Lake District National Park Authority  
Direct 01539 792621

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---

**From:** Nick Thorne

**Sent:** 31 January 2018 11:01

**To:** 'Gibson, David J' <[David.Gibson@cumbria.gov.uk](mailto:David.Gibson@cumbria.gov.uk)>

**Cc:** Smith, Sandra <[Sandra.Smith@cumbria.gov.uk](mailto:Sandra.Smith@cumbria.gov.uk)>; Sarah Blakemore <[Sarah.Blakemore@lakedistrict.gov.uk](mailto:Sarah.Blakemore@lakedistrict.gov.uk)>

**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

Thanks David

Yes – we're all for clarity.

Pitching – yes, I see your point. However, damage to the surface is covered by normal highway legislation – and having it in the agreement would be no more binding on the landowner. But it is certainly something we could look at.

Hedge maintenance – again, good point. It would be difficult to include within a creation agreement though – because it is nothing to do with the actual footpath agreement itself. That is, it is currently maintained by the landowner, and will continue to be maintained by the landowner (like the hedge alongside the path that is currently there) – we're just doing it this time as a one-off volunteer project. The general legal advice we have received in the past is that only things that are specifically related to the actual footpath can be included within the agreement – because we can't agree something that is already covered by existing legislation. A bit like planning conditions, where we cannot insist on a condition relating to not obstructing a path during development, because that is already illegal anyway. I think we could probably best cover this in a letter to the landowners reminding them of their future responsibilities.

With regard to consultations and the fuller picture. I agree; but I do think you'd also have to agree that our consultations explain in far more detail what is proposed and what is going on than ones from elsewhere (including from CCC). The LAF commented on this quite recently!

Many thanks.

**Nick Thorne**

Countryside Access Adviser  
Lake District National Park Authority  
Direct 01539 792621

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**From:** Gibson, David J [<mailto:David.Gibson@cumbria.gov.uk>]  
**Sent:** 31 January 2018 10:32  
**To:** Nick Thorne <[Nick.Thorne@lakedistrict.gov.uk](mailto:Nick.Thorne@lakedistrict.gov.uk)>  
**Cc:** Smith, Sandra <[Sandra.Smith@cumbria.gov.uk](mailto:Sandra.Smith@cumbria.gov.uk)>  
**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

On this one Nick there were two areas where the agreement could clarify future maintenance, the pitching for the agricultural access and the future hedge maintenance.

The pitching to identify if it is damaged by vehicle use it would hopefully be repair by the vehicular user and the hedge so it's not just taken that once it's been laid it is still the responsibility of the landowner to maintain.

Correct me if this isn't the case but it would just clarify things for the future.

With regard to consultation in general it is easier to comment if we have the fuller picture of what is being considered.

Regards

David

David Gibson | Senior Countryside Access Officer | Economy and Highways | Parkhouse Building | Kingmoor Park | Carlisle | CA6 4SJ |

Tel: 07825386761

---

**From:** Nick Thorne [<mailto:Nick.Thorne@lakedistrict.gov.uk>]  
**Sent:** 31 January 2018 10:14  
**To:** Gibson, David J; Smith, Sandra  
**Cc:** Sarah Blakemore  
**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

Thanks David

The ramp is on the existing footpath 306019, as is the gate. Although the improvements are being carried out as part of the work to establish the new path – they are actually on the existing connected path and do not form part of the creation agreement. The surface of the new route will initially just be grass – but we will be surfacing it once it is a highway under permitted development rights. It will be a simple stone surface.

As with all agreements under section 25, the future maintenance responsibilities will be that of a normal highway maintainable at public expense. That is – the surface and signs will be maintained by the highway authority, and the gates by the landowner, and so on.

This will be the case with all our creation agreements, creation orders, and diversion orders.

As with the consultation near Keswick, I'm still not quite sure what you are asking for, or why? Are you concerned that our specifications are insufficient, or are you saying that CCC will not accept any additions to the rights of way network that will be maintained by the public?

Please clarify this issue, as it is the second time you have raised this, and we need to know CCC's formal stance on this.

Many thanks.

**Nick Thorne**

Countryside Access Adviser  
Lake District National Park Authority  
Direct 01539 792621

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**From:** Gibson, David J [<mailto:David.Gibson@cumbria.gov.uk>]

**Sent:** 31 January 2018 10:00

**To:** Nick Thorne <[Nick.Thorne@lakedistrict.gov.uk](mailto:Nick.Thorne@lakedistrict.gov.uk)>; Smith, Sandra <[Sandra.Smith@cumbria.gov.uk](mailto:Sandra.Smith@cumbria.gov.uk)>

**Cc:** Sarah Blakemore <[Sarah.Blakemore@lakedistrict.gov.uk](mailto:Sarah.Blakemore@lakedistrict.gov.uk)>

**Subject:** RE: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

Nick

Would it be possible to see the draft agreement so we can see the specifications gate/path/ramp and future maintenance responsibilities?

David

David Gibson | Senior Countryside Access Officer | Economy and Highways | Parkhouse Building | Kingmoor Park | Carlisle | CA6 4SJ |

Tel: 07825386761

---

**From:** Nick Thorne [<mailto:Nick.Thorne@lakedistrict.gov.uk>]

**Sent:** 31 January 2018 08:35

**To:** Gibson, David J; Smith, Sandra

**Cc:** Sarah Blakemore

**Subject:** FW: Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath) Bampton Parish

Hi David / Sandra

We've written our authorisation report for the Head of Park Management (Mark) for this path, which is ready to go. Anyway, Mark has asked me just to get a formal response from CCC so that it can be included within the signed off report.

I look forward to hearing from you.

All the best.

**Nick Thorne**

Countryside Access Adviser  
Lake District National Park Authority  
Direct 01539 792621

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**From:** Sarah Blakemore

**Sent:** 08 May 2017 15:23

**To:** 'david.gibson@cumbria.gov.uk' <[david.gibson@cumbria.gov.uk](mailto:david.gibson@cumbria.gov.uk)>; 'sandra.pattinson@cumbria.gov.uk'

<[sandra.pattinson@cumbria.gov.uk](mailto:sandra.pattinson@cumbria.gov.uk)>; 'Neil.Hughes@cumbria.gov.uk' <[Neil.Hughes@cumbria.gov.uk](mailto:Neil.Hughes@cumbria.gov.uk)>;  
'consultations@naturalengland.org.uk' <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>; 'loc.plan@eden.gov.uk'  
<[loc.plan@eden.gov.uk](mailto:loc.plan@eden.gov.uk)>; archaeology <[archaeology@lake-district.gov.uk](mailto:archaeology@lake-district.gov.uk)>; Judy Clavey  
<[Judy.Clavey@lakedistrict.gov.uk](mailto:Judy.Clavey@lakedistrict.gov.uk)>; Suzy Hankin <[suzy.hankin@lakedistrict.gov.uk](mailto:suzy.hankin@lakedistrict.gov.uk)>; Val Edmondson  
<[Val.Edmondson@lakedistrict.gov.uk](mailto:Val.Edmondson@lakedistrict.gov.uk)>; [REDACTED]  
[REDACTED]  
[REDACTED]

Cc: Nick Thorne <[Nick.Thorne@lakedistrict.gov.uk](mailto:Nick.Thorne@lakedistrict.gov.uk)>

**Subject:** Consultation on Proposed Public Footpath Creation - Extension of Footpath 306031 (Millennium Footpath)  
Bampton Parish

Dear Consultee

Bampton Parish Council have been developing a project to extend and improve footpath 306031 (the Millennium Footpath). Currently this path terminates on the road west of Black Bridge and path users have to walk along the road for about 30m to reach the adjacent footpath (FP306019).

The Parish Council have gained the kind permission of the landowner to create an off-road extension to the Millennium Path and they have approached us to enter into a legal agreement with the landowner to create this new section of the footpath.

In addition to the proposed extension, the Parish Council are planning some improvement works. These additional improvements include:

- Minor improvements to the surface of the existing path
- Replacing the existing steps where the extended path meets FP 306019 (point B) with a pedestrian ramp, and moving the existing pedestrian gate to the field side of the ramp
- Laying the hedge between the road and the path extension
- Creating a stone pitched surface where the agricultural access crosses the current footpath (at Grid Reference NY 517 181).

We would appreciate your views on the proposed extension of the path before we go ahead and enter into any agreement. Please would you let me have any comments by 9 June 2017.

**Sarah Blakemore**

Rights of Way & Access Assistant  
Lake District National Park Authority  
[www.lakedistrict.gov.uk](http://www.lakedistrict.gov.uk)  
01539 792698 ext. 2730

Please note my working days are Monday, Tuesday and Wednesday.



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICES; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF BASSENTHWAITE AND UNDERSKIDDAW</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	United Utilities are undertaking a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires. The pipeline will cross a number of rights of way. Initial work was carried out last year, and the work remaining on these sites is excavation, putting the pipe in and filling-in. This work will last for less than five days on each site.	
Details of Decision	To issue Temporary Traffic Regulation Notices as set out in this report, and to delegate the decision on the precise dates.	
Details of alternative options considered and rejected.	Not to make the Notices, or to make Orders instead.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (196)	
Date of Report	21 February 2018	
Signature of authorising officer	Mark Eccles, Head of Park Management	
Date	27/02/2018	

## TEMPORARY TRAFFIC REGULATION NOTICES; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF BASSENTHWAITE AND UNDERSKIDDAW

### 1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over a number of public rights of way to enable the construction of the West Cumbria Pipeline to take place.

**Recommendation that:** *We issue Temporary Traffic Regulation Notices for the following sections of rights of way as shown on the maps and site notices attached:*

- **Bassenthwaite Parish**
  - *Location A – Footpath 206019, section A-B*
  - *Location B - Bridleway 206029, section A-B*
  - *Location C - Footpath 206041, section A-B*
  - *Location D - Footpath 206022, section A-B*
  - *Location E - Footpath 206023, section A-B*

*The decision on the precise dates of issuing the Notices is delegated to the Countryside Access Adviser and the Rights of Way & Access Assistant.*

### 2 Details of Request

- 2.1 United Utilities are undertaking a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires. Information about the scheme can be found here <http://cumbria.unitedutilities.com/thirlmere-link-mains.aspx>
- 2.2 The pipelines will follow the route shown on the map within that link (partly shown in the Overview Map on Page 3 of this report), and it will cross a number of roads and rights of way. The current intention, as with most major schemes of this nature, is to create a fenced corridor for the pipeline and working areas.
- 2.3 Much of the work for this section of the pipeline was carried out in the summer of 2017. However, where the footpaths were concerned, the work was not completed. The current situation at five locations (out of the original seven) is that the trench needs re-excavating, the pipeline needs dropping in, and the trench filled in again. United Utilities estimate that this will only take a day or so at each location. The locations are shown on the maps from page 7 onwards of this report.

- 2.4 They have requested Orders to close the paths to enable this work to be carried out. As last year, where alternatives are available they have been provided.
- Locations A and C – complete closure of the path (for as long as required within the work timetabled) as there are obvious and nearby alternatives.
  - Locations B, D, E
    - The paths will remain open for the majority of the time.
    - The temporary fencelines on either side of the work corridor cross the paths, and gates are installed in these fences. They will all be removed when the work is complete.
    - Warning signs will be placed at appropriate locations to alert path users to the likely presence of vehicles and ground disturbance within the corridor.
    - The paths, where they cross the worksite, will be closed. It is not yet certain when each path will be closed, as this will depend on progress on the project and the exact methodology (and probably the weather).
    - Although the line of the path itself will be unavailable, there will be a temporary bypass within 20 metres or so, to one side or the other – so access will still be possible with a minor deviation. The precise routes of these bypasses are not yet known, and may vary during the work time, but will be signed on site.
    - Signage will be erected to show when the paths are closed and where the alternative routes are.
- 2.5 Closures may affect private rights, and in particular, the closure at location D will affect access to St Bega's Church at Mirehouse. However, these matters are being dealt with by United Utilities.
- 2.6 There is an issue with making Orders, which is discussed in section 8. Notices are the most appropriate method to deal with this particular situation.



### 3 Policy Context

- 3.1 A key focus of the Vision for the Lake District National Park 2006–2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Issue the notices;
  - b) Do not issue the notices.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The cost of issuing a whole series of Notices like this is difficult to calculate, especially as a lot of work has been undertaken in negotiating with United Utilities and Farrans (their contractors). There is a further complication in that alongside this request, is a request for a possible further Notice, and nine Traffic Regulation Orders. This makes a total of 15 requests altogether.
- 7.2 Our standard charge for Orders is £710+VAT, plus the cost of advertising. We have therefore agreed with United Utilities / Farrans a sum of £11,000 to cover all the works involved. They will meet these costs.

## **8 Risk**

- 8.1 The major risk associated with this is if we do not issue the notices. The closures will safeguard United Utilities against claims from users if they were hurt using the rights of way during the works. If any such claims were submitted we may be held partly responsible for being aware of the danger to users and not taking the necessary action to protect them.

## **9 Legal Considerations**

- 9.1 As a National Park Authority, we have the power to temporarily restrict or prohibit the use of highways under section 72 of the Natural Environment and Rural Communities Act 2006. This gives National Park Authorities the power to make orders under section 14(1) of the Road Traffic Regulation Act 1984, following the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007.
- 9.2 We also have delegated power to temporarily restrict or prohibit the use of highways under section 14 of The Road Traffic Regulation Act 1984 in our agency agreement with Cumbria County Council. Traffic can be restricted or prohibited for a number of reasons, one of which is 'because works are being or are proposed to be executed on or near the road' (section 14(1)(a)).
- 9.3 The relevant grounds for restricting or prohibiting traffic on this path are within section 14 (2) of the Road Traffic Regulation Act 1984 – namely, works being executed on or near the road.
- 9.4 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.
- 9.5 The ideal way of closing these paths would be through Orders, which would enable the work to be carried out at any time during a six-month period. Unfortunately, despite having all the information prepared, the contractors employed by United Utilities did not apply for the required temporary closure Orders at the appropriate time, and have only recently got in touch with us. We require 8-10 weeks to process a closure Order because of the consultation and advertising period.
- 9.6 The closures are required from the middle of February 2018 onwards, with the precise dates as yet unknown. It is therefore impossible to process an Order by the time the closures are required.
- 9.7 We have discussed the matter with United Utilities and Farrans. They have stated that they are unable to delay the works by the 8-10 weeks required for an Order because they are already behind schedule, and the pipeline is a multi-million pound project that needs to be completed in a timely manner.
- 9.8 Notices are usually meant for 'emergency' works, but there does not appear to be anything in the legislation to say that they cannot be used for pre-planned works. In these particular circumstances I have suggested that we use the Notice procedure for these six closures. Because we are not certain of the precise dates, I am also suggesting that the Notices are authorised by the Head of Park Management now, with the issuing of them on the precise dates be delegated to the staff members who process such work.

