

2018-19 ROW Committee Decisions (list updated 12/9/2022)

Year	Minute Ref	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2018-19	ROW Comm 15/18	17/04/2018	Modification	ROW Committee	Witherslack	The Orchard House	To defer final decision on Modification application until October or July
2018-19	ROW Comm 16/18	17/04/2018	Modification	ROW Committee	Askham, Barton	Moor Divock (Widewath to Roe Head)	To make a DMMO to show bridleway 305003/307012 as a restricted byway between points M and J
2018-19	ROW Comm 30/18	18/07/2018	Modification	ROW Committee	Whitwell & Selside	Lady Coat Tarn Road	To make DMMO to add a Public Bridleway between points A-B-C
2018-19	ROW Comm 31/18	18/07/2018	Modification	ROW Committee	Whitwell & Selside	Above Park Road	To make DMMO to add a Public Bridleway between points A-B-C
2018-19	ROW Comm 32/18	18/07/2018	Modification	ROW Committee	Whitwell & Selside	Katebarrow Lane	To make a DMMO to show Katebarrow Lane as a restricted byway between points A and B
2018-19	ROW Comm 7/19	23/01/2019	Modification	ROW Committee	Witherslack	The Orchard House	Not to make an Order in relation to the application at Footpath 583005
2018-19	ROW Comm 8/19	23/01/2019	Modification	ROW Committee	Shap Rural	Abbott House, Rosgill	To make a DMMO to add public bridleways along the tracks running A-B, B-C and B-D

2018-2019 Delegated ROW Decisions (list updated 27/3/2019)

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2018-19	DD18.1	09/04/2018	Creation Agreement	Head of Park Management	Claife	Near Sawrey/Hawkshead	Enter agreement with National Trust for dedication of two sections of bridleway as part of the Near Sawrey to Hawkshead off road path
2018-19	DD18.2	24/04/2018	s33 consent	Head of Park Management	Claife, Satterthwaite	Graythwaite Estate	Consent for use of rights of way by Graythwaite Enduro May 2018
2018-19	DD18.3	23/05/2018	Temp closure	Head of Park Management	Buttermere & Brackenthwaite	Muddocks Path	To make temporary TRO on FP 220050 - 6 months from 2 September 2018. To enable path restoration/construction work. Work expected to last for one month.
2018-19	DD18.4	13/06/2018	Temp closure	Head of Park Management	Irton With Santon, Eskdale	Miterdale Forest	To make temporary TRO on BW 408020/411010/411016 - 6 months from 6 July 2018 to enable extraction of windblown trees
2018-19	DD18.5	13/06/2018	PPO: Diversion	Head of Park Management	Matterdale	Foxhill	To make an order to divert footpath 345012
2018-19	DD18.6	10/07/2018	Temp closure	Head of Park Management	Underbarrow & Bradleyfield	Barrowfield Lot	To make temporary TRO on FP 577003 - 6 months from 1 August 2018 for forest operations
2018-19	DD18.7	11/07/2018	Temp closure	Head of Park Management	Wythop & Above Derwent	Wythop Woods	To make temporary TRO - 6 months from 10 August 2018 for forest operations

2018-2019 Delegated ROW Decisions (list updated 27/3/2019)

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2018-19	DD18.8	19/07/2018	S147 authorisation	Head of Park Management	Cartmel Fell	Chapel House Farm	Authorisation of new gate to control animal movement and separate stock from new access track into farmyard
2018-19	DD18.9	01/08/2018	Temp closure	Head of Park Management	St Johns Castlerigg & Wythburn	Rough How Bridge	To make temporary TROs in relation to West Cumbria Pipeline Project
2018-19	DD18.10	01/08/2018	Temp closure	Head of Park Management	St Johns Castlerigg & Wythburn	Smaithwaite	To issue temporary closures Notices for 5 days in relation to West Cumbria Pipeline Project
2018-19	DD18.11	01/08/2018	Temp closure	Head of Park Management	Above Derwent	Thornthwaite, Whinlatter	To make temporary TRO to enable tree felling due to Phytophthora in larch stand at Whinlatter. BW 201006
2018-19	DD18.12	19/09/2018	S35 Agreement	Head of Park Management	Lakes: Ambleside	Winder Intake, Todd Crag, Loughrigg	Agreement with landowner to install a stile to enable access to access land
2018-19	DD18.13	02/10/2018	s33 consent	Head of Park Management	Broughton West, Whicham, Bootle	various	Grant consent for use of rights of way by Lakes Two Day Trial
2018-19	DD18.14	02/10/2018	s33 consent	Head of Park Management	various	various	Grant consent for use of rights of way by Lakeland Trial, Vintage Sports Car Club
2018-19	DD18.15	02/10/2018	s33 consent	Head of Park Management	various	various	Grant consent for use of rights of way by Grizedale Stages Rally

2018-2019 Delegated ROW Decisions (list updated 27/3/2019)

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2018-19	DD18.16	02/10/2018	Temp closure	Head of Park Management	various	various	To make temporary TRO – 6 months from 1 December 2018 (to cover Grizedale Stages Rally in December 2018 and Malcolm Wilson Rally in Mar 2019). Danger to the public from motor sports events
2018-19	DD18.17	10/10/2018	Temp closure	Head of Park Management	St Johns Castlerigg & Wythburn	Raven Crag and Round Mount, Thirlmere	Issue Emergency Temporary Notice for 21 days and convert to 6 month order due to danger to public from windblown trees
2018-19	DD18.18	24/09/2018	Temp closure	Acting Head of Park Management	Dunnerdale with Seathwaite	Tarn Beck near Havelock Cottage	Issue Emergency Temporary Notice for 21 days and convert to 6 month order due to danger to public from dangerous bridge
2018-19	DD18.19	30/10/2018	PPO: Diversion	Head of Park Management	Lakes: Grasmere	Greenhead Gill	To make an order to divert part of footpath 542025
2018-19	DD18.20	13/11/2018	Temp closure	Head of Park Management	Coniston	Hill Fell Plantation and Burnt Intake	FP512057, 512058 & BW 512059. To authorise issue of 3 temporary closure notices for urgent felling of Larch infected with Phytophthora.
2018-19	DD18.21	14/11/2018	S147 authorisation	Head of Park Management	Haverthwaite	Backbarrow	To authorise a new gate on FP 528026

2018-2019 Delegated ROW Decisions (list updated 27/3/2019)

Year	Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2018-19	DD18.22	14/01/2019	s33 consent	Head of Park Management	Various	Grizedale Forest, Whinlatter Forest, Broughton Moor	Grant consent for use of rights of way by Malcolm Wilson Rally, 9 March 2019
2018-19	DD18.23	16/01/2019	S35 Agreement	Head of Park Management	Helsington	Scout Scar, Helsington Barrows	Enter into agreement with landowner to install two kissing gates to enable access to access land
2018-19	DD18.24	22/01/2019	s33 consent	Head of Park Management	Setmurthy, Lorton	Hills Wood & Darling Wood	Grant authorisation for use of Rights of way by Northern Classic Trial, February 2019
2018-19	DD18.25	18/02/2019	PPO: Diversion	Head of Park Management	Ponsonby (formerly St Bridget Beckermet)	Calder Long Walks	To divert the section of footpath 424026 between A and B to a new line slightly further north.
2018-19	DD18.26	18/03/2019	Temp closure	Head of Park Management	St Johns Castlerigg & Wythburn, Underskiddaw, Blindcrake	various	Make 9 temporary traffic regulation orders in connection with West Cumbria Pipeline Project
2018-19	DD18.27	25/03/2019	s33 consent	Head of Park Management	Claife, Satterthwaite	Graythwaite Estate	Grant consent for use of rights of way by Grathwaite Enduro 25/26 May 2019
2018-19	DD18.28	26/03/2019	PPO: Diversion & extinguishment	Head of Park Management	Dacre	Dunmallard Car Park, Pooley Bridge	Divert a section of BW 321014 A-E to a new route outside the car park(A-B-C-D-E) which will also make a short section of footpath 321029 redundant.

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	CREATION OF BRIDLEWAY 510041 & 510042, CLAIFE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters</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 and also it is one of our prioritised Access and Recreation projects. As part of the project, the National Trust have requested we enter into an agreement with them to create two sections of bridleway over their land.</p>	
Details of Decision	<p>We enter into a creation agreement with the National Trust to create Bridleway 510041 from A to D as shown on Map 2 included in the report and Bridleway 510042 as shown E to G on Map 3.</p>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Do not enter into the creation agreement • Enter into a creation agreement to create only one of the 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	Sarah Blakemore, Rights of Way and Access Assistant	
Date of Report	4 April 2018	
Background Papers	Case file 1412.510.09	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	9/04/2018	

CREATION OF BRIDLEWAY 510041 AND 510042, CLAIFE PARISH

1 Summary

This report recommends that we enter into a creation agreement with the landowner (The National Trust) to dedicate Bridleway 510041 and Bridleway 510042 in Claife Parish.

Recommendation that:	<i>We enter into a creation agreement with The National Trust to create Bridleway 510041 as shown A to D on Map 2 on page 3 and Bridleway 510042 from F to G as shown on Map 3 on page 4.</i>
-----------------------------	--

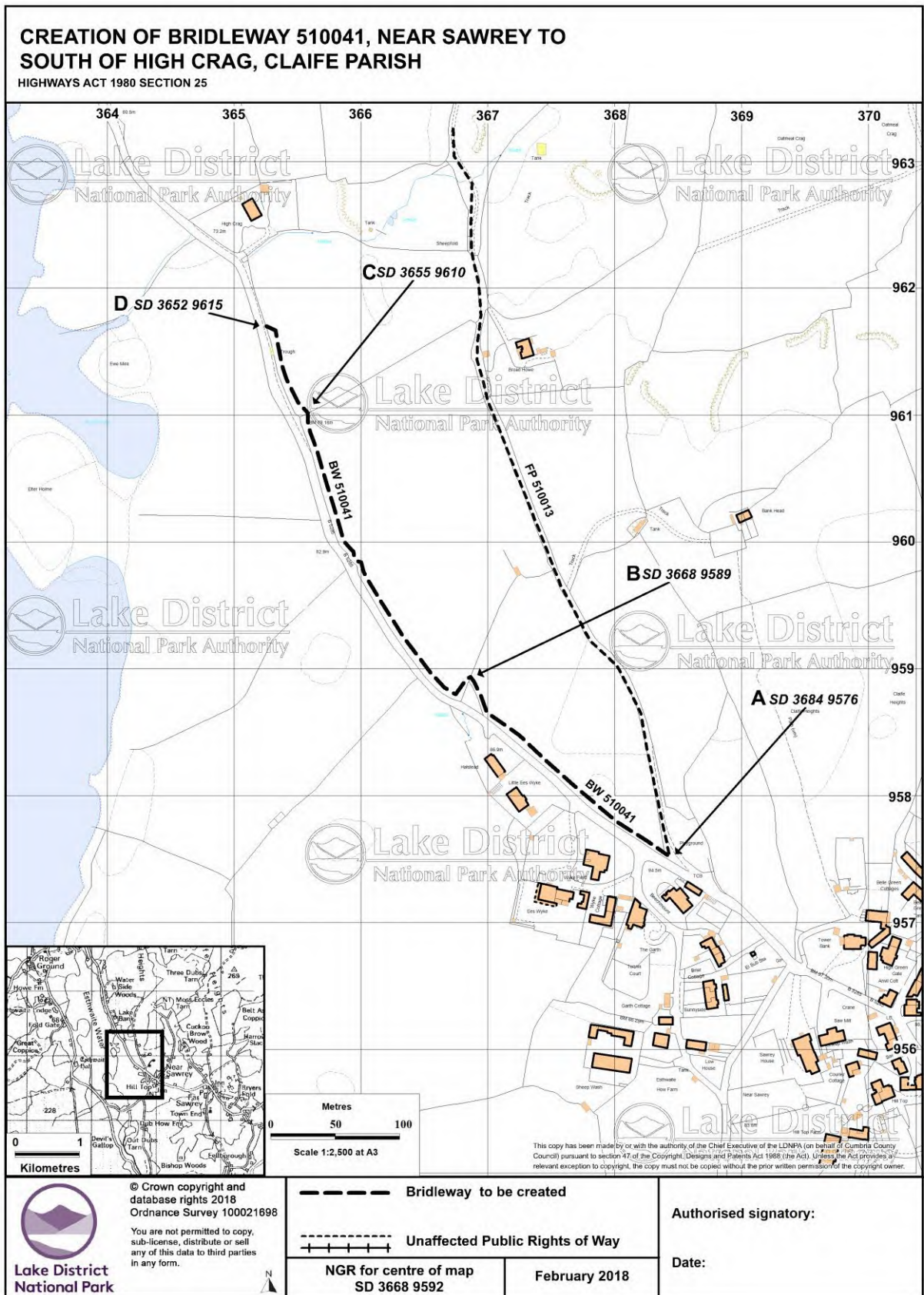
2 Background

- 2.1 We have been working in partnership with landowners and community interests to create an off-road path alongside the B5285 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, and is one of our prioritised Access and Recreation projects. 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 The National Trust. The Trust have requested we enter into an agreement with them to dedicate two sections of the path over their land as public bridleways. The two sections are:
- Near Sawrey to High Crag - numbered section 1 and 2 on the outline map on page 2, and shown A to D on Map 2 on Page 3
 - Wraymires to Colthouse Heights - numbered section 4 on the outline map and shown E to G on Map 3 on page 4.
- 2.3 Claife Parish Council have also agreed to dedicate a Bridleway over their land, as shown numbered section 3 on the outline plan, and you have already approved us entering into an agreement with them to create that path.

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



Map 2: Site Plan Bridleway 510041



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 This Service Plan also includes:
- carrying out Rights of Way order casework that addresses conflict, supports network improvements and supports landowners and/or meets safety needs through temporary closures.
- 3.6 'Out There' our Access and Recreation Strategy 2017-2023 has four main priority themes, including:
- Improve – to make the access network fit for purpose and meeting the needs of modern day users. With a particular focus on further developing our network of multi-user trails, round lake routes and short promoted walking routes from key settlements whilst also using innovative approaches to better connect the rights of way network, in particular the bridleway network.
- 3.7 This proposal helps fulfil the aim of improving the network. The Hawkshead to Near Sawrey off-road path has been identified as priority Access and Recreation project – it scored 87 overall in the recent prioritisation process.
- 3.8 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.9 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 Best Value Implications

4.1 **Work Programme and Relevance to This Case:** Creation of these two bridleways is an important element in the delivery of the Hawkshead to Sawrey off-road path, which is one of our prioritised Access and Recreation projects.

4.2 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 will contribute to the achievement of our policies in relation to public enjoyment.
- b) **Compete** - We enter into creation agreements under the provisions of the Environment Act 1995. Cumbria County Council can also enter into agreements, but our agency agreement empowers us to carry out the day-to-day management of the network.
- c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process. The proposal has arisen through the partnership between a number of organisations.
- 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.

5 Options

- 5.1
- (a) Enter into an agreement to create both paths
 - (b) Enter into a creation agreement to create only one of the paths
 - (b) Do not enter into a creation agreement.

6 Proposals

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

7 Grounds and Tests for Creation Agreement

7.1 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, 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?

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

7.2.1 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. As mentioned above this route is also one of our prioritised Access and Recreation routes.

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

7.3.1 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 an 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.

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

7.4.1 The landowner has requested the creation agreement, and this suggests they consider that it will not have a negative impact on their ownership. They have also agreed not to claim compensation.

8 Other Considerations Required by Legislation

8.1 *Rights of Way Improvement Plan*

8.1.1 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).

8.1.2 This proposal is not a specific ROWIP proposal put forward by the public. But it fits within a number of actions and within the general ethos of the ROWIP (p30-32b):

- Actions 11 and 15 – Family-friendly cycle routes and promoted horse-riding routes: identify, develop and promote a set of continuously way-marked short, medium, and long family friendly cycle routes and horse riding routes. Where possible these will be traffic-free and close to where people live and visit.
- Action 14 – Bridleway links: identify and create links in the bridleway network to increase integration of the network and create greater opportunities.
- Paragraph 18 – improvements can include physical work on a route (surfacing, gates, and so on).

8.1.3 The full ROWIP can be seen at www.cumbria.gov.uk/roads-transport/public-transport-road-safety/countryside-access/ROWIP/Final_Rowip.asp

- 8.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The new path will be safer and more accessible for users with restricted mobility than using the road.
- 8.3 Impact on the needs of agriculture and forestry - assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. There are no identifiable impacts on the needs of agriculture and forestry.
- 8.4 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.

9 Consultation Responses

- 9.1 We consulted the Highway Authority (Cumbria County Council) and we received the response: *'That looks fine, no comments.'*
- 9.2 We also received the following responses from other consultees:

Consultee	Comment
International Mountain Biking Association Representative	<i>'As a parent of young children who love that area around Sawrey/Hawkshead, but are restricted from cycling by traffic on the narrow roads, this would be very welcome. It is exactly the sort of improvements needed to improve tourism sustainability and road safety. Thanks to everyone for their efforts with such improvements and to the National Trust, who certainly appear to have done a great deal for car free tourism in and around that area.'</i>
Cycling UK, Right to Ride representative	<i>'I am very much in favour of this new path in principle. It should be of great benefit to many non-motorised users. As I haven't seen the quality of the path alignment and construction my support for dedication must be qualified by the assumption that it is of good quality. I would also ask that you press Cumbria Highways to ensure that the removal of many non-motorised users does not result in the road becoming a race track. Many faster road cyclists will continue to use the road as they find off-road paths are inconvenient as they have to frequently slow for dog walkers and for groups of pedestrians full width across the path.'</i>

10 Finance Considerations

- 10.1 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.
- 10.2 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.
- 10.3 Phase 1 of the project has been funded through the several different funding sources:

Source	Contribution
National Trust	£80-85,000 approximately
South Lakeland District Council	£18,000
LDNPA	£3,000 from the LDCE plus staff time
Claife Parish Council	£2,000

- 10.4 Ongoing maintenance of the paths (especially the bridge at point F) will be met by our future Rights of Way budgets. This is an unknown amount. The bridge has plastic decking and steel beams and should therefore have a lifespan of at least 30 years.

11 Risk

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

12 Legal Considerations

- 12.1 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.
- 12.2 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.
- 12.3 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.

13 Human Resources

- 13.1 The work involved in the legal work in completing the creation agreement is approximately 21 hours from members of the Park Management teams, one hour from the GIS technicians, 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.

14 Diversity Implications

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

15 Sustainability

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

16 Summary

- 16.1 The proposal will benefit the public, and has come about through successful partnership working.
- 16.2 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 and will contribute towards delivering a strategically important Access and Recreation project.
- 16.3 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 National Trust to create Bridleway 510041 and 510042 over their land.

Background Papers:	Case file reference 1412.510.09
Author:	Sarah Blakemore, Rights of Way and Access Assistant
Date Written:	4 April 2018
Version	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	SECTION 33 CONSENT – GRAYTHWAITE TRIAL, 2018	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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	23 April 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	24/4/2018	



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
Website: www.lakedistrict.gov.uk

Direct email: nick.thorne@lakedistrict.gov.uk

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

Date: 1 May 2018

John Kerwin

Dear John

Graythwaite Enduro, 19 May 2018

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 510002 – Garnett Wood
- FP 510002 – just east of the Eel House Bridge to Sawrey road (U5056)
- BW 566015 – Cunsey Beck.

I note that you have contacted us today and requested we reissue the consent with the date corrected to 19 May 2018 rather than 21 May as stated on the original application.

For the event planned for 19 May 2018, 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.

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

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.
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

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
Website: www.lakedistrict.gov.uk

Direct email: nick.thorne@lakedistrict.gov.uk

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

Date: 1 May 2018

John Kerwin



Dear John

Graythwaite Enduro, 19 May 2018

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 510002 – Garnett Wood
- FP 510002 – just east of the Eel House Bridge to Sawrey road (U5056)
- BW 566015 – Cunsey Beck.

I note that you have contacted us today and requested we reissue the consent with the date corrected to 19 May 2018 rather than 21 May as stated on the original application.

For the event planned for 19 May 2018, 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.

Richard Leafe, Chief Executive

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.
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

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	TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF FOOTPATH 220050, THE MUDDOCKS PATH, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 path improvement works on part of Footpath 220050, The Muddocks Path, on Buttermere Lakeshore. We think that it will be necessary to close part of the footpath when the work is taking place to enable the works to go ahead safely and efficiently.	
Details of Decision	That we make a Traffic Regulation Order to temporarily close part of Footpath 220050 as shown A to C on the plan attached to the report for a period of up to 6 months from 2 September 2018 to enable path improvement works.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Do not make the order • Make an order restricting a longer or shorter section of the path 	
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 (198)	
Date of Report	21 May 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	23/5/2018	

TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF FOOTPATH 220050, THE MUDDOCKS PATH, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH

1 Summary

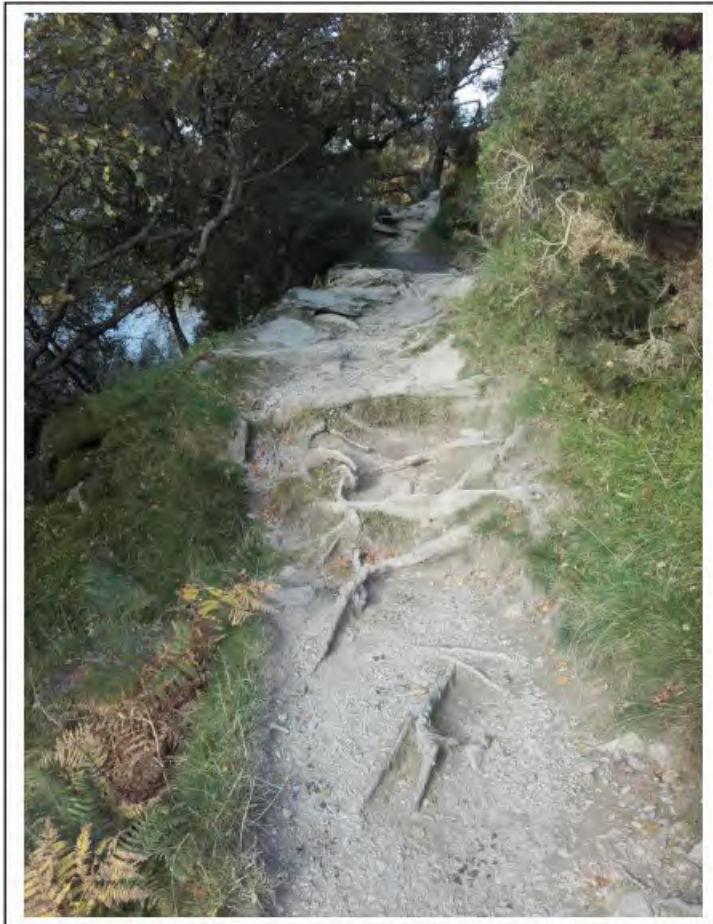
- 1.1 This report recommends that we make an order to temporarily prohibit traffic over part of Footpath 220050, The Muddocks Path, Buttermere Lakeshore, in Buttermere & Brackenthwaite Parish to enable path improvement works.

<p><i>Recommendation:</i> That we make a Traffic Regulation Order to temporarily close part of Footpath 220050 as shown A to C on the plan attached on page 6 for a period of up to six months from 2 September 2018, to enable path improvement works.</p>
--

2 Background

- 2.1 Last year we entered into a legal agreement with the landowner to create an extension to Footpath 220050 (The Muddocks Path) on Buttermere Lakeshore. We are now planning to carry out a programme of path improvement work. The works will involve rock chipping to create a more level path and constructing an aggregate surfaced route. Photos 1 and 2 overleaf show part of the section of path to be improved.
- 2.2 We think that we will need to temporarily close part of footpath 220050 during the works. The section we propose to close is shown as A-B-C on the plan on page 6. This is necessary because the work will involve use of diggers and rock chipping a section of path, and the use of power carriers. The path/work site is narrow and confined (see photos 1 and 2 overleaf). It would be very difficult to safely and efficiently carry out the works if the public continue to use the path.
- 2.3 We propose to make a temporary closure order starting from the beginning of September 2018. The order will be in place for up to six months, but the path will only be closed when work is taking place. We expect the work will take about three weeks from 3 September 2018 and we will reopen the path when it is complete.
- 2.4 During the closure there will be a temporary diversion avoiding the work site. The diversion is shown as A-D-C on the plan on page 6. It follows the farm track and the B5289 public road. This has been agreed with the landowner.

**Photo 1:
Section of
footpath to
be
improved**



**Photo 2:
Section of
footpath to
be
improved**



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
 - c) Make an order restricting a longer or shorter section of the path.

5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. This temporary closure will allow the path improvement works to go ahead safely and efficiently, and the provision of an alternative route will minimise the inconvenience to the public.

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 costing approximately £350 each. These costs cover staff time, stationery and postage.
- 7.2 The Authority will meet these costs.

8 Risk

- 8.1 There is a risk if we do not make the order that a path user could be injured by machinery on the route during works. Additionally the presence of walkers may compromise the efficiency of the works through additional health and safety requirements where the public are present in the immediate vicinity. The path is narrow and it is likely that work would have to be stopped when members of the public are close by. It is a popular busy path so this would cause extensive disruption to the works programme if there was no closure in place. Therefore the proposed temporary closure will safeguard potential users of the footpath, and enable the path improvement 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 hours 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 consulted the Highway Authority, Cumbria County Council, on the proposed temporary closure. We did not receive a response.

We received the following response from other consultees:

Consultee	Comment
Local Ramblers representative	<i>'I was with the group that looked at this last year. I agree you will need to close the path. I hope that the time it is closed is as short as possible.'</i>

Authorised by:

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

Date.....

Background Papers Case file 1410.003 (198)
Author: Sarah Blakemore, Rights of Way & Access Assistant
Date Written: 21 May 2018
Version FINAL

Map 1: 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	TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF BRIDLEWAY 411010 & 411016, MITERDALE FOREST, IRTON WITH SANTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Forestry Commission (FC) are planning works to cut and extract 800 tonnes of windblown larch and oak in Miterdale Forest. They have requested a temporary closure of parts of Bridleways 411010 and 411016 in order to carry out these operations. We think that it will be necessary to close the two sections of bridleway when the work is taking place to enable the works to go ahead safely and efficiently.	
Details of Decision	That we make a Traffic Regulation Order to temporarily close parts of Bridleway 411010 & 411016 as shown ACD and BCE on the plan attached to the report for a period of six months from 6 July 2018, to enable clearance and extraction of trees.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Do not make the order • Make an order restricting a longer or shorter section of the path 	
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 (199)	
Date of Report	11 June 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	13/6/2018	

TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF BRIDLEWAY 411010 & 411016, MITERDALE FOREST, IRTON WITH SANTON PARISH

1 Summary

- 1.1 This report recommends that we make an order to temporarily prohibit traffic over part of Bridleways 411010 & 411016 in Miterdale Forest, Irtton with Santon Parish to enable clearance and extraction of trees.

Recommendation: That we make a Traffic Regulation Order to temporarily close parts of Bridleway 411010 & 411016 as shown ACD and BCE on the plan attached on page 5 for a period of six months from 6 July 2018, to enable clearance and extraction of trees.
--

2 Background

- 2.1 The Forestry Commission (FC) are planning works to cut and extract 800 tonnes of windblown larch and oak in Miterdale Forest. They have requested a temporary closure of parts of Bridleways 411010 and 411016 in order to carry out these operations.
- 2.2 The FC have stated that the work cannot be carried out safely and efficiently unless a closure is put in place. This is because:
- It will be necessary to use the bridleways as extraction routes so heavy machinery will be driving along the routes. The trees are large (some in excess of 10 tonnes) and are going to be extracted as whole stems. These will be pulled out by a large tractor and timber trailer, together with a skidding unit (possibly another tractor). It would be difficult to manage public safety within the work site if the public were not excluded from the vicinity of the heavy machinery.
 - Additionally, passage of heavy vehicles and large tree stems along the routes during the works will inevitably disturb the surface of the bridleways and make it difficult or hazardous for users. It would not be practical to constantly make good the surface for bridleway users throughout the duration of the operations. Once the works are complete, the FC will reinstate the bridleway to its current condition before harvesting works.
- 2.3 We propose to make a temporary closure order commencing in early July 2018. The order will be in place for six months, and it is likely that the closure will be in effect for the whole of this time as the FC estimate the works will take 24 weeks to complete.
- 2.4 During the closure alternative routes will be available, as shown on the plan on page 5, for journeys in west-east and south-north directions using rights of way and public roads, and on a section of route which FC will be clearing between points A and B to enable the north-south alternative route. Unfortunately both alternatives will add to the journey time, however, we have fully investigated the options with the FC and the alternatives now offered are the best compromise between keeping the public well

away from the work area, whilst still allowing journey to be completed albeit with some inconvenience.

- 2.5 In addition to these rights of way closures, the Forestry Commission will be putting in place a temporary closure of the CRoW Act open access land in the surrounding area which will restrict the use of a number of forest tracks.

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
 - c) Make an order restricting 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. This temporary closure will allow the tree clearance and extraction work to go ahead safely and efficiently, and the provision of alternative routes will reduce the level of inconvenience to the public.

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 costing approximately £350 each. These costs cover staff time, stationery and postage.
- 7.2 The Forestry Commission will meet these costs.

8 Risk

- 8.1 There is a risk if we do not make the order that a path user could be injured by vehicles and machinery during works using the bridleways for extraction. Additionally the presence of walkers 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 bridleways, and enable clearance and extraction 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 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours 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

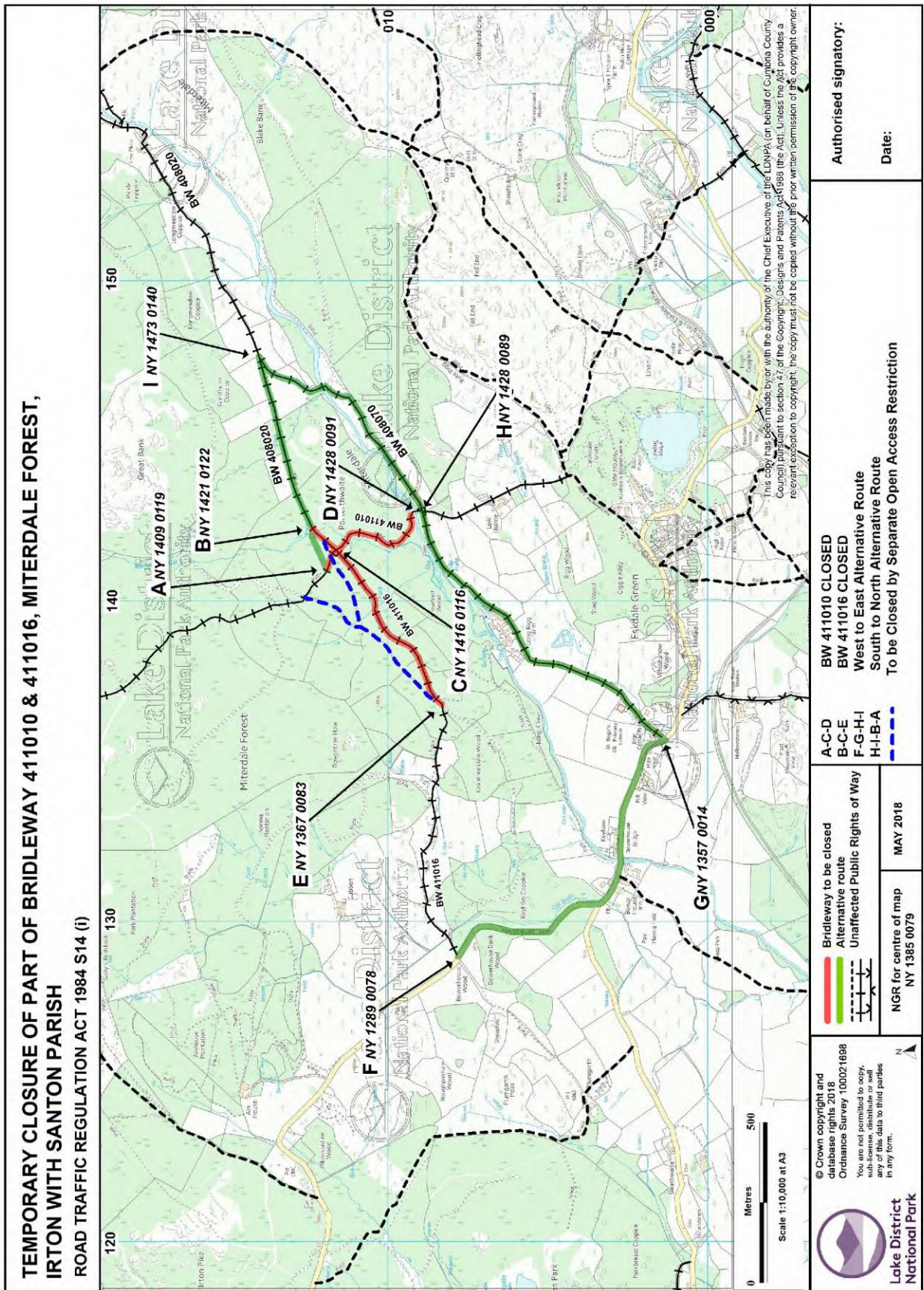
- 12.1 We consulted the Highway Authority, Cumbria County Council, on the proposed temporary closure. We did not receive a response.

Also we did not receive any responses from other consultees.

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

Background Papers	Case file 1410.003 (199)
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	11 June 2018
Version	FINAL

Map 1: 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	DIVERSION OF FOOTPATH 345012 AT FOXHILL, MATTERDALE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 landowner has requested that we divert the footpath that currently runs through the garden of Foxhill to a long-established permitted path elsewhere on their property.	
Details of Decision	We make an order to divert footpath 345012 at Foxhill, Matterdale Parish.	
Details of alternative options considered and rejected.	Not to make an 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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1412.345.11	
Date of Report	13 June 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	13/6/2018	

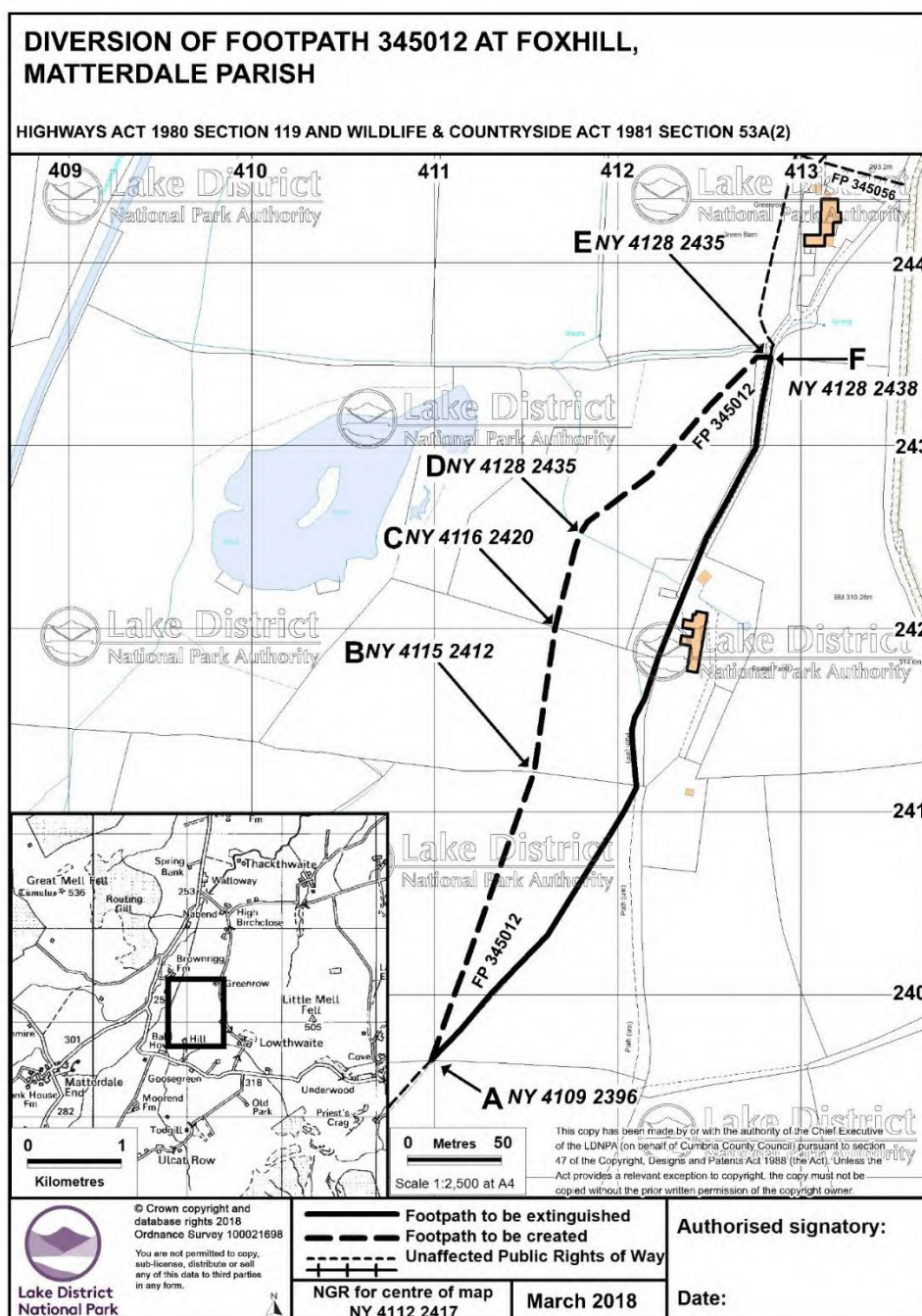
DIVERSION OF FOOTPATH 345012 AT FOXHILL, MATTERDALE PARISH

1 Summary

1.1 The new landowner of Foxhill, Matterdale has requested that we divert the footpath that runs along the track and through the garden onto a nearby route that has been used as an official permitted path for many years.