**10 Human Resources**

10.1 The work involved in this proposal is approximately three days from members of the Park Management teams, two hours from the GIS technician and half an hour from the Head of Park Management. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

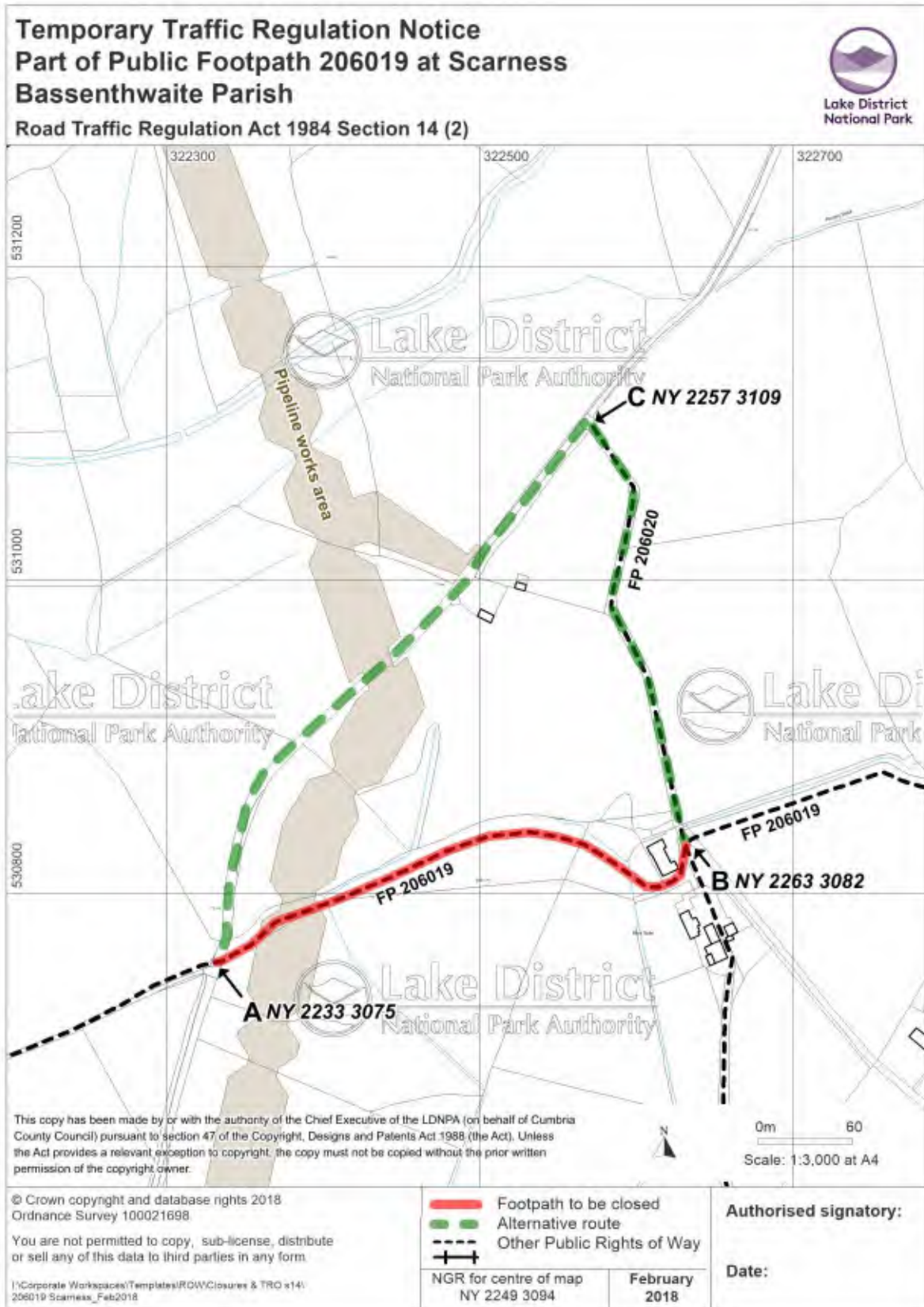
**11 Sustainability**

11.1 I have not identified any significant environmental, economic or social aspects that will affect sustainability.

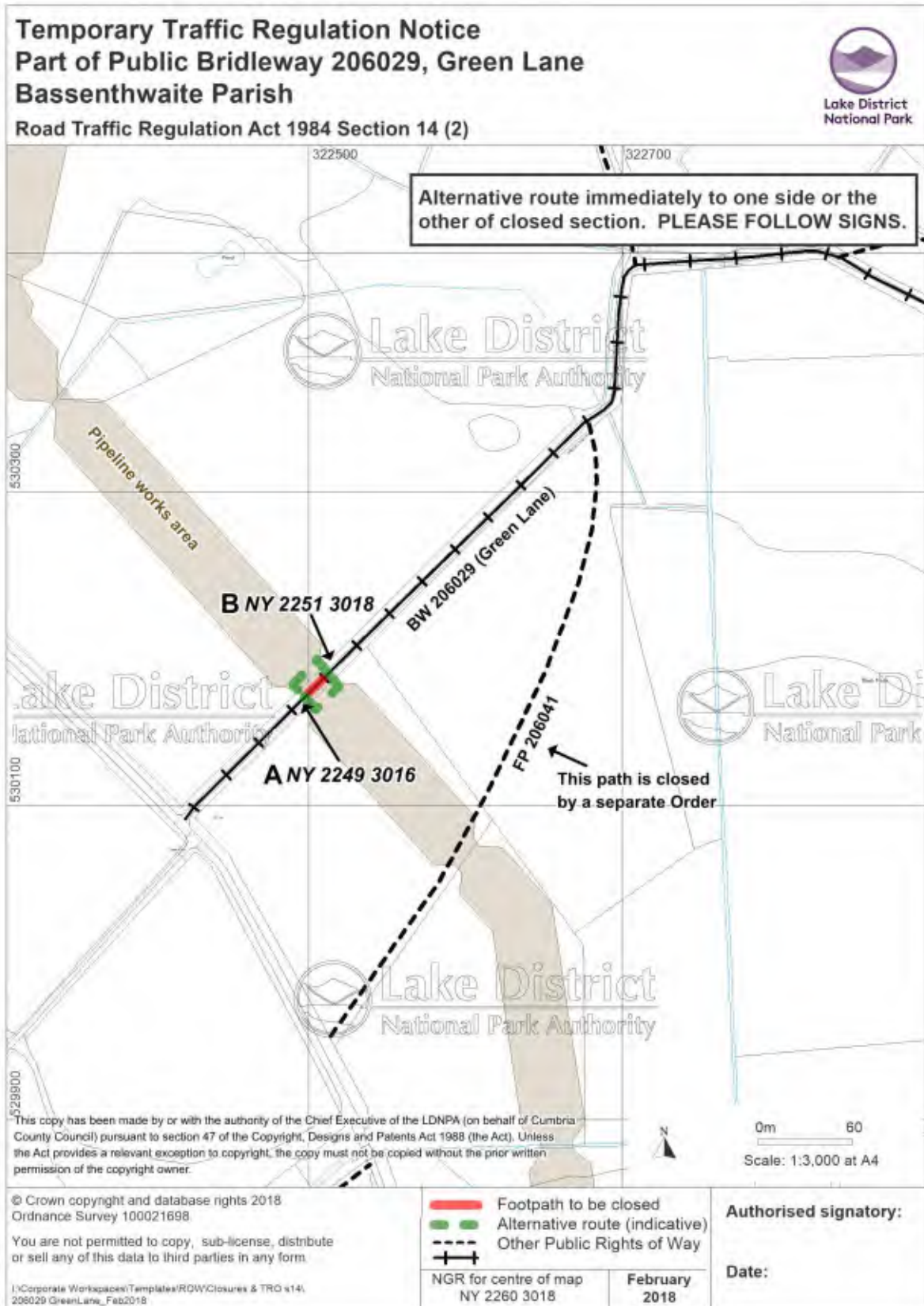
Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
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Background Papers: Case file 1410.003 (196)  
Author: Nick Thorne  
Date Written: 21 February 2018  
Version: FINAL