Recommendation that:

- a** We make a diversion order to replace the section of footpath A-F at Foxhill (on map below) with a new path A-B-C-D-E-F to the west of Foxhill in the interests of the landowner.
- b** We confirm the order if no objections are received or if those objections received are withdrawn.



2 Background

- 2.1 The owners of Foxhill, Matterdale have applied to divert the footpath that currently runs along the drive and through the garden of the property. A permitted path has been in existence for many years to the west of the curtilage, passing through open fields. The request is to formally divert the footpath onto the line of this permitted path – as shown on the attached plan.
- 2.2 We have surveyed the route, and if the diversion proceeds we have agreed with the landowner that they will improve the furniture (gates) on the proposed line, and replace the two small bridges at their cost. And therefore, if the path is diverted the new route will have new furniture before any order is confirmed.
- 2.3 The proposed route is easy to follow, and offers much of the same experiences (it is currently well waymarked). The views are slightly different, in that the proposed route is lower, however, the general enjoyment of the route as a whole, in our opinion, is not greatly affected. And for some walkers, the overall enjoyment may be enhanced by avoiding the garden, pergola and so on.

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 This Service Plan also includes:
 - carrying out Rights of Way order casework that addresses conflict, supports network improvements and supports landowners and/or meets safety needs through temporary closures.
- 3.6 'Out There' our Access and Recreation Strategy 2017-2023 has four main priority themes, including:
 - Manage and Maintain – to continue with the statutory functions of reviewing and updating the definitive map by processing diversion and modification orders and legal casework.

- 3.7 This proposal does not particularly benefit the public, but is part of our work to assist landowners and reduce potential conflicts as referred to in 3.5 and 3.6 above.
- 3.8 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.9 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 Best Value Implications

- 4.1 **Work Programme and Relevance to This Case:** When the Right to Apply (for diversions) Regulations are in force we will be obliged to make a determination on applications from landowners within four months. Although this is not yet in force, I consider it good practice to be working towards this target.
- 4.2 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion will assist the landowner by removing a potential source of conflict.
 - b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
 - 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, and they are comparable.

5 Options

- 5.1 a) make the requested order
b) do not make the order

6 Proposals

- 6.1 I recommend making the order - option 5.1a. The diversion will take the path away from the curtilage and garden of Foxhill, but will not detract from the enjoyment for walkers. The proposal is supported by the Ramblers.

7 Grounds and Tests for Diversion

- 7.1 The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to ignore something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network which are set out in Annex 1.
- 7.2 There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:
- a) in the interests of the owner, lessee or occupier of the land crossed by the path,
- OR
- b) in the interests of the public.

- 7.3 I consider that it is expedient in the interests of the landowner, as it will remove the public footpath from the immediate curtilage and garden of Foxhill. This will mean, in the landowners words, that *“the owners will be able to more securely fence the lawn area to the west of the house and greatly reduce the possibility of interactions between the users of the path and their [the landowners] two dogs”*

8 Tests to be Considered

- 8.1 These are:

- Will the new path be substantially less convenient to the public?
- The effect which the diversion would have on public enjoyment of the path or way as a whole;
- The effect the order would have as respects other land served by the existing right of way;
- The effect of the new right of way on land over which the new path is created;
- That termination of the alternative footpath is on the same or a connected highway, and is substantially as convenient to the public.

Photographs of the route illustrating the points discussed below are at pages 5-6.

- 8.2 *Will the new path be substantially less convenient to the public?*

- 8.2.1 Planning Inspectorate Advice Note 9, commenting on the case of *Young* identifies that the new route should not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and ordinary meaning of the word ‘convenient’ such as the length of the diverted path, the difficulty of walking it, and its purpose.

- 8.2.2 The current footpath follows a surfaced road from point F to Foxhill, where it passes through the main gate into the curtilage of the property. It then passes under a pergola in the garden hedge into the garden and passes in front of the house, before exiting via a field gate and crossing a field to point A. It is relatively level throughout, with little in the way of gradients.

- 8.2.3 The proposed route leaves the road at point F, and drops down a relatively steep slope for around five metres to a gate at E, then crosses the field to D still heading downhill. The route then levels out and crosses a few fields via gates and bridges to point A. None of the path is surfaced.

- 8.2.4 I consider that the new route is slightly less convenient, in that it is a little less intuitive, and the gradients are concentrated into shorter distances rather than being gradual. However, given the natural terrain of the whole area, and the type of walker that is likely to be using this path, there is nothing that is at all challenging or unexpected. The lengths of the two routes are almost the same (the new route is around 5 metres shorter), and the number of gates are the same.

- 8.3 *What is the effect of the diversion on public enjoyment of the path or way as a whole?*

- 8.3.1 It is difficult to directly compare the two routes. The current route passes along a pleasant hedged drive, with intermittent views, before entering Foxhill. The views of the fells and pond from the garden area are superb, but some walkers will not fully appreciate them as they will be apprehensive whilst passing so close to the house. The view of the house itself is good from the current path.

- 8.3.2 The proposed route is generally slightly lower, and therefore the views are a little less dramatic. However, from point E there is a panorama which is not viewable in its entirety from the current path. The path also passes slightly closer to the pond, giving a greater chance of observing wildlife. The house can still be seen in its context – but detail cannot be observed (indeed, it could be argued that the house is seen in a better context with Little Mell Fell visible behind it – this fell cannot be seen from the current footpath, being obscured by the house).
- 8.3.3 In general terms I agree with the Ramblers who say (paraphrased) that the enjoyment factor is: *'slightly different, but just as good'*.
- 8.4 *Would the order affect other land served by the existing right of way?*
- 8.4.1 I am not aware of any other land affected.
- 8.5 *Is there any effect of the new right of way on land over which it is created?*
- 8.5.1 The proposed right of way between B-F is in the same ownership as most of the current route. The field A-B is owned by a neighbouring landowner who has agreed to the diversion and will not claim compensation for the change. In fact, the proposed route is currently a long-established permitted path – so the level of access on this field will be reduced from two paths to one.
- 8.6 *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?*
- 8.6.1 The diversion is mid-path, so the termination points are unchanged. Ideally it would have been good to avoid going back up to the road at point F, because this creates a slightly unnatural situation where walkers go onto the driveway for around 10 metres before turning off again on the northwards continuation (which was also diverted some years ago). However, this would have involved crossing a large gully and watercourse.

Photographs of current route – north to south (F-A)



Looking south along drive from F



Continuing south towards Foxhill



Entrance into Foxhill



Footpath goes through archway to garden



Path passes in front of Foxhill



Through garden area



View westwards towards pond from garden



Continuing southwards – views of fells

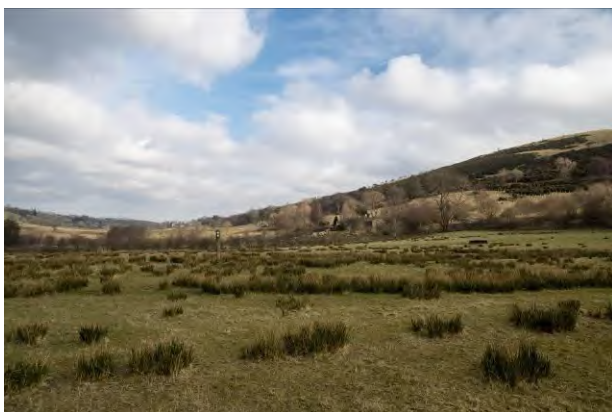
Photographs of proposed route – also north to south



Point F to gate on right at E – steep section → View from E towards D – slope and view



View of Foxhill from between D & C → View westwards from same point



Looking north from point A

9 Other Considerations Required by Legislation

9.1 Rights of Way Improvement Plan

9.1.1 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).

9.1.2 This diversion is not a specific ROWIP proposal put forward by the public. Nor does it really fit within any of the actions – it is dealing with an application on behalf of the landowner.

9.2 *Limited Mobility* - We have a duty to audit the proposals with regard to limited mobility. The new path will be slightly less easy-to-use with a shorter steeper slope and bridges. However, in the context of the route as a whole, these issues will not be limiting factors.

9.3 *Impact on the needs of agriculture and forestry* - assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. More agricultural land is crossed, in that the fields between C and F will now contain a public footpath. However, the proposed route is already a long-established permitted path, and the usage made of this has not seemingly caused any problems. The owner of these fields is the applicant for the diversion.

9.4 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.

10 Consultation Responses

10.1 We have consulted our usual consultees, as listed below:

- *Cumbria County Councillor*
- *Natural England*
- *Eden District Council*
- *Archaeologist, Ecologist, Area Ranger, Ranger – LDNPA*
- *Local Access Forum*
- *Matterdale Parish Council*
- *Cumbria County Council*

10.2 The Ramblers have said:

- We have known this path well for many years, but have visited again to compare the routes. We agree that the new route will be just as convenient, with the work mentioned in your email. For enjoyment, the new route is slightly different, but we agree it is just as good. We have no objections to the proposed diversion.

10.3 Cumbria County Council's response was:

- No objection to the proposal.

10.4 We received no other responses. Our Ranger fully supports the proposal and attended the site visit with myself and the landowner.

11 Finance Considerations

11.1 The proposal is entirely for the benefit of the landowner. Therefore, I consider that it is appropriate that they meet the entire legal and administration costs, which are approximately £3,050 plus VAT (mainly staff costs):

			Cost	VAT at 20%	Total
Legal and Administration work	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order.		£2750	£550	£3300
ADVERTISING	Two adverts must be placed in the local press: <ul style="list-style-type: none"> • When the order is made and; • When it is confirmed. Costs vary depending on the length of advert necessary and the newspaper's scale of charges. <i>(Agreed charge in advance – based on average cost and relevant newspaper)</i>	Two adverts at £ 150 each	Totalling £300	£60	£360
Works on the ground	Work may be needed to bring the proposed new route into a standard suitable for public use. This will vary according to the site. An applicant may choose to do the work themselves (to the Authority's specification) or the Authority can carry out the work and reclaim the costs.	Work needed: <ul style="list-style-type: none"> • • • • • • 	£.....	£.....	£.....
TOTAL COSTS			£3,050	£610	£3,660
This diversion application falls into category (previous page)		1			
The percentage to be met by the LDNPA will be		0%			
Totalling		£.....	£.....	£.....	
The percentage to be met by the applicant will be		100%			
Totalling		£3,050	£610 VAT	£3,660	

11.2 In addition to this, some works on the ground are needed. The proposed route has been in existence for many years as a permitted path, and much of the furniture requires replacement. These are detailed overleaf (page 9). The Ranger has calculated that we could carry out these works for a total of £4,220 (labour and materials) plus VAT. The landowner has agreed to us doing the work and will meet these costs.

Work required on proposed route



Point A



Point B



Point C



Point D



Point E

Point A

The path change will happen to the north of this gate, so it will be unaffected by the diversion. However, we will put a bit of soil or surfacing in the gateway to make it a bit more level.

Point B

The bridge here needs replacing. This would be to our standard specifications, and we consider that the bridge need be no more than a simple three-beam bridge – which should have a lifespan of 20+ years. The gates will be replaced with standard gates.

Point C

The wicket gate will be replaced with a standard 3'6" wicket gate

Point D

The simple bridge needs replacing with one to our standard specifications as at point B.

Point E

Although the wicket gate is narrower than our normal specifications, the field gate is perfectly usable for the path, so nothing is needed.

Point F

A new fingerpost would be needed where the path leaves the tarmac drive.

12 Risk

- 12.1 There is a risk that the order may be objected to. This risk has been mitigated as far as possible through consultation. If objections are received then we can reconsider the matter.

13 Legal Considerations

- 13.1 The order will be made under section 119 of the Highways Act 1980 and we are able to make orders 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.

14 Human Resources

- 14.1 The work involved in this proposal is approximately 60 hours from members of the Park Management teams, and one 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.

15 Diversity Implications

- 15.1 I have not identified any diversity implications.

16 Sustainability

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

17 Summary

- 17.1 The diversion will enable the landowner to make better use of their land – by removing the footpath from the curtilage and garden area. The new route is slightly less convenient, but not significantly so. The enjoyment factor is different, but just as good, and the proposal is supported by the Ramblers,
- 17.2 The entire costs of the order and associated practical works will be met by the landowner / applicant.
- 17.3 I therefore recommend that we make a diversion order replacing section A-F through Foxhill with section ABCDEF to the west of the house.

Background Papers:	Case file reference 1412.345.11
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	13 June 2018
Version	Final

Authorised by:

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

Date.....

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	TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF FOOTPATH 577003, BARROWFIELD LOT, UNDERBARROW & BRADLEYFIELD PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Forestry Commission are to carry out extensive timber harvesting operations within Barrowfield Lot from August 2018 onwards. Due to the nature of the topography on site, and the amount of sizeable timber involved in the proximity to the public footpath, they consider that the danger to the public is too high for them to carry out this work whilst also maintaining access along the footpath through the means of things like banksmen and so on. They have therefore requested a temporary closure of the footpath that runs east-west through the woodland.	
Details of Decision	We will make a Traffic Regulation Order to temporarily close part of Footpath 577003 as shown B-C on the map attached to the report for a period of six months from 1 August 2018, to enable clearance and extraction of trees.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Do not make the order • Make an order restricting a longer or shorter section of the path 	
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 (200)	
Date of Report	5 July 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	10/7/2018	

TEMPORARY TRAFFIC REGULATION ORDER OVER PART OF FOOTPATH 577003, BARROWFIELD LOT, UNDERBARROW & BRADLEYFIELD PARISH

1 Summary

- 1.1 This report recommends that we make an order to temporarily prohibit traffic over part of Footpath 577003 where it runs through Barrowfield Lot, Brigsteer to enable clearance and extraction of trees.

<p>Recommendation: We make a Traffic Regulation Order to temporarily close part of Footpath 577003 as shown B-C on the map attached to the report for a period of six months from 1 August 2018, to enable clearance and extraction of trees.</p>
--

2 Background

- 2.1 The Forestry Commission are to carry out extensive timber harvesting operations within Barrowfield Lot from August 2018 onwards. Due to the nature of the topography on site, and the amount of sizeable timber involved in the proximity to the public footpath, they consider that the danger to the public is too high for them to carry out this work whilst also maintaining access along the footpath through the means of things like banksmen and so on. They have therefore requested a temporary closure of the footpath that runs east-west through the woodland.
- 2.2 We propose to make a temporary closure order commencing in early August 2018. The order will be in place for six months, but it is likely that the closure will only be in effect for around four weeks whilst the felling, extraction and path re-instatement takes place.
- 2.4 Unfortunately, there are no real logical alternative routes that could be used whilst the footpath is closed. The only real alternative is along the public road to Brigsteer between points A and F (and onto G). However, this is a quiet public road, so should not cause any safety concerns. To aid walkers, and to alert them to the closure before they reach the site we intend to erect notices at points A, D, E, F & G as well as on the ends of the closed section. This should hopefully enable walkers to alter their routes without being too inconvenienced.

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 tree clearance and extraction work 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 costing approximately £350 each. These costs cover staff time, stationery and postage.
- 7.2 The Forestry Commission will meet these costs.

8 Risk

- 8.1 There is a risk if we do not make the order that a path user could be injured by vehicles and machinery during works using the footpath for extraction. Additionally the presence of walkers 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 footpath, and enable clearance and extraction 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 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours 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 consulted the Highway Authority, Cumbria County Council, on the proposed temporary closure. We did not receive a response.
- 12.2 A Parish Councillor queried why the closure was for 6 months, if the work was only planned for 4 weeks. After I explained (in box below) they supported the closure.

The Closure Order will be 'in force' for six months, but will only be actively in effect whilst the path itself is likely to only be closed – around for four weeks. It is difficult to just make an order for four weeks, as the contractors can never be truly certain in which four weeks the work will be done in within the six months. There is also the likelihood of overrun, and then there may have to be odd days during the next few months when they may need to close the path for extraction purposes, or even for re-instatement of the surface. On the converse, the flexibility also means that if work stops (say over a bank holiday weekend) the path can be opened.

So – the answer is that the path won't actually be closed for the whole six months – but just when the works are actually happening. The six month period gives the Forestry Commission a window within which to activate the closure for the required time.

I'm not sure if I've really made that as clear as I could have done. But the Forestry Commission are quite good at minimising the interruption to the actual rights of way, so it should be okay. The other 'unofficial' path is the one that is likely to be out of action for a longer period, but that's not in our control.

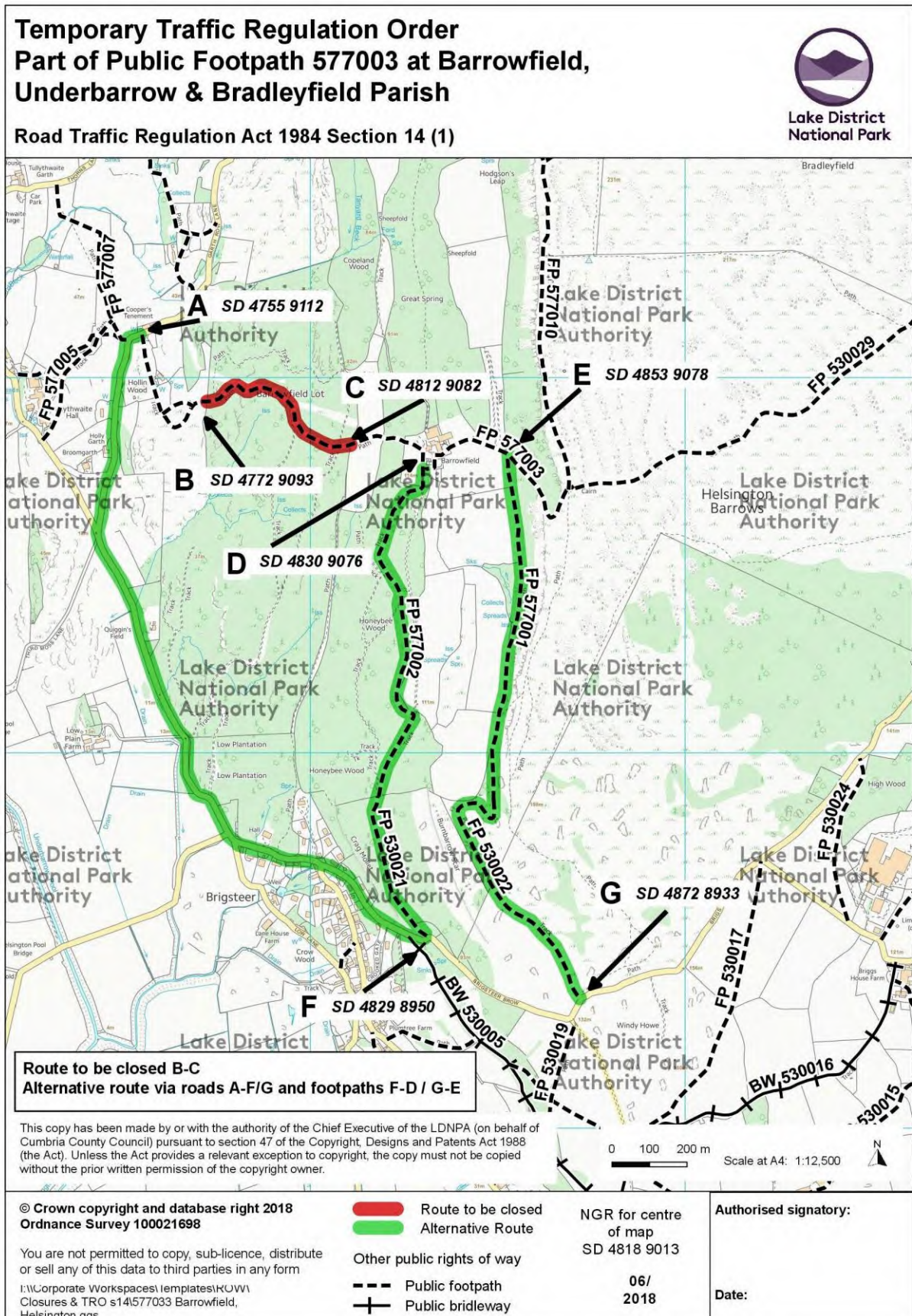
Authorised by:

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

Date.....

Background Papers	Case file 1410.003 (200)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	5 July 2018
Version	FINAL

Map 1: 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	TEMPORARY TRAFFIC REGULATION ORDER OVER VARIOUS RIGHTS OF WAY IN WYTHOP WOODS, WYTHOP AND ABOVE DERWENT PARISHES	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Forestry Commission are to carry out extensive timber harvesting operations within Wythop Woods from August 2018 onwards. They plan to thin the whole area over a 12 month period, with at least two teams of contractors working in the forest at once. There is also substantial windblow to be cleared. All this means that it will be difficult for the Forestry Commission to maintain public access along the rights of way within the forest, as it could impact upon their ability to carry out the required work in a timely and appropriate fashion.	
Details of Decision	We will make a Traffic Regulation Order to temporarily close the public rights of way shown on the map attached to the report for an initial period of six months from 10 August 2018, to enable clearance and extraction of trees.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Do not make the order • Make an order affecting only some of the paths • Make staggered orders so not all paths are closed at the same time 	
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 (201)	
Date of Report	11 July 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	11/7/2018	

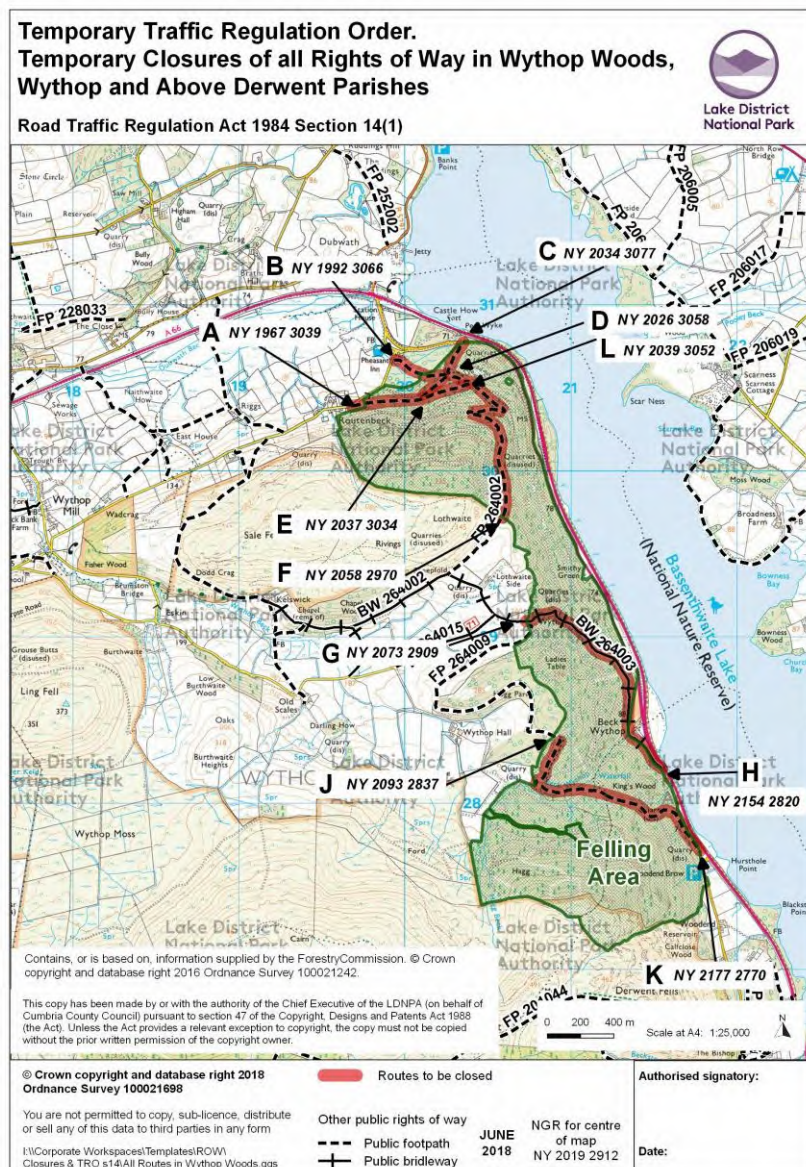
TEMPORARY TRAFFIC REGULATION ORDER OVER VARIOUS RIGHTS OF WAY IN WYTHOP WOODS, WYTHOP AND ABOVE DERWENT PARISHES

1 Summary

1.1 The Forestry Commission has requested that we close a number of footpaths, and a bridleway through Wythop Woods for an initial period of six months to enable large scale thinning, clearfell and removal of windblow.

Recommendation: We make a Traffic Regulation Order to close the rights of way listed below, and as shown on the map, for an initial period of six months from 10 August 2018, to enable thinning, clearance, and extraction of trees.

- **Footpath 264002 (Wythop) – points A-E-L-F**
- **Footpath 264005 (Wythop) – points B-D-E**
- **Footpath 264012 (Wythop) – points C-D-L**
- **Bridleway 264003 (Wythop) – points G-H**
- **Footpath 264009 (Wythop) / 201004 (Above Derwent) –points J-K**



2 Background

- 2.1 The Forestry Commission are to carry out extensive timber harvesting operations within Wythop Woods from August 2018 onwards. They plan to thin the whole of the forest over a 12 month period, with at least two teams of contractors working in the forest at once. This means that there will be multiple sites in operation at any one time. In addition to this, there is substantial windblow blocking some paths requiring clearfell of around 8,000 tonnes, mainly around the main east-west bridleway which forms part of the C2C cycle route. This route, along with some other forest tracks, will be part of the main extraction routes.
- 2.2 All this means that it will be difficult for the Forestry Commission to maintain public access along the rights of way within the forest, as it could impact upon their ability to carry out the required work in a timely and appropriate fashion
- 2.3 They have therefore requested a temporary closure of all the paths in the woods for an initial six-month period. Although the paths will be legally closed, the Forestry Commission intend to stagger their works as much as possible, thereby leaving sections of the forest still open to public access as often as they can. They will erect signage indicating this at the relevant times.
- 2.4 A number of questions have been posed by our consultees, and these, with the Forestry Commission's responses are in the box overleaf. These explain why they consider the closure is essential. The issue regarding the C2C (Sea-to-Sea cycle route) is discussed in further detail below the box.
- 2.5 The Commission consider that it will be very unlikely that they will be able to complete the works within six months, and will almost certainly request an extension for a further six months. However, by January 2019 they will know what they have been able to achieve, and what will be left – so the closure extension will probably only apply to some of the paths rather than all of them.
- 2.6 There are few obvious alternative routes to get across Wythop Woods, and so the closures will, in effect, means that walkers will need to find alternative areas to walk. However, as mentioned above, the Commission will erect signs showing which parts of the forest are open and when. Whilst we would rather not restrict public access, it does seem as though the most logical solution in this set of circumstances would be to simply close all the paths within the woodland to help the work get completed as quickly as possible.

Q - It's a very large area of forest. Is it large enough for two teams to work in one half leaving the other half open for leisure use?

A- *The site ground conditions vary significantly from some level areas to mostly steep ground working. Coupled with Landslip Risk Areas the amount of ground available for the harvester forwarder wheeled machinery team to operate on is limited. The timber purchaser will have two teams, one will focus on level ground and the clearfell area and one will focus on steep ground. They need the flexibility to operate across the site as thinning Wythop is challenging and the operation will need to move around the forest in response to limited stacking on steep ground, weather, and market demands for timber and availability of machines and operators.*

Q - I suggest that a West/east divide exists along the line of the C2C route.

A - *Unfortunately the C2C route bisects the clearfell which extends to around 7/8,000 tonnes so will take a number of months to complete. The route of the C2C offers the only practical extraction route for this tonnage so will be in use the whole time the clearfell is being harvested. The lower part of the route runs diagonally through a steep ground area supporting tall douglas firs up to 50m tall. For safety reasons we have to close any public access within two tree lengths of the work, 100m in this case. This is a large area as the C2C runs diagonally across the slope.*

Q - Could a C2C corridor be provided?

A - *Unfortunately not see comments above.*

Q - Would the Forestry Commission be prepared to improve the cycle/foot path that runs between the east bound A66 and the lakes shore. It isn't in a good condition and would allow a safe diversion along the course of the dual carriageway section. C2C traffic could be signposted to use this instead going behind Sale Fell. It's a neat way of cutting out the area behind Sale Fell, using the North side instead.

A - *This path is not on land managed by the Forestry Commission and is therefore not our responsibility to maintain.*

Q - Is there a commitment by FC to reinstate the higher level footpath running through the area. It has been unpassable for some time.

A - *During the harvesting work we will clear the footpath that leads west and up from Beck Wythop of the windblow that fell over it in March this year.*

- 2.7 The C2C has two arms in this part of the Lake District, depending upon whether cyclists start at Workington or Whitehaven. The northern arm (from Workington) is the one affected by this proposed closure. They join at Thornthwaite.
- 2.8 The initial proposal from the Forestry Commission was to divert the C2C along a minor road to the Pheasant Inn, and then along the lakeshore permitted path between the A66 and Bassenthwaite Lake. However, this path is on land owned by Highways England, and in discussion with them they said that firstly they did not consider that it was suitable, and secondly, they would not accept any liability for the usage.
- 2.9 In subsequent discussions with Sustrans, they put forward an alternative diversion (which has been used before). This follows minor roads and takes cyclists from the northern arm to the southern arm and then over Whinlatter Pass as normal. This is shown in red on the map extract overleaf (the blue/green lines are the C2C routes – the red line shows the diversionary link).



Map showing diversion route of C2C

2.10 The Forestry Commission and Sustrans are working together to ensure that signage (such as the one below) is erected at relevant junctions, and that the diversion is advertised on the official C2C website and on social media.



Example of diversionary sign

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
 - c) Make staggered orders to ensure some of the paths are open at any one time

5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8. This temporary closure will allow the tree clearance, felling, and extraction work to go ahead safely and efficiently. We have explored the possibility of option 4.1c (staggered closures) with the Forestry Commission, but it just does not seem feasible to achieve.

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 standard cost of making a temporary closure order is approximately £710 plus the costs of two newspaper adverts costing approximately £350 each. These costs cover staff time, stationery and postage.
- 7.2 The Forestry Commission will meet these costs.
- 7.3 There has been a small amount of additional staff time spent with regard to this closure (see section 10.2), but I do not consider it appropriate in the circumstances that we increase the charges to the applicants, for the reasons set out in 10.2.

8 Risk

- 8.1 There is a risk if we do not make the order that a path user could be injured by vehicles and machinery during works using the routes for extraction, or by trees falling onto the rights of way – especially in the clearfell and windblow areas. Additionally the presence of walkers 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 rights of way, and enable clearance, thinning, and extraction 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 these paths 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 normal closure proposals is approximately 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours from a member of Legal Services team.
- 10.2 In this instance there has been a few more hours (3-4) of staff time consumed, because of the concerns over the C2C and the negotiations with Highways England, Sustrans, and others – along with the consequential greater time in putting together the paperwork and lengthier report. However, it is fair to say that we didn't 'need' to do this for the purposes of the closure order itself, but have done so as part of our general approach of ensuring that the public are as little inconvenienced as possible, and ensuring that good information is available. And in the interests of partnership working and our excellent relationship with the Forestry Commission (especially in connection with processing closure orders), I consider this a good investment of our time.
- 10.3 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 consulted the following:

- Cumbria County Council - Countryside Team
- Cumbria County Councillor
- Natural England
- Allerdale Borough Council
- LDNPA – Archaeologist, Ecologist, Area Ranger, Ranger
- Embleton & District Parish Council
- Local Access Forum
- Ramblers
- Geoff Wilson
- British Horse Society
- Cycling UK
- Cumbria Bridleways Society
- Lake District Mountain Bikers Association (LDMBA)
- International Mountain Biking Association (IMBA)

12.1 We received the following responses:

Cumbria County Council	<i>"No Comments to make"</i>
Ramblers	Forwarded it to their Rambling Club (no subsequent comments)
IMBA	Placed the consultation on their facebook page for comments to be sent to us. We received none direct, but the IMBA representative let us know that he had <i>"circulated the email amongst the committee and we've no comments, all seems fair enough as it a working forest."</i>
LDMBA	Sent a series of questions – included in the box in section 2 of this report. They objected to the closure of the C2C, but when the agreed diversion was then proposed agreed that <i>'it certainly helps'</i> (full exchange of emails attached to report)

13 Summary and Recommendation

13.1 Although we would rather forest operations were carried out with no interruption to public access, on occasion this is unavoidable. It is disappointing that the work at Wythop means that the public rights of way will all be closed for at least six months, and probably longer. However, the Forestry Commission are usually very good at trying to minimise disruption to public access, and I therefore feel that this request is reasonable and that we should make the required temporary closure order.

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

Background Papers Case file 1410.003 (201)
Author: Nick Thorne, Countryside Access Adviser
Date Written: 11 July 2018
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	AUTHORISATION OF NEW GATE, FP 508026, CHAPEL HOUSE, CARTMEL FELL PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Chapel House, Cartmel Fell for a new gate across footpath 508026. The owner has applied for planning permission to construct a new agricultural access track to the farm yard, with fence alongside it to separate it from the adjoining field.	
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	18 July 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	19 July 2018	

Brief Summary of Reasoning for Authorisation

The owner of Chapel House Farm and the surrounding fields has received a General Permitted Development Order approval (2018/5109) to construct a new access track to the farmyard. The current track is quite narrow where it passes between buildings, and has caused difficulties with getting modern-day large vehicles down to the farm.

As the new track will pass through a current stock field, a fence along one side will be needed to prevent stock from roaming whilst reducing the need for gates on the track itself.

This fence will cross public footpath 508026 as shown on the attached plan. The landowner has requested authorisation to erect a new 4' gate to LDNP standards (2011) to serve the footpath.

I recommend that we authorise the application. It seems reasonable to accept that the new fence is essential to keep livestock separated from the access track / farmyard / and surrounding land. The only other way would be to have the track unfenced, and two gates across it, which drivers on the track would have to negotiate.

The new footpath gate will cause a slight inconvenience to walkers – but I consider that this is outweighed by the private inconvenience of the alternative solution. As the new gate will be installed to our agreed standard, and with easy-to-use catches, the inconvenience to the public will be minimised.

In the longer term, I have suggested to the owner that they consider a diversion order, as the majority of walkers here already use two informal permitted paths when coming from the church to cut the corners instead of going all the way down to the farm entrance anyway. We will also inspect the route once the works are done, as it may be possible when all the fences have been reconfigured, that we could seek removal of a current gate elsewhere on the path network at Chapel House.

The landowner 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.