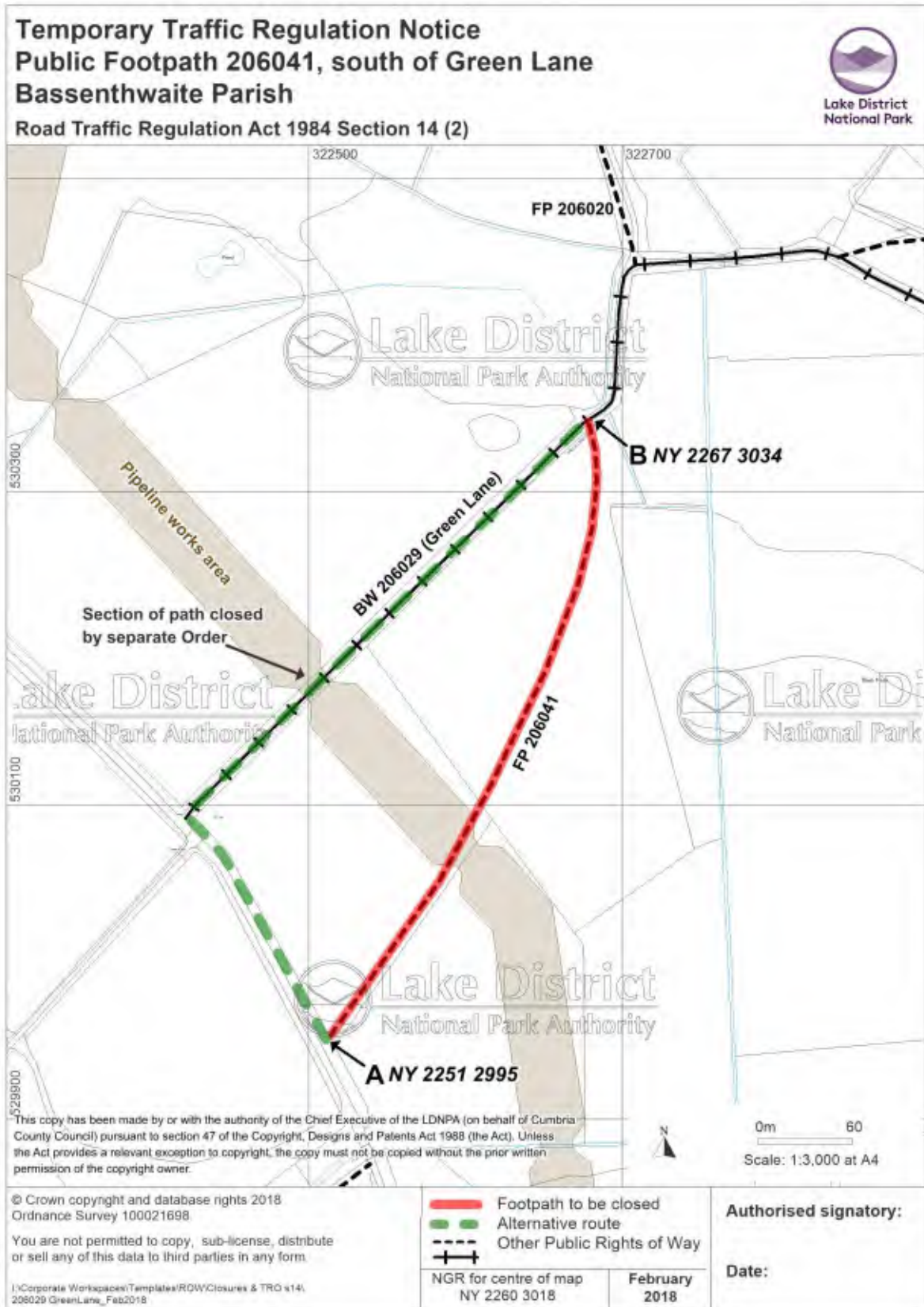
**CLOSURE LOCATION A**



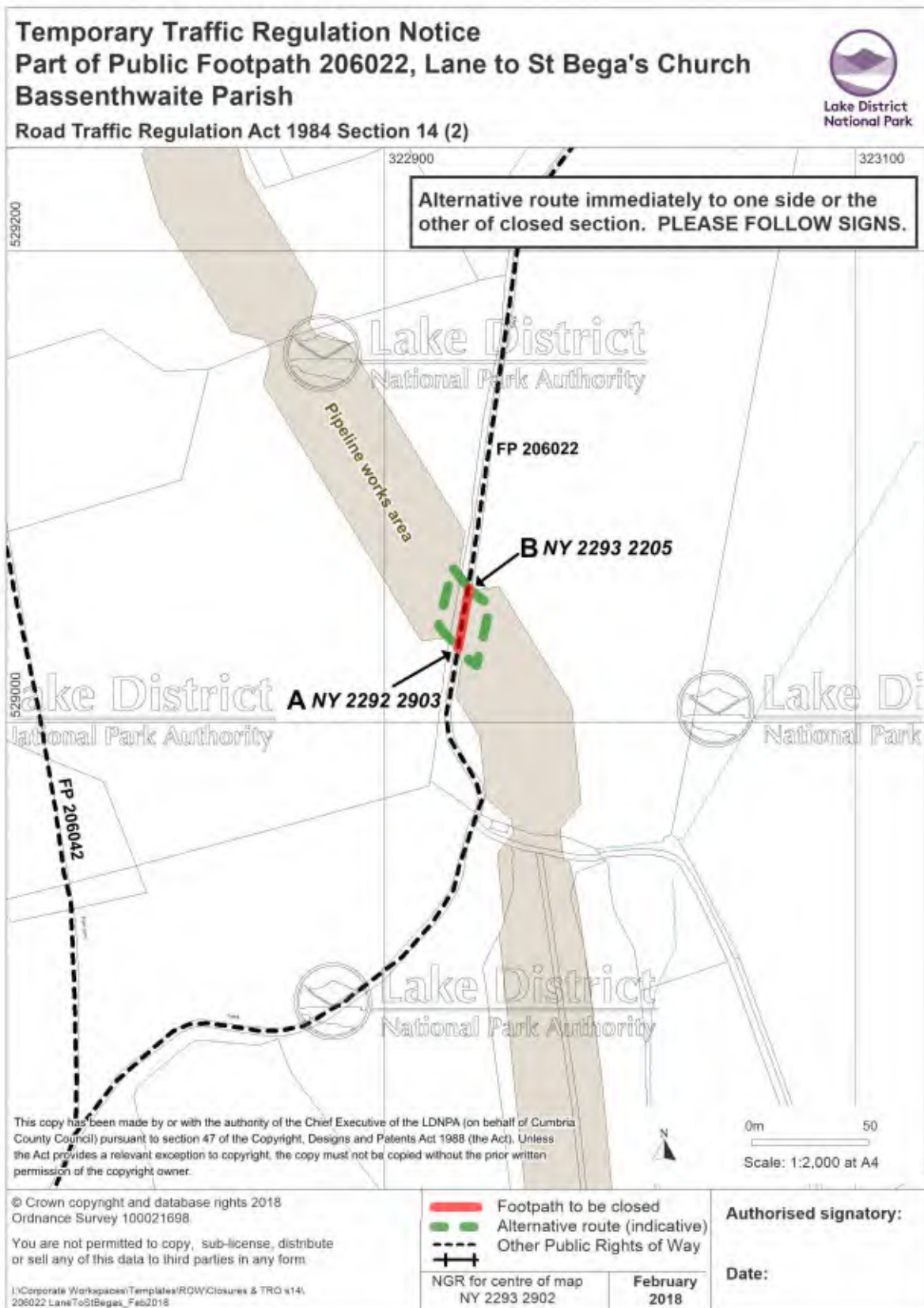
**CLOSURE LOCATION B**



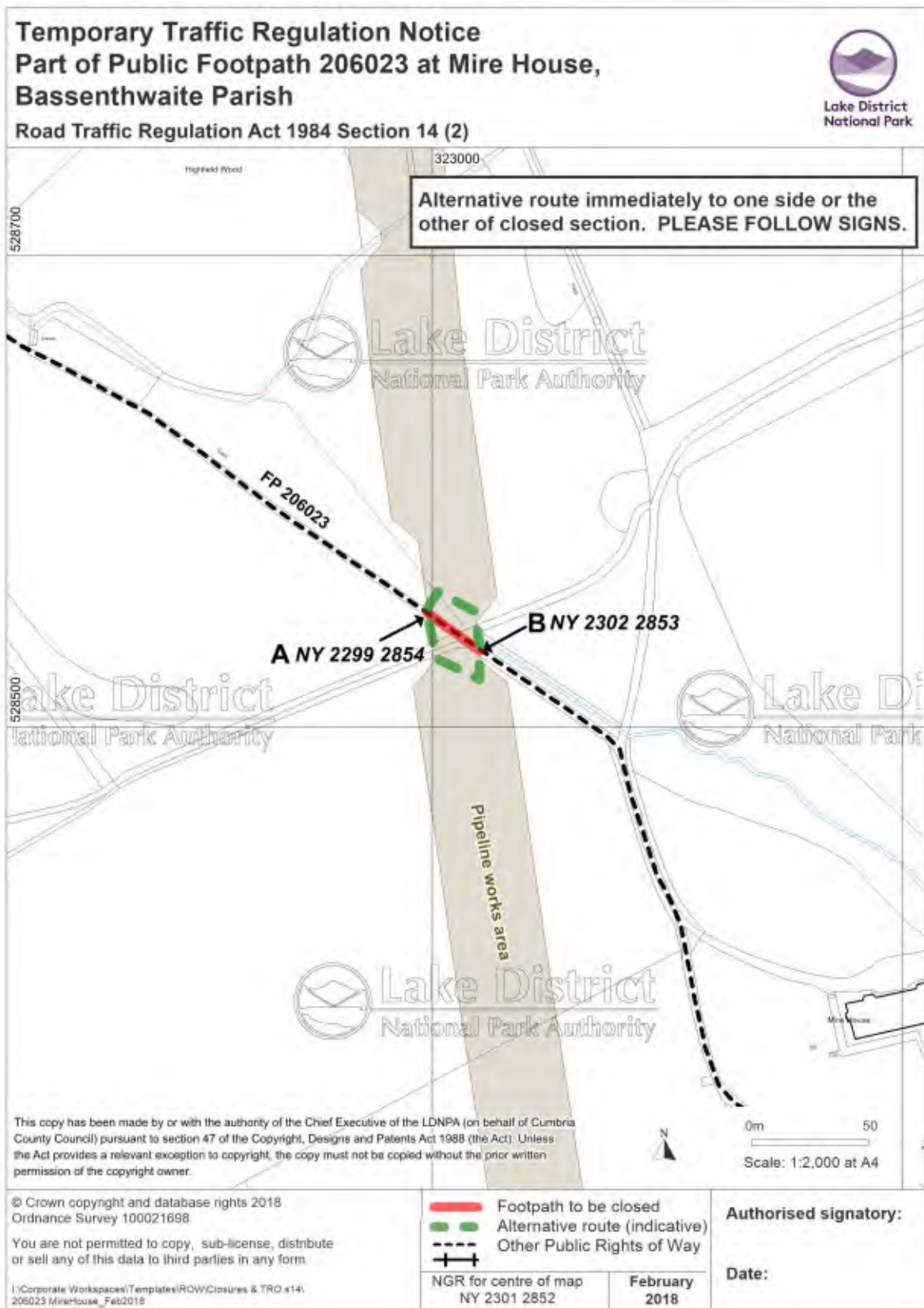
**CLOSURE LOCATION C**



**CLOSURE LOCATION D**



**CLOSURE LOCATION E**



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- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG &amp; WYTHBURN PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	Storm Emma produced strong easterly winds, which have caused a lot of damage to the woodland on the western side of Thirlmere. Trees are hanging over the public westshore road, which has been closed to all traffic by Cumbria County Council. Two footpaths have also been badly affected. Footpath 249050, which is a short link over Round Mount, and footpath 249054 to Raven Crag. Both paths are not only impassable at present, but also have overhanging trees, which are liable to fall on walkers using the footpaths. There is a clear danger to walkers.	
Details of Decision	That we issue Temporary Traffic Regulation Notices for the whole of footpaths 249050 and 249054 as shown on the plan attached to the report.	
Details of alternative options considered and rejected.	Not to issue the Notice	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (197)	
Date of Report	7 March 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	7 March 2018	

## TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG & WYTHBURN PARISH

### 1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over two footpaths because of the danger to the public resulting from storm damage to woodland resulting in hung-up trees.

**Recommendation:** *That we issue a Temporary Traffic Regulation Notice for the entire lengths of footpaths 249050 and 249054 on the attached plan.*

### 2 Details of Request

- 2.1 Storm Emma on 3-5 March 2018 produced strong easterly winds, which have caused a lot of damage to the woodland on the western side of Thirlmere. Trees are hanging over the public westshore road, which has been closed to all traffic by Cumbria County Council.
- 2.2 Two footpaths have also been badly affected. Footpath 249050, which is a short link over Round Mount, and footpath 249054 to Raven Crag. Both paths are not only impassable at present, but also have overhanging trees, which are liable to fall on walkers using the footpaths. There is a clear danger to walkers.
- 2.3 United Utilities have closed all their permitted paths in the woodlands either side of the road.
- 2.4 Two other rights of way are potentially affected.
- Footpath 249034 runs from Watendlath to Armboth. United Utilities consider that it is very unlikely that the footpath has been affected, but the road closure means that there is no way to leave the footpath at its eastern end. We therefore intend to erect signs on the fell explaining that there is no exit.
  - Bridleway 249037 (and its spur 249072) run through Harrop Woods at Dobgill. United Utilities are hopeful that this path has not been greatly affected, but have not yet managed to survey it. If a closure Notice is needed, they will let us know as soon as possible.

### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

## 4 Options

- 4.1 The options are to:
- a) Issue the Notice
  - b) Do not issue the Notice.

## 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

## 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

## 7 Finance Considerations

- 7.1 The costs of a temporary closure Notice are approximately £135 + VAT which cover staff-time, stationery and postage. Given the circumstances that this is a natural event beyond the control of the landowner, I consider that it is appropriate that we meet these costs.

## 8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The closure will safeguard potential users of the footpaths who may be injured if they attempt to use the paths.

## 9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer term order if necessary. It is very likely that one or both these eventualities will be required.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## 10 Human Resources

- 10.1 The work involved in this proposal is approximately two hour from a member of the Park Management team, 30 minutes from the GIS technician, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

## 11 Sustainability

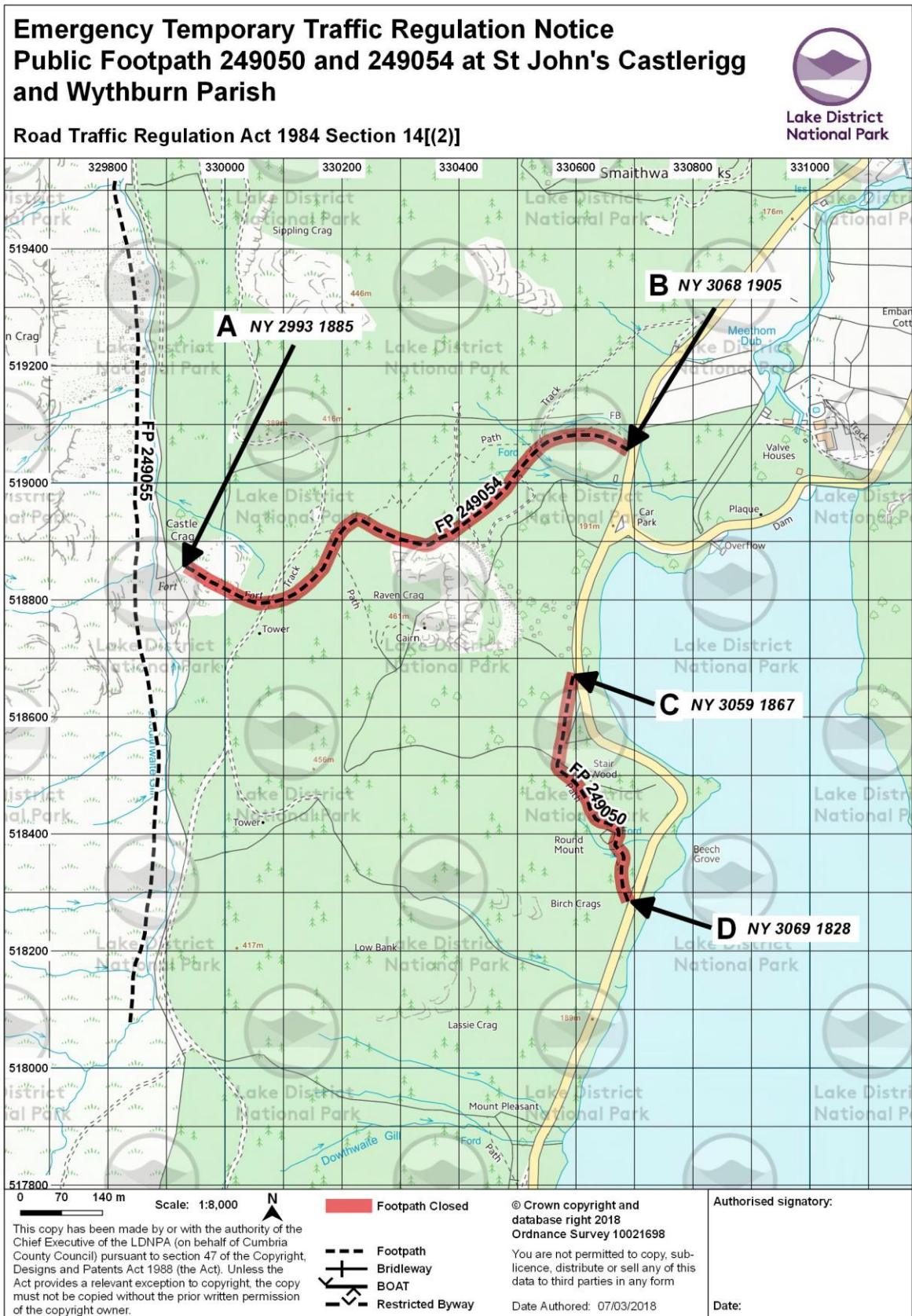
- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:

.....  
Mark Eccles, Head of Park Management

Date.....

Background Papers	Case file 1410.003 (197)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	7 March 2018
Version	FINAL



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- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER ON BRIDLEWAY 581006/545031 FOR ROUTES TO RESILIENCE PROJECT BRIDGE REPLACEMENT WORKS AT TROUTBECK FORD, LAKES: TROUTBECK AND WINDERMERE PARISHES</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	We are planning to replace two bridges on bridleway 581006/545031 at Troutbeck Ford as part of the Routes To Resilience Flood Recovery Project. We think that it will be necessary to close the bridleway when the work is taking place to enable the works to go ahead safely and efficiently.	
Details of Decision	<b>That we make a Traffic Regulation Order to temporarily close bridleway 581006/545031 for bridge replacement works as shown A to D on the plan attached to the report for a period of 6 months from 30 April 2018.</b>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Do not make the order</li> <li>• Make an order restricting a shorter section of the path rather than the whole bridleway from A to D.</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Sarah Blakemore, Rights of Way & Access Assistant	
Background Papers	Case file 1410.003 (195)	
Date of Report	12 March 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	14/03/2018	

## **TEMPORARY TRAFFIC REGULATION ORDER FOR ROUTES TO RESILIENCE PROJECT BRIDGE REPLACEMENT WORKS AT TROUTBECK FORD, LAKES: TROUTBECK AND WINDERMERE PARISHES**

### **1 Summary**

- 1.1 This report recommends that we make an order to temporarily prohibit traffic over bridleway 581006/545031 in Lakes: Troutbeck and Windermere Parishes to enable bridge replacement works as part of the Routes to Resilience Project for flood recovery work.

<p><b>Recommendation:</b> <i>That we make a Traffic Regulation Order to temporarily close bridleway 581006/545031 for bridge replacement works as shown A to D on the plan attached at page 6 for a period of 6 months from 30 April 2018.</i></p>
--

### **2 Background**

- 2.1 We are currently implementing the 'Routes to Resilience' flood recovery project following the extensive damage caused by Storm Desmond to rights of way in the Lake District. We are repairing damage to routes and upgrading bridges and other structures to make them more resilient to future flood events.
- 2.2 As part of this project, we are planning work to install two new bridges on Bridleway 581006/545031 at Troutbeck Ford. We are going to replace a missing bridge (see photo 1 overleaf, point C on map 1, page 6) and replace an existing bridge (see photo 2, point B on map 1).
- 2.3 We think that we will need to temporarily close the bridleway whilst the works are taking place in order to safely and efficiently carry out the works. We have looked at the possibility of maintaining access during the works but unfortunately at this location this will not be possible. We do not have a temporary bridge wide enough to span the watercourse to provide an alternative route, and also we will need to place plant and equipment on the bridleway during works as there is no alternative suitable location for this. We think that it would be preferable to close the whole length of the bridleway between the roads at point A on map 1 (page 6) and point D as it is likely that if we leave unrestricted dead-end sections either side it would encourage people to venture into the work site.