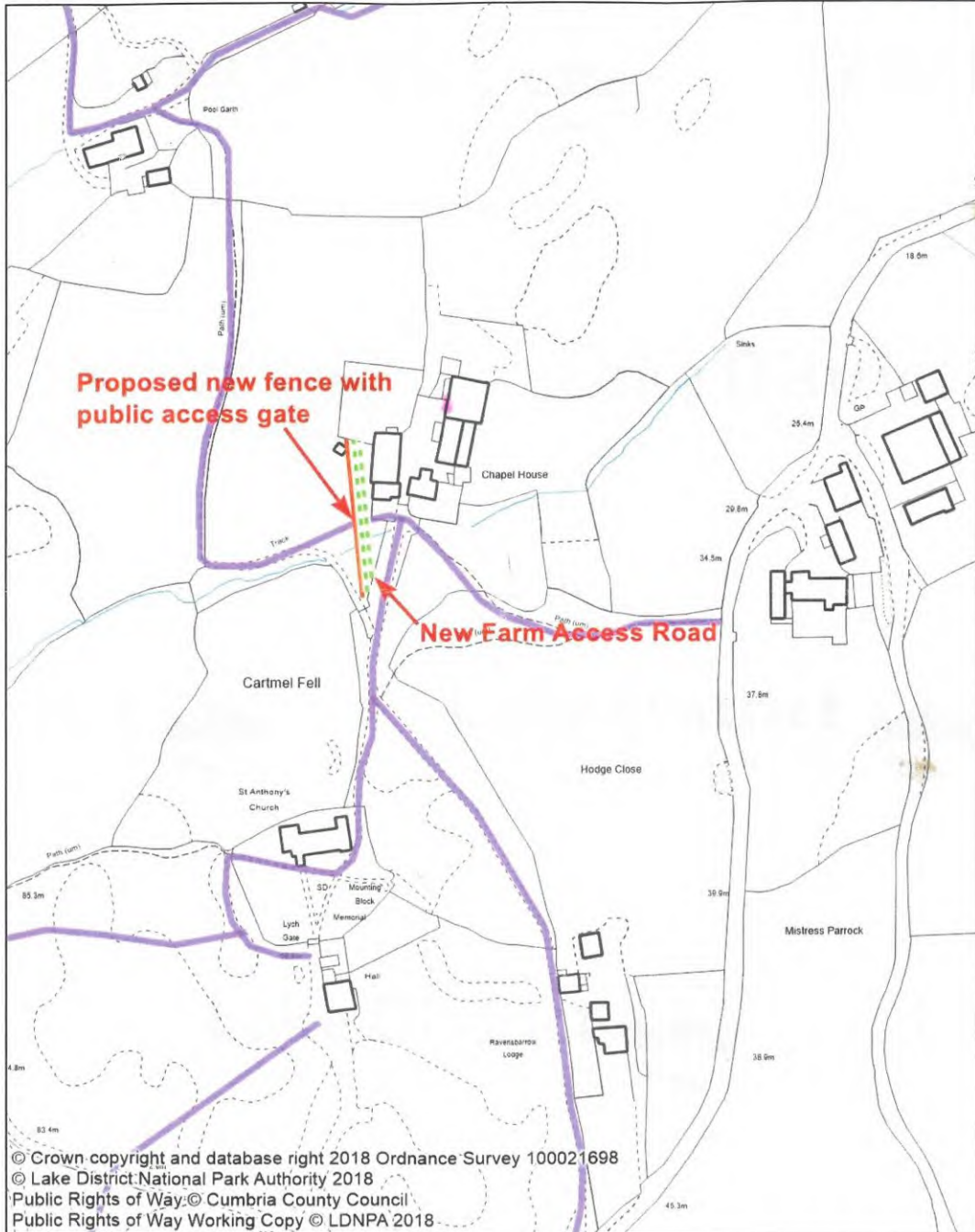
Map 1: Location of Proposed New Gate and Fencing

Chapel House s147

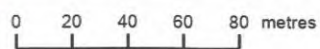


Lake District
National Park

Map produced by Den Porter on the 30 April 2018 for the clarification of contracted work only.



You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



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	TEMPORARY TRAFFIC REGULATION ORDER; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – ST JOHN'S CASTLERIGG & WYTHBURN PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 around Rough How bridge there will be blasting and drilling works requiring a public exclusion area. A closure order for the paths in the immediate vicinity has been requested to mitigate the likelihood of danger to the public.	
Details of Decision	To make the Temporary Traffic Regulation Order as set out in this 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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (202)	
Date of Report	1 August 2018	
Signature of authorising officer	Mark Eccles Head of Park Management	
Date	1/8/2018	

TEMPORARY TRAFFIC REGULATION ORDER; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – ST JOHN’S CASTLERIGG & WYTHBURN PARISH

1 Summary

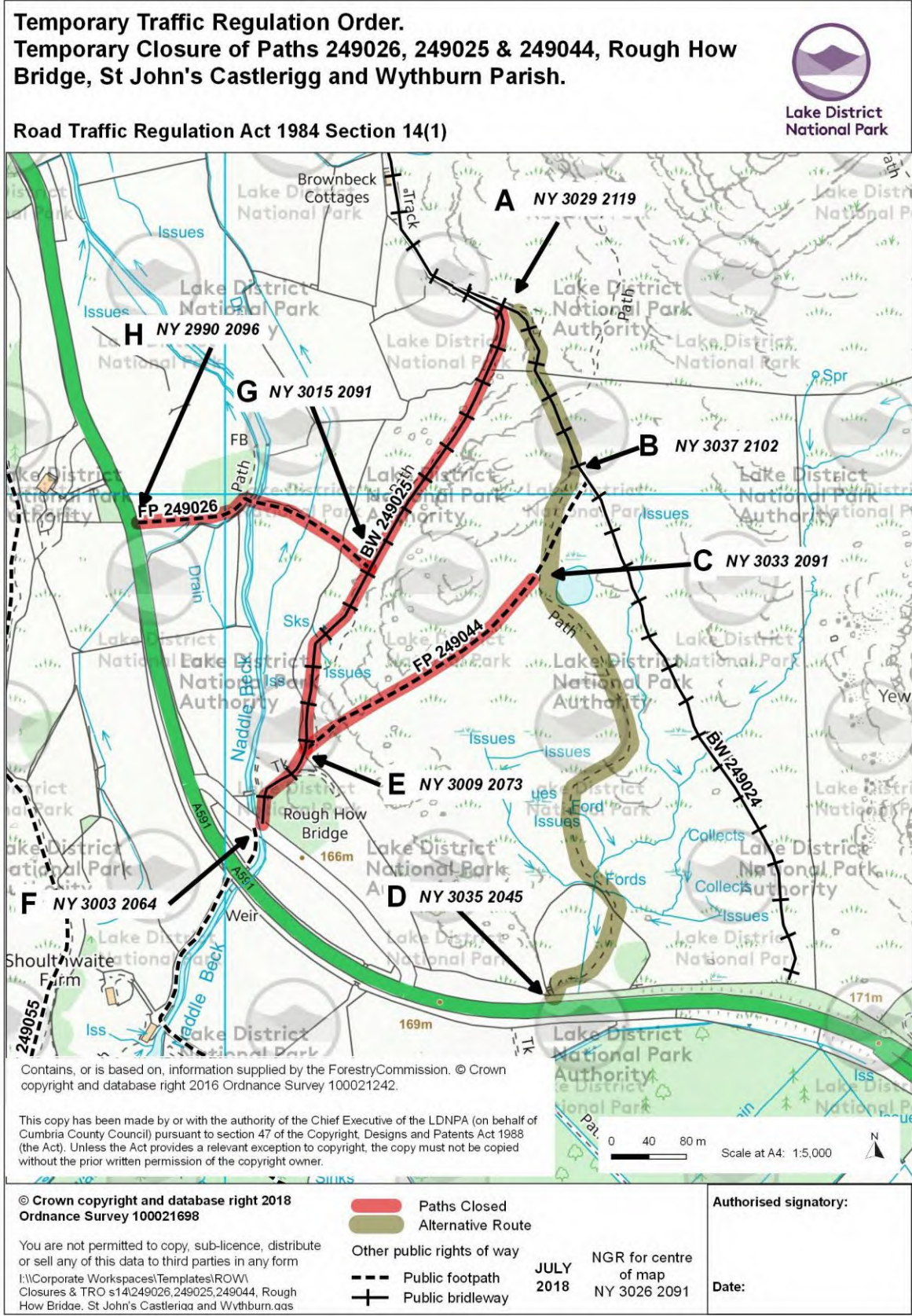
- 1.1 This report recommends the temporary prohibition of all traffic over a number of public rights of way to remove the danger to the public whilst blasting and drilling works take place.

Recommendation that: *We make a Temporary Traffic Regulation Order for the following sections of rights of way as shown on the map attached:*

- *Footpath 249026 between points H-G*
- *Bridleway 249025 between points F-E-G-A*
- *Footpath 249044 between points E-C*

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 pipeline 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 In most locations we have negotiated with United Utilities that only a short stretch of path is closed, for a relatively short period of time – with an alternative route being provided immediately alongside the work site.
- 2.4 However, to the north-east of Rough How Bridge, the work is more complex and involved blasting and drilling. United Utilities consider that the only safe way of protecting the public is to have an exclusion zone.
- 2.5 Under the circumstances it would seem appropriate to close the rights of way where they enter the exclusion zone – and provide a temporary alternative for some of the closed routes.
- 2.6 The Order would be in force for six months, but the work is expected to be completed with 50 days. If the work is completed earlier, the paths will be opened as soon as possible. Conversely, if the project overruns, then United Utilities may request an extension from the Secretary of State through us.
- 2.7 Closures may affect private rights and these matters are being dealt with by United Utilities.



MAP SHOWING PROPOSED CLOSURES AND ALTERNATIVE

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 as suggested;
 - 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 Although three paths are involved, the work in closing them is the same as the work involved in closing one path. Therefore, our standard charge of £710+VAT, plus the cost of advertising applies. United Utilities / Farrans (their contractors) have agreed to meet these costs.

8 Risk

- 8.1 The main risk is in not making the order – which could place the public in danger from the blasting and drilling works. There is also a risk in that the alternative route brings walkers and riders out onto the A591 rather than the old road at point F. However, this is only an advisory alternative, and is far preferable to leaving people to use bridleway 249024 to the west. This is because the alternative brings people out onto the A591 where there is a relatively wide verge to use, which takes you back to the old road to Rough How bridge after around 150 metres (see photo overleaf).



Photographs from Google Street View showing the gateway on the alternative route (top) and the verge towards the old road at Rough How Bridge.

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 the likelihood of danger to the public, which is not attributable to works on, or near, the road' (section 14(1)(b)). The blasting and drilling is not connected with the road.
- 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 normal closure proposals is approximately 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours from a member of Legal Services team.

11 Sustainability

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

12 Consultations

- 12.1 We consulted the following:
- Cumbria County Council - Countryside Team
 - Cumbria County Councillor
 - Natural England
 - Allerdale Borough Council
 - LDNPA – Archaeologist, Ecologist, Area Ranger, Ranger
 - St John's Castlerigg & Wythburn Parish Council
 - Local Access Forum
 - Ramblers
 - Geoff Wilson
 - British Horse Society
 - Cycling UK
 - Cumbria Bridleways Society
 - Lake District Mountain Bikers Association (LDMBA)
 - International Mountain Biking Association (IMBA)

12.1 We received the following responses:

Ramblers	All looks quite reasonable
Cumbria County Council	Have no comments to make
Ian Brodie	Raised some issues with regard to better alternatives, but when the exact route of the pipeline was described, understood the reasoning for choosing the alternative that we have.

<p>Authorised by:</p> <p>.....</p> <p>Mark Eccles, Head of Park Management</p> <p>Date.....</p>

Background Papers: Case file 1410.003 (202)
 Author: Nick Thorne
 Date Written: 1 August 2018
 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	TEMPORARY TRAFFIC REGULATION NOTICE; FOOTPATHS 249056 & 249067, SMAITHWAITE, AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – ST JOHN'S CASTLERIGG & WYTHBURN PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 (202)	
Date of Report	1 August 2018	
Signature of authorising officer	Mark Eccles, Head of Park Management	
Date	1 August 2018	

TEMPORARY TRAFFIC REGULATION NOTICE; footpaths 249056 & 249067, SMAITHWAITE, AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – ST JOHN’S CASTLERIGG & WYTHBURN PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over two public footpaths to enable the construction of the West Cumbria Pipeline to take place.

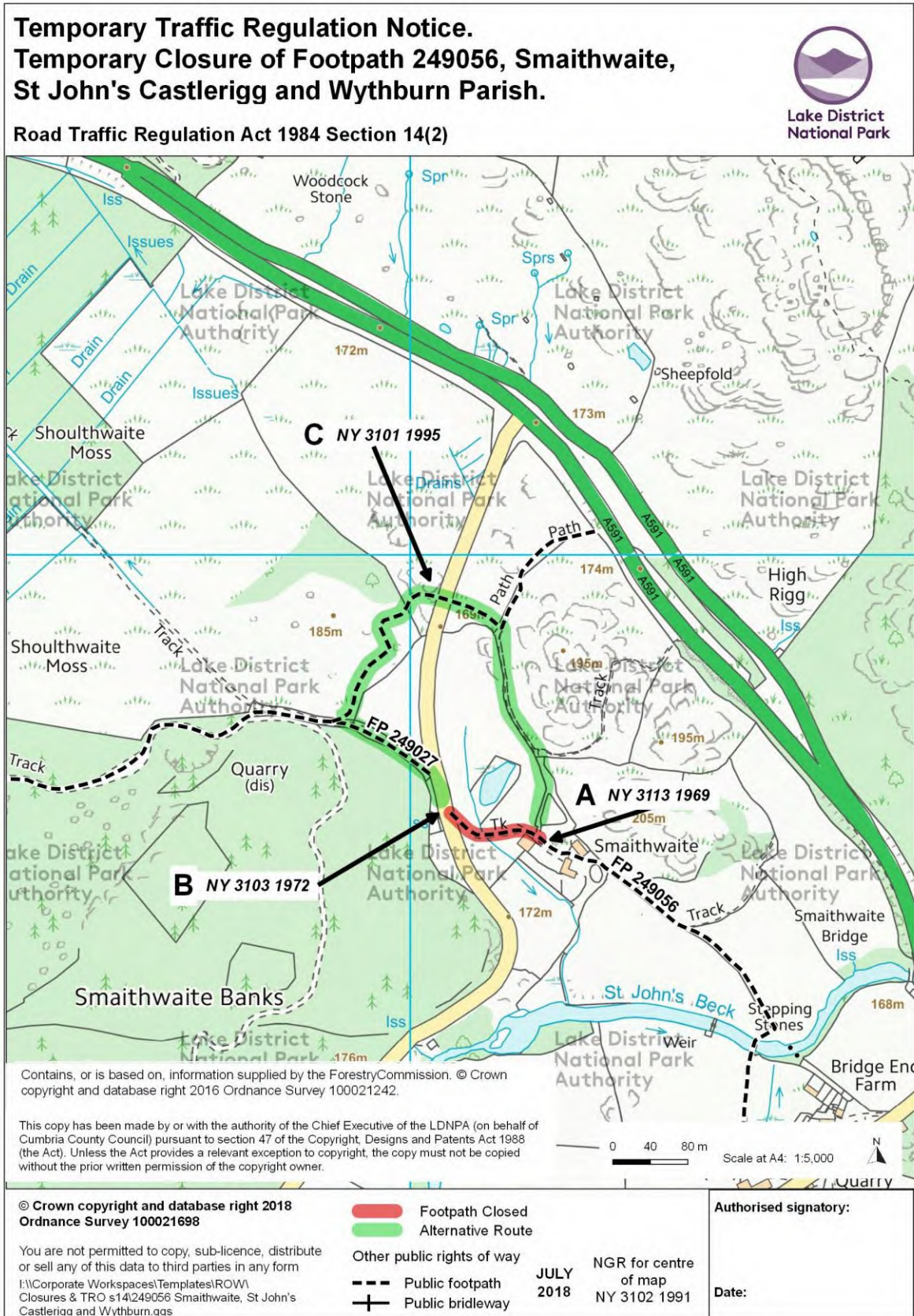
Recommendation that: We issue Temporary Traffic Regulation Notices for the following sections of rights of way as shown on the maps attached:

- ***Footpath 249067, section A-B***
- ***Footpath 249056, section A-B***

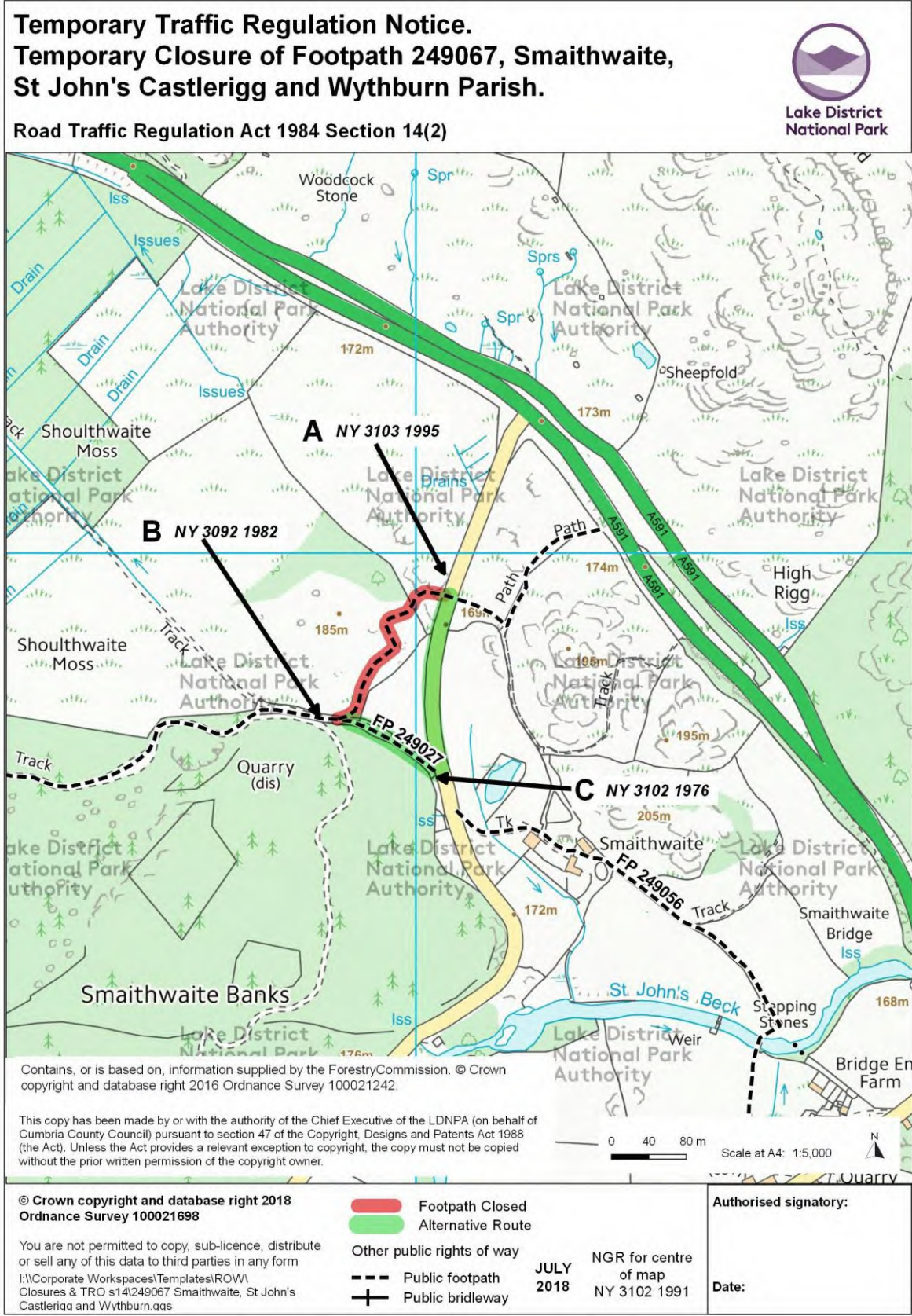
The decision on the precise dates of issuing the Notices is delegated to the Countryside Access Adviser and the Rights of Way & Access Assistant.

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 pipeline work has now reached the area to the north of Thirlmere, and much of the excavations have been completed. In the area around Smaithwaite, United Utilities intend to dig the trenches across the footpaths, insert the pipe, and then fill the trench in again within five days. This has been achieved elsewhere, so the timescales are realistic.
- 2.3 For footpath 249056, an alternative route has been negotiated along an old track to link back into the rights of way network. For footpath 249067, there is an obvious alternative along the quiet road.
- 2.4 Closures may affect private rights. However, these matters are being dealt with by United Utilities.
- 2.5 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.



MAP 1 – CLOSURE LOCATION FOOTPATH 249056



MAP 2 – CLOSURE LOCATION FOOTPATH 249067

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 Our standard charge for a Notice is £185+VAT. United Utilities / Farrans (their contractors) have agreed to meet the costs of £370+VAT for the two Notices.

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, 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 August 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 I 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 two 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 five hours from members of the Park Management teams, one hour 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 Consultations

12.1 There is no requirement to consult in relation to Notices of this nature. However, I did include this within a separate order consultation, and received no adverse comments..

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

Background Papers: Case file 1410.003 (202)
Author: Nick Thorne
Date Written: 1 August 2018
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).

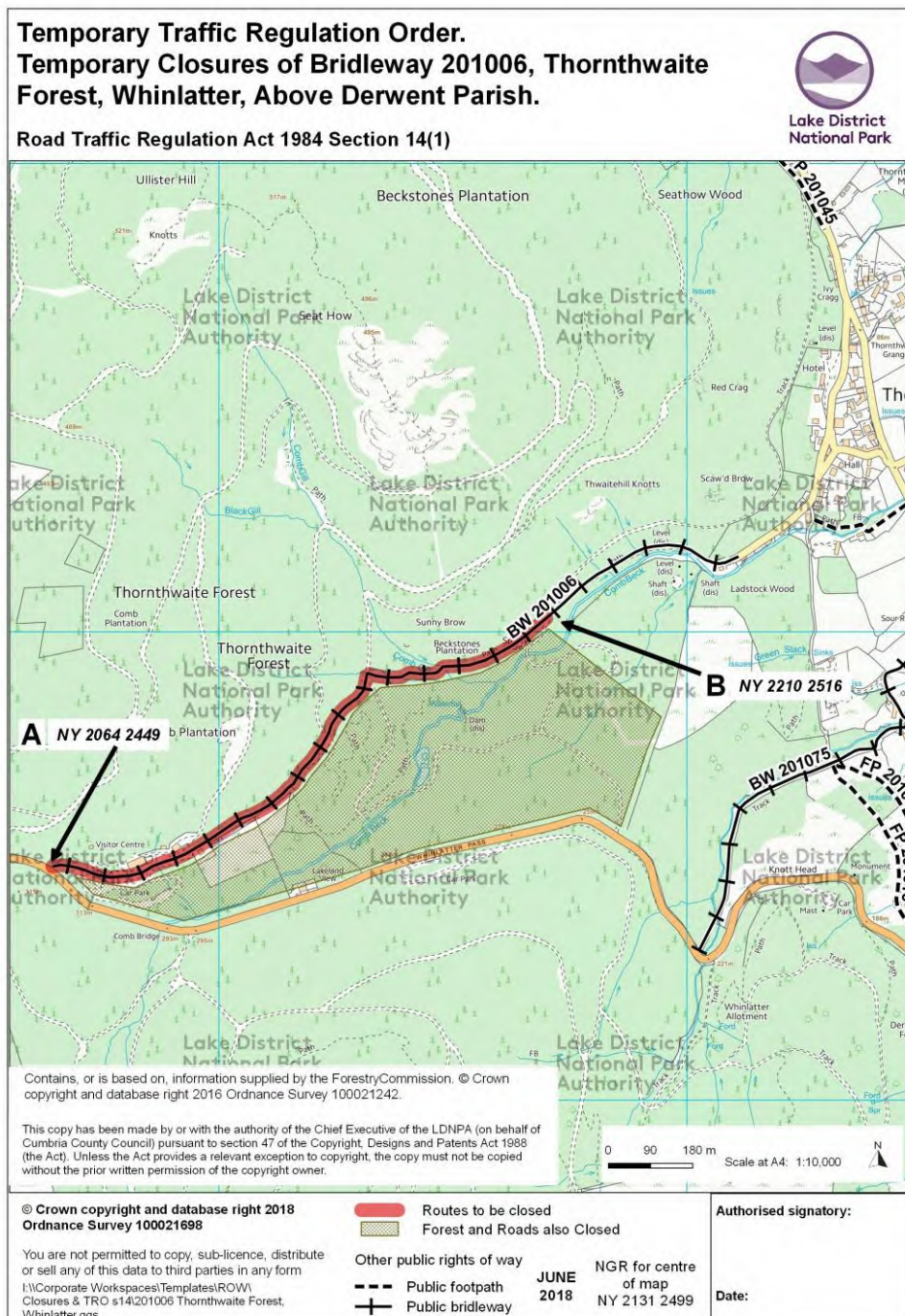
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER - BRIDLEWAY 201006, THORNTHWAITHE FOREST, WHINLATTER, ABOVE DERWENT PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Forestry Commission have identified an outbreak of <i>Phytophthora ramorum</i> in a larch stand at Whinlatter. Because of the tourist infrastructure amongst the stand, they are unable to fell in the normal way. They will be cutting and lifting the trees by helicopter, and flying to a drop zone for processing. The flight path crosses the bridleway, and the risk assessment identified the potential danger to users of this path during the flying days. They have consequently requested a closure of the bridleway on the flying days.	
Details of Decision	We will make a Traffic Regulation Order to temporarily close the public bridleway shown on the map attached to the report to enable the works to be carried out.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Do 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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (203)	
Date of Report	1 August 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	1/8/2018	

TEMPORARY TRAFFIC REGULATION ORDER - BRIDLEWAY 201006, THORNTHWAITE FOREST, WHINLATTER, ABOVE DERWENT PARISH

1 Summary

1.1 The Forestry Commission has requested that we close a public bridleway, as their unusual operations will cause a danger to the public using the bridleway.

Recommendation: We make a Traffic Regulation Order to temporarily close the section of public bridleway 201006 shown A-B on the map attached to the report to enable the works to be carried out.



2 Background

- 2.1 The Forestry Commission have very recently identified a stand of larch trees infected with *Phytophthora ramorum* and these need to be felled as a matter of some urgency. Unfortunately the trees are located close, or in amongst, some of the leisure infrastructure at Whinlatter. Because of the difficulty of felling and extracting the trees with ground machinery, the Forestry Commission will be cutting the standing trees and flying them out with a helicopter. This will involve a large number of flights with the helicopter carrying low underslung timber between the cutting site and the dropzone – and this flight path crosses bridleway 201006. The dropzone is the only logical place for this to happen.
- 2.2 Their health and safety risk assessment identifies that this will pose a risk to the public using the bridleway (in case of helicopter failure issues, loads coming apart, rope failures, low altitude flight path and so on), and therefore the Commission have requested a closure of the path (as shown on the attached map) for around 15 days over a two month period (the flying days will be limited by the weather conditions). On the flying days, the wider forest and visitor centre complex will also be closed, and this will be advertised by the Commission nearer the time.
- 2.3 This seems to be a reasonable request under the circumstances. If we made a temporary closure, it would only need to be in force for around three months starting on 10 September 2018, and would only actually be activated on the 15 or so flying days. The Forestry Commission would erect signage at the appropriate times. The path would be open on the non-flying days.
- 2.4 In addition to this, the public road will be closed for some time anyway, as Cumbria County Council will be rebuilding the road at Braithwaite following damage caused during Storm Desmond. This will naturally reduce the number of people who would be likely to be using the bridleway anyway.

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 is an unusual activity being undertaken by the Forestry Commission. The likelihood of an actual accident involving the public is probably quite low, but the severity of any incident would be high. I therefore consider it appropriate in all the circumstances to close the bridleway for around 15 days.

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 standard cost of making a temporary closure order is approximately £710 plus the costs of two newspaper adverts costing approximately £350 each. These costs cover staff time, stationery and postage.
- 7.2 The Forestry Commission will meet all these costs.

8 Risk

- 8.1 There is a risk if we do not make the order that a path user could be injured as set out in section 5.1. The proposed temporary closure will safeguard potential users of the rights of way.

9 Legal Considerations

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic on these paths is within section 14(1)(b) of the Road Traffic Act 1984 - namely because of the likelihood of danger to the public not attributable to works on 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 normal closure proposals is approximately 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours from a member of Legal Services team.

10.2 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 consulted the following:

- Cumbria County Council - Countryside Team
- Cumbria County Councillor
- Natural England
- Allerdale Borough Council
- LDNPA – Archaeologist, Ecologist, Area Ranger, Ranger
- Above Derwent Parish Council
- Local Access Forum
- Ramblers
- Geoff Wilson
- British Horse Society
- Cycling UK
- Cumbria Bridleways Society
- Lake District Mountain Bikers Association (LDMBA)
- International Mountain Biking Association (IMBA)

12.1 We received the following responses:

Cumbria County Council	"We have no comment to make".
------------------------	-------------------------------

13 Summary and Recommendation

13.1 Although we would rather forest operations were carried out with no interruption to public access, the set of circumstances faced by the Forestry Commission at Whinlatter are unique, and their solution is innovative. The wider forest will be closed off to the public anyway, so the whole area will effectively be shut down. I therefore feel that this request is reasonable and that we should make the required temporary closure order.

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

Background Papers	Case file 1410.003 (203)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	1 August 2018
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	AGREEMENT TO INSTALL MEANS OF ACCESS, WINDER INTAKE, TODD CRAGG, LOUGHRIGG, LAKES:AMBLESIDE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 of CROW access land at Winder Intake, Todd Cragg, Loughrigg, Lakes: Ambleside to install a stile to enable access to the land. We propose to make an agreement under section 35 of the CROW Act to enable this. We will supply and install a stone step stile; the landowner will take responsibility for liability and future maintenance of the structure.	
Details of Decision	To enter into the agreement	
Details of alternative options considered and rejected.	Not to enter into the agreement (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	1410.004.541 – includes request form and authorisation letter.	
Date of Report	18 September 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	19/9/2018	

Brief Summary of reasoning for authorisation

The request has been made by the owner of the access land at Winder Intake, Todd Intake, Loughrigg, Ambleside.

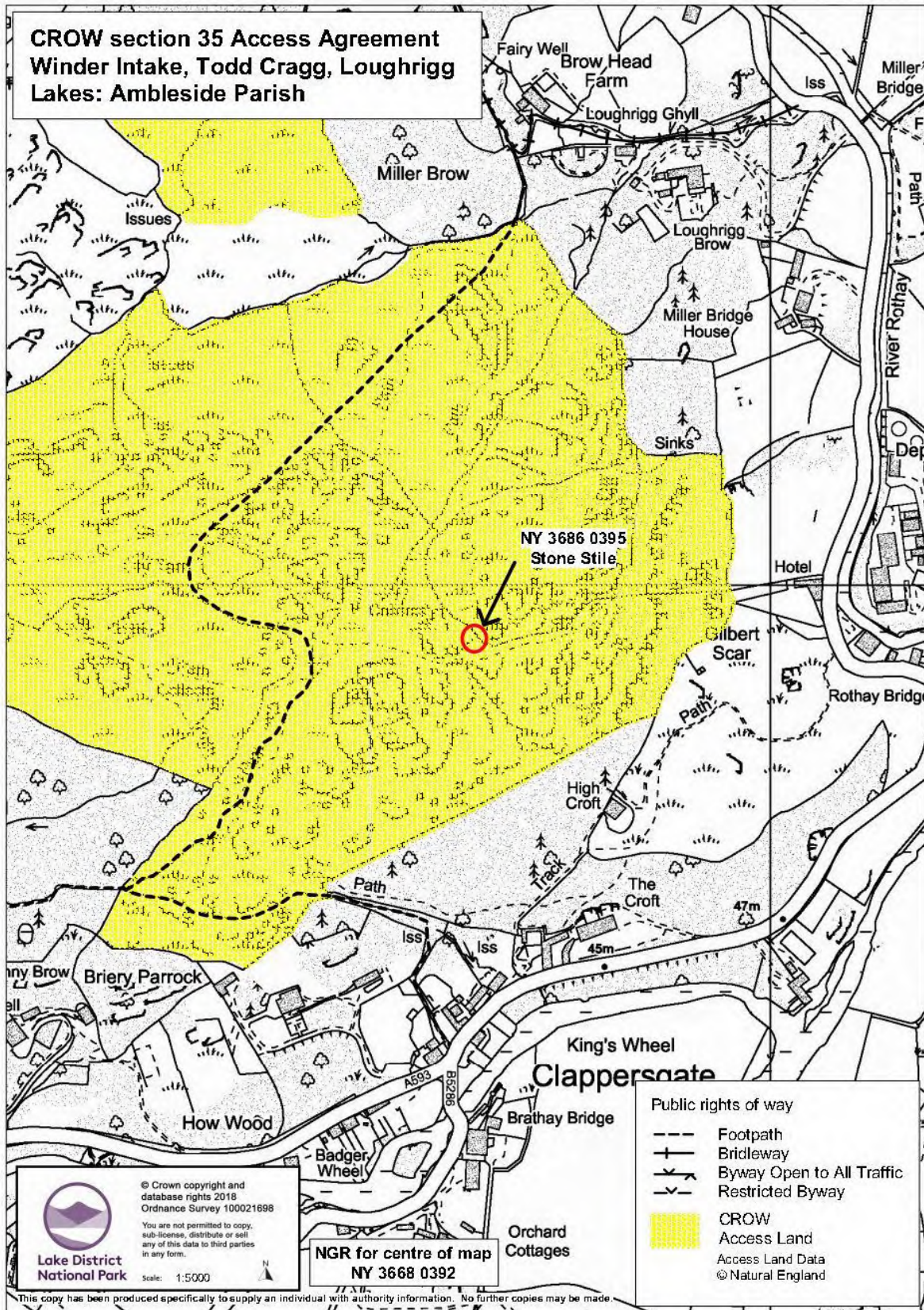
There is an existing wooden stile on the access land at GR NY 3666 09347 which has been in place for some time, probably since before the CROW Act came into effect. It is believed that this stile was installed by LDNPA before we sold the land. This stile is now in poor condition and walkers are experiencing difficulty using it to access the access land. Installing a new stile at this location will connect and enable access to many iconic views of Windermere Lake and the surrounding fells. This boundary crossing is on a well-established desire line over access land between two well-known viewpoints. There are several well established routes on the ground to this location from both sides already and circular routes using this crossing point are in several guide books currently in circulation. An access point at this location is therefore very important vital in providing circular routes/walks from Ambleside via Brow Head, anti-clockwise to Todd Cragg and the Views or clockwise from Clappersgate along by Lilly Tarn and Loughrigg Fell.

The land owner has requested we install a new stile at the location shown overleaf to enable continued access to the land. As the CROW Act access authority we are authorised under section 35 to enter into agreements with landowners and occupiers to provide a means of access to access land. The Head of Park Management has power to enter into these agreements on behalf of LDNPA. Previous legal advice (2014) is that we should not take on future maintenance or liability for structures in section 35 agreements

We have agreed with the landowner that a stone step stile is appropriate at this as point. We considered the Equality Act and our policy on structures and we consider at this location a stile would be appropriate rather than a gate. This is relatively remote high fell location, and a stock proof boundary is essential as the boundary is an intake wall that stops stock from escaping to the open Common beyond.

The work will be carried out by LDNPA Rangers. We will access the site on foot from brow Head Farm however materials including the new slab stones are to be delivered by the landowner via an access 'trod' from Pinerigg to the North. This trod goes straight to the site

The application form and letter are stored in the paper file 1410.004, and the data will be added to our asset management database when installed.





Lake District National Park

Mrs Christine Benson



18 September 2018

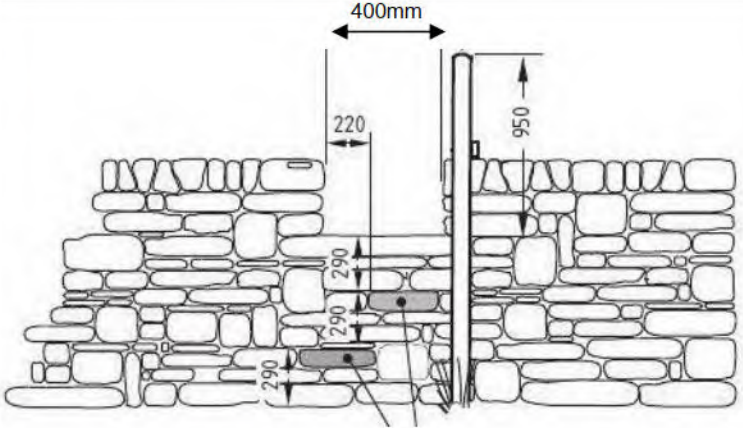
Dear Mrs Benson

Our Reference: PM/SB/ME/1410.004.541

Countryside and Rights of Way Act 2000 Section 35 - Agreement with respect to means of access to access land at Winder Intake, Todd Cragg, Loughrigg, Lakes: Ambleside

I refer the meeting you had with Dave Bell on 13 September 2018

As discussed, the following works are required to improve access to the above land

Means of access (gate stile, gap, bridge, steps)	Specification (Consider Equality Act, LDNPA structures guidance, widths, self-closing gate, latch-type, height of handrail on bridges etc.)	Grid reference
Stone Step stile	 <p>A standard two step stone stile with walk through using pre-dressed slate, slab stones from Burlington's, Elterwater Quarry</p>	NY36686 03947

With your agreement it is our intention to carry out the works to the specification above at the location set out in the enclosed plan by 31 December 2018.