**Photo 1: Missing Bridge**



**Photo 2: Bridge to be replaced**



### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the order
  - b) Not make the order
  - c) Make an order restricting a shorter section of the path rather than the whole bridleway from A to D.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. This temporary closure will allow the bridge replacement works to go ahead safely and efficiently.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The cost of making the temporary closure order is approximately £710 plus the costs of two newspaper adverts. These costs cover staff time, stationery and postage.
- 7.2 Our time is being logged to the R2R project, and is reclaimable.

## **8 Risk**

- 8.1 There is a small amount of risk if we do not make the order is that a path user could be injured by machinery on the route during works. Additionally the presence of path users may compromise the efficiency of the works through additional health and safety requirements where the public are present in the immediate vicinity. Therefore the proposed temporary closure will safeguard potential users of the Bridleway, and enable the flood resilience works to be carried out safely and efficiently.

## **9 Legal Considerations**

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on this path is within section 14(1)(a) of the Road Traffic Act 1984 - namely because of works being executed on or near the road.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 from a member of Legal Services team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

**11 Sustainability**

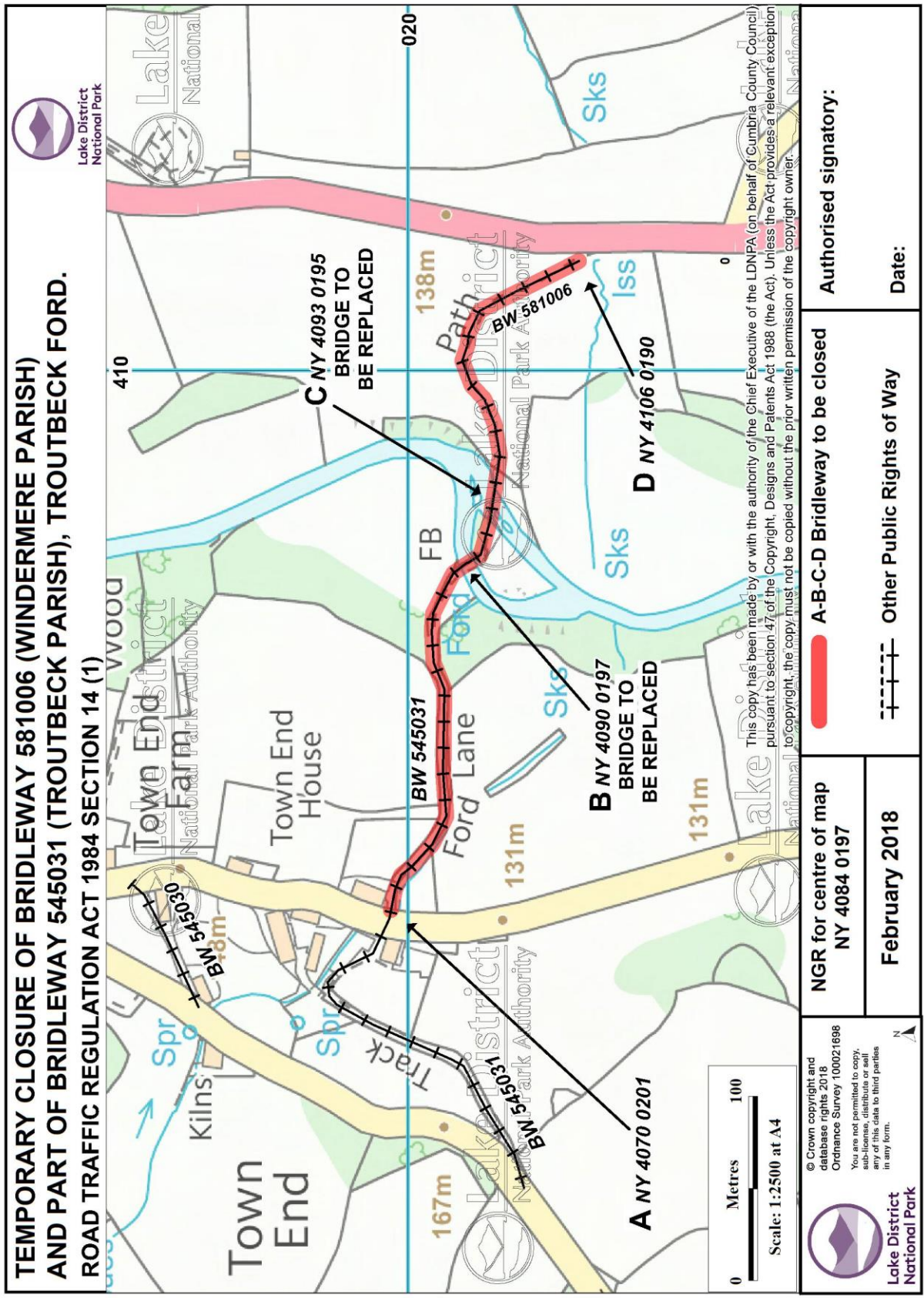
11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

**12 Consultation Responses**

12.1 We carried out a consultation on the proposed closure but we did not receive any responses.

Authorised by:  
  
.....  
Mark Eccles, Head of Park Management  
  
Date.....

Background Papers      Case file 1410.003 (195)  
Author:                      Sarah Blakemore, Rights of Way & Access Assistant  
Date Written:              12 March 2018  
Version                      FINAL



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

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- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>CREATION OF BRIDLEWAY 510040, BOAT HOUSE TO LARCH COTTAGE, CLAIFE PARISH</b>	
Relevant section of Scheme of Delegation	<p><b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b>  <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b></p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	<p>We have been working in partnership with landowners and community interests to create an off-road path avoiding the B5285 road between Near Sawrey and Hawkshead on the eastern side of Esthwaite Water. Creating this path is an identified action in the Community Plan. As part of the project, the Parish Council have requested we enter into an agreement with them to create a section of bridleway over their land.</p>	
Details of Decision	<p>We enter into a creation agreement with Claife Parish Council to create Bridleway 510040 from A to B as shown on Map 2 included in the report.</p>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> <li>• Do not enter into the creation agreement</li> </ul>	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Sarah Blakemore, Rights of Way and Access Assistant	
Date of Report	19 March 2018	
Background Papers	Case file 1412.510.09	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	19/03/2018	

## CREATION OF BRIDLEWAY 510040, BOAT HOUSE TO LARCH COTTAGE, CLAIFE PARISH

### 1 Summary

This report recommends that we enter into a creation agreement with the landowner (Claife Parish Council) to dedicate Bridleway 510040 from Boat House to Larch Cottage in Claife Parish.

<b>Recommendation that:</b>	<b><i>We enter into a creation agreement with Claife Parish Council to create Bridleway 510040 from A to B as shown on Map 2 on page 3.</i></b>
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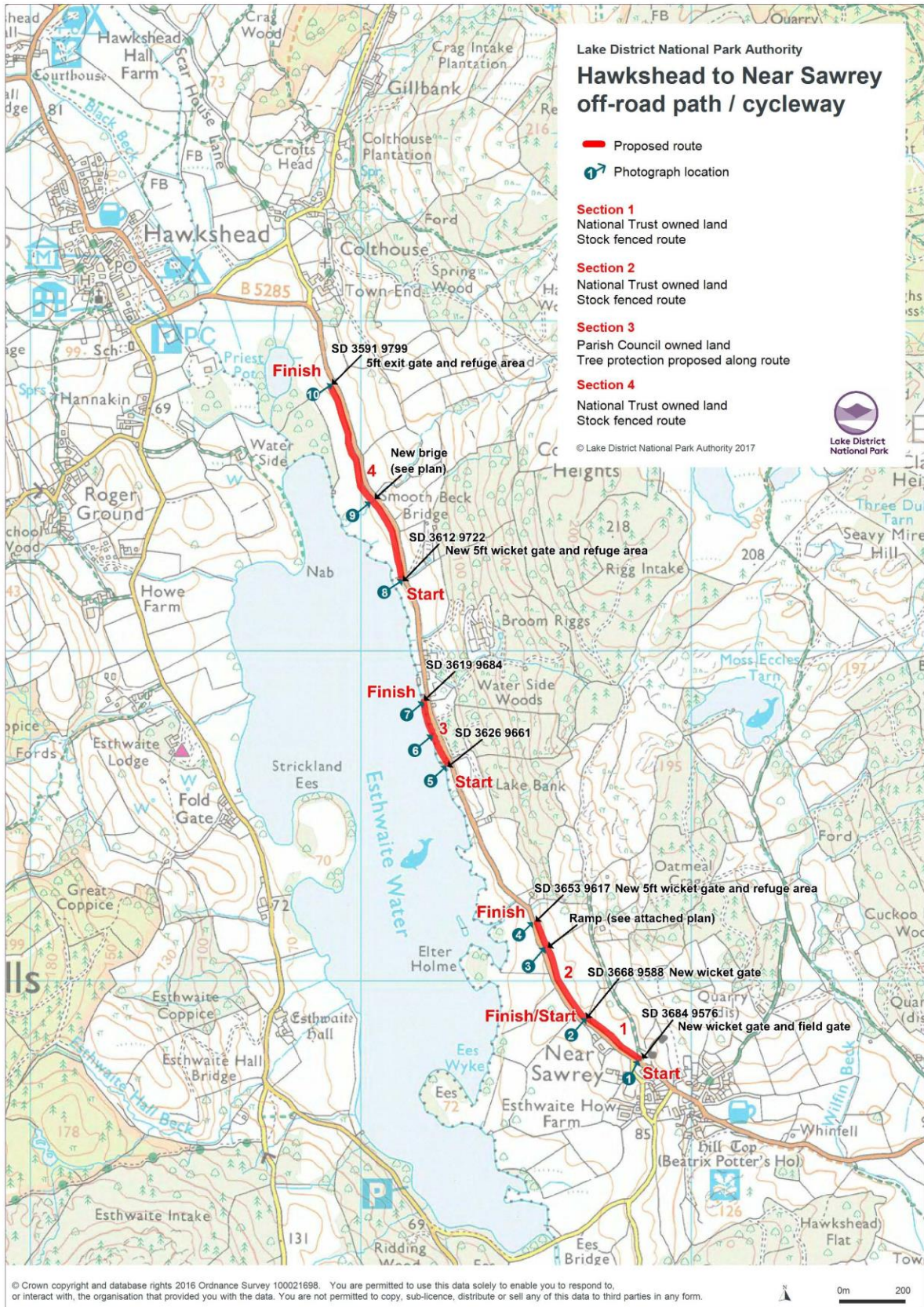
### 2 Background

- 2.1 We have been working in partnership with landowners and community interests to create an off-road path avoiding the B5285 road between Near Sawrey and Hawkshead on the eastern side of Esthwaite Water. Achieving this safe off-road route is one of the actions in the Community Plan. This project is being completed in stages and it is hoped that eventually it will be possible to create a continuous off-road bridleway route from Near Sawrey to Hawkshead. Map 1 on page 2 shows an outline of the four sections included in phase 1 of the project.
- 2.2 Surfacing and other improvement works on the ground were recently completed on the first phase, part of which is on land owned by Claife Parish Council. The Parish Council have requested we enter into an agreement with them to dedicate the section of the path over their land as a public bridleway. This section runs from the Boat House to near Larch Cottage. It is numbered section 3 on the outline map on page 2, and is shown as A to B on the site plan on page 3.

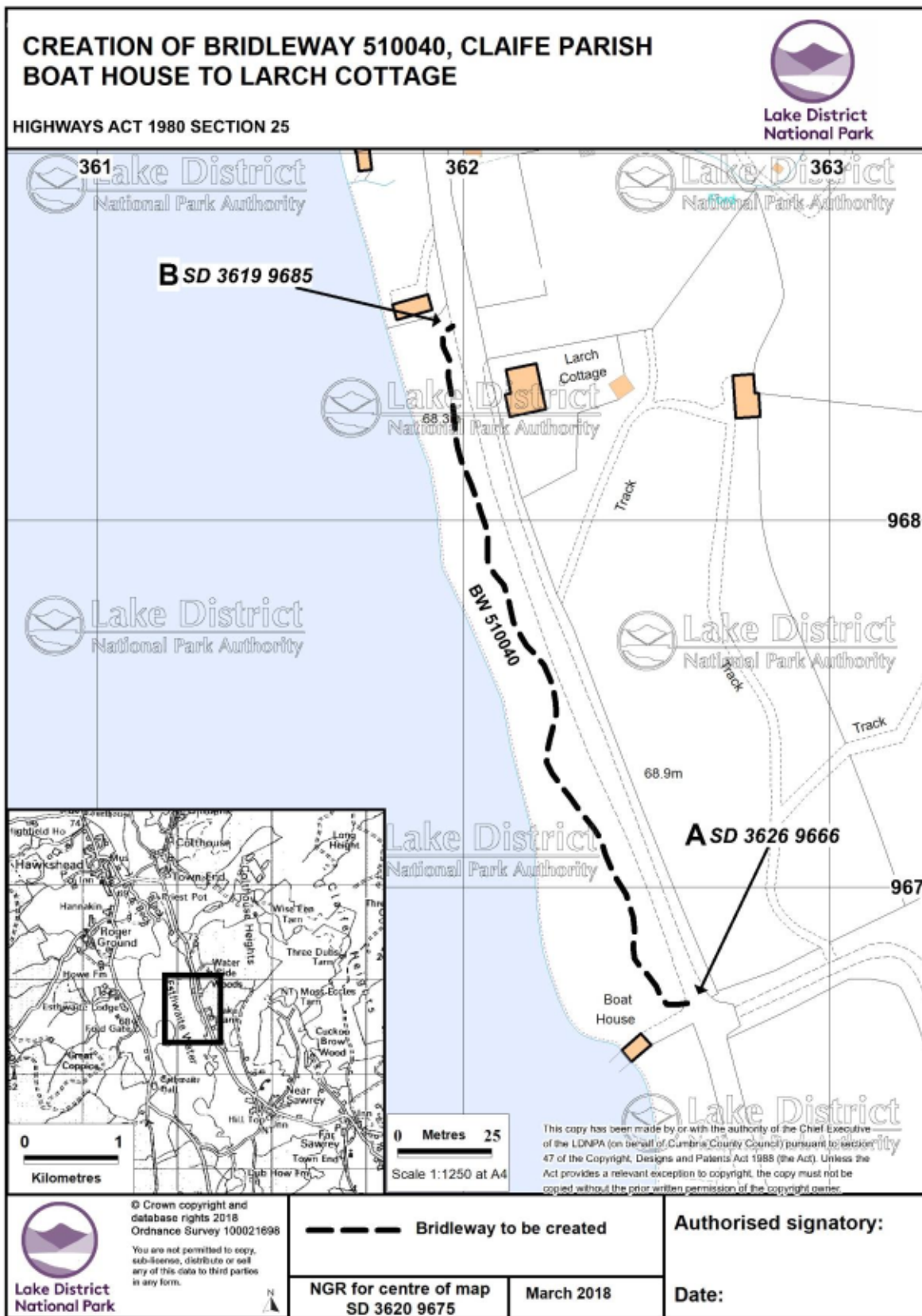
### 3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved.
- 3.2 The Partnership's Plan is the Management Plan for the Lake District National Park which contains the policies for achieving the aims and desired outcomes for the Vision. The main delivery aim for access and rights of way is: 'Making the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors from relaxing and tranquil to adventurous and exhilarating'.
- 3.3 Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are listed at Annex 1.

**Map 1: Outline Plan of Phase 1 of the Near Sawrey to Hawkshead Off-road Path**



**2: Site Plan**



## 4 Options

- 4.1 (a) Enter into the creation agreement  
(b) Do not enter into the creation agreement.

## 5 Proposals

5.1 I recommend option 4.1a for the reasons outlined below.

5.2 There are no specific grounds to meet when considering dedications or creation agreements, but it is probably appropriate to consider the tests that apply under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.

- Is there a need for the new path?  
Is it a good idea to create the new path taking account of:
  - how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
  - how it will affect the rights of those with an interest in the land?

5.3 *Is there a need for the new path?*

5.3.1 There is a clear need for the path in terms of road safety. The B5285 is narrow, has restricted visibility in places and has no verge or other refuge for non-motorised users. The creation of a safe off-road route between Sawrey and Hawkshead is one of the Community Plan actions.

5.4 *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*

5.4.1 There will not be a particular advantage in terms of convenience in the distance to walk or cycle on the road or on the off-road path. However it is likely for most users there will be increase in enjoyment both in the experience of using the path itself and the removal of the danger from traffic on the new off-road section.

5.5 *How will it affect the rights of those with an interest in the land?*

5.5.1 The landowner has agreed to the creation agreement, and this suggests they consider that it will not have a negative impact on their ownership. It is registered common land with open access rights.

## 5.6 *Rights of Way Improvement Plan*

- 5.6.1 Before confirming a public path creation or diversion order we are required to have regard to any material provision of a Rights of Way Improvement Plan (ROWIP). This proposal is not a specific ROWIP proposal put forward by the public. However the creation of the Bridleway fits within the general ethos of the ROWIP and some of the general actions for example creating new bridleway links (action 14), and creating family friendly cycle routes (action 11). Additionally, the project is a specific target in the parish Community Plan.
- 5.7 There are no identifiable impacts on the needs of agriculture and forestry. The land is woodland, but it is not commercial.
- 5.8 We must consider landscape impact, biodiversity and archaeological interests and must conserve biodiversity under the Natural Environment and Rural Communities Act 2006. And under section 11 of the Countryside Act 1968 we have to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. The proposals do not appear to have any impacts on these aspects.

## 6 **Best Value Implications**

- 6.1 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed creations will aid our effective management and promotion of the rights of way network and is a speedy and pragmatic method of achieving new legal routes.
  - b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we can dedicate paths directly without their involvement – thereby making it speedier.
  - c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process.
  - d) We have **compared** our casework completion rates with other authorities. The creation will help us reach a satisfactory target of processing cases this year.

## 7 **Finance Considerations**

- 7.1 The staff costs involved in the legal work are minimal, and I estimate that the staff cost for purely the legal works will be less than £500. The advertisement required will cost around £150+VAT.
- 7.2 As is usual with creation agreements made under section 25 of the Highways Act, future maintenance responsibility will be that of a normal highway maintainable at public expense. That is – the surface and signs will be maintained by the highway authority, and the gates by the landowner, and so on.

## **8 Risk**

8.1 I have not identified any significant risks associated with the proposal.

## **9 Legal Considerations**

9.1 The agreement will be made under section 25 of the Highways Act 1980 and we are able to do this under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Cumbria County Council. The action strikes a reasonable balance between private and public rights.

9.2 Section 5 of the National Parks and Access to the Countryside Act 1949 (as amended) imposes a duty on us (amongst other things) to promote the understanding and enjoyment by the public of the Lake District National Park.

9.3 Section 65(5) of the Environment Act 1995 allows the LDNPA to take any action which may accomplish the purposes specified in section 5 above, such as entering into path creation agreements.

## **10 Human Resources**

10.1 The work involved in completing the creation agreement and dedication is approximately 18 hours from members of the Park Management teams, and 1 hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.

## **11 Diversity Implications**

11.1 The new path will be safer and more accessible for users with restricted mobility than using the road.

## **12 Sustainability**

12.1 I have not identified any significant environmental, economic or social effects.

**13 Consultation Responses**

- 13.1 We consulted the Highway Authority (Cumbria County Council) and we received the response *'No comment'*. A full copy of the Highway Authority response is attached in Annex 2.
- 13.2 We also received a response from the Cycling UK, Right to Ride representative:  
*'This looks like a very good scheme but I haven't been able to look at it on the ground so I can't make any more constructive comment than that. I used to cycle this road quite frequently and an off-road alternative would be very useful for slower cyclists and certainly for walkers.'*

**14 Recommendation**

- 14.1 The proposal will create a useful off-road link in the rights of way network which will have a considerable advantage in terms of increasing road safety and enhancing public enjoyment of the area.
- 14.2 The proposal has generally received the support of those who responded to our consultation, and there are no significant disadvantages or risks associated with it. I therefore recommend that we enter into an agreement with Claife Parish Council to create Bridleway 510040 over their land.

<b>Background Papers:</b>	Case file reference 1412.510.09
<b>Author:</b>	Sarah Blakemore, Rights of Way and Access Assistant
<b>Date Written:</b>	19 March 2018
<b>Version</b>	Final

Authorised by:

.....

Mark Eccles , Head of Park Management

Date.....

## **Annex 1: Our Policies on Changes to the Public Path Network**

Policies on changing the public path network have been developed and approved by the Authority. These are listed below, and reference is made to them, where appropriate, in the later annexes.

- There will be a presumption in favour of preserving the historical integrity of the network.
- The concerns of those managing land, especially for agriculture and forestry, will be recognised where legitimate operations may affect the public's enjoyment of or safety in using a public right of way. Under schedule 6 of the Countryside & Rights of Way Act 2000, we also have to look at the impact of all changes on agriculture and forestry.
- There will be a presumption against re-alignment of cross-field paths onto routes following field edge boundaries.
- There will be a presumption against any reduction in the amount of public access in the National Park.
- Where the route in use at present differs from the definitive line, there will be a presumption in favour of restoring the original route before considering a legal diversion.
- The future maintenance and management implications of any proposed change to the network will be considered.
- Changes should, if possible enhance public benefit through enabling the better enjoyment of the cultural landscape and nature conservation interest and should not reduce the ability of the public to discover any of the special qualities / features of the National Park.

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDERS; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF BASSENTHWAITE, UNDERSKIDDAW, AND BLINDCRAKE</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	United Utilities are undertaking a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires. The pipeline will cross a number of rights of way and various closures of differing lengths have been requested to aid safe working during the construction period.	
Details of Decision	To make the Temporary Traffic Regulation Orders as set out in this report.	
Details of alternative options considered and rejected.	Not to make the Orders.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (196)	
Date of Report	20 March 2018	
Signature of authorising officer	Mark Eccles Head of Park Management	
Date	20/3/2018	

## TEMPORARY TRAFFIC REGULATION ORDER; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF BASSENTHWAITE, UNDERSKIDDAW, AND BLINDCRAKE

### 1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over a number of public rights of way to enable the construction of the West Cumbria Pipeline to take place.

**Recommendation that:** *We make Temporary Traffic Regulation Orders for the following sections of rights of way as shown on the maps and site notices attached:*

- **Underskiddaw Parish**
  - *Location F – Footpath 255001, section A-B*
  - *Location G – Footpath 255010, section A-B*
- **Bassenthwaite Parish**
  - *Location H – Footpath 206017, section A-B*
  - *Location J - Footpath 206005, section A-B*
  - *Location K - Footpath 206004, section A-B*
- **Blindcrake Parish**
  - *Location L - Footpath 210009, section A-B*
  - *Location M - Footpath 210004, section A-B*
  - *Location N - Footpath 210003, section A-B*
  - *Location P - Footpath 210002, section A-B*

### 2 Details of Request

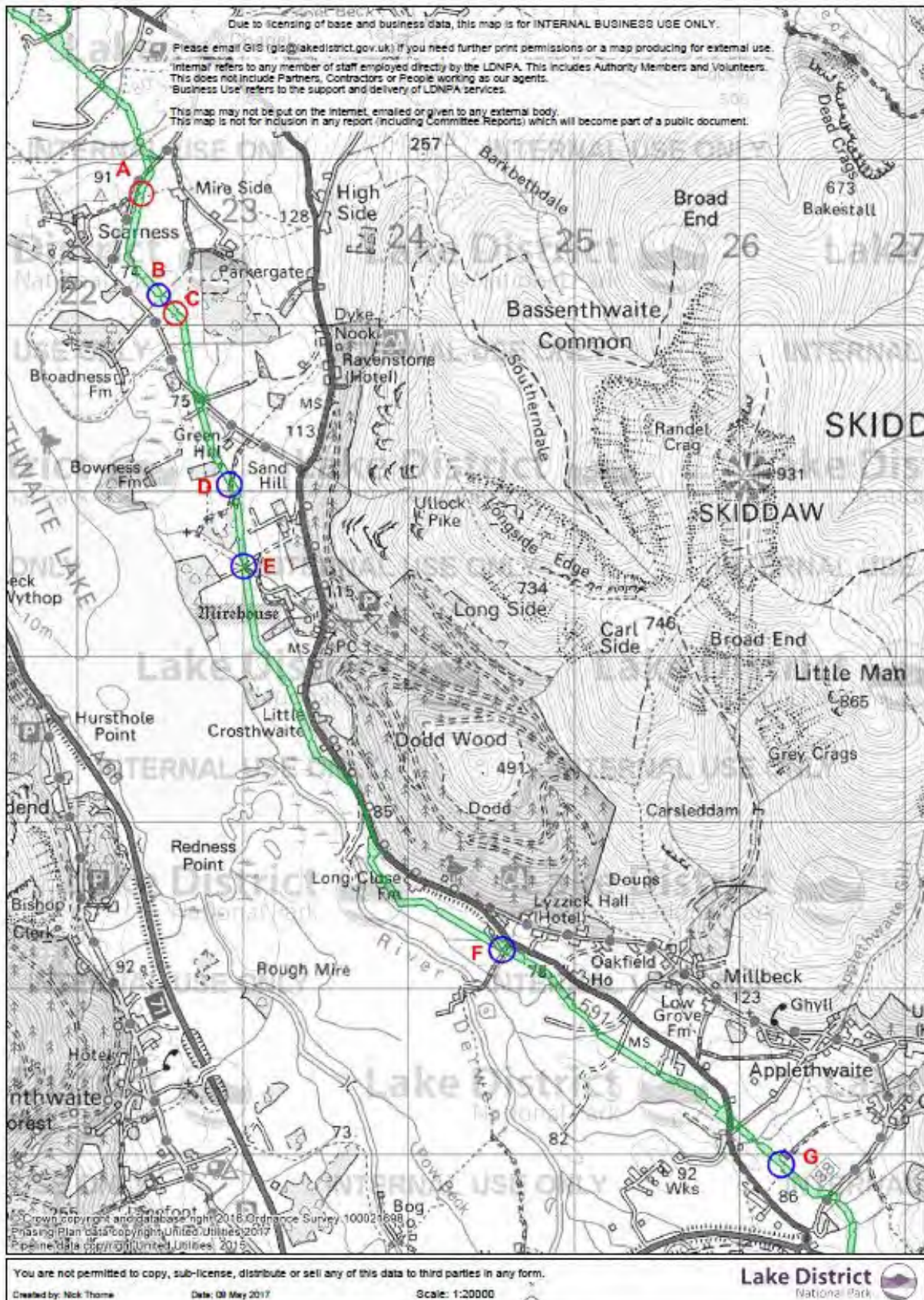
- 2.1 United Utilities are undertaking a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires.
- 2.2 The pipelines will follow the route shown on the Overview Maps 1 and 2 on Pages 3 and 4 of this report, and it will cross a number of roads and rights of way. The current intention, as with most major schemes of this nature, is to create a fenced corridor for the pipeline and working areas.
- 2.3 We have been in discussion with United Utilities and their contractors about the plans for the first set of works, between Keswick and Scarness, which are due to take place from mid-April 2018 until the project is completed (hopefully within six months). Nine public paths will be affected (as shown on the map on page 3). Following negotiation, we have agreed the following proposals (the locations are shown on the maps from page 8 onwards of this report):
- The paths will remain open for the majority of the time.
  - The temporary fencelines on either side of the work corridor will cross the paths, and gates will be installed in these fences. They will all be removed when the work is complete.
  - Warning signs will be placed at appropriate locations to alert path users to the likely presence of vehicles and ground disturbance within the corridor.
  - The paths, where they cross the worksite, will be closed for a short period within the three month programme. It is not yet certain when each path will

be closed, as this will depend on progress on the project and the exact methodology. However, it is not expected that any path will be closed for more than five days or so.