This agreement relates only to installation of the structure; liability and future maintenance and will be the responsibility of the landowner.

Please signify your acceptance of the terms of this letter by signing and dating the duplicate letter enclosed and returning it to me as soon as possible. No works can be carried out until we receive the signed letter.

If you have any queries please contact Dave Bell, Ranger on 07747 767156 or Sarah Blakemore, Rights of Way & Access Assistant 01539 792698 ext 2730.

Yours sincerely

Mark Eccles

Head of Park Management

Phone: 01539 792688

Email: mark.eccles@lakedistrict.gov.uk



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	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – LAKES TWO DAY TRIALS, OCTOBER 2018	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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)	2 October 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	2 October 2018	



Lake District
National Park

Nigel Birkett
Birkett Motor Sport UK Ltd



2 October 2018

Dear Nigel

Our Reference: 1480.001

Lakes Two Day Trial – 6-7 October 2018: Section 33 Highways Act 1980 Consent

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 6 & 7 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
-----------	---------------	------------------

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

If you have any queries, please don’t hesitate to get in touch with Nick Thorne, Countryside Access Adviser, whose email and phone number are below my signature.

Lake District National Park Authority,
Murley Moss, Oxenholme Road,
Kendal LA9 7RL
lakedistrict.gov.uk

Tel 01539 724 555
Fax 01539 740 822
Email hq@lakedistrict.gov.uk
Minicom 01539 792 690



Conditions of Authorisation.

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 Tom Hrynkow, Field Ranger (07770 398161), 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.

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

Yours sincerely

Mark Eccles

Head of Park Management

Direct: c/o 01539 792621

Email: c/o nick.thorne@lakedistrict.gov.uk

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	SECTION 33 ROAD TRAFFIC ACT CONSENT – VINTAGE SPORTS CLUB LAKELAND TRIAL, NOVEMBER 2018	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 1480.013	
Date of Report (letter)	2 October 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	2 October 2018	



Lake District
National Park

Andrew Tarring
The Vintage Sports Car Club



2 October 2018

Dear Mr Tarring

**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 242017, Darling How (used for access only);
- BW 252002, Setmurthy Hills – used for access and as part of the event;
- BW 220003, Honister (Drumhouse) – used as part of the event;
- BW 228032, Green Lonning, Wythop Mill – used as part of the event and as access.

And, if the felling has been completed and the paths accessible (although legally closed to the public):

- FP 264002/264005, Peel Wyke (used or crossed for access only);

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 event part of Setmurthy Hills 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 a similar ratio on the Setmurthy Hills 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.

Lake District National Park Authority,
Murley Moss, Oxenholme Road,
Kendal LA9 7RL
lakedistrict.gov.uk

Tel 01539 724 555
Fax 01539 740 822
Email hq@lakedistrict.gov.uk
Minicom 01539 792 690



INVESTORS
IN PEOPLE

If you have any queries, please don't hesitate to get in touch with Nick Thorne, Countryside Access Adviser, whose email and phone number are below.

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.

Yours sincerely

Mark Eccles

Head of Park Management

Direct: c/o 01539 792621

Email: c/o nick.thorne@lakedistrict.gov.uk

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	SECTION 33 ROAD TRAFFIC ACT CONSENT – GRIZEDALE STAGES RALLY DECEMBER 2018	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters</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 over 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)	2 October 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	2/10/2018	



Lake District
National Park

Graham Parker
Grizedale Stages Rally



2 October 2018

Dear Graham

Our Reference: PM/SB/1480.006

Section 33 Consent For Grizedale Stages Rally, 8 December 2018

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 8 December 2018 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).

Yours sincerely

Mark Eccles

Head of Park Management

Direct: 01539 792688

Email: mark.eccles@lakedistrict.gov.uk



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	PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE AND WHINLATTER FORESTS, BROUGHTON MOOR AND WYTHOP WOODS FOR MOTOR SPORT EVENTS	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 and Whinlatter Forest, 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 (205)	
Date of Report	2 October 2018	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	2/10/2018	

PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE AND WHINLATTER FORESTS, BROUGHTON MOOR AND WYTHOP WOODS 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 and Whinlatter Forest– 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 8 December 2018**. It will follow its usual route through Grizedale Forest and Broughton Moor.
 - The Malcolm Wilson Rally will take place on **Saturday 9 March 2019**. 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 maps attached at Annex 2). 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 £2108.99 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 (1.5 days total).
- 7.2 The two event organisers will meet the costs of the order equally between them.

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 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.
- 9.3 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).

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

We carried out a consultation on the proposed closure including Cumbria County Council (CCC) as Highway Authority. We did not receive any response from CCC.

Consultee	Comments
Landowner - Forestry Commission (Whinlatter)	<i>'No comment for Whinlatter....'</i>
Landowner - Forestry Commission (Grizedale)	<i>'There is no comment on the application from me, we are expecting these events.'</i>

Background Papers:	Case file reference 1410.003 (205)
Author:	Sarah Blakemore, Rights of Way and Access Assistant
Date Written:	2 October 2018
Version	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

Malcolm Wilson Rally only

Parish	Right of Way		From (NY)	To (NY)
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

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).

iv)

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER FOLLOWED BY CONVERSION TO ORDER FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG & WYTHBURN PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management</p> <p>Rights of Way and Access Matters 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.</p>	
Background	<p>Storm Emma caused significant damage to woodland on United Utilities land on the western side of Thirlmere. Trees are hanging over the public road on the west shore, 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. There is a clear danger to walkers. We previously issued a 21 day Emergency Closure Notice followed by a 6 month order in March 2018. The order expired at the end of September. The scale of the damage to the surrounding area means that work has not yet been completed to clear the paths. UU have requested we make a new 21 day Emergency Notice followed by conversion to a 6 month order from 1 November 2018.</p>	
Details of Decision	<p>To issue a Temporary Traffic Regulation Notice for the whole of footpaths 249050 and 249054 as shown on the plan attached to the report for 21 days and convert it to a six-month closure Order when the Notice expires.</p>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Issue the Notice and do not convert to an Order • Do not issue an Emergency Notice, but instead follow non-emergency procedures to make an Order after consultation and issuing a notice of intention • Do not issue a Notice or make an 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 & Access Assistant
Background Papers	Case file 1410.003 (207)
Date of Report	10 October 2018
Signature of authorising officer	Signed Mark Eccles Head of Park Management
Date	10 October 2018

TEMPORARY TRAFFIC REGULATION ORDER FOLLOWED BY CONVERSION TO 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 continuing danger to the public resulting from storm damage to woodland resulting in hung-up trees.

<p>Recommendation:</p> <p>a) That we issue a Temporary Traffic Regulation Notice lasting for 21 days for the entire lengths of footpaths 249050 and 249054 as shown on the attached plan</p> <p>b) That we convert this Notice to a six-month Order when it expires.</p>

2 Background

- 2.1 The two attached reports describes why we previously issued an emergency Notice and Order to close two footpaths on the western side of Thirlmere due to danger posed to the public from windblown overhanging trees following Storm Emma.
- 2.2 The extent of damage all the way alongside Thirlmere has meant that the landowners, United Utilities, have as yet been unable to clear all of the road and the two footpaths. It is likely to take some time to clear the root plates and fallen trees from the footpaths.
- 2.3 UU have also been served with a Statutory Plant Health Notice by DEFRA due to the discovery of phytophthora in the larch in the area, and they are required to remove this by 31 March 2019. This will delay work to clear the footpaths. UU are unlikely to be able to make the footpaths fully safe until after March 2019.
- 2.3 The simplest way to continue the previous restriction would have been by means of us applying to the Secretary of State for an extension. However, UU did not request this, and now that the previous Order has expired, this is no longer an option. There is an ongoing danger to the public from windblown trees and this justifies making another temporary closure by issuing another Emergency Closure Notice followed by conversion to an Order.
- 2.4 The public will not be unduly inconvenienced as the road along the shore is also still closed, so the paths are not easy to reach anyway.
- 2.5 We have informed UU that if the danger continues beyond the six month period of the Order, they must inform us prior to expiry so that we can apply to the Secretary of State for an extension if this is necessary.

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 and convert to an Order
 - b) Issue the Notice and do not convert to an Order
 - c) Do not issue an Emergency Notice, but instead follow non-emergency procedures to make an Order after consultation and issuing a notice of intention
 - d) Do not issue a Notice or make an Order.

5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8, as well in the reports relating to the original Notice and Order. There is an ongoing danger to the public using the paths and there is justification for making a restriction. Issuing a Notice and then converting this to an Order is the most appropriate way to achieve this in the circumstances.

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 an emergency closure notice is £185 plus VAT. 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 all these costs.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice (and subsequent Order) is that there is a risk of danger to members of the public attempting to use the path. The closure will safeguard potential users of the footpath. It will also allow UU to undertake clearance works on and adjacent to the path to make it safe.

9 Legal Considerations

- 9.1 The relevant grounds for making an order or notice restricting or prohibiting traffic on this path is within section 14(1) and 14(2) of the Road Traffic Act 1984; namely because of the likelihood of danger to the public and because of works being executed on or near the road. 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 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours 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.

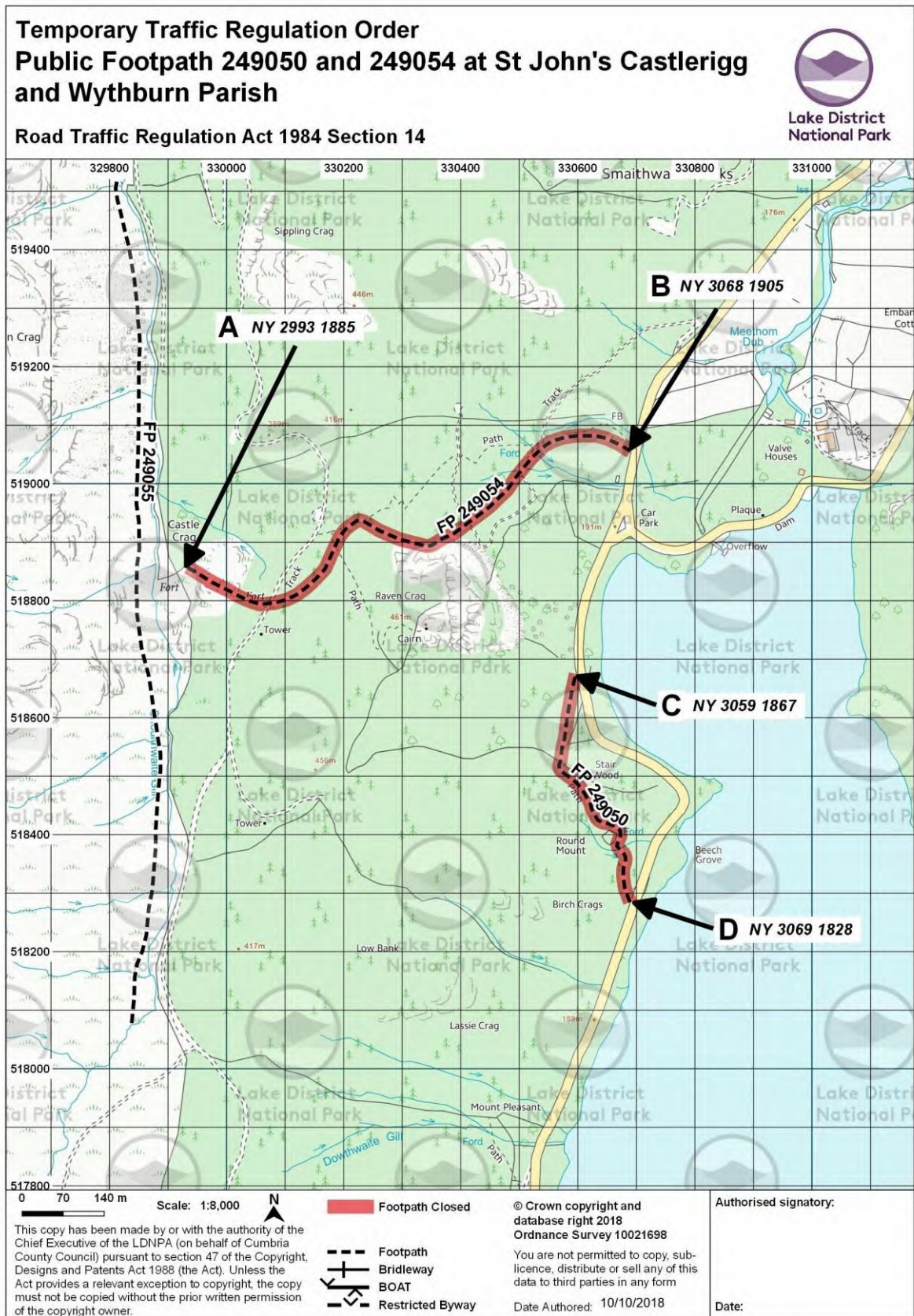
12 Consultation Responses

- 12.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so). I will send a notification of our intention to convert the Notice to an Order to our usual consultees and if anyone raises significant issues, we can reconsider the matter.

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

Background Papers	Case file 1410.003 (207) Case file 1410.003 (197) – previous Notice and Order, March 2018
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	10 October 2018
Version	FINAL

Annex 1: 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	TEMPORARY TRAFFIC REGULATION NOTICE FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG & WYTHBURN PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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

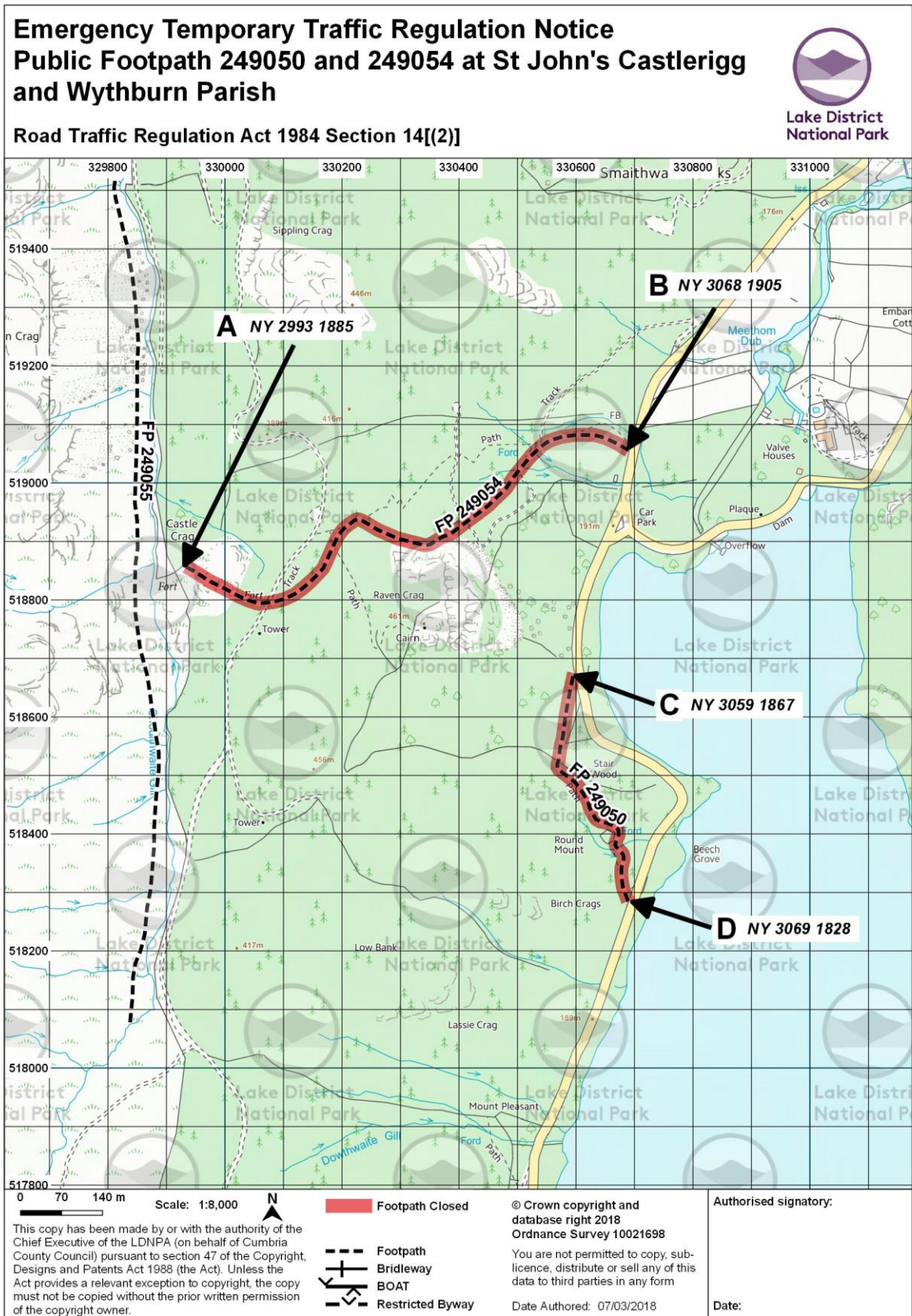
10.1 The work involved in this proposal is approximately two hour from a member of the Park Management team, 30 minutes from the GIS technician, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

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



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	TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS 249050 AND 249054, ST JOHN'S CASTLERIGG & WYTHBURN PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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

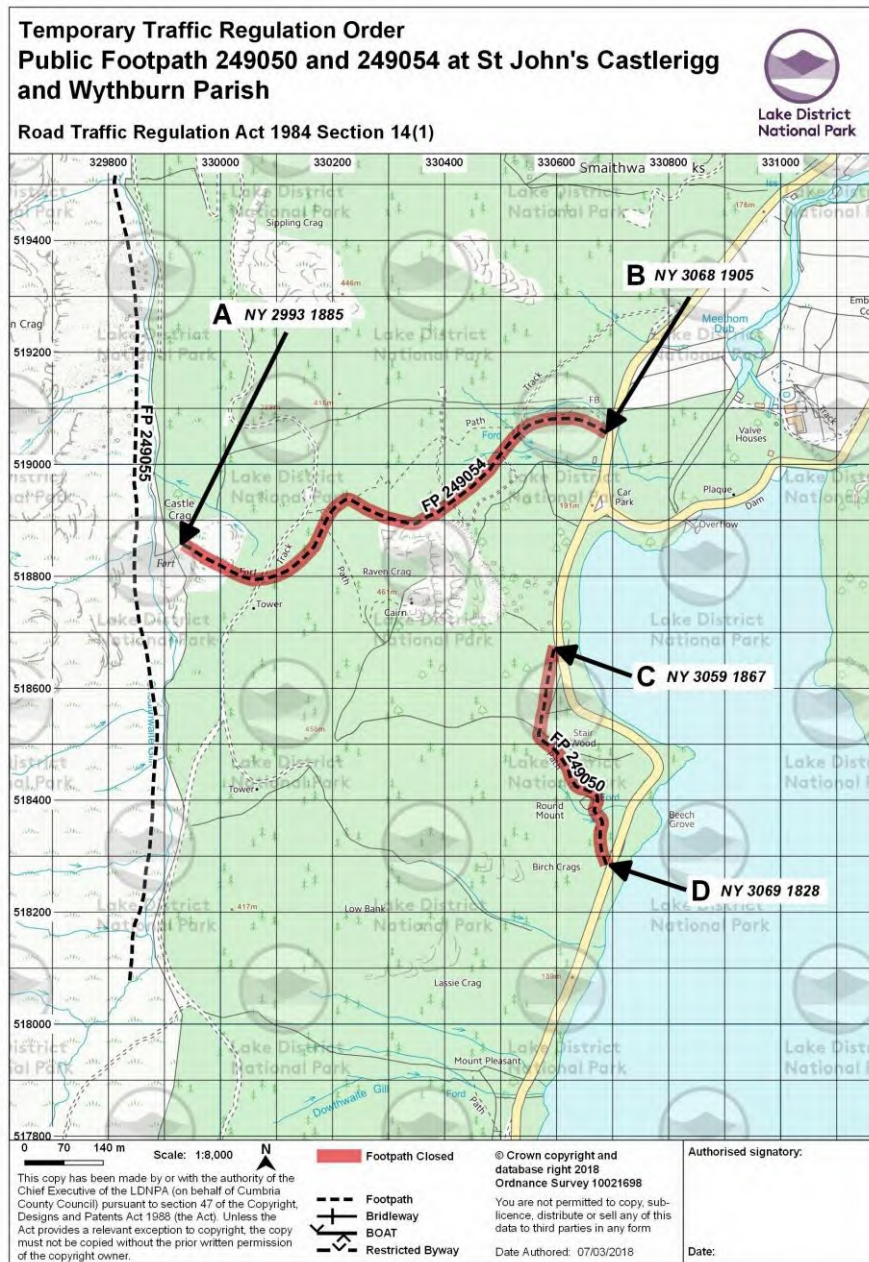
- 2.1 The attached report describes why we issued an emergency Notice to close two footpaths on the western side of Thirlmere because of the danger posed to the public from overhanging trees. The map is overleaf.
- 2.2 The extent of damage all the way alongside Thirlmere has meant that the landowners, 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
 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	TEMPORARY TRAFFIC REGULATION NOTICE FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 521011, TARN BECK NEAR HAVELOCK COTTAGE, DUNNERDALE-WITH-SEATHWAITE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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	A concrete bridge carries footpath 521011 over Tarn Beck near Havelock Cottage in the Duddon Valley. The bridge has handrails that are not very secure, and whilst inspecting them, staff observed that the central pier holding the bridge up was badly undercut. Further inspection revealed a number of loose stones at the base of one of the abutments. We are concerned that the bridge could collapse without warning.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the section of footpath 521011 affected and that we convert this Notice to a six-month Order when it expires.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice • Issuing a Notice but not converting it to an 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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1410.003 (206)	
Date of Report	24 September 2018	
Signature of authorising officer	Signed  Steve Gaskell, Park Management Team Leader, acting as Head of Park Management under delegated authority.	
Date	24 September 2018	

TEMPORARY TRAFFIC REGULATION NOTICE, FOLLOWED BY CONVERSION TO ORDER FOR FOOTPATH 521011 ACROSS TARN BECK NEAR HAVELOCK COTTAGE, DUNNERDALE-WITH-SEATHWAITE PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic along a stretch of footpath because of a badly undermined bridge which could collapse.

Recommendation: a *That we issue a Temporary Traffic Regulation Notice for the section of footpath 521011 between points A & B as shown on the attached plan.*
b *That we convert this Notice to a six-month Order when it expires.*

2 Details of Request

- 2.1 A concrete bridge carries footpath 521011 over Tarn Beck near Havelock Cottage in the Duddon Valley. The bridge has handrails that are not very secure, and whilst inspecting them, staff observed that the central pier holding the bridge up was badly undercut. Further inspection revealed a number of loose stones at the base of one of the abutments. We are concerned that the bridge could collapse without warning.
- 2.2 Pictures of the central pier (left) and abutment (right) are below.



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 and convert to an Order
- b) Issue the Notice and do not convert to an Order
- c) Do not issue the Notice.

5 Proposal

5.1 I recommend option 4.1a. The reason for the initial Notice are outlined in sections 2 and 8. A Notice can only last for 21 days, and we can extend it for a further 21 days. However, we will simply not be able to replace or repair the bridge within six weeks, and so it seems appropriate to convert the Notice to a longer term (six months initially) Order as soon as possible.

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. An Order costs £710+VAT (mainly staff-time), plus around £300 for an advert in the newspaper. Given that this is a public safety issue, 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 (and subsequent Order). The closure will safeguard potential users of the footpath who may be injured if they attempt to use the path.

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. 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 18 hours from members of the Park Management team, 0.5 hours from the GIS technician and 0.5 hours 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 is no requirement to consult upon issuing a Notice (indeed there is not time to do so). I will send a notification of our intention to convert the Notice to an Order to our usual consultees and if anyone raises significant issues, we can reconsider the matter.

Authorised by:

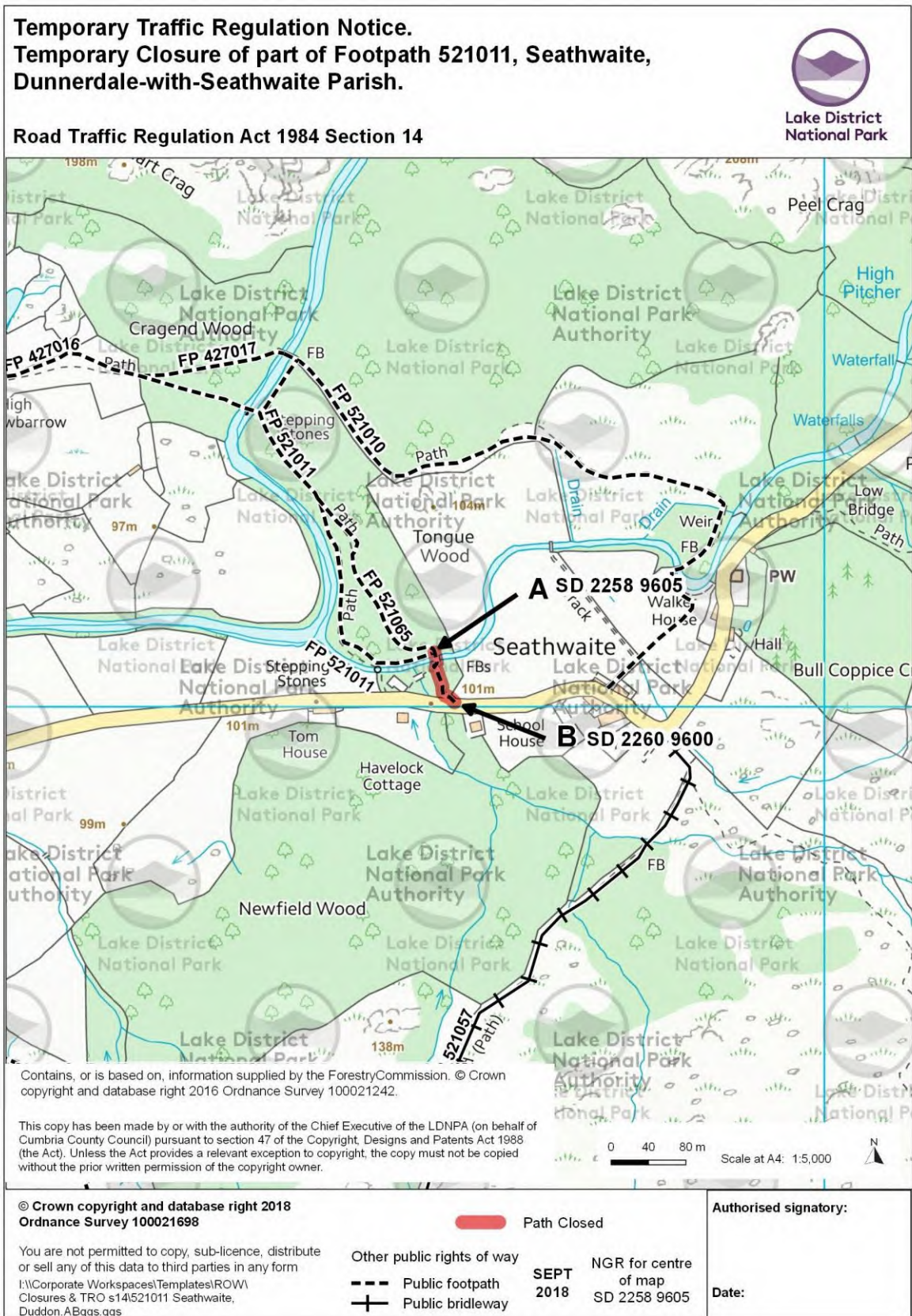


.....
Steve Gaskell, Park Management Team
Leader, acting as Head of Park
Management under delegated authority.

Date 24 September 2018

Background Papers	Case file 1410.003 (206)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	24 September 2018
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	DIVERSION OF FOOTPATH 542025 AT GREENHEAD GILL, LAKES: GRASMERE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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	Storm Desmond caused serious damage to footpath 542025 in Grasmere Parish. It destroyed the footbridge over Greenhead Gill, damaged and washed away the river bank carrying the footpath and caused the watercourse to widen and change course. As part of the Routes to Resilience project we are carrying out a large capital project to replace the bridge and reinstate the path in a way that will improve its flood resilience. We propose to divert a section of the footpath on to a more flood-resilient alignment which will enable the construction of new footbridge in a more resilient position.	
Details of Decision	To divert the section of Footpath 542025 at Greenhead Gill from B-C to A-D-C as shown in 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 1412.542.07	
Date of Report	29 October 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	30/10/2018	

DIVERSION OF FOOTPATH 542025 AT GREENHEAD GILL, LAKES: GRASMERE PARISH

1 Summary

- 1.1 Storm Desmond caused damage to FP 542025 in Grasmere Parish and washed away the footbridge over Greenhead Gill. We are carrying out bridge rebuilding, path restoration and flood resilience improvements on the path as part of the Routes to Resilience project. We propose to divert a section of the footpath to enable the construction of new footbridge in a more resilient position.

Recommendation that:

- a We make an order to divert a section of footpath 542025 at Greenhead Gill from B-C to A-D-C (via a new bridge being constructed at point D)**
- b We confirm the order if no objections are received or if those objections received are withdrawn.**

2 Background

- 2.1 In December 2015 Storm Desmond caused extensive damage to the rights of way network in Cumbria. At Greenhead Gill in Grasmere Parish the flood damage from the storm destroyed the footbridge carrying footpath 542025 over the Gill. The beck also shifted course slightly, and grew wider and the physical path on the definitive line was seriously eroded, damaged and narrowed; becoming almost unusable.
- 2.2 As part of the Routes to Resilience project (R2R) we are currently carrying out works at this location to reinstate the public footpath and replace the missing bridge with a more sustainable, flood-resistant structure. The new bridge was given planning consent earlier this year (reference 7/2018/5360).
- 2.3 In order to increase resilience of the path and the bridge, we have decided to locate the new bridge upstream from the original location. There are four main reasons for this:
- The bank along which the definitive line ran on the south side of the beck has almost been washed away leaving only a rough boulder-strewn narrow trod (see photo 1 overleaf). Even if we rebuilt it, it would be likely to remain vulnerable to future storm events.
 - When Greenhead Gill is in spate, the definitive line along the southern bank between the wall and the river is often inundated and unusable (see photo 2 overleaf).
 - The new bridge site will enable installation of a more flood-resistant and sustainable structure - as we will be able to put the abutments further away from the river and this means they will be less susceptible to future storm events. The design of the bridge will make it more robust to withstand future flood events.
 - Finally – if we replaced the bridge in its old location, we would have to build within the current river bed, and narrow the river at the bridging point. This would obviously render it more susceptible to future potential flood damage.

- 2.4 Therefore in order to facilitate optimum flood resilience improvements in the location, we propose to divert the footpath from the south side of Greenhead Gill on to a new line from point A to C via a new bridge over the Gill at D, as shown on the location plan below at 2.5. There is an existing non-definitive path on the northern bank over the open access land (see photo 1 below). Works are currently being undertaken as part of R2R to consolidate the northern bank and the path over it and to install a new more flood-resilient bridge over the Gill.



Photo 1: The existing flood-damaged route of FP 542025 is shown on the right of the photo - running along the left side of the wall on south side of Greenhead Gill. The proposed new route is shown on the left of the photo, along on the north bank of the beck.

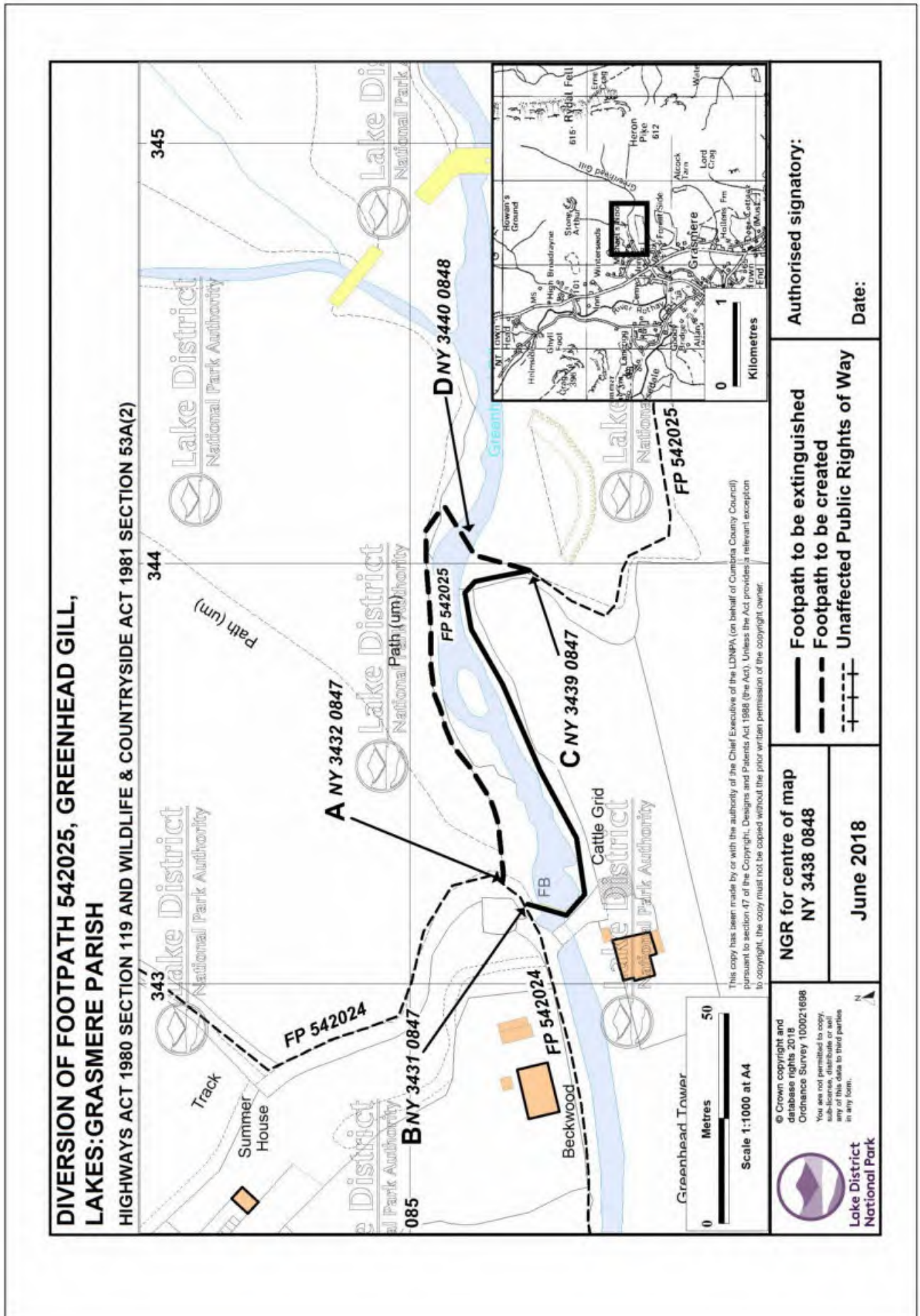


Photo 2: Greenhead Gill in spate – the definitive line of the footpath along the wall (on the left) is completely inundated – the proposed new line on the north bank (on the right) is clear of the watercourse



Photo 3: Location of new flood-resilient bridge over Greenhead Gill (point D on map below).

2.5 Location Plan



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 This Service Plan also includes:
- carrying out Rights of Way order casework that addresses conflict, supports network improvements and supports landowners and/or meets safety needs through temporary closures.
- 3.6 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.7 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 Best Value Implications

- 4.1 **Work Programme and Relevance to This Case:** this proposed diversion is of high priority as we need to carry out as much of the legal work connected to the diversion as possible before the R2R project ends in order that our time is logged to the project.
- 4.2 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion will aid our effective management and promotion of the rights of way network and increase its resilience to future flood events.
 - b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
 - 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, and this case will help us reach our target for this year. The will to improve our 'ease-of-use' performance indicator if the path is selected for survey in the future.