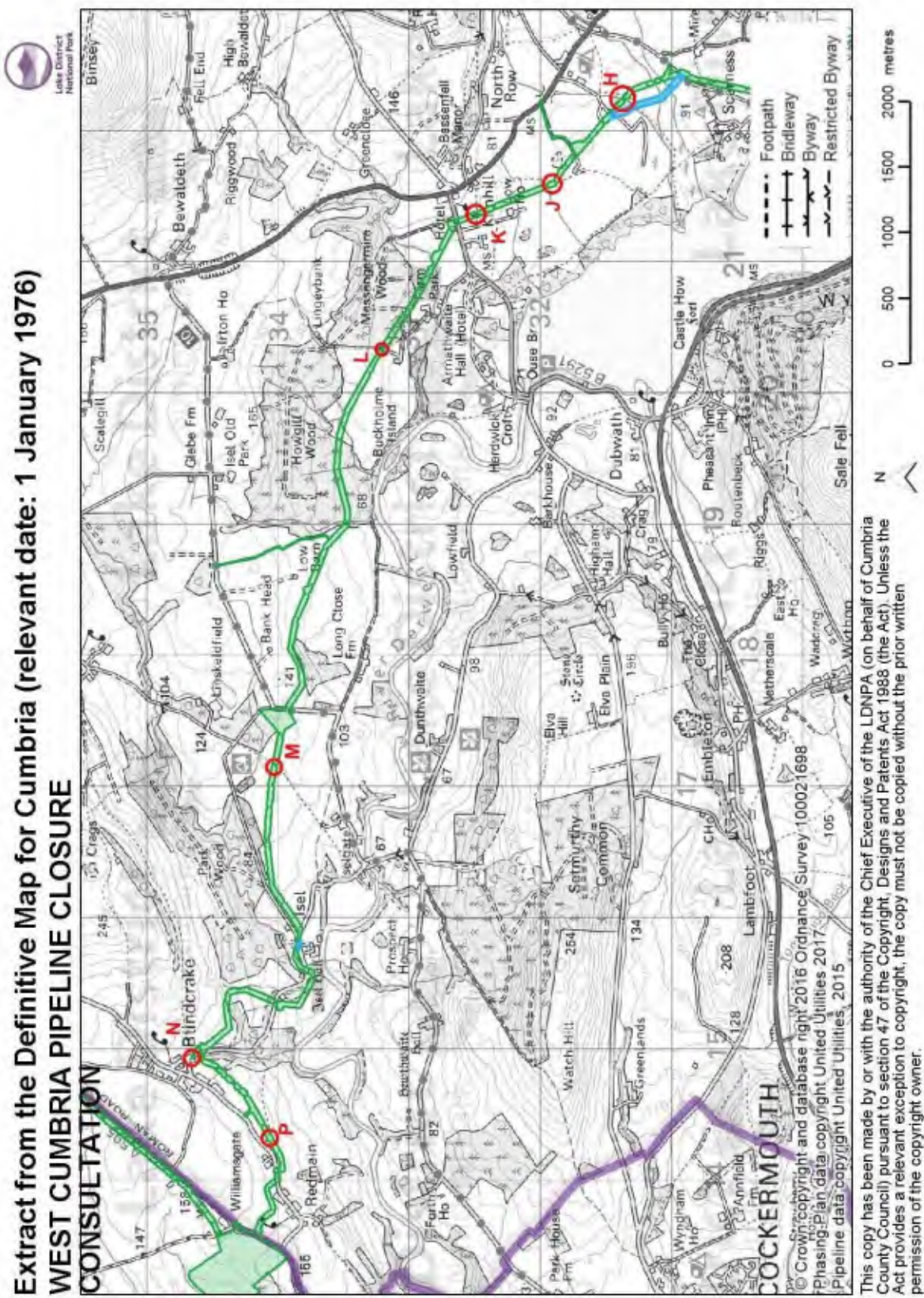
- The idea is that the trenches will be dug and pipes installed up to the path, and then the path will be closed whilst the works are taking place through it, and then restored. This means that although the line of the path itself will be unavailable, there will be a temporary bypass within 20 metres or so, to one side or the other – so access will still be possible with a minor deviation. The precise routes of these bypasses are not yet known, and may vary during the work time, but will be signed on site.
- Signage will be erected to show when the paths are closed and where the alternative routes are.

2.4 Orders would last for six months, and have varying start dates. However, the works may be completed earlier, and if so the actual length of closure of the paths could be considerably shorter. Conversely, if the project overruns, then United Utilities may request an extension from the Secretary of State through us.

2.5 Closures may affect private rights and these matters are being dealt with by United Utilities.



MAP 1 – OVERVIEW OF PIPELINE AND CLOSURE LOCATIONS – SOUTH F-G



MAP 2 – OVERVIEW OF PIPELINE AND CLOSURE LOCATIONS – NORTH H-P

### 3 Policy Context

- 3.1 A key focus of the Vision for the Lake District National Park 2006–2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

### 4 Options

- 4.1 The options are to:
- a) Make the orders as suggested;
  - b) Not make the orders.

### 5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8.

### 6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
  - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
  - c) We have carried out the required **consultations**.
  - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

### 7 Finance Considerations

- 7.1 The cost of issuing a whole series of Orders like this is difficult to calculate, especially as a lot of work has been undertaken in negotiating with United Utilities and Farrans (their contractors) – this has been unusually time-consuming. There is a further complication in that alongside this request, is a request for five Traffic Regulation Notices and a possible separate Notice. This makes a total of 15 requests altogether.
- 7.2 Our standard charge for Orders is £710+VAT, plus the cost of advertising. We have therefore agreed with United Utilities / Farrans a sum of £11,000 to cover all the works involved. They will meet these costs.

## **8 Risk**

- 8.1 There is limited risk to us in making (or not) these orders. There is a risk if we do not make the order that somebody using the definitive line could be injured by the works, and it would be hard to manage public safety on the definitive line without significantly causing disruption to the work programme.

## **9 Legal Considerations**

- 9.1 As a National Park Authority, we have the power to temporarily restrict or prohibit the use of highways under section 72 of the Natural Environment and Rural Communities Act 2006. This gives National Park Authorities the power to make orders under section 14(1) of the Road Traffic Regulation Act 1984, following the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007.
- 9.2 We also have delegated power to temporarily restrict or prohibit the use of highways under section 14 of The Road Traffic Regulation Act 1984 in our agency agreement with Cumbria County Council. Traffic can be restricted or prohibited for a number of reasons, one of which is 'because works are being or are proposed to be executed on or near the road' (section 14(1)(a)).
- 9.3 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984.

## **10 Human Resources**

- 10.1 The work involved in this proposal is approximately ten days from members of the Park Management teams, two hours from the GIS technician and half an hour from the Head of Park Management. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

**11 Sustainability**

11.1 I have not identified any significant environmental, economic or social aspects that will affect sustainability.

**12 Consultation Responses**

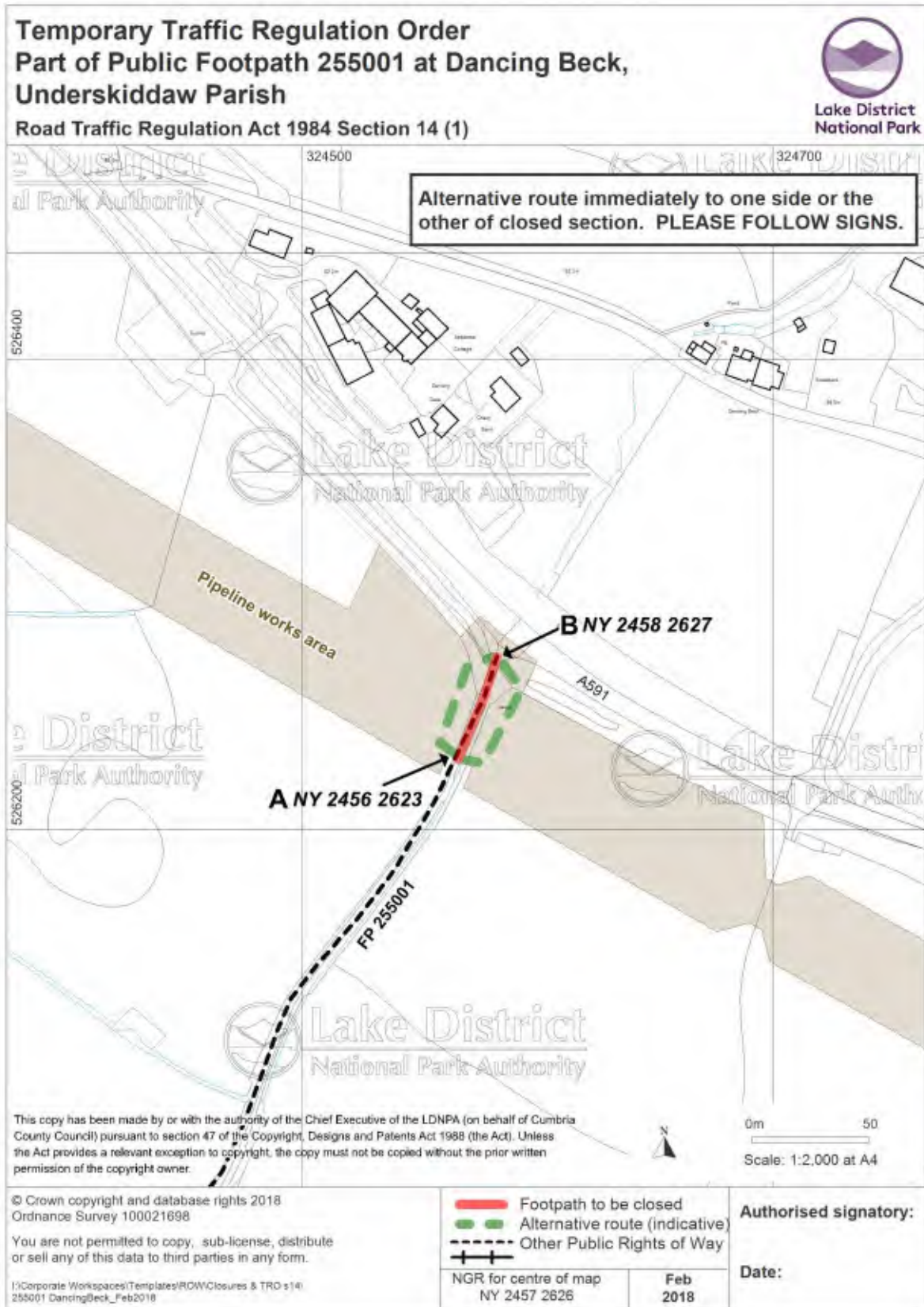
12.1 We consulted on the proposed closures and received one response, from the Cumbria and Lakes LAF:

*‘Our experience is that UU’s contractors carefully follow agreed practices and we have not heard of disruptions caused by their work so far.’*

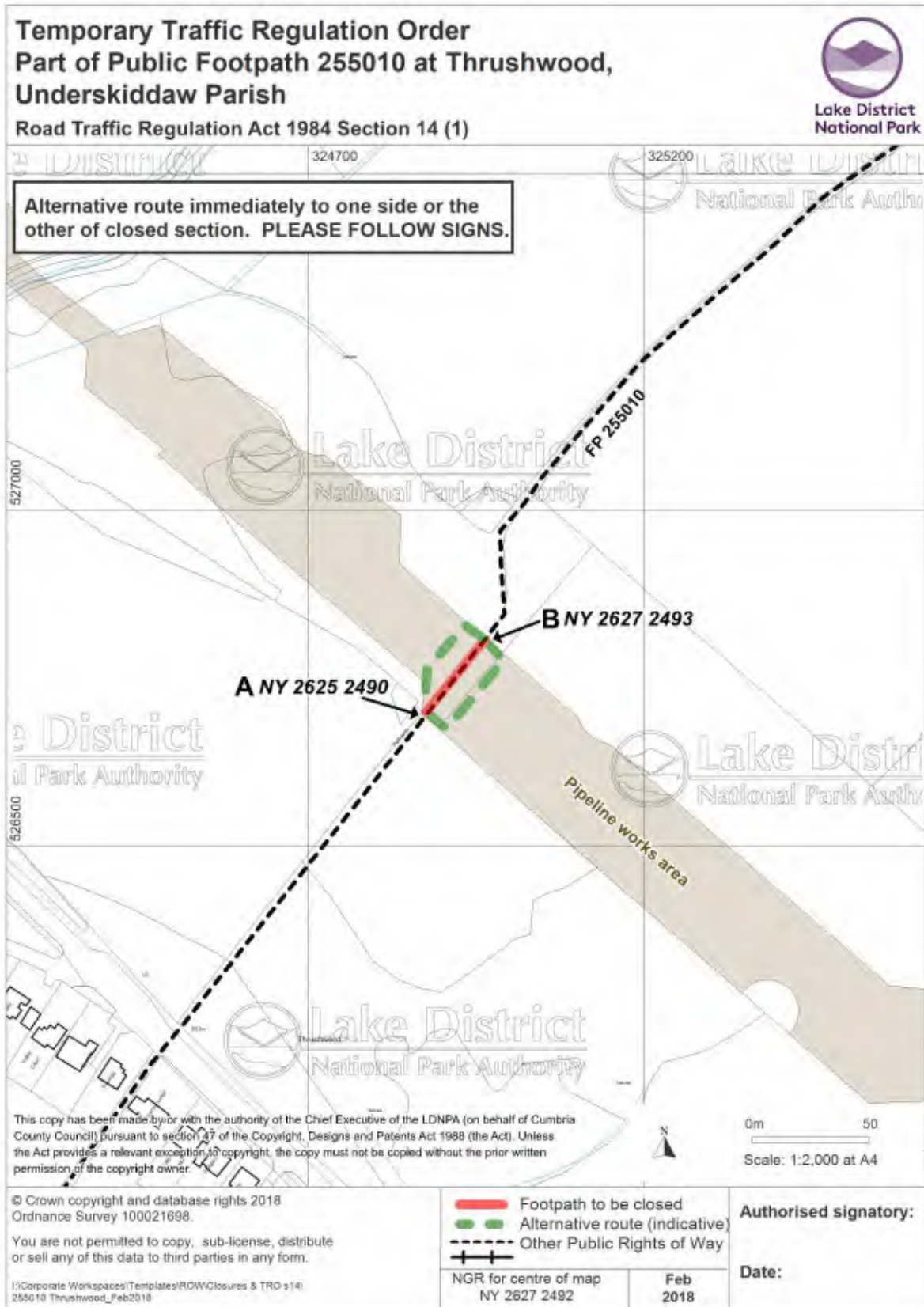
Authorised by:  ..... Mark Eccles, Head of Park Management  Date.....
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Background Papers: Case file 1410.003 (196)  
Author: Nick Thorne  
Date Written: 20 March 2018  
Version: FINAL