5 Options

- 5.1
- a) make the recommended order
 - b) do not make an order

6 Proposals

- 6.1 I recommend option 5.1a. The diverted route of the path represents the best alignment to optimise future flood-resilience of the path at this location. The proposed diversion has been supported by our consultees.

7 Grounds and Tests for Diversion

- 7.1 The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to ignore something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network which are set out in annex 1.
- 7.2 There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:
- a) in the interests of the owner, lessee or occupier of the land crossed by the path,
- OR
- b) in the interests of the public.

7.3 I consider that it is expedient in the interests of the public because it will reduce the likelihood that the path will be unavailable due to future flood events.

8 Tests to be Considered

8.1 These are:

- Will the new path be substantially less convenient to the public?
- The effect which the diversion would have on public enjoyment of the path or way as a whole;
- The effect the order would have as respects other land served by the existing right of way;
- The effect of the new right of way on land over which the new path is created;
- That termination of the alternative footpath is on the same or a connected highway, and is substantially as convenient to the public.

8.2 *Will the new path be substantially less convenient to the public?*

8.2.1 Planning Inspectorate Advice Note 9, commenting on the case of *Young* identifies that the new route should not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and ordinary meaning of the word 'convenient' such as the length of the diverted path, the difficulty of walking it, and its purpose.

8.2.2 Taking these considerations into account the new route is not less convenient as it is of comparable length and it is less likely to be inaccessible in times of river spate than the current alignment.

8.3 *What is the effect of the diversion on public enjoyment of the path or way as a whole?*

8.3.1 There is no appreciable impact on the enjoyment of the route and surrounding area should both the current and proposed be available and in a fit condition to use. However, the flood resilience of the new route will make it likely to be available for unimpeded use more often than if the diversion does not take place.

8.4 *Would the order affect other land served by the existing right of way?*

8.4.1 I have not identified any potential effect on other land served by the footpath.

8.5 *Is there any effect of the new right of way on land over which it is created?*

8.5.1 The new route is over open access land and as such already has public access to it. The landowners on both side of the Gill have agreed to the diversion, and not to claim compensation, and as such it would appear they do not consider there is any negative effect on their land.

8.6 *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?*

8.6.1 The proposed diversion terminates on the same highways as the current alignment. The eastern end is not changing (point C) and at the western end it will leave FP 542024 approximately 10m further northeast at NY 3432 0847. This is substantially as convenient to the public.

9 Other Considerations Required by Legislation

9.1 Rights of Way Improvement Plan

9.1.1 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).

9.1.2 This proposal is not a specific ROWIP proposal put forward by the public. But it fits within a number of actions and within the general ethos of the ROWIP (p30-32b):

- Paragraph 18 – improvements can include physical work on a route (surfacing, gates, and so on). *This diversion and the works on the new route being undertaken through the R2R project will enhance the rights of way network by making it more resilient to future flood events and less likely to be unavailable to the public as a result of future flood events.*

9.1.3 The full ROWIP can be seen at www.cumbria.gov.uk/roads-transport/public-transport-road-safety/countryside-access/ROWIP/Final_Rowip.asp

9.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The new bridge will be compliant with DDA requirements and will be suitably ramped to facilitate access. The surface of the new route on the north bank will be wider than the current line, and the surface will be more level and less rocky.

9.3 Impact on the needs of agriculture and forestry – an assessment is required under schedule 6 of the Countryside & Rights of Way Act 2000. There is no appreciable impact on the needs of agriculture or forestry.

9.4 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.

10 Consultation Responses

10.1 We have consulted our usual consultees on the proposals for the diversion. We received the following responses:

Consultee	Comment
Cumbria County Council, Senior Countryside Access Officer	<i>'Looks perfectly reasonable'</i>
Ramblers, Kendal Group	<i>'Sounds like an excellent scheme'</i>

11 Finance Considerations

11.1 Staff costs in relation to the legal diversion will be reclaimed against Routes To Resilience project funding. The proposal is in the public benefit. Therefore, I consider that it is appropriate that the Authority meets the non-staff costs in relation to the order, which are approximately £500 plus VAT (cost of two advertisements in local newspaper):

			Cost	VAT at 20%	Total
Legal and Administration work	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order. We will be able to reclaim our staff time from R2R project funding.		£1,360	£272	£1,632
ADVERTISING	Two adverts must be placed in the local press: <ul style="list-style-type: none"> • When the order is made and; • When it is confirmed. Costs vary depending on the length of advert necessary and the newspaper's scale of charges. We are not able to reclaim this element from R2R and so the Authority will meet this cost.	Two adverts at approx. £ 250 each	Totalling £500	£100	£600
Works on the ground	Physical works as part of the diversion, including the construction of the new bridge and the stabilisation of the river bank will all be reclaimable against the R2R project funding				
TOTAL COSTS			£1860	£372	£2232

12 Risk

12.1 Diversion Orders - There is a risk that there may be an objection to the order. This risk has been mitigated as far as possible through consultation. If objections are received then we can reconsider the matter.

12.2 Should the diversion not go ahead the substantial capital works paid for by R2R will not be part of the rights of way network and will not achieve maximum benefit to the public (although it would still be of value to increase the accessibility of a route over open access land). It is not practical to reinstate the path on the definitive route on the south side of the beck in addition to the new flood-resilient works on the north bank. However, should the diversion not proceed there would be an onus on us to make the current definitive route useable including provision of a bridge crossing.

13 Legal Considerations

- 13.1 The order will be made under section 119 of the Highways Act 1980 and we are able to make orders 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.

14 Human Resources

- 14.1 The work involved in this proposed diversion is approximately 60 hours from members of the Park Management teams, and one 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.

15 Diversity Implications

- 15.1 I have not identified any significant diversity implications in the proposed diversion of the definitive line. However the works on the ground as part of the R2R project will generally improve the accessibility of the surface of the path and the new bridge will be compliant with DDA requirements.

16 Sustainability

- 16.1 The proposed new route will be significantly more resilient to future flood events. This will reduce the amount of reactive repair work required in response to future flood events. The bank stabilisation works on the new route and the installation of the new bridge structure will mean that there will be reduced need for ongoing maintenance to the route infrastructure in the short and intermediate term. Both of these factors will have an environmental benefit. Additionally the realignment of the route and the improved flood resilience will potentially reduce the negative effects on the local economy of temporary disruption and damage to the rights of way network that was demonstrated in the aftermath of Storm Desmond.

17 Summary

17.1 The proposed diversion will allow FP 542025 to be made much less vulnerable to future flood events. The proposal will benefit the public, as it will reduce the likelihood of disruption to public use of the path due to future flood events. The proposal has come about through successful partnership working as part of the Routes to Resilience project. All of those who responded to the consultation are in agreement with the proposals.

17.2 I recommend that we make the necessary diversion order to bring this into effect.

Background Papers:	Case file reference 1412.542.07
Author:	Sarah Blakemore, Rights of Way & Access Assistant
Date Written:	29 October 2018
Version	Final

Authorised by:

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

Date.....

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	TEMPORARY TRAFFIC REGULATION NOTICES; PART OF FOOTPATHS 512057 & 512058 AND PARTS OF BRIDLEWAY 512059, HILL FELL PLANTATION & BURNT INTAKE, CONISTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 National Trust has identified an outbreak of <i>Phytophthora ramorum</i> in larch in a collection of locations around Coniston. Most of the works in felling and removing the infected larch can take place without affecting public access. However, the scale of work required in Hill fell Plantation, south of Tarn Hows has led the trust to consider that the risk to the public would be too great to allow them to continue using the public rights of way. The work needs to be carried out as a matter of urgency.	
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.	
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 (204)	
Date of Report	13 November 2018	
Signature of authorising officer	Mark Eccles, Head of Park Management	
Date	13/11/2018	

TEMPORARY TRAFFIC REGULATION NOTICES; PART OF FOOTPATHS 512057 & 512058 AND PARTS OF BRIDLEWAY 512059, HILL FELL PLANTATION & BURNT INTAKE, CONISTON PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over two public footpaths and a public bridleway because of the risk to the public posed by large scale emergency felling and extraction works.

Recommendation that: *We issue Temporary Traffic Regulation Notices, and any required extensions, for the following sections of rights of way as shown on the maps 2-4 on pages 3-5 of this report:*

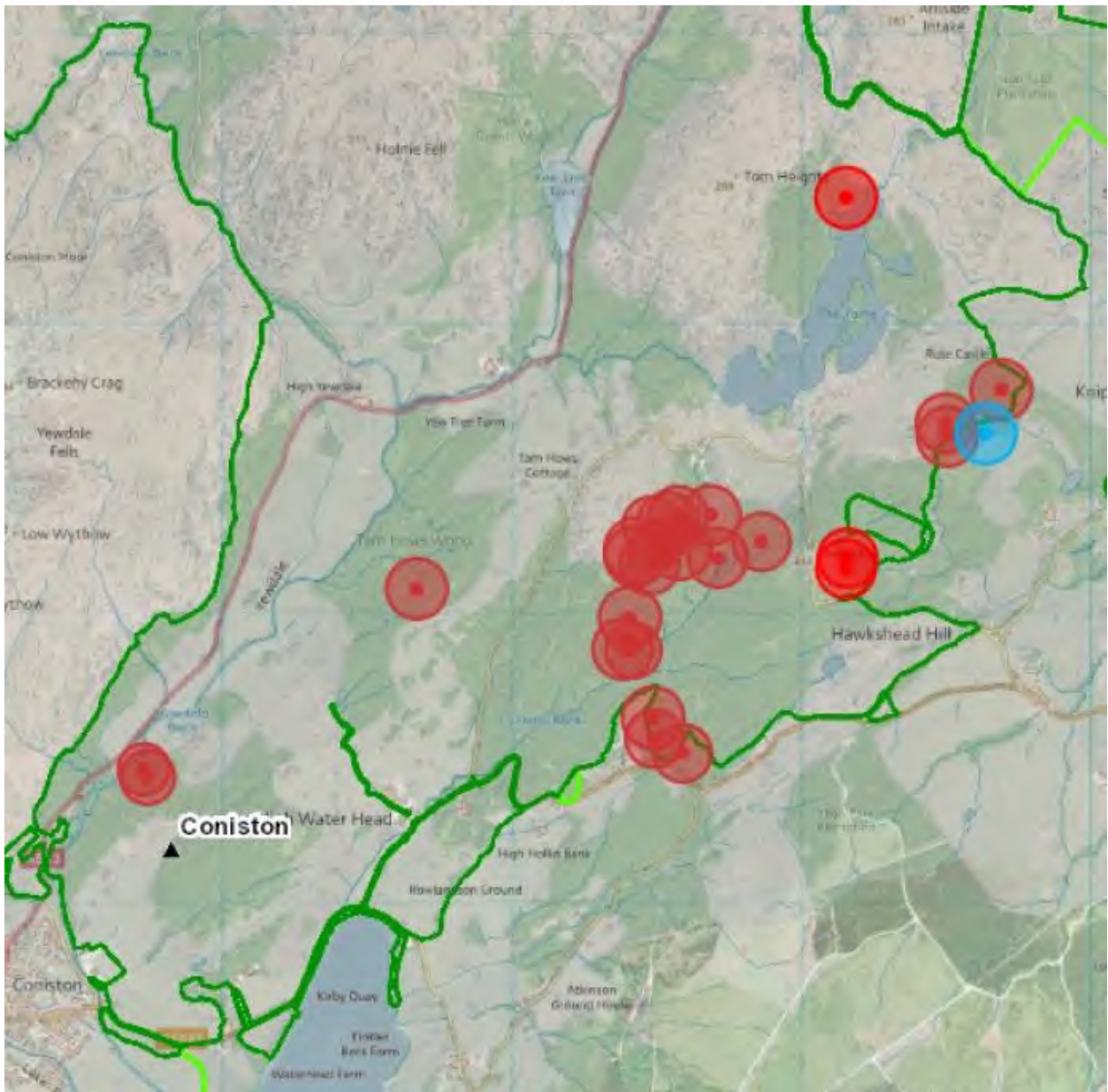
- *Footpath 512057, section G-A*
- *Footpath 512058, section D-C-A*
- *Bridleway 512059, section K-H-D*
- *Bridleway 512059, section L-M*

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

2 Details of Request

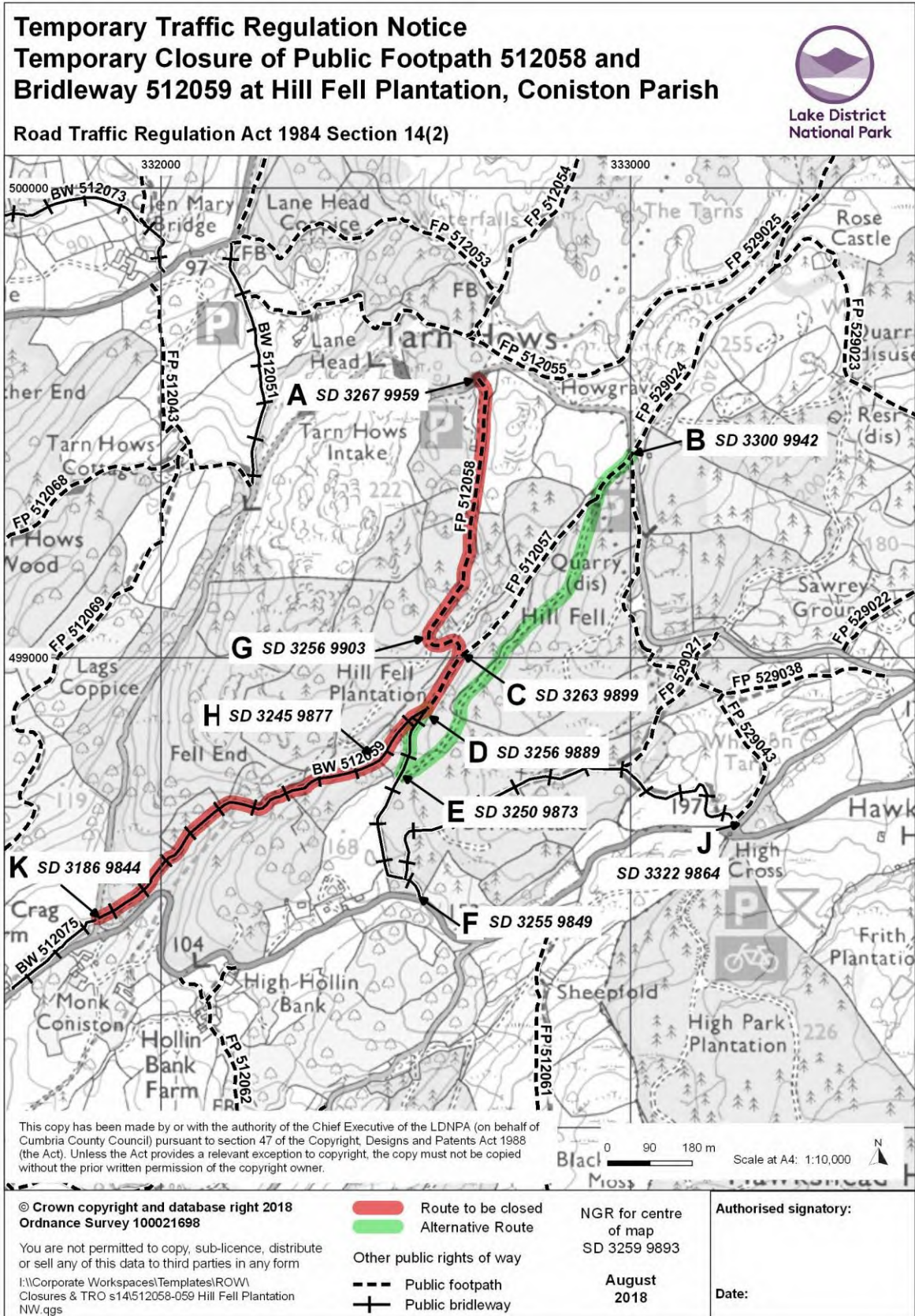
- 2.1 The National Trust has identified an outbreak of *Phytophthora ramorum* in larch in a collection of locations around Coniston, as shown by the red circles on the map overleaf. Most of the works in felling and removing the infected larch can take place without affecting public access. However, the scale of work required in Hill Fell Plantation, south of Tarn Hows has led the trust to consider that the risk to the public would be too great to allow them to continue using the public rights of way. The work needs to be carried out as a matter of urgency.
- 2.2 I have discussed the matter with the National Trust, and the plan is to work on the north-western side of the plantation first, and then move to the south-eastern side, followed by the south at Burnt Intake. This will mean that a right of way on foot will always be accessible during the first closure, as they won't all be closed at the same time. Unfortunately, this is not achievable with the proposed bridleway closures (second and third closure).
- 2.3 However, the precise timings and lengths of the closures are not yet known. A Notice can last for 21 days, and can be extended once for a further 21 days, and these timescales should give the National Trust enough time to complete the necessary felling and extraction. If the danger is removed earlier than the 21 day period (for example the felling is completed, or the work sites are further away from the paths) then the rights of way will be re-opened. It is hoped that the work will only actually last for a few days within the 21 for each closure, but it is very weather dependant.
- 2.4 Closures may affect private rights. However, these matters are being dealt with by the National Trust.

2.5 Because of the short timescale, and the inadvisability of delaying the extraction (because of the potential for the disease to spread), notices are the most appropriate method to deal with this particular situation.

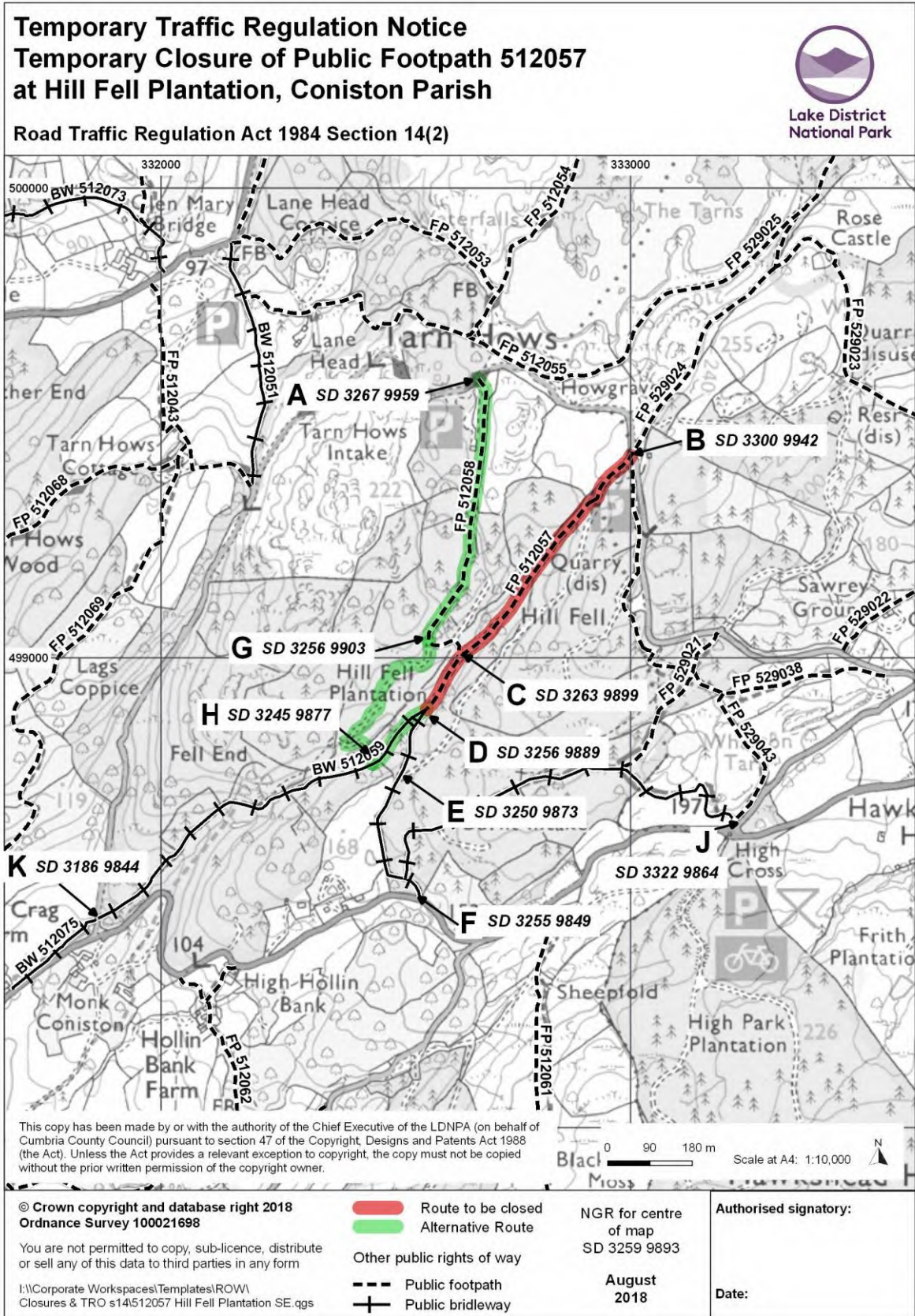


MAP 1 – PHYTOPHTERA LOCATIONS ON NATIONAL TRUST LAND - CONISTON

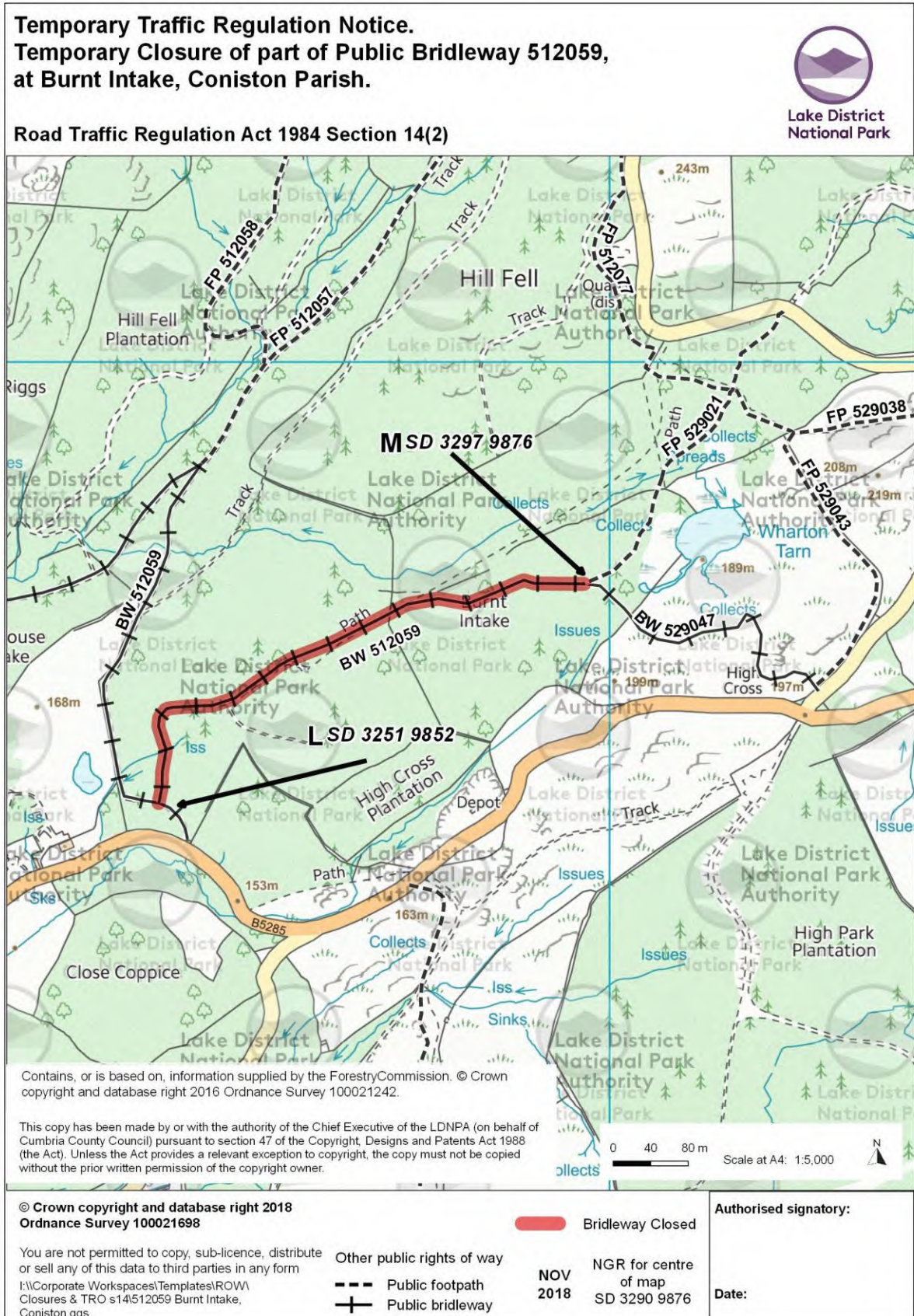
MAP 2 – CLOSURE LOCATION – NORTH WEST



MAP 3 – CLOSURE LOCATION – SOUTH EAST



MAP 4 – CLOSURE LOCATION – BURNT INTAKE



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 Our standard charge for a Notice is £185+VAT. The Work involved for three Notices is not much more than one Notice, so I consider that an appropriate fee would be £200. The National Trust's contractors will be putting the Notices out on site, which saves a good portion of our costs.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notices. The closures will safeguard the National Trust 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.
- 9.3 Traffic can be restricted or prohibited for a number of reasons, and the relevant grounds for making an order restricting or prohibiting traffic on these paths is within section 14(1)(b) of the Road Traffic Act 1984 - namely because of the likelihood of danger to the public not attributable to works on 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 closures are required from next week onwards, with the precise dates of the second closure as yet unknown.
- 9.6 I have discussed the matter with the National Trust. They have stated that they are unable to delay the works by the 8-10 weeks required for an Order because of the urgency of needing to remove the infected larch to prevent spread of the disease.
- 9.7 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 two closures. Because we are not certain of the precise dates of the second and third closures, 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. As we are also uncertain as to whether an extension (a further 21 days) will be required for any of the closures, I suggest that the issuing of any extension Notices is also delegated to the staff members.

10 Human Resources

- 10.1 The work involved in this proposal is approximately six hours from members of the Park Management teams, one hour 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 Consultations

12.1 There is no requirement to consult in relation to Notices of this nature. Indeed, the timescale does not really allow us to do this effectively.

13 Summary and Recommendation

13.1 Although we would rather such forest operations were carried out with no interruption to public access, the set of circumstances faced by the National Trust are a little unusual, and requiring immediate action. The National Trust are very good at managing and providing public access, and we have worked with them to ensure that access is interrupted as little as possible. I therefore feel that this request is reasonable and that we should issue the required temporary closure Notices.

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

Background Papers: Case file 1410.003 (204)
Author: Nick Thorne, Countryside Access Adviser
Date Written: 13 November 2018
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	AUTHORISATION OF NEW GATE, FP 528026, BACKBARROW HAVERTHWAITE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 field gate across Public Footpath 528026 at Backbarrow for the purposes of controlling the movement of stock on agricultural 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 & Access Assistant	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	14 November 2018	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	14/11/2018	

Brief Summary of reasoning for authorisation

The owner of land crossed by FP 528026 at Backbarrow has applied for authorisation to install a new field gate across the right of way at the point shown on the location map overleaf.

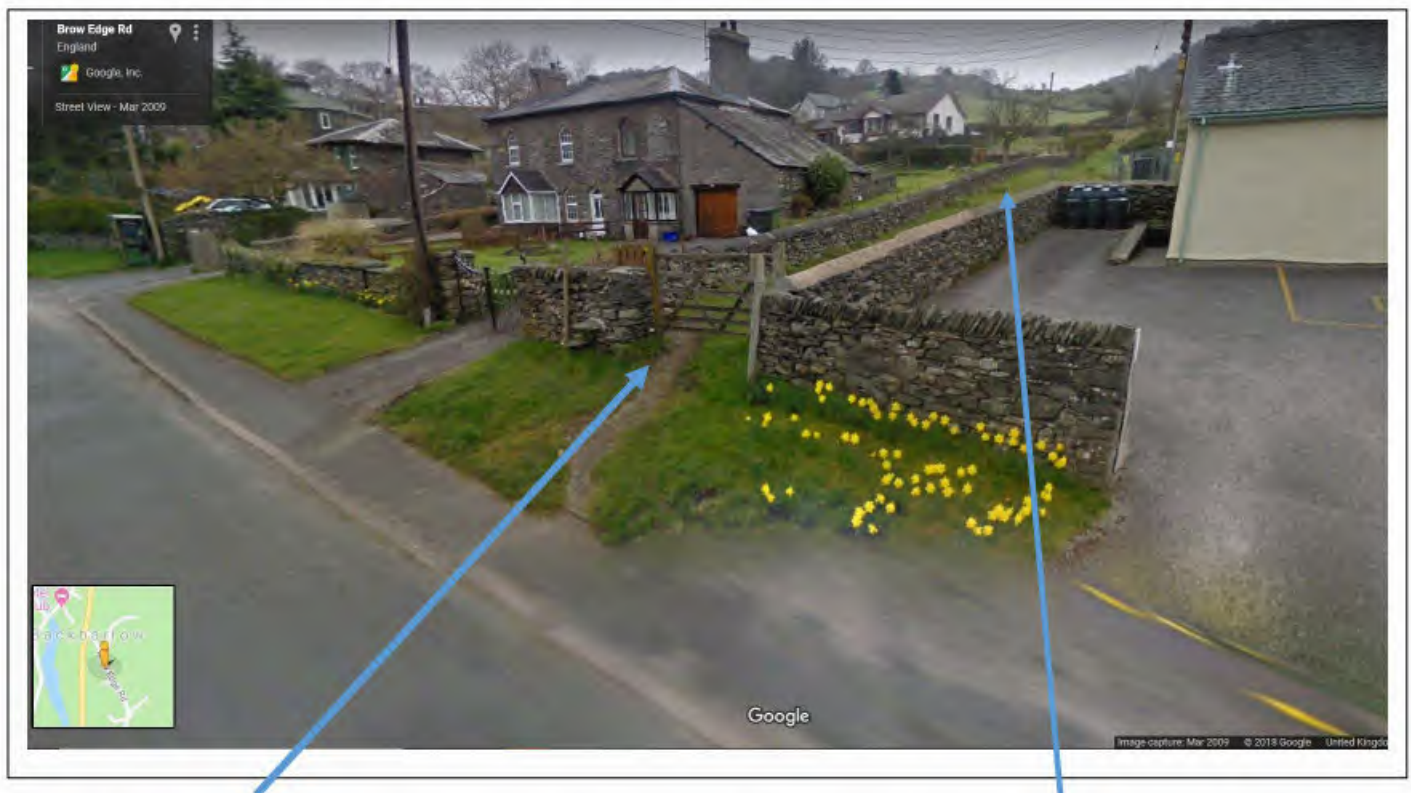
One of the grounds for authorising new gates across public rights of way under section 147 of the Highways Act (1980) is control the movement of stock on agricultural land.

FP 528026 runs across fields used for grazing stock (sheep and beef cows). At the western end of the FP, where it exits on to the C5050 road, there is a narrow lane/alley connecting the field to the road. This is gated (with an adjacent stile on the FP) at the roadside end, but is ungated at the eastern end from the field. It is not surfaced, and is grass covered and therefore it is actively grazed by stock in the field. The landowner wishes to install a field gate at this point to exclude stock from going from the field into the lane/alley.

There are two reasons for the application:

1. To reduce the possibility of stock getting over the low walls of the lane/alley, into adjacent properties and then potentially on to the A590 (approximately 80 metres away). This could be potentially dangerous for stock as well as drivers and pedestrians.
2. The landowner states that there have been problems experienced when cows have been in the narrow lane/alley and therefore forced into close proximity to walkers' dogs, with no easy means of the cow escaping the dog. Therefore to protect the stock (and walkers and their dogs) the landowner wishes to prevent stock going from the field into the lane/alley.

Photo 1: Google Street view image of Location



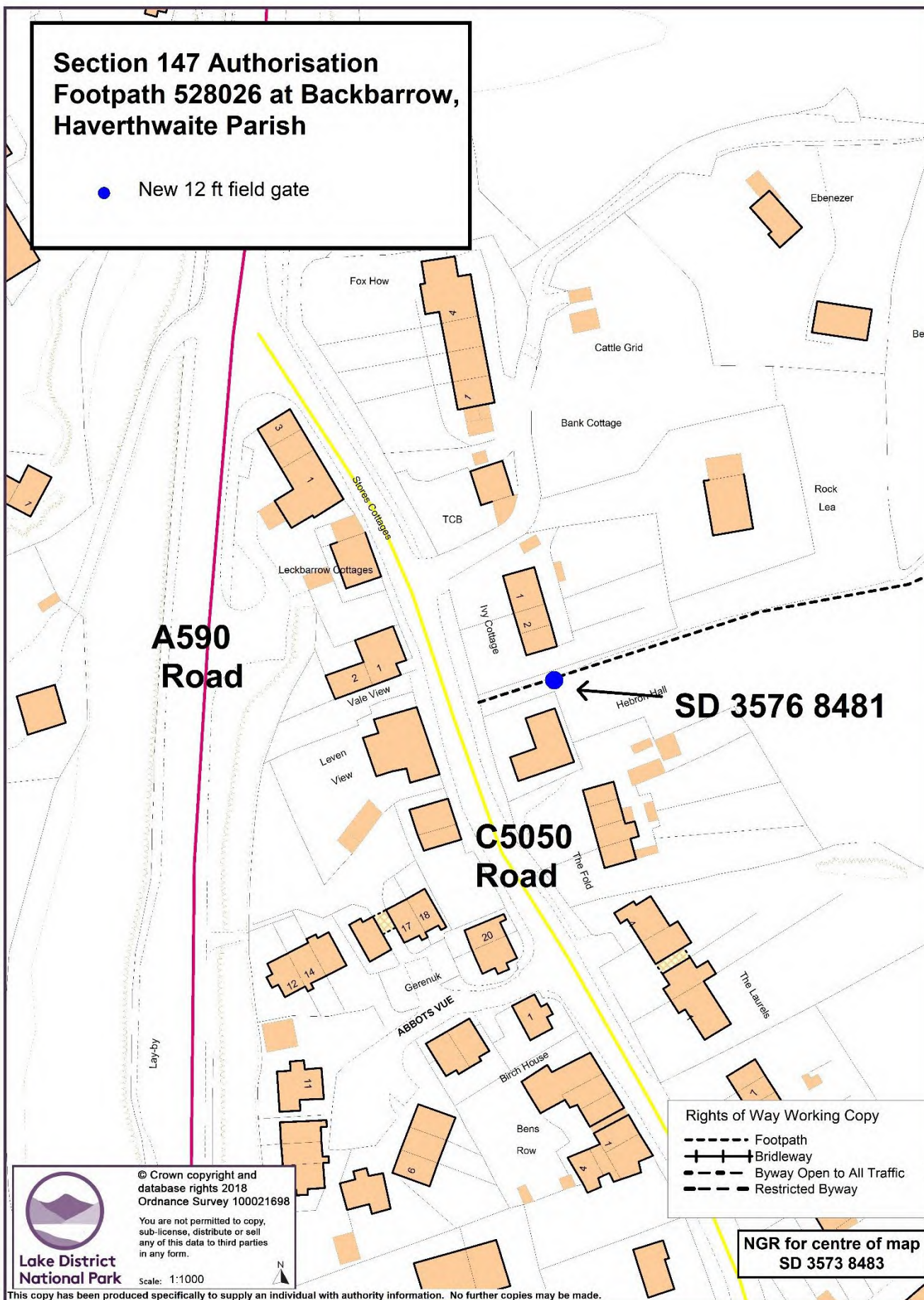
Gate and Stile on to C5050 road

Location of proposed new field gate

Map 1: Location Plan

**Section 147 Authorisation
Footpath 528026 at Backbarrow,
Haverthwaite Parish**

● New 12 ft field gate



**A590
Road**

**C5050
Road**

SD 3576 8481

Rights of Way Working Copy

- Footpath
- +--- Bridleway
- Byway Open to All Traffic
- Restricted Byway

**NGR for centre of map
SD 3573 8483**



**Lake District
National Park**

© Crown copyright and
database rights 2018
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: 1:1000



This copy has been produced specifically to supply an individual with authority information. No further copies may be made.