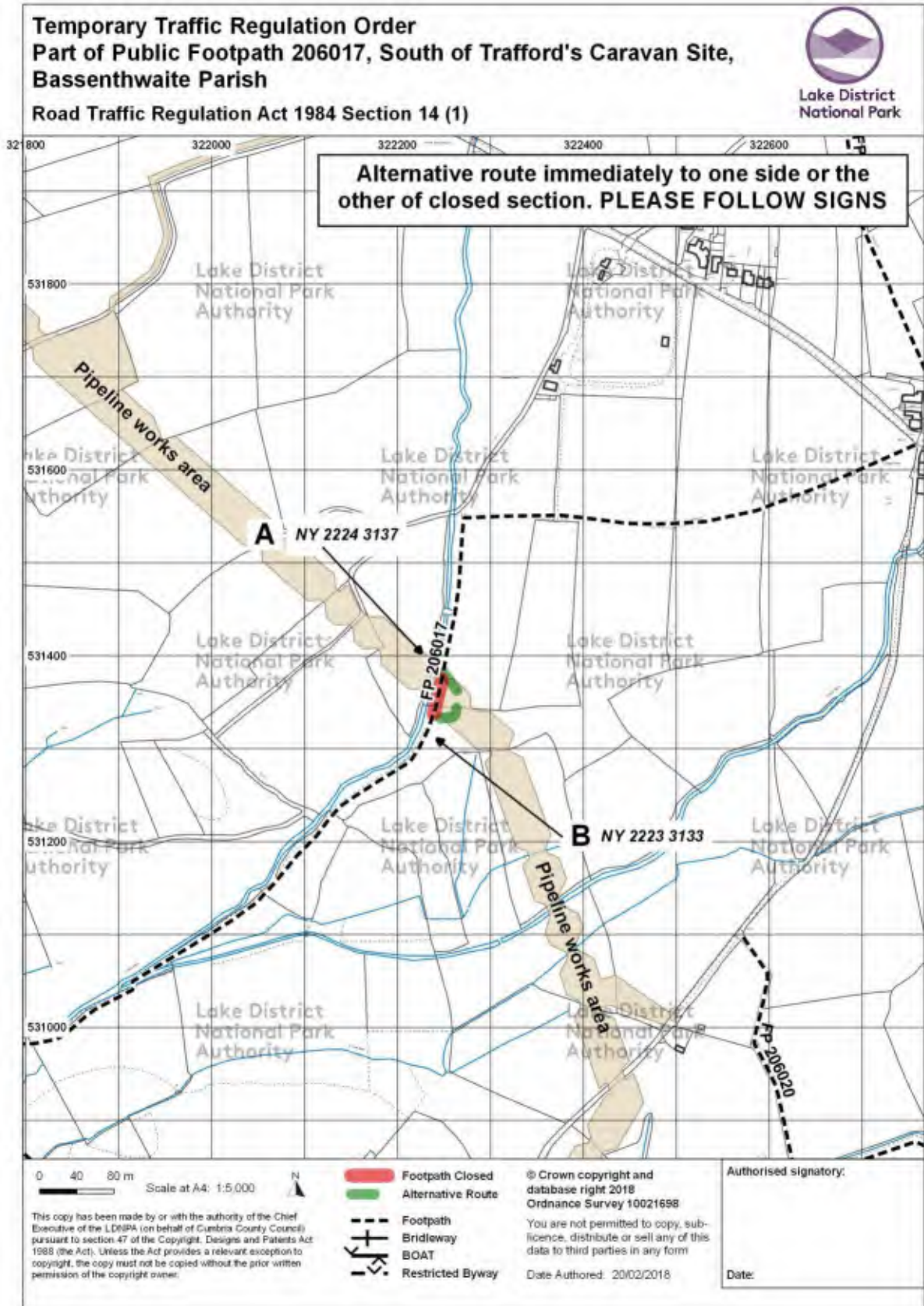
**MAP 3: LOCATION F**



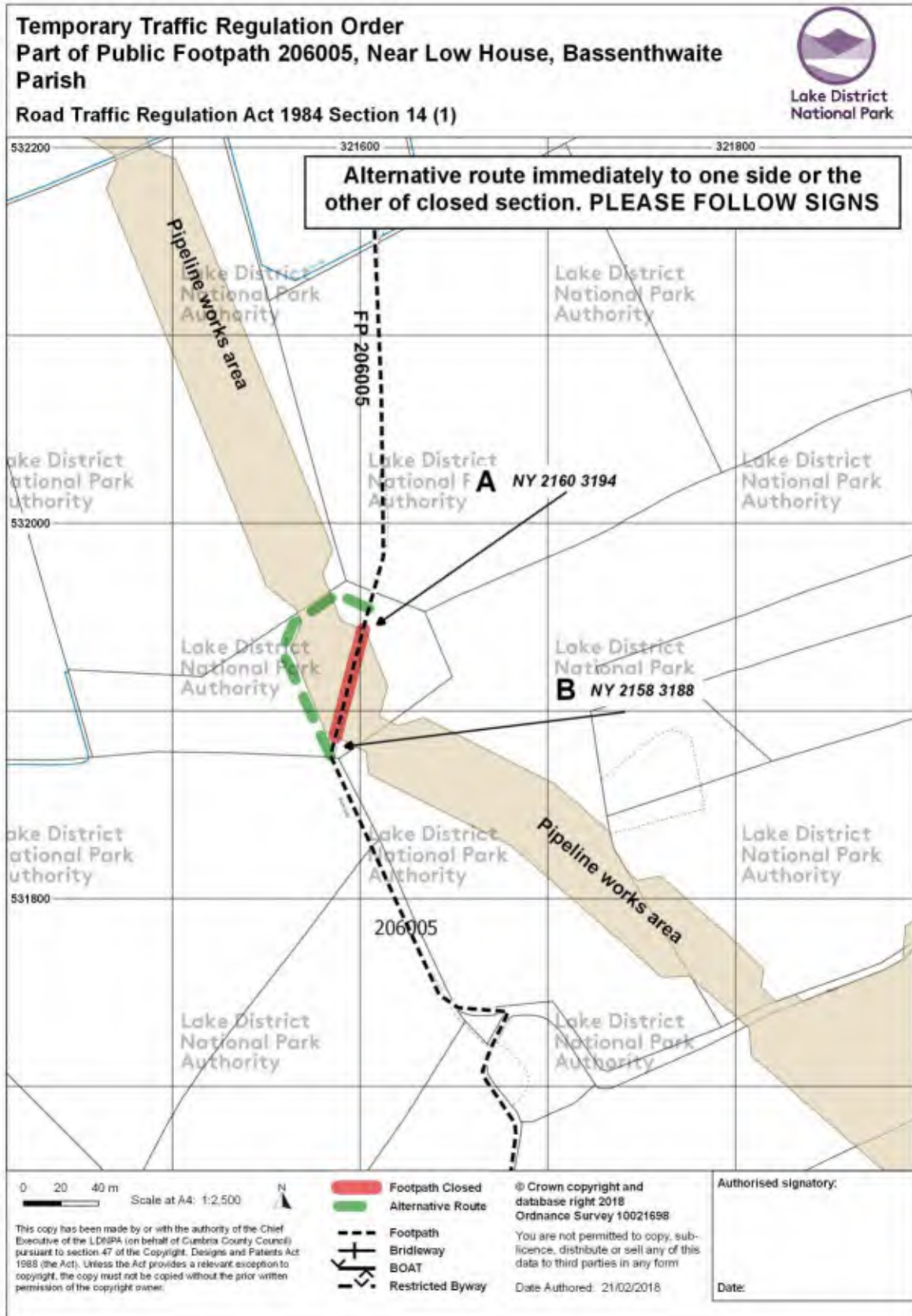
**MAP 4: LOCATION G**



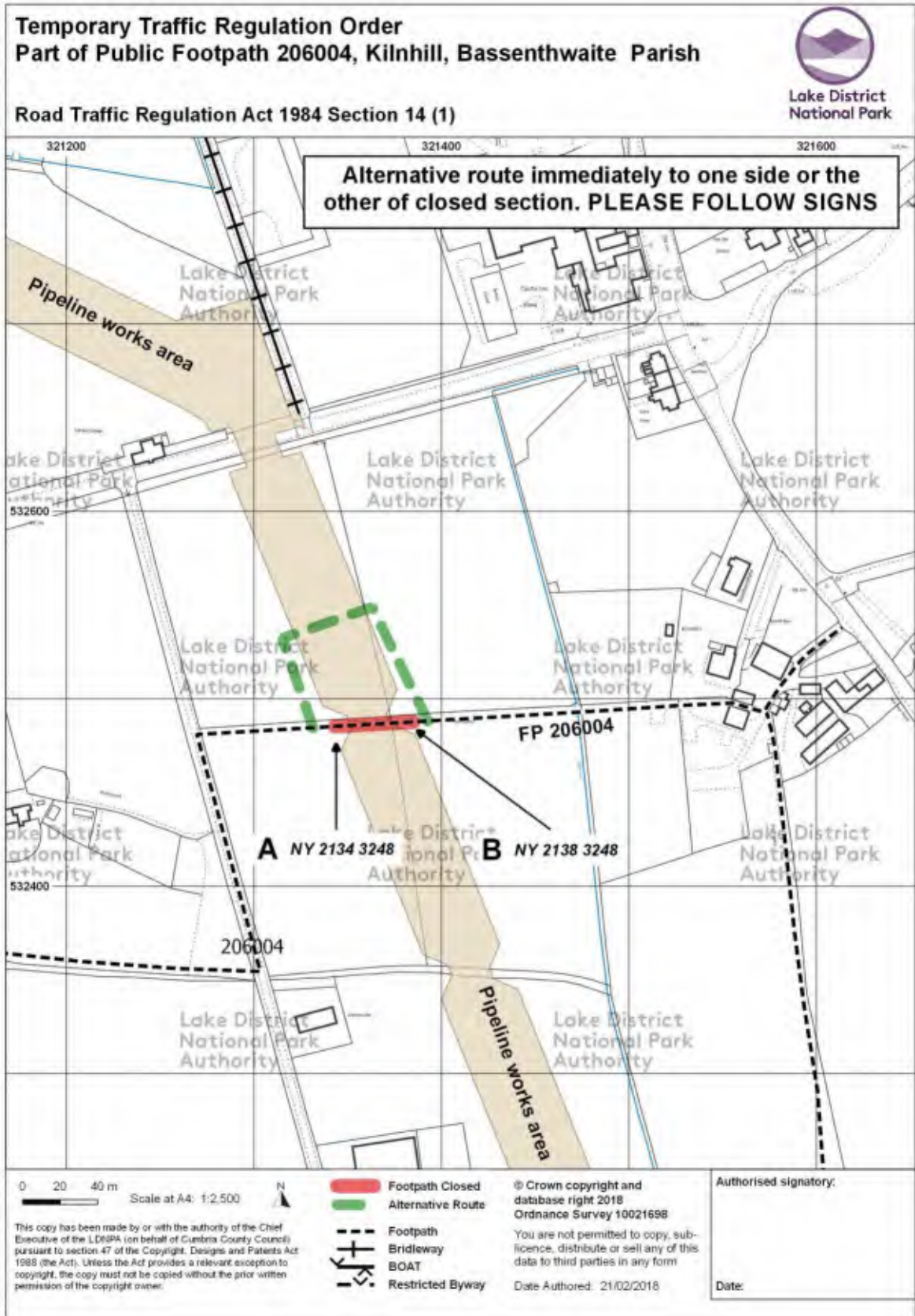
**MAP 5: LOCATION H**



MAP 6: LOCATION J



MAP 7: LOCATION K



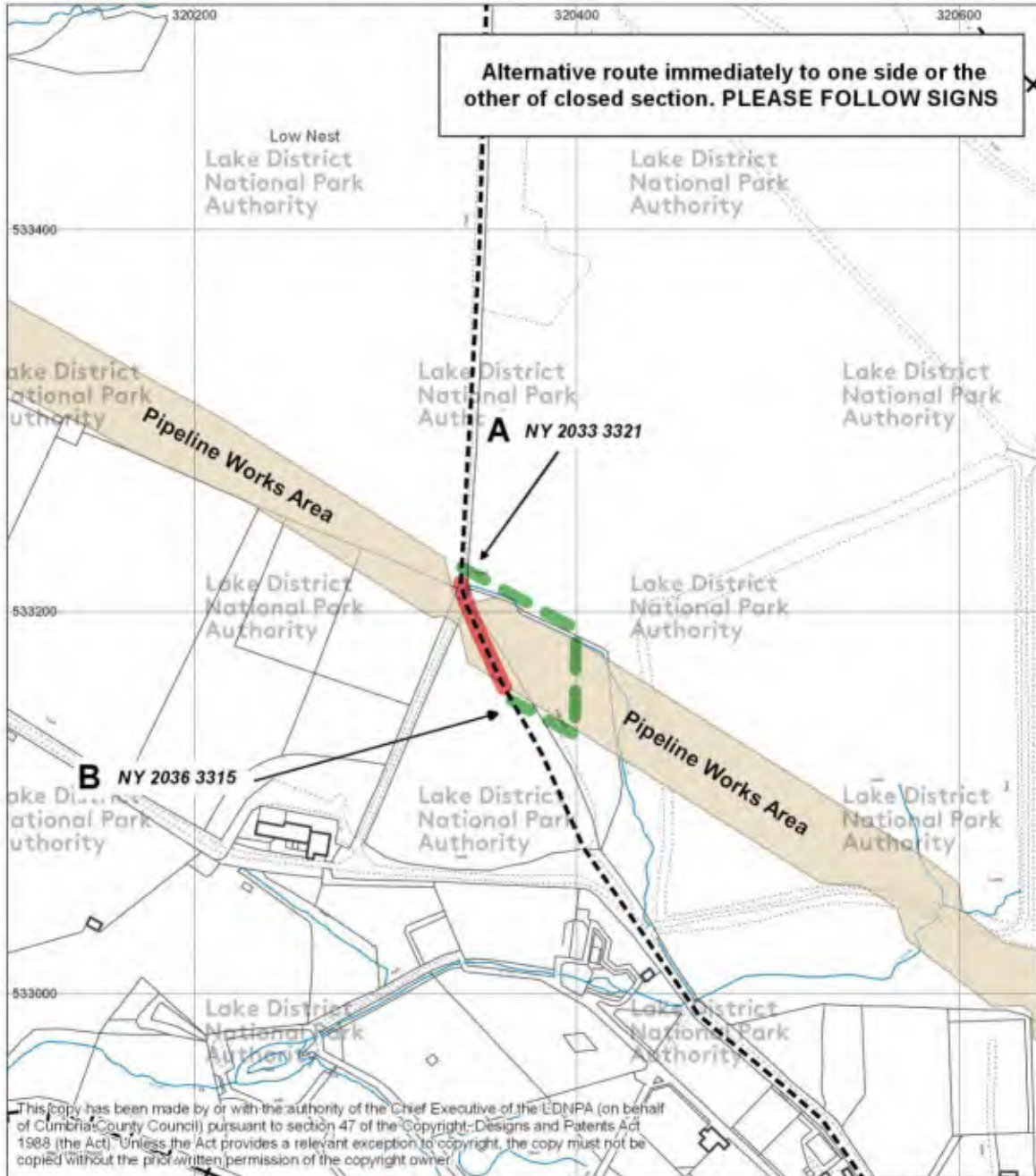
### MAP 8: LOCATION L

## Temporary Traffic Regulation Order Part of Public Footpath 210009, Messengermire Woods, Blindcrake Parish



Lake District  
National Park

Road Traffic Regulation Act 1984 Section 14 (1)



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I:\Corporate Workspaces\Templates\ROW\Closures & TRD  
514\249017 Low Nest

- Footpath Closed
- Alternative Route
- Footpath
- Bridleway
- BOAT
- Restricted Byway

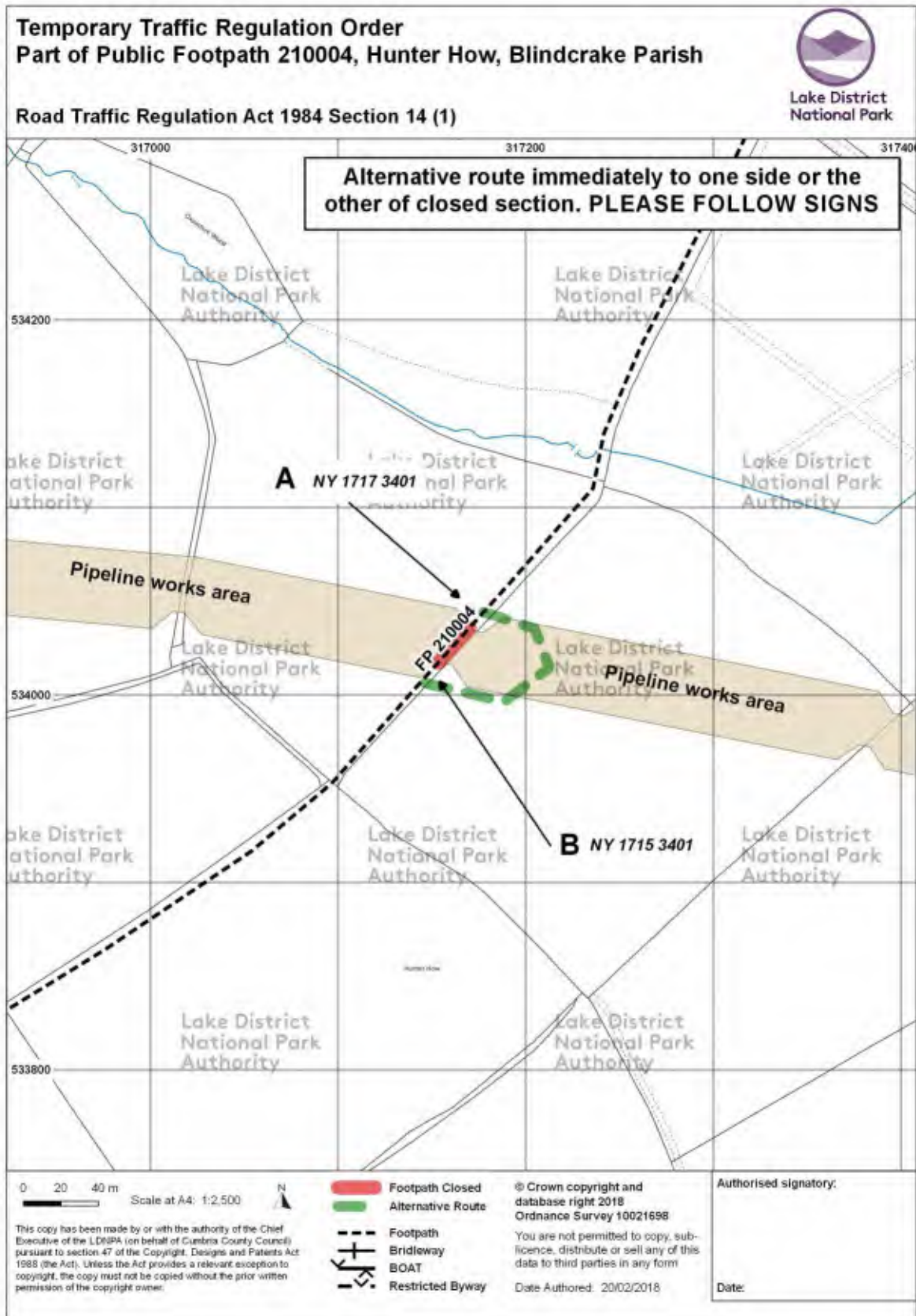


Date Authored: 07/03/2016

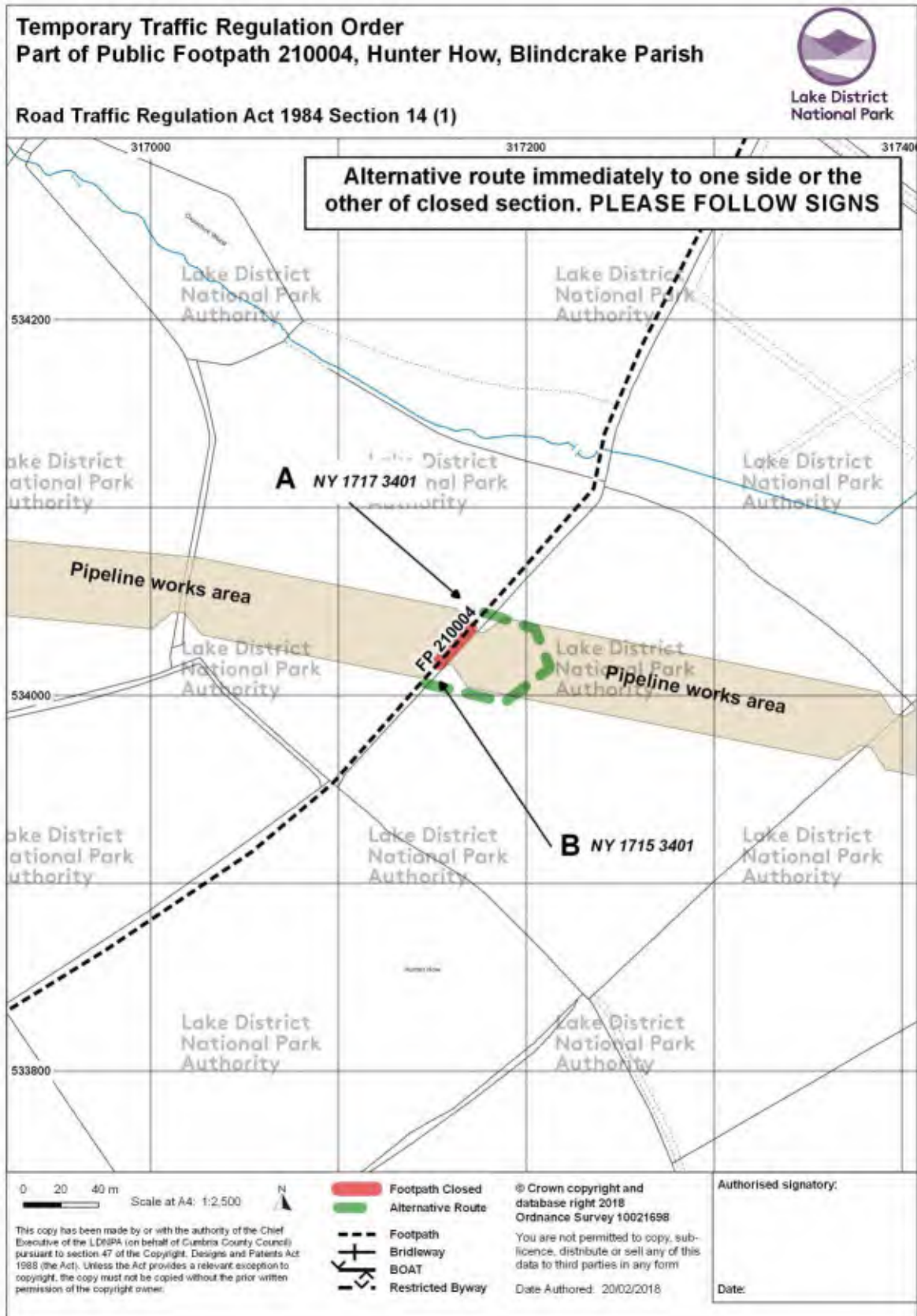
Authorised signatory:

Date:

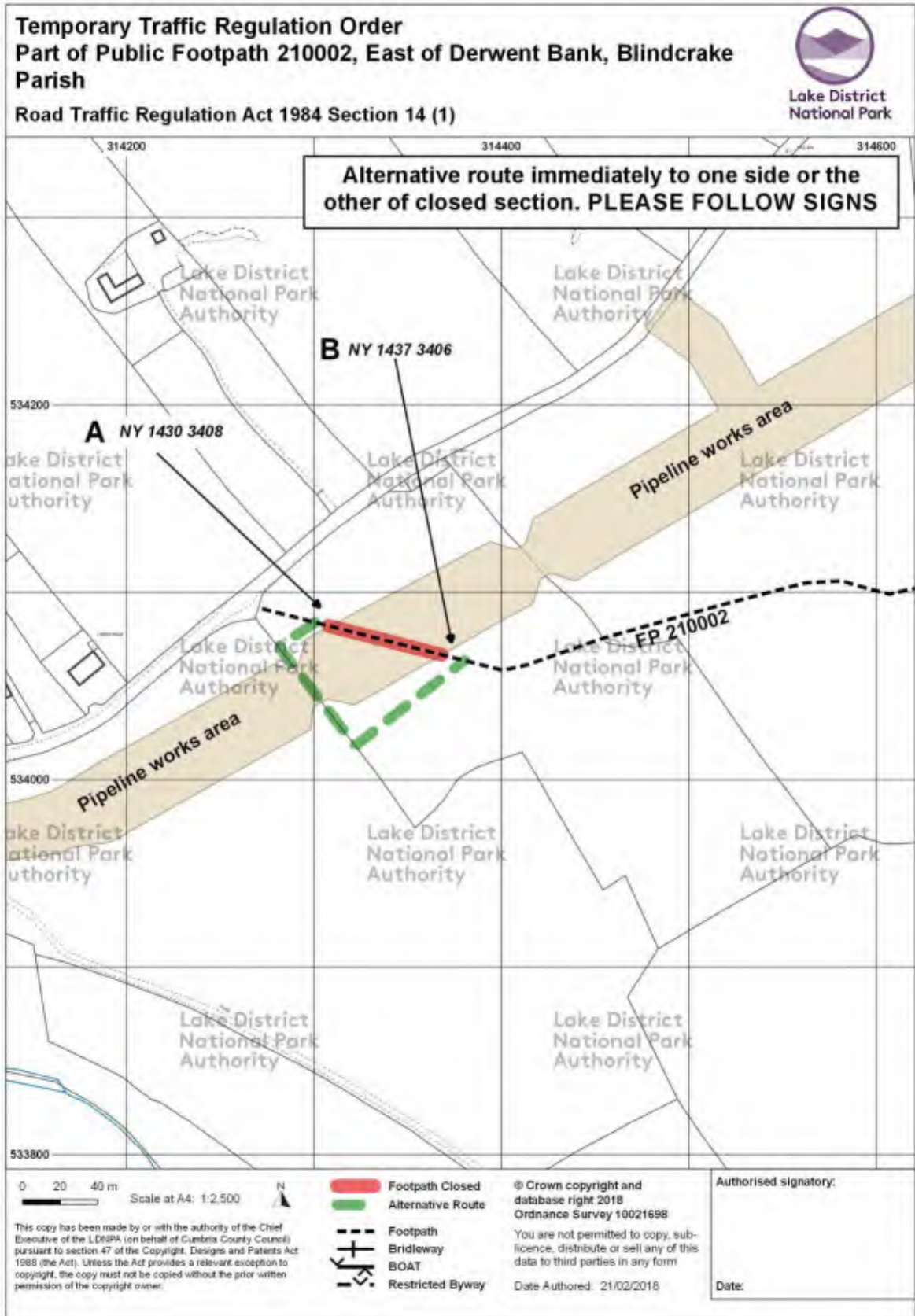
**MAP 9: LOCATION M**



MAP 10: LOCATION N



**MAP 11: LOCATION P**



**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG &amp; WYTHBURN PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Park Management</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	Storm Emma produced strong easterly winds, which have caused a lot of damage to the woodland on the western side of Thirlmere. Trees are hanging over the public westshore road, which has been closed to all traffic by Cumbria County Council. Two footpaths have also been badly affected. Footpath 249050, which is a short link over Round Mount, and footpath 249054 to Raven Crag. Both paths are not only impassable at present, but also have overhanging trees, which are liable to fall on walkers using the footpaths. There is a clear danger to walkers. The scale of the damage means that United Utilities are unable to clear the trees and make the footpaths safe for some months.	
Details of Decision	That we convert the existing Temporary Traffic Regulation Notices for the whole of footpaths 249050 and 249054 into six-month closure Orders as shown on the plan attached to the report.	
Details of alternative options considered and rejected.		Not to issue the Notice
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (197)	
Date of Report	20 March 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	20 March 2018	

## **TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG & WYTHBURN PARISH**

### **1 Summary**

- 1.1 This report recommends the temporary prohibition of traffic over two footpaths because of the danger to the public resulting from storm damage to woodland resulting in hung-up trees.

***Recommendation: That we convert an existing Notice to a Temporary Traffic Regulation Order for the entire lengths of footpaths 249050 and 249054 on the attached plan.***

### **2 Background**

- 2.1 The attached report describes why we issued an emergency Notice to close two footpaths on the western side of Thirlmere because of the danger posed to the public from overhanging trees. The map is overleaf.
- 2.2 The extent of damage all the way alongside Thirlmere has meant that the landowners, United Utilities, have been unable to clear the road and the footpaths. They are unlikely to be able to make the area fully safe until approximately July 2018, or later.
- 2.3 We could issue a further 21-day Notice, but it would seem more appropriate to simply convert the existing Notice into a six-month Order to give United Utilities time to assess the scale of the works required and carry them out.
- 2.4 The public will not be unduly inconvenienced as the road along the shore is also closed, so the paths are not easy to reach anyway.

### **3 Finance Considerations**

- 3.1 The costs of a temporary closure Order are £710 + VAT which covers staff-time, stationery and postage. And there is also the cost of one advert in the Keswick Reminder (approximately £60+VAT). United Utilities has agreed to meet these costs.

### **4 Legal Considerations**

- 4.1 The relevant grounds for making an order restricting or prohibiting traffic on this path is within section 14(1) of the Road Traffic Act 1984; namely because of works being executed on or near the road, and because of the likelihood of danger to the public. Section 15.8(b) allows a notice issued under section 14(2) to be converted into an order.
- 4.2 The Head of Park Management has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumbria County Council.



Map of the Closure Order

Authorised by:  
 .....  
 Mark Eccles, Head of Park Management  
 Date.....

Background Papers  
 Author:  
 Date Written:  
 Version

Case file 1410.003 (197)  
 Nick Thorne, Countryside Access Adviser  
 20 March 2018  
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