Lake District
National Park



14 November 2018

Dear 

Your Reference:

Our Reference: PM/ME/SB1410.002

Authorisation of new gate across Public Footpath 528026, at SD 3573 8483, Backbarrow, Haverthwaite Parish

Thank you for your application to erect a new gate across Footpath 528026 at Backbarrow. On behalf of the Lake District National Park Authority, I authorise the installation of a new gate at the above location, as shown on the attached map.

The gate will enable efficient agricultural use of the land by controlling animal movement, namely by preventing movement of stock from the grazing field into the lane/alley connecting the field to the C5050 Public Road. My authorisation is granted under Section 147 of the Highways Act 1980. We must consider the needs of many users and the authorisation is therefore subject to the conditions below.

- The metal field gate shall meet the LDNPA structures standard 2011 (copy attached). It will have an acceptable catch, and a minimum clear width of 1 metre.
- You will maintain the gate 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 gate and recover the costs from you.
- Liability for this safe maintenance lies with the landowner / occupier.

Lake District National Park Authority,
Murley Moss, Oxenholme Road,
Kendal LA9 7RL
lakedistrict.gov.uk

Tel 01539 724 555
Fax 01539 740 822
Email hq@lakedistrict.gov.uk
Minicom 01539 792 690



INVESTORS
IN PEOPLE

- The authorisation will end if the use of the land changes and the gate is no longer necessary to control animal movement or the land is no agricultural land. If the authorisation ends, you must remove the gate to restore uninterrupted passage.
- As the lane/alley will no longer be grazed, you must regularly cut the grass to ensure that the footpath does not become obstructed by vegetation.

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, Finn Laverack on 07919 165296 or Nick Thorne, Countryside Access Adviser, on (01539) 792621.

Yours sincerely

Mark Eccles

Head of Park Management

Direct: 01539 792688

Email mark.eccles@lakedistrict.gov.uk

.....
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

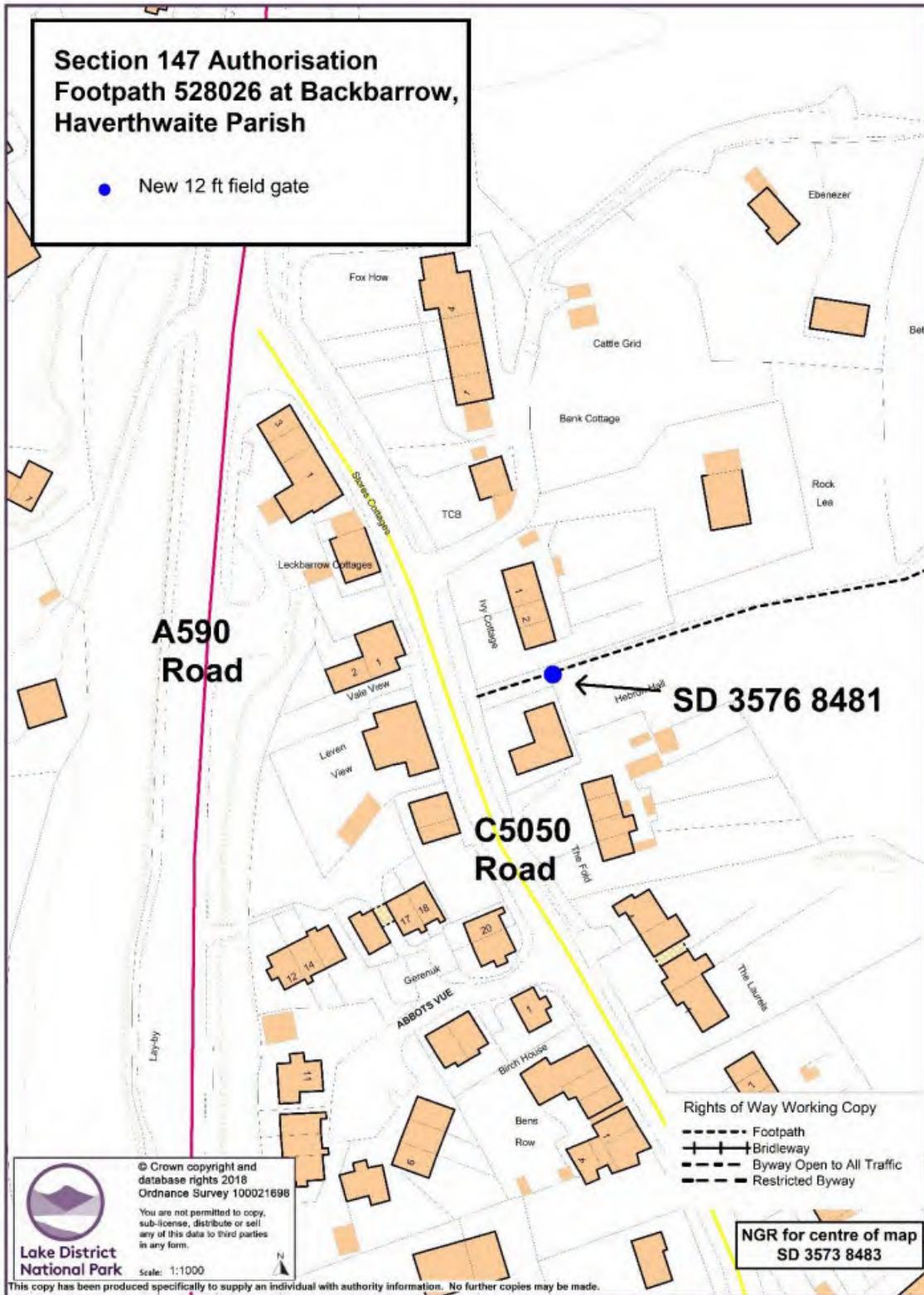
Signature

Date

*Delete as appropriate

**Section 147 Authorisation
Footpath 528026 at Backbarrow,
Haverthwaite Parish**

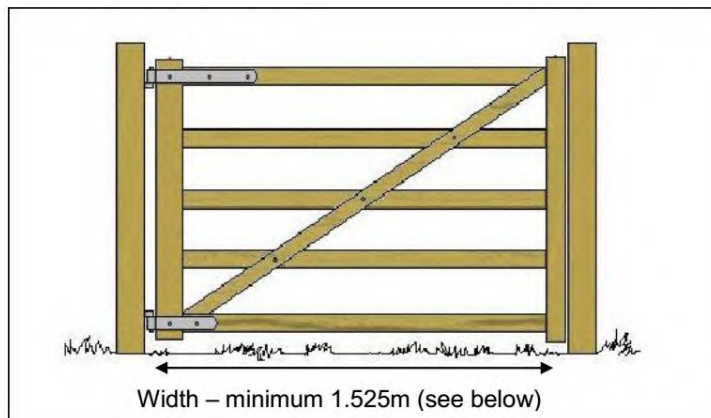
● New 12 ft field gate





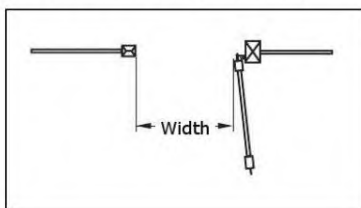
**LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011**

GATES – FIELD & BRIDLE

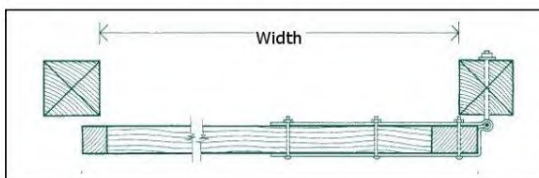


- **Usable width for all** for bridleway gates to be at least 1.525m (5ft) wide.
- Bridleway gates (5') are preferable to field gates (8-10') - except on byways.
- They should preferably be openable on horseback.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Bridleway gates should not have spring closures, and should open fully.
- Should try to have at least 1m clearance from the adjacent hedging or fence.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate and its manoeuvring spaces.
- If possible, roadside bridleway gates should be set back from the tarmac by 4m.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.525m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.525m gate width)





LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

CATCHES

All catches should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.

This list isn't all inclusive, and is in a hierarchical order – with the easiest to use being at the top.

A – EASY LATCH

Can have:

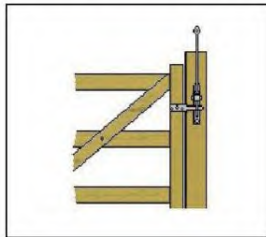
- trombone handle,
- straight handle, or
- stockproof handle.

Suitable for all users.



B

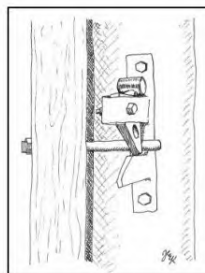
– LONG HANDLED GRAVITY CATCH / HUNTING TYPE GRAVITY LIFT CATCH



As D, but with an extension to top of both. Usable from both sides – may be less easy on tall gates for those in wheelchairs.

C – TRIANGULAR GRAVITY CATCH

Standard slam catch
– self closing / fastening



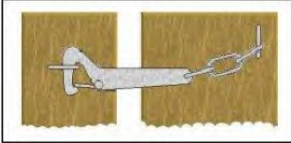
**LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011**

D – SIMPLE LIFT CATCH



Many designs – of which this is just one example.

E – HOOK & EYE CATCH



Example on left – but others also work. The hook should be on the gate and the eye on the gatepost. Must be clearly visible from both sides for wheelchair users.

The following are still found on the network, but should not be installed on new furniture if avoidable:

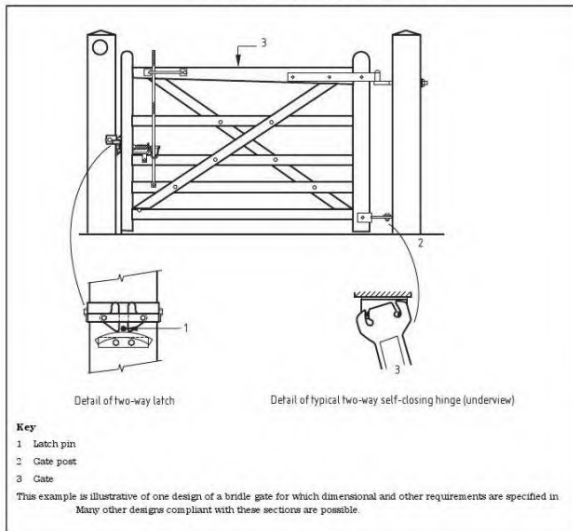
F – HUNTER'S CATCH – SPRUNG TYPE

G – CHAIN / ROPE LOOP OVER STOOP

H – HORIZONTAL SPRING CATCH (METAL FIELD GATES)

If possible gates should be two way opening (example below)

Example of a self-closing two-way opening timber bridge gate using a slotted plate self-closing mechanism



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	SECTION 33 ROAD TRAFFIC ACT CONSENT – MALCOLM WILSON RALLY 9 MARCH 2019	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters</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 usually uses routes over Forestry Commission land in Grizedale Forest, Whinlatter Forest and Wythop Woods. Due to ongoing FC operations at Wythop, for this year only the Rally will be using FC land at Broughton Moor rather than Wythop. A number of public paths are crossed or used by the event, and therefore 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)	14 January 2019	
Signature of authorising officer	Signed Mark Eccles Head of Park Management	
Date	14/1/2019	



**Lake District
National Park**

Ronnie Sandham
Secretary to the Malcolm Wilson Rally



14 January 2019

Dear Ronnie

Our Reference: PM/SB/1480.007

Section 33 Consent For Malcolm Wilson Rally, 9 March 2019

Thank you for your recent request for authorisation to use a number of rights of way during the annual Malcom Wilson Rally, which you have informed us will be using Broughton Moor this year rather than Wythop Woods. 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	Lorton	FP	242017
Coniston	BW	512006	Satterthwaite	BW	566002	Lorton	FP	242024
Coniston	BW	512005	Satterthwaite	FP	566001	Broughton West	BW	520044
Coniston	BW	512003	Coniston	FP	512004	Broughton West	FP	520001
Coniston	BW	512066	Coniston	FP	512061	Broughton West	FP	520058
Satterthwaite	BW	566030	Satterthwaite	BW	566004			
Coniston	FP	512002	Satterthwaite	FP	566038			
Hawkshead	FP	529019	Satterthwaite	FP	566005			
Satterthwaite	BW	566006	Hawkshead	FP	529006			
Satterthwaite	BW	566007	Hawkshead	BW	529039			

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 9 March 2019 subject to the conditions listed overleaf.

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.

Good luck with the event. If you have any queries about this matter, please contact Sarah Blakemore, Rights of Way & Access Assistant (sarah.blakemore@lakedistrict.gov.uk).

Yours sincerely

Mark Eccles

Head of Park Management

Direct: 01539 792688

Email: mark.eccles@lakedistrict.gov.uk

CC: Motor Sport Association (Competition Authorisation Office)



Conditions For Malcolm Wilson Rally, 9 March 2019

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.

Issued: 14 January 2019

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	AGREEMENT TO INSTALL MEANS OF ACCESS, SCOUT SCAR, HELSINGTON BARROWS, HELSINGTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Ramblers to install/improve means of access from Brigsteer Road on to access land at Scout Scar. We propose to make an agreement with the landowner under section 35 of the CROW Act to enable us to install two new kissing gates. The installation works will be funded by The Ramblers. The landowner will take responsibility for liability and future maintenance of the structures, with possible support from The Ramblers.	
Details of Decision	To enter into the agreement with the landowner	
Details of alternative options considered and rejected.	Not to enter into the agreement (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	1410.004.530 – includes request form and authorisation letter.	
Date of Report	14 January 2019	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	16/1/2019	

Brief Summary of Reasoning Entering into the Agreement

The Ramblers have offered to fund installation of two new gates to improve access from Brigsteer Road on to the access land at Scout Scar, Helsington Barrows. They have requested we work with the landowner to bring this into place. As the CROW Act access authority we are authorised under section 35 to enter into agreements with landowners and occupiers to provide or improve a means of access to access land. The Head of Park Management has power to enter into these agreements on behalf of LDNPA. Previous legal advice (2014) is that we should not take on future maintenance or liability for structures in section 35 agreements

Gate 1 (SD 4973 9053) will replace the existing field gate (see image below) opposite the point where FP 530 026 terminates at Brigsteer Road. For people living in the expanding housing estates in south west Kendal, it will provide a safe entry point on to Helsington Barrows access land and therefore provides a link to other rights of way without having to walk along Brigsteer Road. Helsington Parish Council have expressed a desire for an off-road route from Brigsteer to Kendal. This gate would facilitate this.



Photo 1: Proposed Site for Gate No 1 – replacing existing field gate

The proposed site for Gate 2 is adjacent to an existing field gate, at the most northerly point for directly accessing CROW land from Brigsteer Road at SD 4970 9093. This is a popular entry point - the public currently park here and climb over the wall or gate to access Helsington Barrows. This is damaging both the wall and the historic estate gate.



Photo 2: Gate No 2 will be sited to the left of the existing field gate

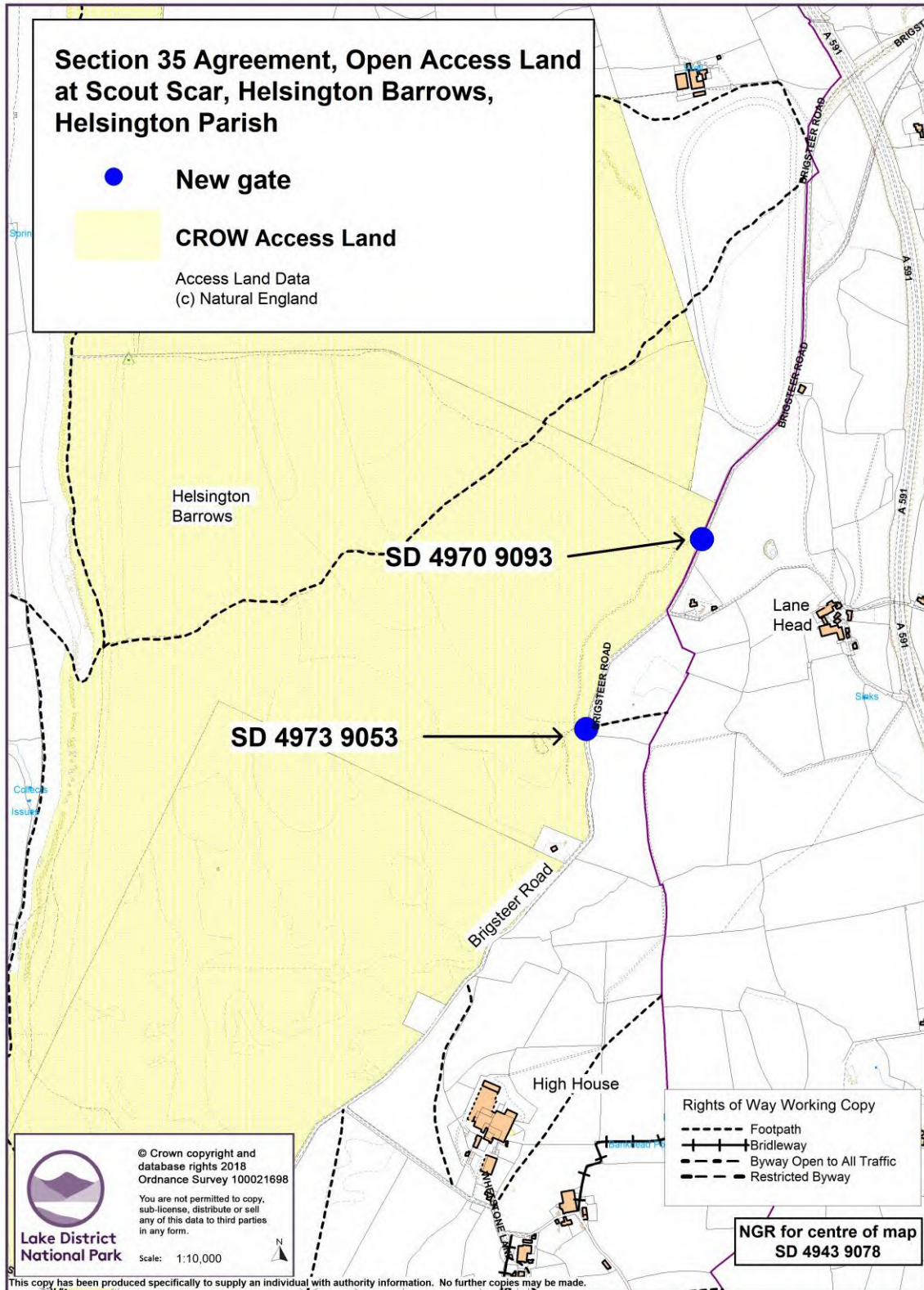
The existing field gates at both proposed sites are locked because the landowner and tenant farmer wish to reduce the risk of stock escaping on to Brigsteer Road. We considered the Equality Act and our policy on structures and we consider at both locations a kissing gate would be appropriate rather than a gap or pedestrian gate to ensure a stock proof boundary.

The installation of both gates has been requested by The Ramblers. They have offered to cover the cost of the gates and their installation, estimated to be £1920 (net). This includes either staff or contractor time. We have the capacity to carry out the work in-house and therefore generate a small amount of income.

This agreement with the landowner will relate only to initial installation of the structures; liability and future maintenance of the two gates will be the responsibility of the landowner. However we have told the landowner we will carry out regular inspections as part of our rights of way cyclical survey programme, and will discuss with the landowner any work that needs to be done in future. The Ramblers have confirmed that they 'would offer to help maintain the two gates but would not be bound by any agreement' for their maintenance. They are not prepared to take on any liability for the furniture, which would therefore remain with the landowner.

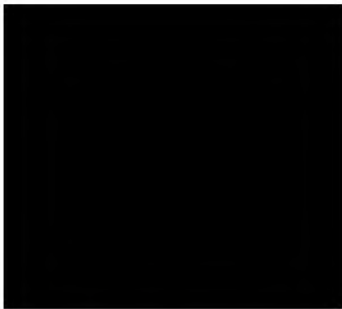
The application form and letter are stored in the paper file 1410.004.530, and the data will be added to our asset management database when installed.

Location Plan





Lake District
National Park



14 January 2019

Dear 

Our Reference: PM/SB/ME/1410.004.530

Countryside and Rights of Way Act 2000 Section 35 - Agreement with respect to means of access to access land at Scout Scar, Helsington Barrows, Helsington Parish

I refer the previous correspondence you have had with Marian Jones, Area Ranger and David Switzer, Area Ranger.

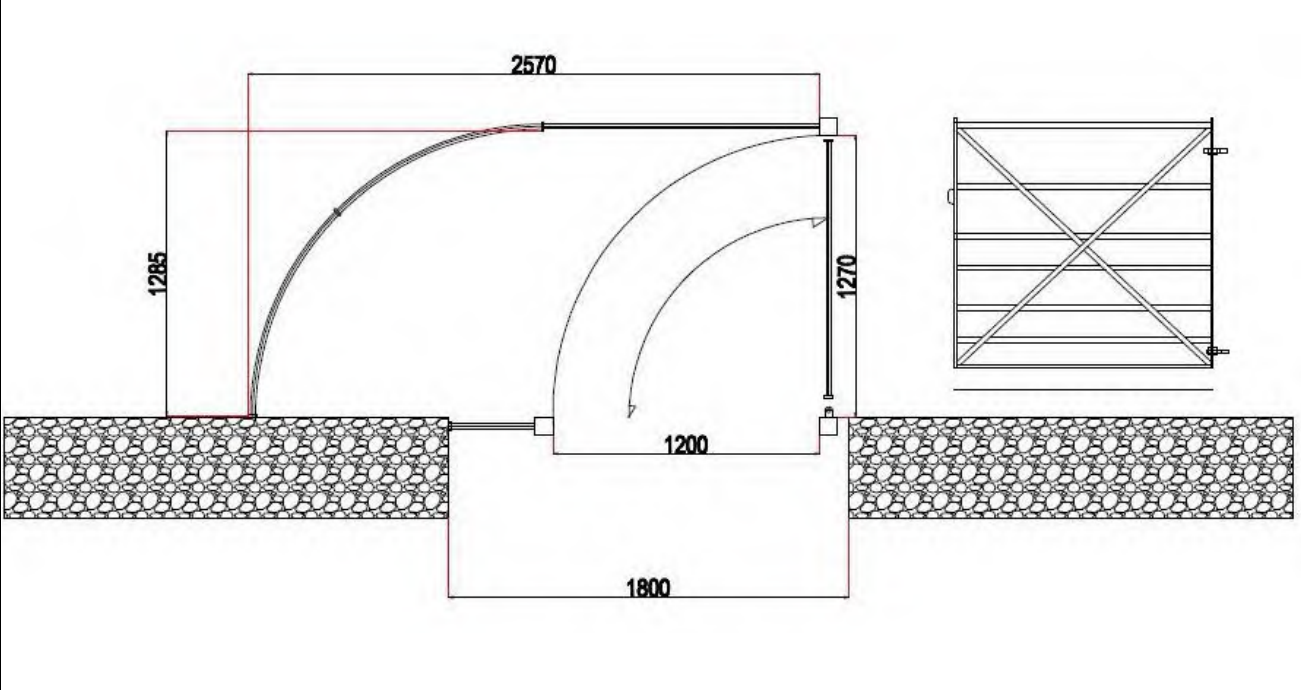
As discussed, the works shown overleaf are required to improve access to the above land.

Lake District National Park Authority,
Murley Moss, Oxenholme Road,
Kendal LA9 7RL
lakedistrict.gov.uk

Tel 01539 724 555
Fax 01539 740 822
Email hq@lakedistrict.gov.uk
Minicom 01539 792 690



INVESTORS
IN PEOPLE

Means of access (gate stile, gap, bridge, steps)	Specification (Consider Equality Act, LDNPA structures guidance, widths, self-closing gate, latch-type, height of handrail on bridges etc.)	Grid references
Kissing gate	Specification for both gates is the same: Steel kissing gate. See diagram below for dimensions. The steelwork will be galvanized finish and the gate will not have a catch but will have a spring closer.	SD 4973 9053 SD 4970 9093
		

With your agreement it is our intention to carry out the works to the specification above at the two locations set out in the enclosed plan within 3 months of receipt of your acceptance. This installation will be funded by The Ramblers.

This agreement relates only to initial installation of the structures; liability and future maintenance of the two gates will be the responsibility of the landowner. However we will carry out regular inspections as part of our rights of way cyclical survey programme, and will discuss with the landowner any work that needs to be done in future. The Ramblers have indicated that they may be able to make funding available for future maintenance costs, but any future contribution is not guaranteed by this agreement.

Please signify your acceptance of the terms of this letter by signing and dating the duplicate letter enclosed and returning it to me as soon as possible. No works can be carried out until we receive the signed letter.

If you have any queries please contact Dave Bell, Ranger on 07747 767156 or Sarah Blakemore, Rights of Way & Access Assistant 01539 792698 ext. 2730.

Yours sincerely

Mark Eccles

Head of Park Management

Phone: 01539 792688

Email: mark.eccles@lakedistrict.gov.uk

.....

Landowner Confirmation

- I am/act* for 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

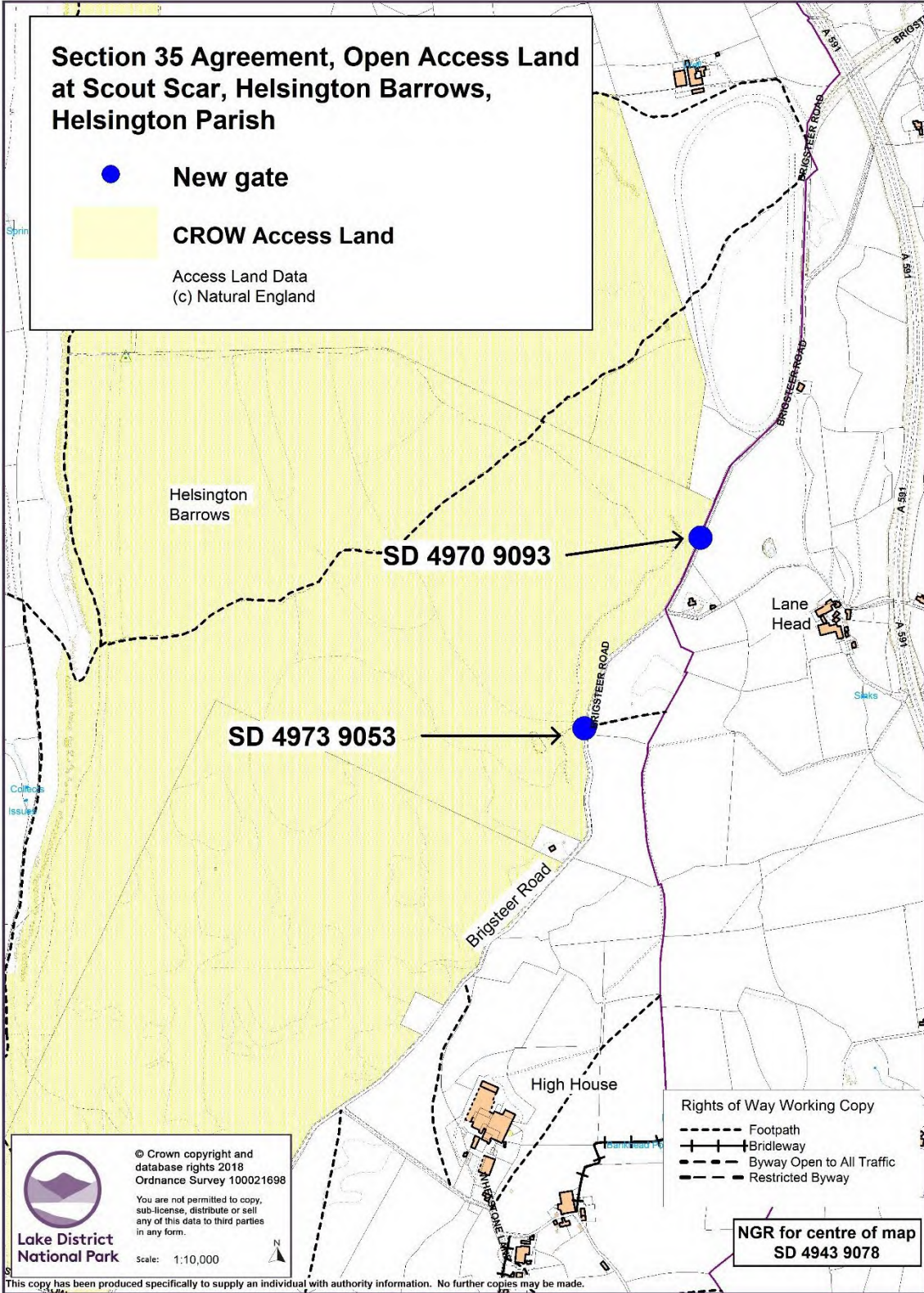


**Section 35 Agreement, Open Access Land
at Scout Scar, Helsington Barrows,
Helsington Parish**

● **New gate**

■ **CROW Access Land**

Access Land Data
(c) Natural England



Helsington Barrows

SD 4970 9093

SD 4973 9053

Lane Head


High House

Bigsteer Road

Rights of Way Working Copy

- Footpath
- |-|- Bridleway
- |-|- Byway Open to All Traffic
- |-|- Restricted Byway

NGR for centre of map
SD 4943 9078


 © Crown copyright and database rights 2018
 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: 1:10,000

This copy has been produced specifically to supply an individual with authority information. No further copies may be made.

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	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – NORTHERN CLASSIC TRIAL, FEBRUARY 2019	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Northern Classic Trial is a one day time schedule event for up to 70 cars and motor cycles in the Hobcarton / Wythop / Setmurthy area. It has been running for many years. A number of public paths are used to reach the trial sites, 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 1480.009	
Date of Report (letter)	14 January 2019	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	22 January 2019	



Lake District
National Park



14 January 2019

Our Reference: 1480.009

Fell Side Auto Club, Northern Classic Trial, Saturday 23 February 2019

Dear 

Thank you for your letter supplying details of the proposed route of your next trial. The following sections of public footpaths and bridleways will be affected:

BW 252001	Hill's Wood, Setmurthy
FP 2242024 / 242017	Darling How, Lorton

These are shown on the maps forwarded to us by yourself,(retained on file). I note that these will be used for access to the trial/event sites.

As in previous years, you have said that the affected paths will be well marshalled, and warning signs will be erected. You also mention that speeds will be under 15mph, and that drivers will be made aware of the likelihood of other users on the public paths. Therefore, we grant consent under Section 33 of the Road Traffic Act 1988 for these footpaths and bridleway to be used by vehicles taking part in the Northern Classic Trial on 18 February 2017 subject to the conditions listed on the reverse of this letter.



Conditions of Authorisation.

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. 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 to warn people of the presence of motor vehicles. Marshals to be supplied with radios for communication.
6. Ensure that all gates are closed at the end of the event.
7. Arrange for suitable notices to be erected to warn people that the event is taking place.

Good luck with this year's event, and if you have any questions please don't hesitate to contact Nick Thorne, Countryside Access Adviser on 01539 792621 or nick.thorne@lakedistrict.gov.uk

Yours sincerely

Mark Eccles

Head of Park Management

Direct: 01539 792688

Email: mark.eccles@lakedistrict.gov.uk

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	DIVERSION OF FOOTPATH 424026, CALDER LONG WALKS, PONSONBY PARISH (FORMERLY ST. BRIDGET BECKERMET)	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 Miles Without Stiles footpath known as 'Calder Long Walks' runs along the top of the bank of the River Calder. Part of this bank was badly washed out during Storm Desmond, and although it has been rebuilt as part of the Routes to Resilience project, the shape of the bank is different and the actual definitive line is no longer available. We have therefore created an alternative route.	
Details of Decision	To divert the section of footpath 424026 between A and B to a new line slightly further to the north.	
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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1412.424.02	
Date of Report	7 February 2019	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	18 February 2019	

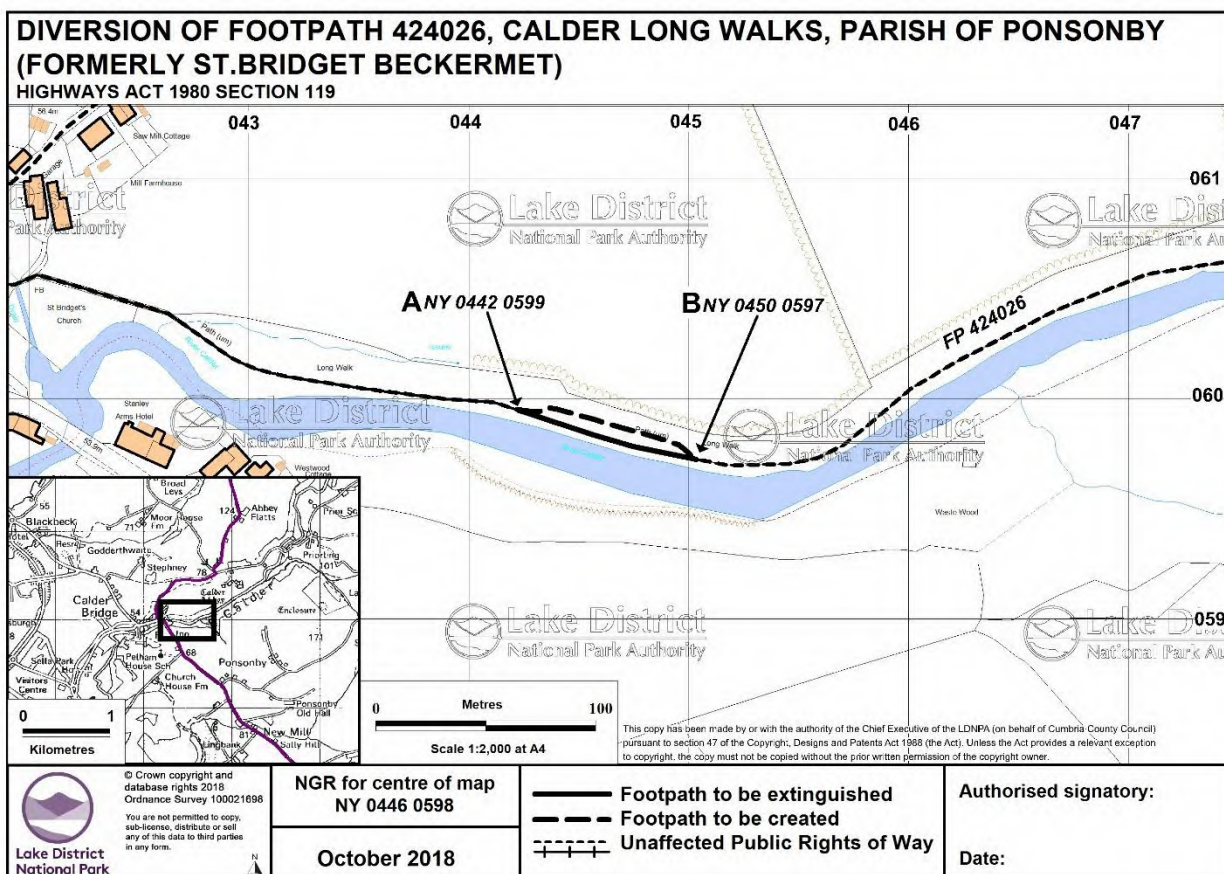
DIVERSION OF FOOTPATH 424026, CALDER LONG WALKS, PONSONBY PARISH (FORMERLY ST. BRIDGET BECKERMET)

1 Summary

1.1 The footpath known as Calder Long Walks between Calder Bridge and Calder Abbey runs along the bank of the river. This bank was badly damaged in Storm Desmond in December 2015, and the bank has been rebuilt. Because it has had to be slightly redesigned, it has not been practicable to re-instate the footpath on the original line.

Recommendation that:

- a** We make an order to divert a section of footpath 424026 between points A & B as shown on the map below;
- b** We confirm the order if no objections are received or if those objections received are withdrawn.



2 Background

2.1 In December 2015 Storm Desmond badly damaged the bank of the River Calder weakening the footpath which ran along the top of the bank. Further gradual erosion began to eat into the surface of the footpath, which eventually had to be closed, and we constructed a temporary alternative.

- 2.2 Since then, our Routes to Resilience project has paid for works to rebuild the river bank, but the shape of the bank has changed both in slope angle and along the top; and it was not practicable to re-instate the original alignment of the path. In addition to this, we considered that there would be a long-term benefit in terms of sustainability to move the path for slightly longer than strictly required to ensure that any further bank damage in the area does not affect the path at all. The landowners have kindly allowed a new path to be constructed slightly to the north of the previous route for around an 80m stretch. This is protected from further erosion by the presence of large trees naturally stabilising the bank between the new alignment and the river.



The path looking west towards point A in late 2017. The edge crumbled further in early 2018, which was when we constructed the temporary alternative and blocked this section for safety reasons.



The reconstructed riverbank in September 2018 (looking east from point A – definitive line in red) – the top edge has been pushed back to enable the log slope to be at the right angle. The new path (green) is to the left. Point B can just be seen in the distance (end of red line), where there is a small wooden fence across the old route.



Looking west from about halfway between A & B showing the new path on the right, and the reduced width of the old path (left – between tree and top of bank).



Looking west at point B – the definitive line passes through the fence; the new path (right) has since been topped with dust to restore it to a Miles Without Stiles ‘for all’ specification.

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 This Service Plan also includes:

- carrying out Rights of Way order casework that addresses conflict, supports network improvements and supports landowners and/or meets safety needs.

3.6 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.

3.7 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 Best Value Implications

4.1 **Work Programme and Relevance to This Case:** when initiated, this proposed diversion was of high priority as we needed to carry out as much of the legal work connected to the diversion as possible before the R2R project finally ended so that we could log our time to the project. Unfortunately, the practical works had to be revisited, and were only completed to the required standard in February 2019. However, as quite a lot of the negotiation, consultation, and drafting works had been carried out by then, it seems appropriate to continue with completing the case even though it would now score at a lower priority.

4.2 The best value implications are:

- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion will aid our effective management and promotion of the rights of way network and increase its resilience to future flood events.
- b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
- 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, and this case will help us reach our target for this year. The will to improve our ‘ease-of-use’ performance indicator if the path is selected for survey in the future.

5 Options

- 5.1
- a) make the recommended order
 - b) do not make an order

6 Proposals

6.1 I recommend option 5.1a. The diverted route of the path represents the best alignment for the long-term sustainability of the path at this location, and is supported by our consultees.

7 Grounds and Tests for Diversion

- 7.1 The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to ignore something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network which are set out in annex 1.
- 7.2 There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:
- a) in the interests of the owner, lessee or occupier of the land crossed by the path,
OR
b) in the interests of the public.
- 7.3 I consider that it is expedient in the interests of the public because it will create a usable and sustainable route, and will reduce the likelihood that the path will be damaged in any future flood events.

8 Tests to be Considered

- 8.1 These are:
- Will the new path be substantially less convenient to the public?
 - The effect which the diversion would have on public enjoyment of the path or way as a whole;
 - The effect the order would have as respects other land served by the existing right of way;
 - The effect of the new right of way on land over which the new path is created;
 - That termination of the alternative footpath is on the same or a connected highway, and is substantially as convenient to the public.
- 8.2 *Will the new path be substantially less convenient to the public?*
- 8.2.1 Planning Inspectorate Advice Note 9, commenting on the case of *Young* identifies that the new route should not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and ordinary meaning of the word 'convenient' such as the length of the diverted path, the difficulty of walking it, and its purpose. *Young* goes on to say that it may be 'less convenient', so long as it is not 'substantially' so.
- 8.2.2 My view is that the route is slightly less convenient for walkers. Instead of continuing in a straight line along the top of the river bank, walkers have two kinks in the path, and around five extra metres to traverse. However, in the context of the route as a whole, this is not substantially less convenient. In purely physical terms, the route created on the ground is certainly more convenient to use than the now damaged definitive line.

8.3 *What is the effect of the diversion on public enjoyment of the path or way as a whole?*

8.3.1 The consultees that have responded are supportive of the proposal. I consider that moving the path away from the top of the riverbank for around 80 metres slightly changes the enjoyment factor for walkers, in that the view of, and along, the river is more obscured. However, the path as a whole runs along the top of the bank for the majority of its length (900 metres), and so this should not impact on walkers' enjoyment to any great detrimental affect.

8.4 *Would the order affect other land served by the existing right of way?*

8.4.1 We are not aware of other land served by the existing right of way. The land is owned by the Calder Angling Association who also use the path to reach land to the east beyond Calder Abbey. They are fully supportive of the changes.

8.5 *Is there any effect of the new right of way on land over which it is created?*

8.5.1 As above, both the old and new routes are on land owned by the Calder Angling Association. They are fully supportive of the changes, and their usage of the land will not be affected.

8.6 *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?*

8.6.1 Both ends of the diversion are 'mid-path' so the termination points are unaffected

9 Other Considerations Required by Legislation

9.1 *Rights of Way Improvement Plan*

9.1.1 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).

9.1.2 This proposal is not a specific ROWIP proposal put forward by the public. But it fits within a number of actions and within the general ethos of the ROWIP:

- Paragraph 18 – improvements can include physical work on a route (surfacing, gates, and so on). *This diversion and the works on the new route being undertaken through the R2R project will enhance the rights of way network by making it more resilient to future storm events and less likely to be unavailable to the public as a result of future flood events.*

9.1.3 The full ROWIP can be seen at www.cumbria.gov.uk/roads-transport/public-transport-road-safety/countryside-access/ROWIP/Final_Rowip.asp

9.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The new route has been constructed to Miles Without Stiles 'For All' standard (10mm to dust, suitable for wheelchairs), in keeping with the original route and the rest of the path (which is promoted as such).

9.3 Impact on the needs of agriculture and forestry – an assessment is required under schedule 6 of the Countryside & Rights of Way Act 2000. There is no appreciable impact on the needs of agriculture or forestry.

9.4 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. I have identified no significant issues in relation to this aspect.

10 Consultation Responses

10.1 We have consulted our usual consultees on the proposals for the diversion. We only received two responses as follows:

Consultee	Comment
Cumbria County Council, Countryside Access Officer	No comments to make on this proposal.
Ramblers	Not visited the site, but from the photographs the diversion looks very much in the public interest.
LDNPA Area Ranger	The future-proofing physical works and subsequent diversion are sensible, practical and sustainable measures which will enable the long-term safeguarding of this terrific route, with the added protection of the large stabilising trees providing an interesting woodland deviation.
Copeland Borough Council	No comments to make.
Calder Angling Association	Delighted with the works. Makes common sense to route the path behind the trees, it's much safer and will stop and top down erosion occurring through walkers too close to the edge.
LDNPA Historic Environment Team	No objections or comments.

11 Finance Considerations

11.1 All staff costs in relation to the legal diversion were initially proposed to be reclaimed against Routes to Resilience project funding. Some of our initial staff time in consulting and negotiation was logged (and costs reclaimed) in this way, but unfortunately the project ended before the physical works were completed. The proposal is in the public benefit. Therefore, I consider that it is appropriate that the Authority meets all the remaining costs in relation to the order. The non-staff costs are approximately £700 plus VAT (cost of two advertisements in local newspaper):

			Cost	VAT at 20%	Total
Legal and Administration work	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order. Some of which have already been met by the R2R project.		£2,750	£550	£3,300
ADVERTISING	Two adverts must be placed in the local press: <ul style="list-style-type: none"> • When the order is made and; • When it is confirmed. 	Two adverts at around £ 350 each	Totalling £700	£140	£840
TOTAL COSTS			£3,450	£690	£4,140

11.2 The cost of the works on the ground have all been met by the Routes to Resilience project. The bank rebuilding works cost around £10,000, and the footpath work £2,500 (and materials £1,000). The final surface improvements by us cost around £200 in materials, and two staff days labour.

12 Risk

- 12.1 There is a risk that there may be an objection to the order. This risk has been mitigated as far as possible through consultation. If objections are received then we can reconsider the matter.
- 12.2 Should the diversion not go ahead the substantial capital works paid for by R2R will not be part of the rights of way network and will not achieve maximum benefit to the public (although it would still be of value to increase the accessibility of a route). It is not practical to reinstate the path on the definitive route.
- 12.3 This proposal is within the Western Lakes, therefore it may attract an objection from a persistent objector. However, it is difficult to not do orders in this area just because of this – and we will have to deal with this, at our cost, if the situation arises.

13 Legal Considerations

13.1 The order will be made under section 119 of the Highways Act 1980 and we are able to make orders 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.

14 Human Resources

14.1 The work involved in this proposed diversion is approximately 60 hours from members of the Park Management teams, and one 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.

15 Diversity Implications

15.1 I have not identified any significant diversity implications in the proposed diversion of the definitive line. However the works on the ground as part of the R2R project will maintain the existing Miles Without Stiles for all standard.

16 Sustainability

16.1 The proposal is, in the words of the Area Ranger 'sensible, practical, and sustainable' – and will 'enable the long-term safeguarding of this route'.

17 Summary

17.1 The proposed diversion will resolve a physical challenge created by the actions of Storm Desmond. The new path will be sustainable and protect the long-term future of the public right of way.

17.2 I recommend that we make the necessary diversion order to bring this into effect.

Background Papers:	Case file reference 1412.24.02
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	7 February 2019
Version	Final

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

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	TEMPORARY TRAFFIC REGULATION ORDERS; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – PARISHES OF ST JOHNS CASTELRIGG & WYTHBURN, BLINDCRAKE AND UNDERSKIDDAW	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 (UU) are continuing to undertake a large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires. The route of the pipeline crosses a number of rights of way. Therefore, UU via their contactors (Farrans) have requested various ROW closures to enable construction.	
Details of Decision	To make the Temporary Traffic Regulation Orders as set out in this report.	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not to make the Orders. • To make orders of different sections or lengths or path in one or more case • To make orders of different duration in one or more case 	
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 Advisor	
Background Papers	Case file 1410.003 (208)	
Date of Report	18 March 2019	
Signature of authorising officer	Mark Eccles Head of Park Management	
Date	18/3/2019	

TEMPORARY TRAFFIC REGULATION ORDER; VARIOUS RIGHTS OF WAY AFFECTED BY WEST CUMBRIA PIPELINE PROJECT – ST JOHNS CASTLERIGG & WYTHBURN PARISH, BLINDCRAKE PARISH, AND UNDERSKIDDAW PARISH

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:*

St Johns Castlerigg & Wythburn Parish

- *Part of Bridleway 249025, North of Rough How Bridge (A-B on map 1)*
- *Part of Footpath 249026, East of Brackenrigg (E-F on map 2)*
- *Part of Footpath 249056, Smaithwaite (L-M on map 3)*
- *Part of Footpath 249067, north-west of Smaithwaite (Q-R on map 4)*
- *Most of Footpath 249027, Shoulthwaite Moss (Y-Z on map 6)*
- *Part of Footpath 249028, north of Broadstones (I-J on map 7)*
- *Part of Footpath 249017, north of Dale Bottom (X-Y on map 8)*

Underskiddaw Parish

- *Part of Bridleway 255014, Spooneygreen Lane (T-U on map 5)*

Blindcrake Parish

- *Part of Footpath 210002, north-east of Redmain (A1-B1 on map 9)*

2 Details of Request

- 2.1 For a third year, United Utilities are continuing the large project to link West Cumbria to Thirlmere in preparation for when the abstraction licence from Ennerdale expires.
- 2.2 The pipelines 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 these works, which are mainly in the Shoulthwaite / Naddle Valley area, with two outlying closures north of Keswick and in Blindcrake. The works are due to take place from mid-April 2019 until the project is completed (hopefully within six months). Nine public paths will be affected in total. Following negotiation, we have agreed the following proposals (the locations are shown on the maps at the end of this report):

- The paths will remain open for the majority of the time, with anticipated closure in the majority of cases to 5 days
- 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 six 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 (with the exception of one) will be closed for more than five days or so.
- As in previous years the plan 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 bypasses shown on the order plans. Signage will be erected to show when the paths are closed and where the alternative routes are.
- The only exception to the above is footpath 249027 at Shoulthwaite Moss. At the other locations – the pipeline will be crossing the path, but at Shoulthwaite, the pipeline will actually be installed underneath the path itself for a considerable distance, and the path will have to be closed for most of the six-month period. Not only that, but we have been working with United Utilities to see whether there is a possible alternative for walkers, such as through the woodland to the west, or through the moss to the east. However, it seems that these are simply not suitable options. The woodland is closed anyway for clear-felling, and is also pretty steep, whilst the moss is only really passable in wellington boots. And we do not really want to advertise walking along the A591 as a suitable alternative. We have therefore concluded that in this unusual set of circumstances, the only option is to close almost the entire length of the path for the duration of the works.

2.4 Orders would last for six months. 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 potentially 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.

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 to make the Orders.
- c) To make orders of different sections or lengths or path in one or more case
- d) To make orders of different duration in one or more case

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 undertaking in negotiating with United Utilities and Farrans (their contractors) – this has been unusually time-consuming.

7.2 Our standard charge for Orders is £710+VAT, plus the cost of advertising. United Utilities / Farrans will meet the cost of processing nine orders - a sum of £6,390, plus the cost of the newspaper adverts (unknown at present, but likely to be around £1,200).

8 Risk

8.1 There is limited risk to us in making 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. This is especially true in respect of footpath 249027 at Shoulthwaite Moss.

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 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.

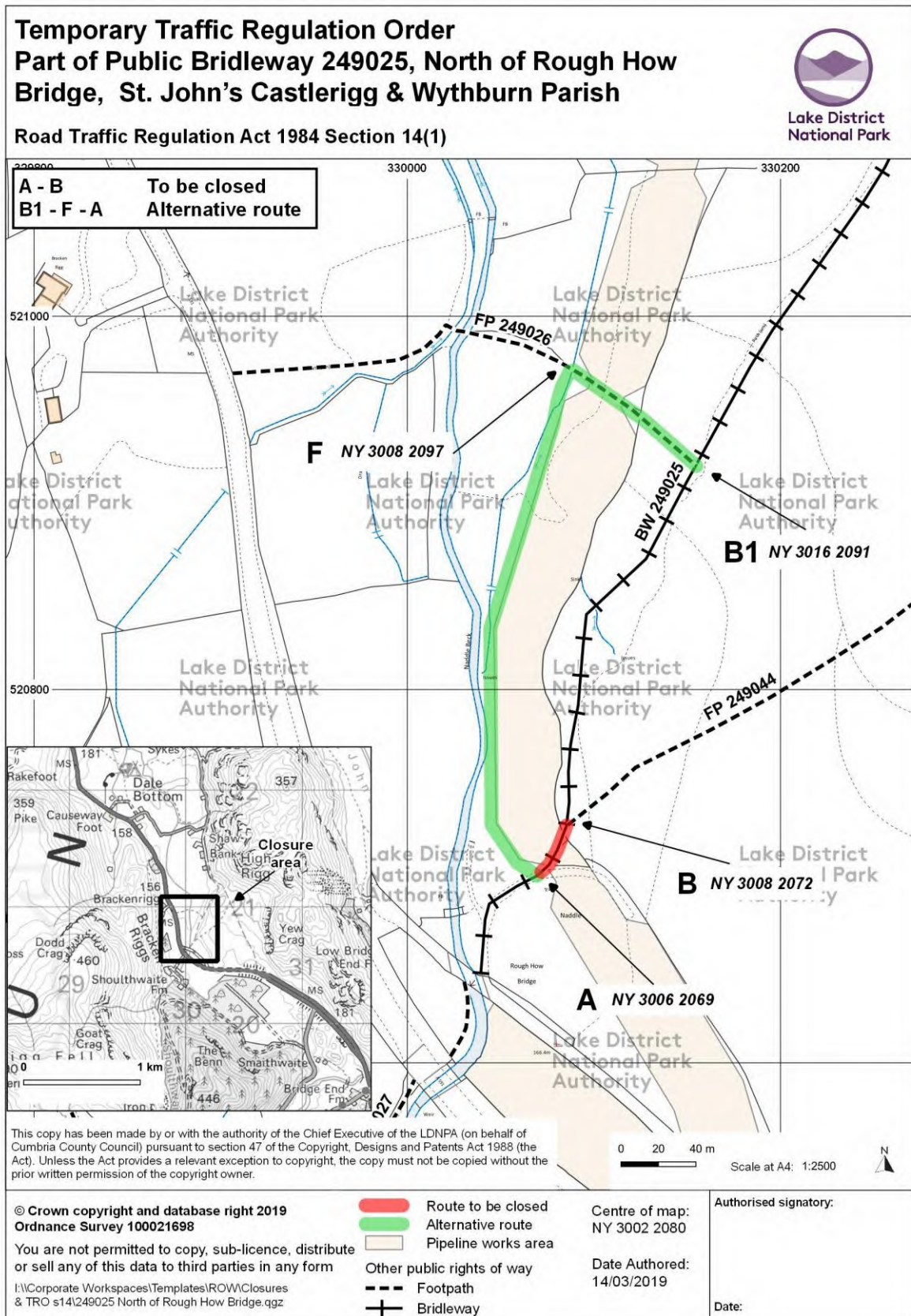
12 Consultation Responses

- 12.1 We consulted on the proposed closures and received few responses. The Lake District Mountain Bike Association, the Parish Council, and the Ramblers all said that the proposals were acceptable to them. No other responses were received.

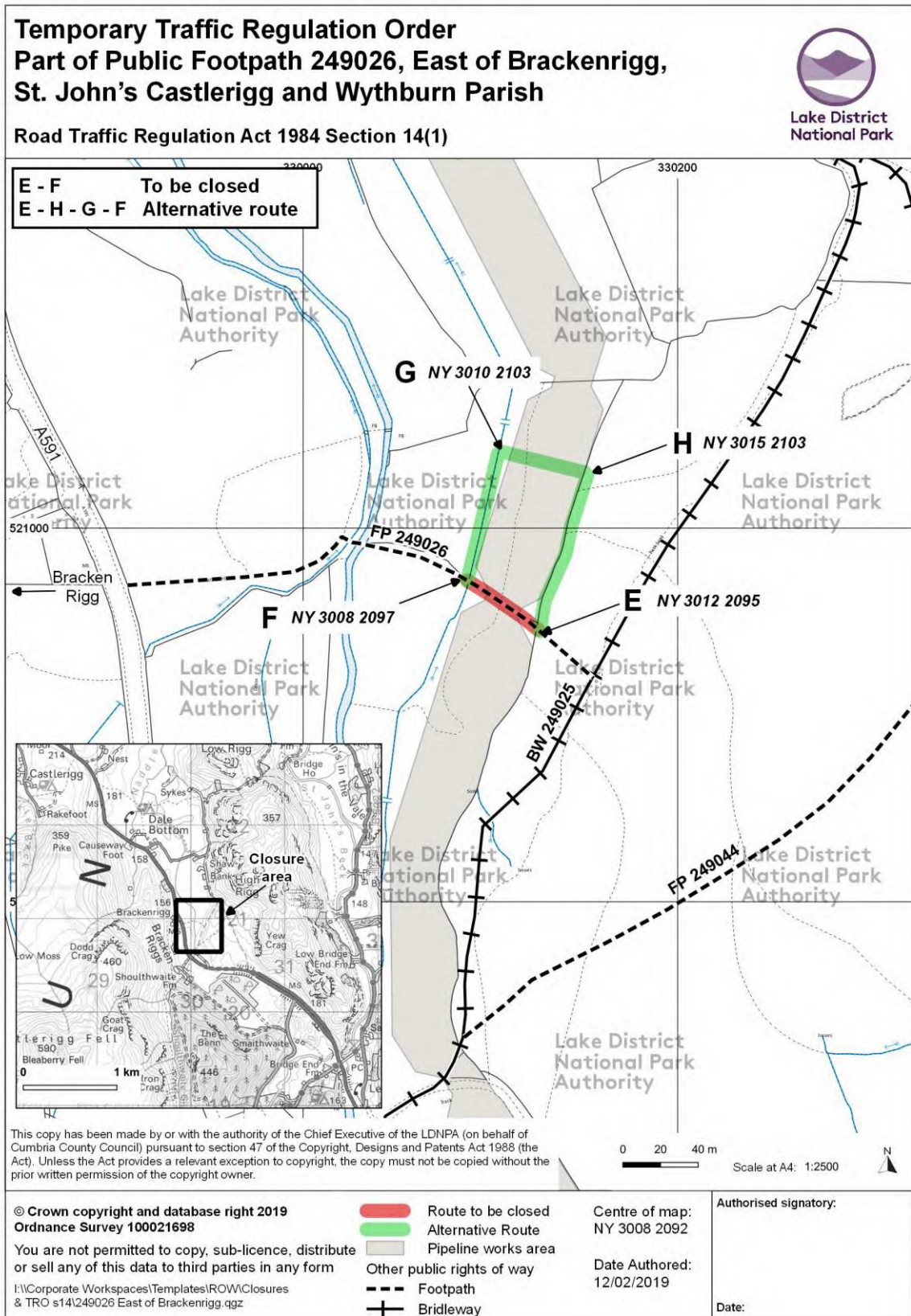
Authorised by: Mark Eccles, Head of Park Management Date.....
--

Background Papers: Case file 1410.003 (208)
Author: Nick Thorne, Countryside Access Adviser
Date Written: 18 March 2019
Version: Final

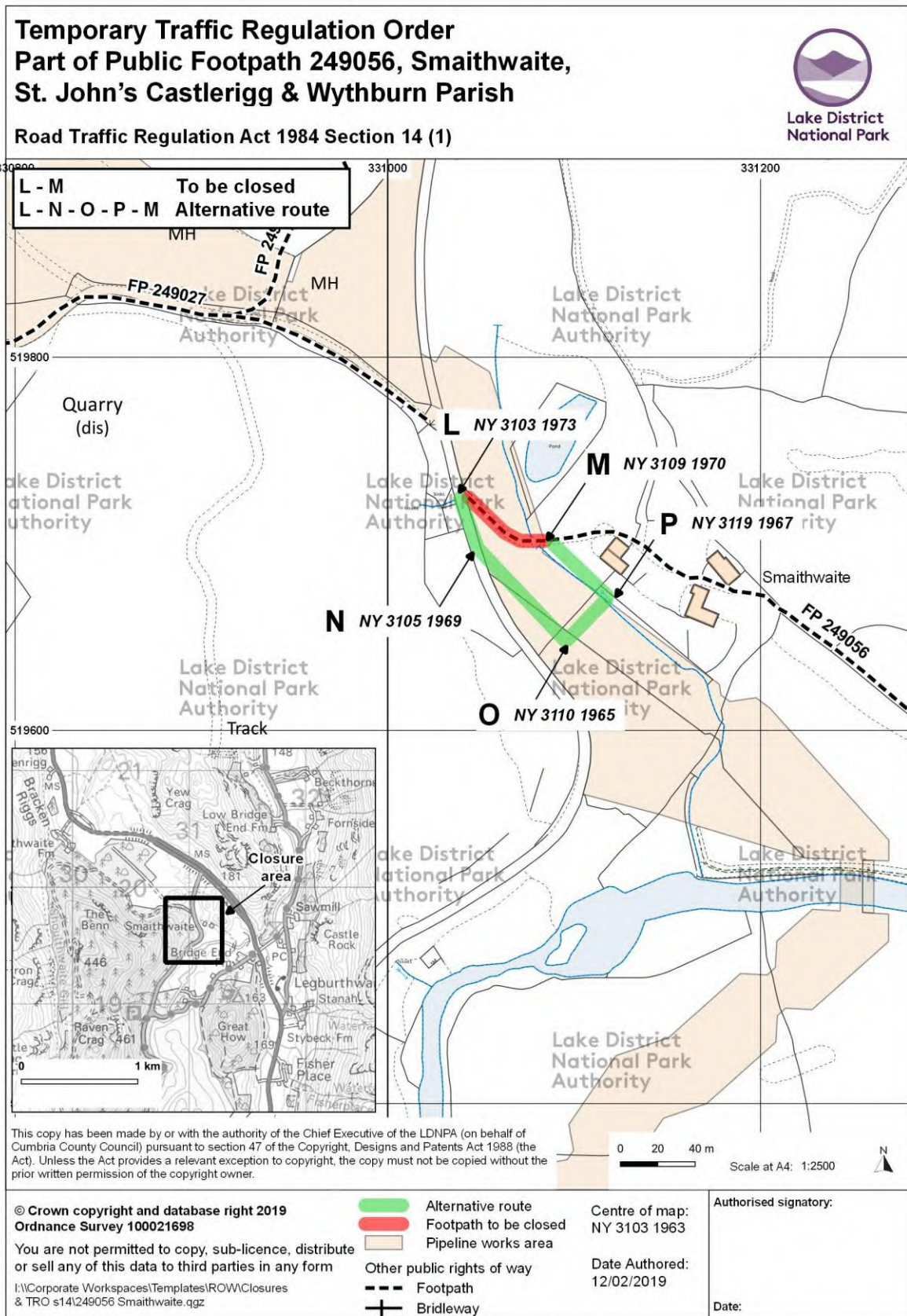
MAP 1: FOOTPATH 249025, NORTH OF ROUGH HOW BRIDGE, ST JOHN'S CASTLERIGG & WYTHBURN PARISH



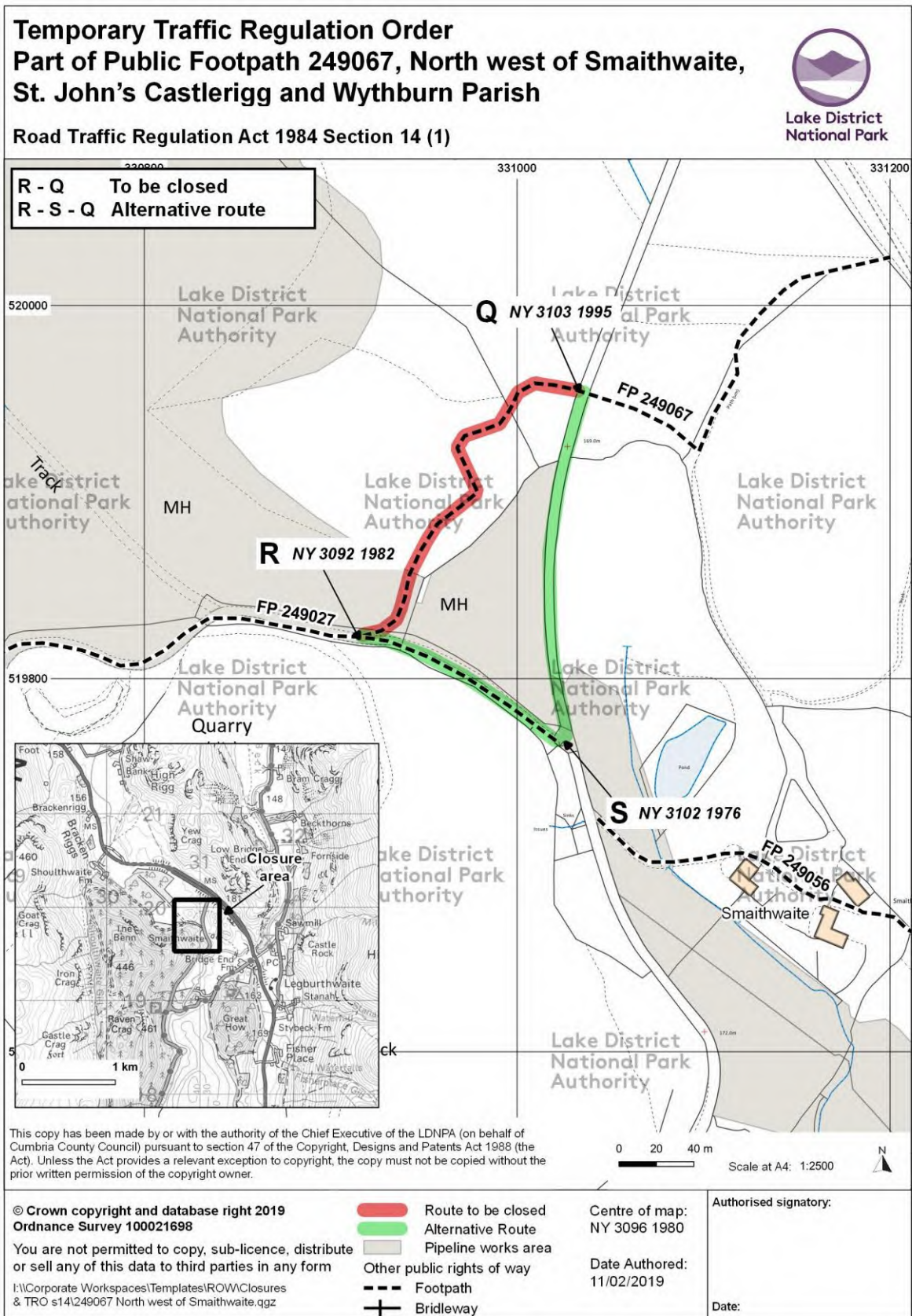
MAP 2: FOOTPATH 249026, EAST OF BRACKENRIGG, ST JOHN'S CASTLERIGG & WYTHBURN PARISH



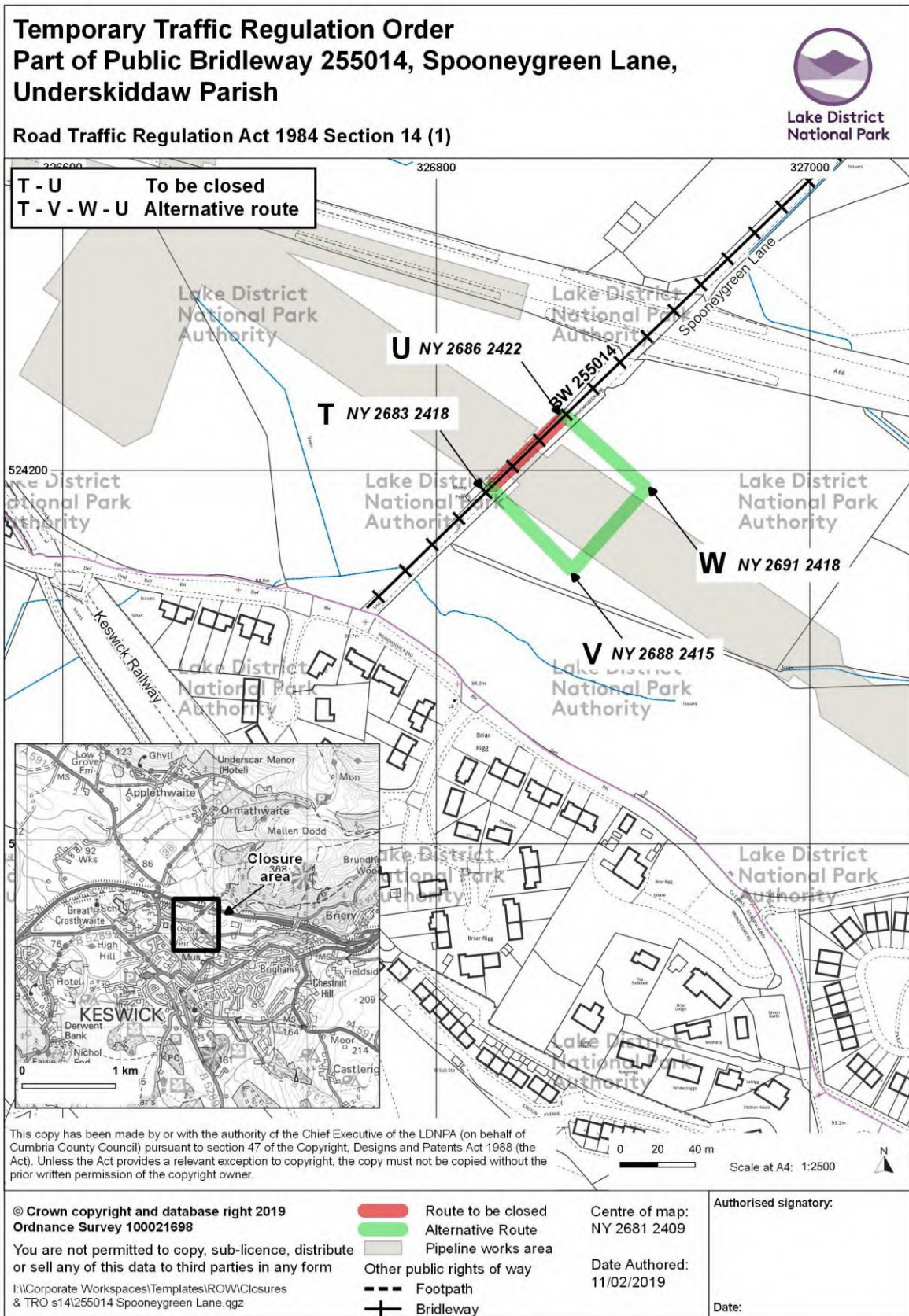
MAP 3: FOOTPATH 249056, SMAITHWAITE, ST JOHN'S CASTLERIGG & WYTHBURN PARISH



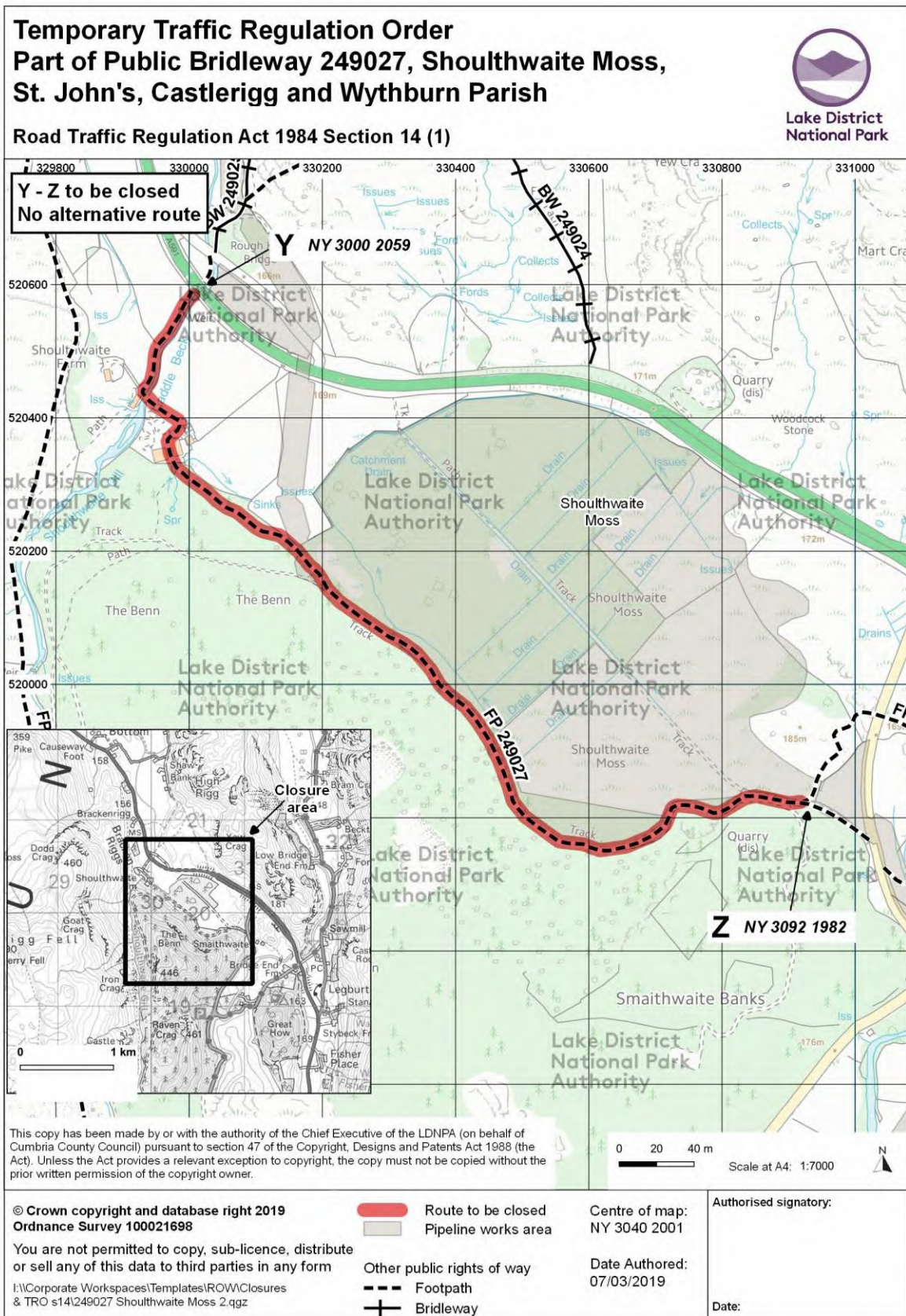
MAP 4: FOOTPATH 249067, NORTH-WEST OF SMAITHWAITE, ST JOHN'S CASTLERIGG & WYTHBURN PARISH



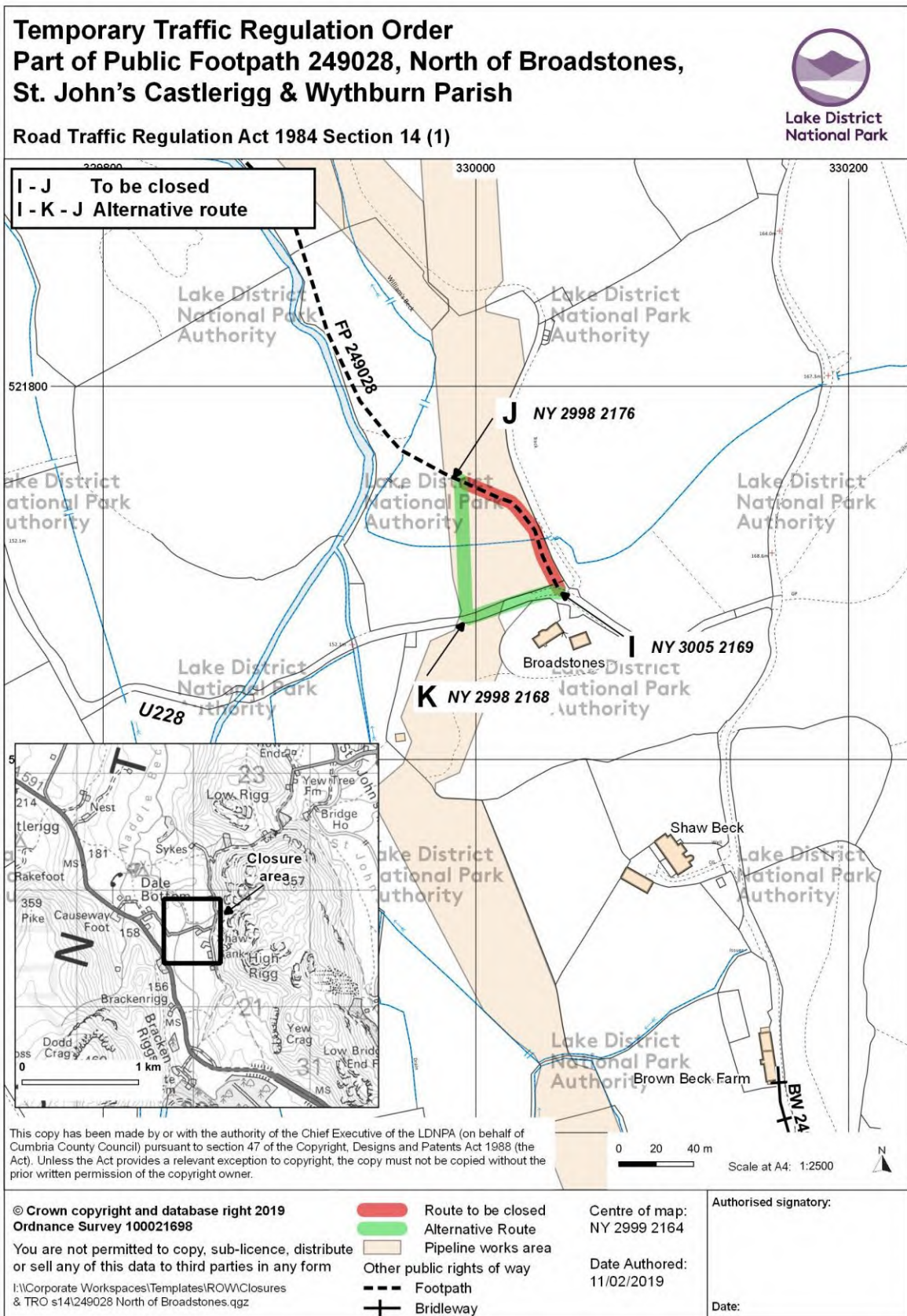
MAP 5: BRIDLEWAY 255014, SPOONEYGREEN LANE, UNDERSKIDDAW PARISH



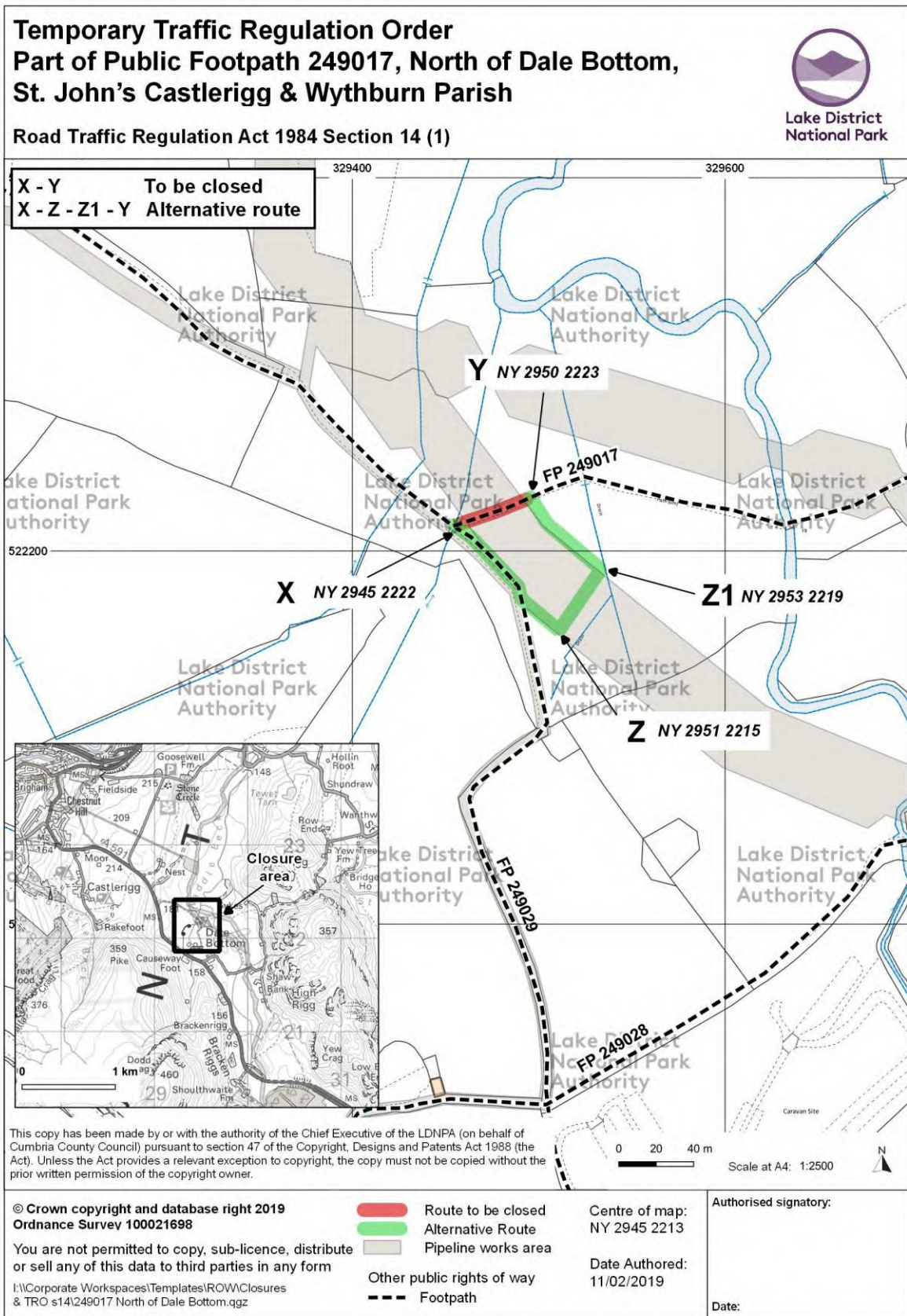
MAP 6: FOOTPATH 349027, SHOULTHWAITE MOSS, ST JOHN'S CASTLERIGG & WYTHBURN PARISH



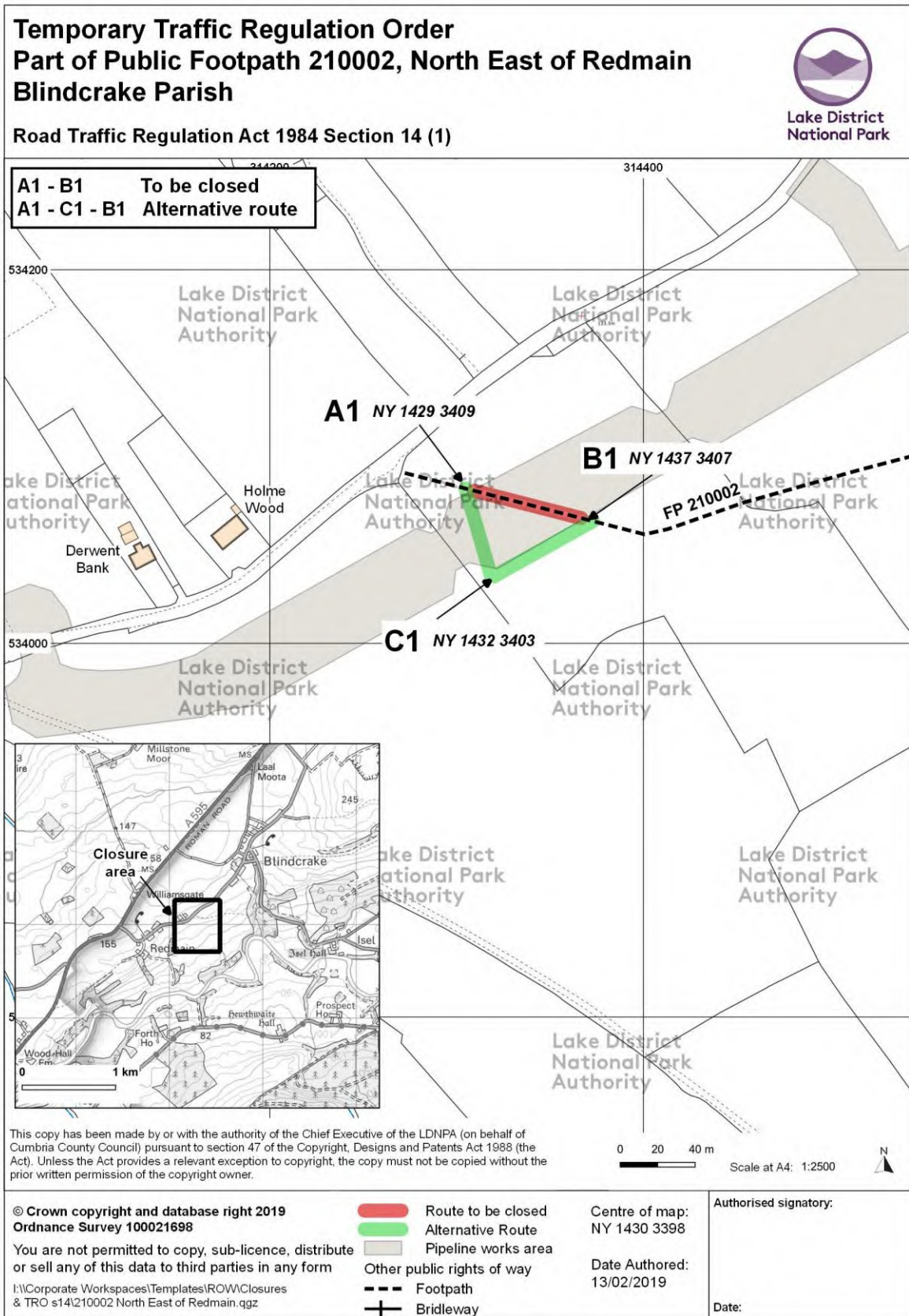
MAP 7: FOOTPATH 249028, NORTH OF BROADSTONES, ST JOHN'S CASTLERIGG & WYTHBURN PARISH



MAP 8: FOOTPATH 249017, NORTH DALE BOTTOM, ST JOHN'S CASTLERIGG & WYTHBURN



MAP 9: FOOTPATH 210002, NORTH EAST OF REDMAIN, BLINDCRAKE PARISH



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	SECTION 33 ROAD TRAFFIC ACT CONSENT – GRAYTHWAITE ENDURO MAY 2019	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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	20 March 2019	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	25/3/2019	



Lake District
National Park

20 March 2019

Dear John

Graythwaite Enduro, 25/26 May 2019

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 510002 – Garnett Wood
- FP 510002 – just east of the Eel House Bridge to Sawrey road (U5056)
- BW 566015 – Cunsey Beck.

For the event planned for 25/26 May 2019, 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.

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 the Ranger, Tom Hrynkow, 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 Tom Hrynkow (07770 398161).

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

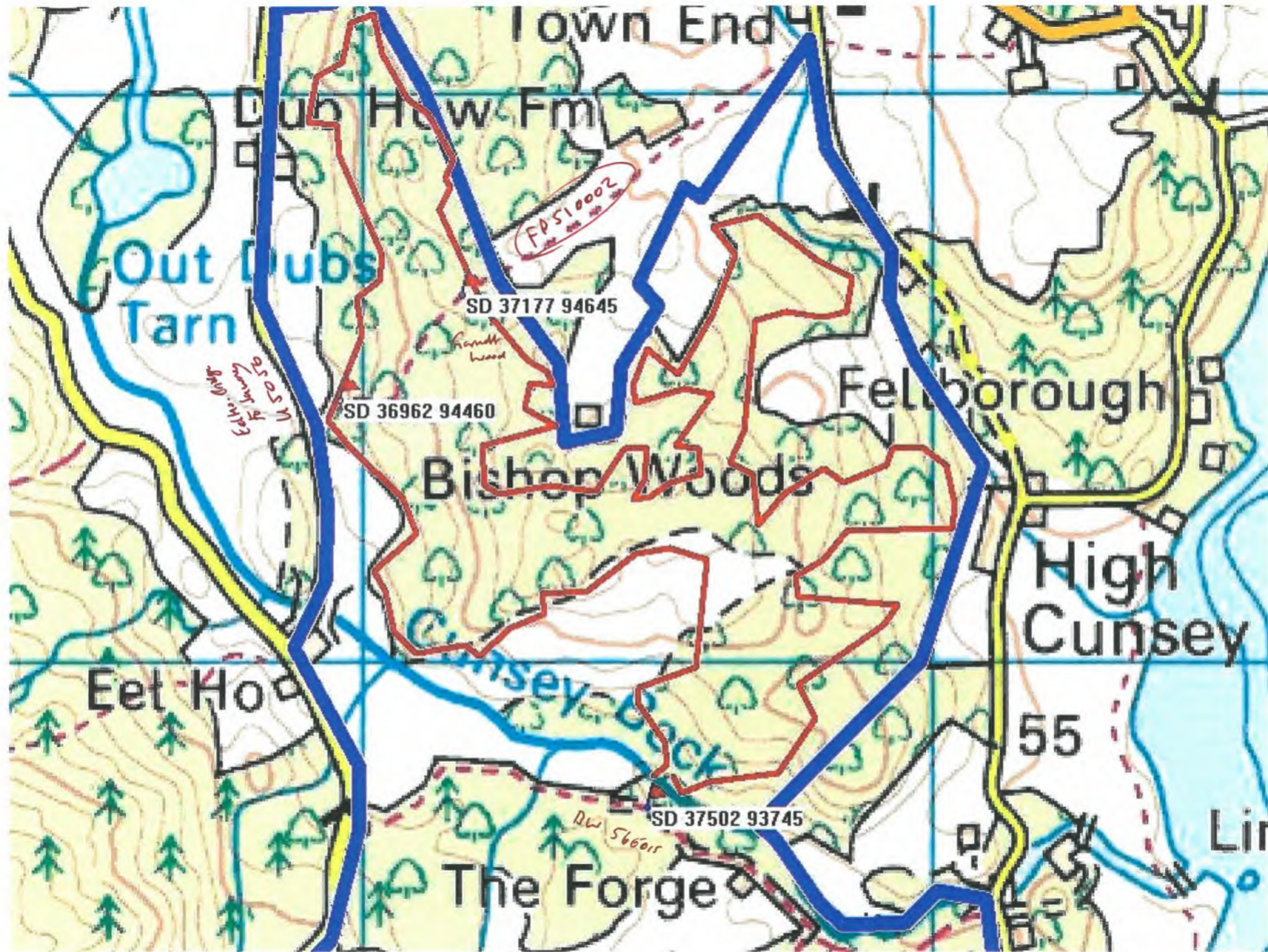
Yours sincerely

Mark Eccles

Head of Park Management

Direct: 01539 792688

Email: mark.eccles@lakedistrict.gov.uk



Town End

Dub How Fm

Out Dubs
Tarn

FD 510002

SD 37177 94645

Handl
Wood

SD 36962 94460

N 50 52
Eet Ho

Felborough

Bishop Woods

High
Cunsey

Eet Ho

Cunsey
Back

55

Dw 5600r

SD 37502 93745

The Forge

Lir

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	DIVERSION OF BRIDLEWAY 321014 AND EXTINGUISHMENT OF PART OF FOOTPATH 321029 – DUNMALLARD CAR PARK, POOLEY BRIDGE, DACRE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management Rights of Way and Access Matters 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 bridleway at Dunmallard runs through the car park, and an opportunity to move it into the adjacent woodland during the construction works associated with the new Pooley Bridge has arisen.	
Details of Decision	To divert the section of bridleway A-E to a new route outside the car park (A-B-C-D-E), which will also make a short section of footpath (A-C) redundant.	
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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file 1412.321.04	
Date of Report	26 March 2019	
Signature of authorising officer	Signed Mark Eccles, Head of Park Management	
Date	26/3/2019	

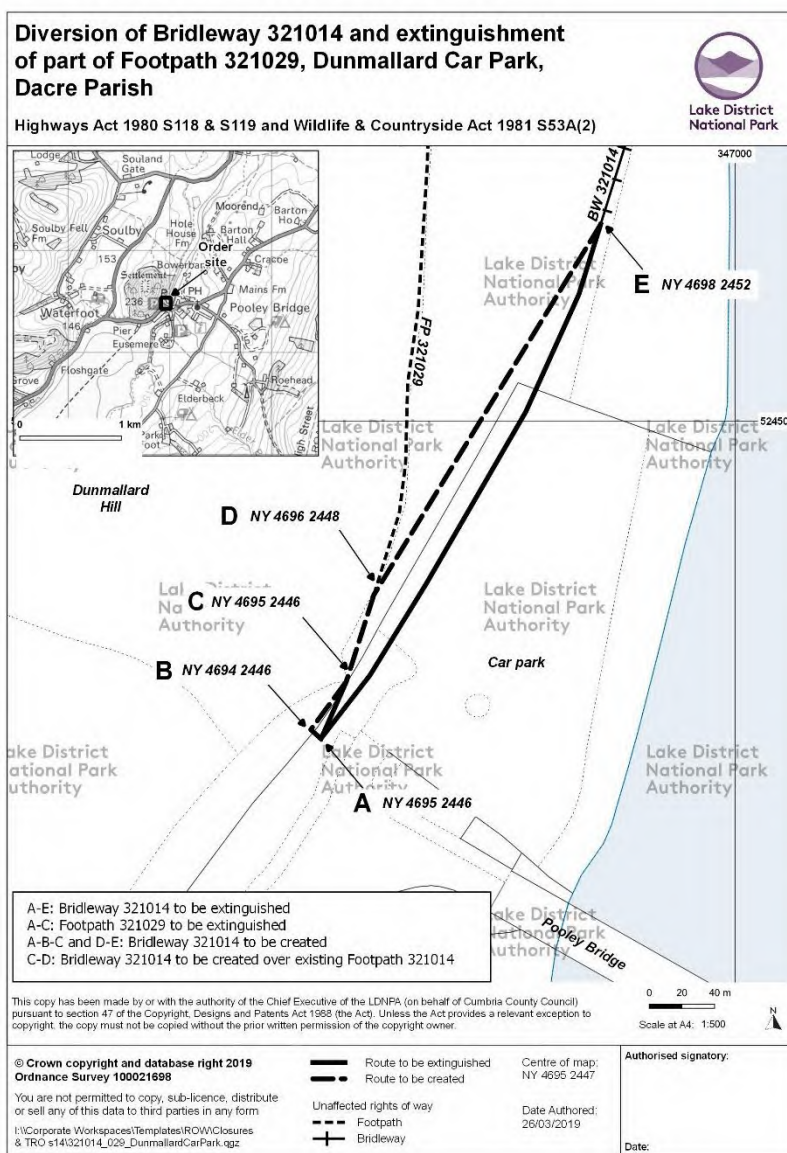
DIVERSION OF BRIDLEWAY 321014 AND EXTINGUISHMENT OF PART OF FOOTPATH 321029 – DUNMALLARD CAR PARK, POOLEY BRIDGE, DACRE PARISH

1 Summary

1.1 Pooley Bridge is to be rebuilt in the summer of 2019, and the contractors will be occupying Dunmallard Car Park. They will obstruct a public bridleway, and an alternative will be created. There is an opportunity to make this alternative route a long-term, beneficial, change to the rights of way network at little cost to the public.

Recommendation that:

- a** We make orders to divert a section of bridleway 321014 from A-E to A-B-C-D-E (partly upgrading footpath 321029 [C-D]) and extinguishing the redundant section of footpath 321029 A-C as shown on the map below;
- b** We confirm the orders if no objections are received or if those objections received are withdrawn.



Map showing proposal

2 Background

- 2.1 In December 2015 Storm Desmond badly damaged the historic Pooley Bridge over the River Eamont below the outflow of Ullswater. The bridge collapsed, and has since been removed and replaced with a temporary bridge. This is to be further replaced with a permanent structure this summer (2019).
- 2.2 The contractors' site will be the car park on the Dunmallard side of the river (north-eastern / left bank), and much of the construction work will take place within the car park – which will be completely blocked off for the duration of the works.
- 2.3 Bridleway 321014 runs along the edge of the car park, and will also therefore be inaccessible.
- 2.4 A proposal was put forward by the contractors to create a temporary alternative just outside of the car park, which would involve digging a benched track and removing some trees (much of which would have to be done anyway to enlarge the car park and work site). We therefore considered making a temporary diversion order.
- 2.5 However, during discussions, it was suggested that the change be made permanent, as it would remove the bridleway from the car park altogether. The legal line of the bridleway is often obstructed by parked vehicles.
- 2.6 Such a change could also 'tidy up' a discrepancy between the definitive route of the footpath adjoining the bridleway, and the situation as it exists on the ground.

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 This Service Plan also includes:
 - carrying out Rights of Way order casework that addresses conflict, supports network improvements and supports landowners and/or meets safety needs.

- 3.6 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.7 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 Best Value Implications

- 4.1 **Work Programme and Relevance to This Case:** The bridge construction is scheduled for May 2019 onwards. It would be prudent to process a permanent change prior to the works beginning, as this would save duplicating the process through a temporary change followed by a permanent change.
- 4.2 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion will aid our effective management and promotion of the rights of way network.
 - b) Processing public path orders is not a **competitive** procedure. Cumbria County Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
 - 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, and this case will help us reach our target for this year. It will also improve our ‘ease-of-use’ performance indicator if the path is selected for survey in the future.

5 Options

- 5.1
- a) make the recommended orders
 - b) make the diversion order, but not the extinguishment order
 - b) do not make either order

6 Proposals

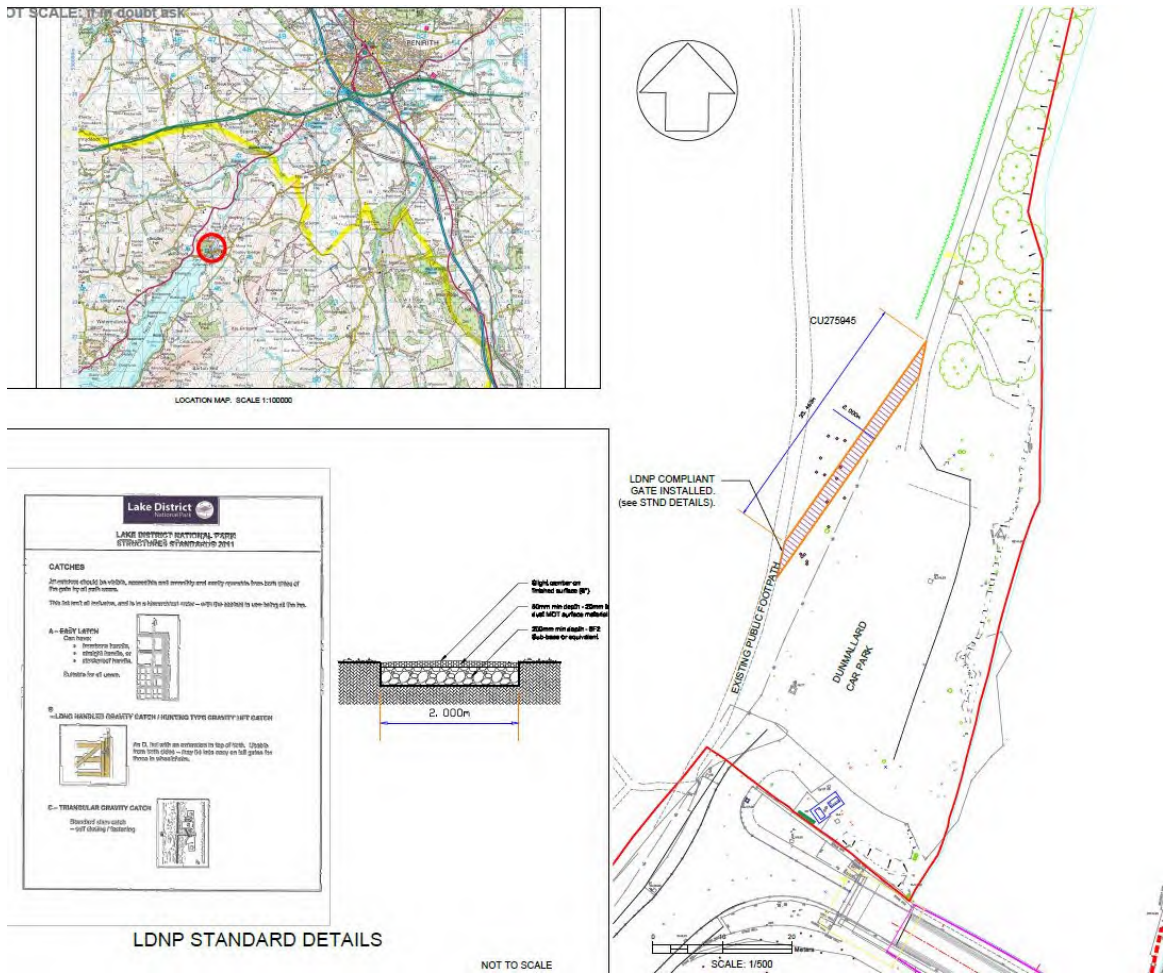
- 6.1 I recommend option 5.1a. The new bridleway will be separated from the car park and traffic, will remain unobstructed at all times, and the changes will resolve a definitive map alignment query at no additional cost to the public.

7 Grounds and Tests for Diversion

- 7.1 The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to ignore something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network which are set out in annex 1.
- 7.2 There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:
- a) in the interests of the owner, lessee or occupier of the land crossed by the path,
OR
b) in the interests of the public.
- 7.3 I consider that it is expedient in the interests of both. The public will benefit as the bridleway will be completely separated from the car park, thereby enhancing safety and enjoyment. The landowner will benefit as they will be able to manage the car park effectively and with as high a capacity as possible – without having to leave a 2.5 metre strip to accommodate the legal line of the bridleway.

8 Tests to be Considered

- 8.1 These are:
- Will the new path be substantially less convenient to the public?
 - The effect which the diversion would have on public enjoyment of the path or way as a whole;
 - The effect the order would have as respects other land served by the existing right of way;
 - The effect of the new right of way on land over which the new path is created;
 - That termination of the alternative footpath is on the same or a connected highway, and is substantially as convenient to the public.
- 8.2 *Will the new path be substantially less convenient to the public?*
- 8.2.1 Planning Inspectorate Advice Note 9, commenting on the case of *Young* identifies that the new route should not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and ordinary meaning of the word 'convenient' such as the length of the diverted path, the difficulty of walking it, and its purpose. *Young* goes on to say that it may be 'less convenient', so long as it is not 'substantially' so.
- 8.2.2 My view is that the route is slightly less convenient in that it is slightly more physically confined (the legal width will be 2.5 metres, whereas there is no recorded width of the definitive line, but people just use whatever space is available), and very slightly longer (68 metres as opposed to 65 metres) than the definitive line. There is also a slight gradient, but nothing that would hamper any limited mobility user. In consequence, I do not consider that the new path will be *substantially* less convenient. The plans submitted by the contractor are overleaf.



Contractors' plan showing the path to be constructed.



Photograph from point E looking south. Definitive line in red, proposed line in green.

- 8.2.3 However, the definitive line is not the route generally used by the public – which is through the middle of the car park. The definitive line is often blocked with parked cars, as shown in the photograph below (the definitive line [red dashes] runs from the road junction along the edge of the car park, through all the cars).



Definitive line in red. New route would go through the gate on the left (gate and fence will be removed), then along the path visible to the left of the fence, before veering off on a yet to be constructed path.

- 8.2.4 The current definitive line is totally ungated, whereas the new route currently has a gate on it. We have negotiated the removal of the fence and gate – so the convenience in this aspect will be unchanged.
- 8.3 *What is the effect of the diversion on public enjoyment of the path or way as a whole?*
- 8.3.1 The consultees that have responded are supportive of the proposal. I consider that moving the bridleway out of the car park makes using the route more enjoyable – especially for horse-riders. The fear of danger when walking or riding through a car park will be removed completely.
- 8.4 *Would the order affect other land served by the existing right of way?*
- 8.4.1 We are not aware of other land served by the existing right of way. The land is owned by the Dalemain Estates, who support the changes.
- 8.5 *Is there any effect of the new right of way on land over which it is created?*
- 8.5.1 As above, both the old and new routes are on land owned by Dalemain Estates. They support the changes, and their usage of the land will not be affected.

8.6 *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?*

8.6.1 Point A serves as the termination point for the new and old routes, and so is unaffected. Point E is 'mid-path' so does not affect a termination point.

9 Grounds and Tests for Extinguishment

9.1 There is only one reason in law for the extinguishment of a right of way (section 118, Highways Act 1980), namely; where it appears to the Authority that it is expedient to stop up (extinguish) the path on the ground that it is not needed for public use.

9.2 A number of other issues must be considered before confirmation is made, as discussed below.

9.3 *The extent to which it appears that the path or way would, apart from the order, be likely to be used by the public.*

9.3.1 The footpath section A-C will be replaced by a bridleway A-B-C. The two lengths are so close that one or the other will be effectively redundant. There is no real need for two rights of way to reach point C, which is only around 15 metres from point A.

9.3.2 The new bridleway ABC is a better route than AC, as it leaves the footway where it ends, goes through a gate, and is a surfaced path. AC is less usable. The bridleway also serves a greater variety of users.

9.4 *The effect the extinguishment would have on the land crossed by the path.*

9.4.1 A-C is already out of use in that it is obstructed by a fence. Opening the route could require a new gate, additional furniture, and possibly more surfacing – all of which would impact on the land. Conversely, the extinguishment would require no further works, and would therefore have no impact on the land itself.

10 Other Considerations Required by Legislation

10.1 *Rights of Way Improvement Plan*

10.1.1 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).

10.1.2 This proposal is not a specific ROWIP proposal put forward by the public. But it fits within a number of actions and within the general ethos of the ROWIP of improving the general accessibility and safety of the network, whilst working with landowners to reduce potential conflict.

10.1.3 The full ROWIP can be seen at www.cumbria.gov.uk/roads-transport/public-transport-road-safety/countryside-access/ROWIP/Final_Rowip.asp

- 10.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The new route will be constructed to Miles Without Stiles 'For All' standard (10mm to dust, suitable for wheelchairs). The original route is a combination of tarmac and stone/dust. There will be a slight gradient on the new route, but very minimal. It should also be noted that users will also be able to access point E from the car park as at present.
- 10.3 Impact on the needs of agriculture and forestry – an assessment is required under schedule 6 of the Countryside & Rights of Way Act 2000. There is no appreciable impact on the needs of agriculture or forestry. A few trees are being removed on the line of the new section of path – but some of these will be removed anyway as part of the car park and construction site works.
- 10.4 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. I have identified no significant issues in relation to this aspect.

11 Consultation Responses

- 11.1 We have consulted our usual consultees on the proposals for the diversion. We only received a few responses as follows:

Consultee	Comment
Cumbria County Council, Countryside Access Officer	Do not object to the proposals (supportive) but raised queries about the following: <ul style="list-style-type: none"> • Width of surfaced route – we have now negotiated a greater width • Gate not being to standard and too close to carriageway – we have now negotiated removal of the fence/gate altogether. • Can you divert a bridleway over part of an existing footpath – guidance, advice and previous Inspector's decision strongly imply that you can – see section 14.
Ramblers	Support the proposed diversion, as it will remove conflict between users of the bridleway and cars in the car park.
LDNPA Area Ranger	Led on the proposals.
Barton Parish Council (neighbouring council)	Support the proposed diversion 0 safer option than at present. Queried whether it could be wheelchair friendly (it will be – see section 10.2).

12 Finance Considerations

12.1 The proposal has arisen through identifying an opportunity to benefit the landowner and the public. However, it is not one that the landowner has specifically applied for. The contractors initially requested a temporary diversion, for which we would have charged £710+VAT, plus the cost of two adverts. We have agreed with the contractors that they will contribute £1,500+VAT to the cost of the permanent diversion, being roughly the cost of a temporary closure. This would cover all the 'hard' costs such as advertising, paper, postage, and so on. We would meet the rest of the costs, which consist of staff time.

			Cost	VAT at 20%	Total
Legal and Administration work	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order.		£2,750	£550	£3,300
ADVERTISING	Two adverts must be placed in the local press: <ul style="list-style-type: none"> • When the order is made and; • When it is confirmed. 	Two adverts at around £ 250 each	Totalling £500	£100	£600
TOTAL COSTS			£3,250	£650	£3,900

12.2 The works on the ground to create the new bridleway would all be carried out by the contractors, at no expense to ourselves.

13 Risk

13.1 There is a risk that there may be an objection to the order. This risk has been mitigated as far as possible through consultation. If objections are received then we can reconsider the matter.

14 Legal Considerations

14.1 The orders will be made under sections 118 & 119 of the Highways Act 1980 and we are able to make orders under these sections 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.

14.2 Cumbria County Council raised a query as to whether it was legally possible to divert a bridleway over a footpath. Their actual comment was "*You cannot upgrade a section of footpath by diverting a bridleway onto it.*"

14.3 I consider that they are incorrect.

14.4 Only C-D will be a bridleway over an existing footpath. According to the *Bernstein* case, you cannot divert a right of way 'entirely' over an existing right of way – but it's always been seen as a matter of context. That is – how long is the section being 'duplicated'? The guidance generally says that if it's only a proportionately small section, then it would not be caught by *Bernstein*.

14.5 Section 119(7)(b) of the Highways Act is also relevant. This says that we have to indicate on the Order Plan '*whether some part of it [the new route] is already comprised in a footpath, bridleway, or restricted byway*'. This must mean that you can divert a higher rights route over part of an existing lower rights route – otherwise there would be no legislation saying that we must indicate if part of the new route is already comprised in an existing Right of Way. It can't be for where we divert a footpath over a footpath – because this cannot be done at all, as we're not creating anything new (that is, if A-E were a footpath, we couldn't divert it over C-D, we'd have to divert A-E to D-E, and divert A-C to ABC). And nor can it be diverting a lower rights over a higher rights path, as that's an extinguishment (Inspectors' decisions exist on this one).

14.6 PINS guidance note 9 reads:

32. A diversion order can only amend the definitive map and statement insofar as the course or line of the right of way is concerned, it cannot alter the status of the way. For example, a diversion order can neither downgrade a bridleway to a footpath, nor upgrade a footpath to a bridleway. However, where, as set out above, a diverted route is coincident in part with an existing right of way, the status of either the existing or diverted right of way may in practice change as a consequence of the other right of way having a different status. Clearly, where two rights of way of differing status were coincident, the higher rights would prevail along the coincident section.

14.7 Again, this is clear guidance that you can divert a higher rights route over an existing lower rights route.

14.8 The IPROW forum members (long-established rights of way officers) have discussed this previously, and also agree that this can be done.

14.9 The Countryside Access Officer at Cumbria County Council has said that they will not object, but will seek legal advice so that they have more certainty if this arises again.

15 Human Resources

15.1 The work involved in this proposed diversion is approximately 60 hours from members of the Park Management teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and much of it has already been undertaken by the Area Ranger.

16 Diversity Implications

16.1 I have not identified any significant diversity implications in the proposed diversion of the definitive line. The works on the ground will be to Miles Without Stiles for all standard.

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.