

2021-22 ROW Committee Decisions

Year	Minute Ref	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2021-2022	ROW Comm 16/21	27/07/2021	Diversion	ROW Committee	Windermere	Outmoss and Smithy Cottage, Lindeth Lane	Decision made to make a diversion order to replace section A-B of FP 581040 with A-C and if no objections are received for this order to be confirmed.

Delegated Decisions 2021-22


Delegated Decisions 2021-22 (updated 28/7/22)						
Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
DD.21.1	24/05/2021	Temporary Closure	Acting Head of Park Management	Eskdale	Stanley Ghyll, Lower Falls	Temporary closure of footpath 408037 due to rock fall
DD.21.2	27/05/2021	Temporary Closure	Acting Head of Park Management	Lorton	Darling How (Spout Force)	Temporary closure of footpaths 242014 and 242023 for forestry operations.
DD.21.3	17/06/2021	Temporary Closure	Acting Head of Park Management	Above Derwent	Beckstones Gill (Barf/Lords Seat Path)	Temporary closure of footpath 201044 for forestry operations.
DD.21.4	17/06/2021	Temporary Closure	Acting Head of Park Management	Over Staveley	Scroggs Farm	Temporary closure of bridleway 561014 so bridleway can be surfaced.
DD.21.5	17/06/2021	Temporary Closure	Acting Head of Park Management	Mungrisdale	Scales Farm	Temporary closure of footpath 348001 to enable owners of Scales Farm to re-concrete their yard.
DD.21.6	11/05/2021	Creation	Acting Head of Park Management	Windermere	Orrest Head Summit	Creation of new footpath to Orrest Head summit
DD.21.7	11/05/2021	Diversion	Acting Head of Park Management	Wythop & Above Derwent	King's Wood	Diversion of public footpath 264009/201004 at King's Wood
DD.21.8	08/07/2021	s147	Acting Head of Park Management	Shap Rural	Harter Fell	Authorisation of new gate across footpath 361006.
DD.21.9	27/08/2021	TRO	Ranger Team Leader	Eskdale	Stanley Ghyll Riverside	Temporary closure of Footpaths 408087 and 408037, Stanley Ghyll due to work on these paths and risk of falling debris
DD.21.10	07/09/2021	s147	Ranger Team Leader	Windermere	Matson Ground	Authorisation of two gates - FP 581061, Brantfell
DD.21.11	05/10/2021	TRO	Ranger Team Leader	Various	Grizedale, Broughton, Wythop, Whinlatter	RoW closures for public safety during motor rallies
DD.21.12	05/10/2021	TRO	Ranger Team Leader	Ennerdale	Gillerthwaite	Temporary closure of part of Bridleway 407021 for public safety due to tree felling by Forestry England

Delegated Decisions 2021-22

DD.21.13	18/10/2021	S33 Consent	Ranger Team Leader	Various	Grizedale, Broughton	s33 Consent - Motor Rallies (Grizedale Stages)
DD.21.14	05/10/2021	S33 Consent	Ranger Team Leader	Various	Various	s33 Consent - Lakes 2-day trial (motorcycle event)
DD.21.15	21/10/2021	S33 Consent	Ranger Team Leader	Various	Honister, Wythop	s33 Consent - Lakeland Trial (Vintage car event)
DD.21.16	02/11/2021	Diversion Order	Ranger Team Leader	Kentmere	H&V Factory	Diversion of footpath 537003
DD.21.17	09/12/2021	TRO	Ranger Team Leader	Satterthwaite	Dale Park	Temporary closure of Bridleway 566021 due to felling by Forestry England of trees infected with Phytophthora ramorum
DD.21.18	15/12/2021	Creation Agreement	Ranger Team Leader	Ennerdale	Low Moor End & Broadmoor	Creation of new bridleways 407066 (Low Moor End) and 407067 (Broadmoor Plantation)
DD.21.19	15/12/2021	S147	Ranger Team Leader	Broughton West	Walk Mill, FP520004	s147 application - refusal of request to put a new gate on Footpath 520004
DD.21.20	01/12/2021	TRN & TRO	Ranger Team Leader	Lakes: Langdales	River Brathay	Temporary closure of footbridge across River Brathay as it is unsafe for use and in need of repair works
DD.21.21	30/11/2021	TRN	Ranger Team Leader	Various	Storm Arwen Path Closures	Various temporary closures of RoW affected by Storm Arwen
DD.21.22	04/02/2022	S33 Consent	Head of Park Management	Various	Wythop Woods	s33 Authorisation - Fell Side Auto Club Northern Classic Trial (motor event)
DD.21.23	16/02/2022	TRN	Director of Sustainable Development	Colton	Great Knott Wood	Temporary closure of Footpaths 511068 and 511069 to allow safe felling or making safe of trees damaged during Storm Arwen
DD.21.24	03/03/2022	TRO	Head of Park Management	Lakes: Grasmere	Dale End	Temporary closure (with alternative available) of part of Bridleway 542041 to allow rebuilding of Dale End Boathouse
DD.21.25	10/03/2022	TRO	Head of Park Management	Orton, Tebay, Whinfell	Breast High Road	Temporary prohibition of vehicular traffic to enable repair/re-surfacing of Breast High Road between A6 and Bretherdale

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 408037, STANLEY GHYLL LOWER FALLS, ESKDALE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Ranger Team Leader (Central) 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 have carried out a large project of rhododendron removal and rock stabilisation at Stanley Ghyll. Towards the last few weeks of the project, large rocks came down above the footpath leading to the lower falls. The path was a benched trod on a steep slope, and has been damaged beyond repair. It is unsafe to use until we devise a means of allowing safe public access, which is unlikely to be in the next month.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the section of footpath 408037 affected and that we convert this or a subsequent 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 • Issuing a Notice for a longer section of the footpath. 	
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 (238)	
Date of Report	20 May 2021	
Signature of authorising officer	Signed  Steve Gaskell Ranger Team Leader (Central)	
Date	24 May 2021	

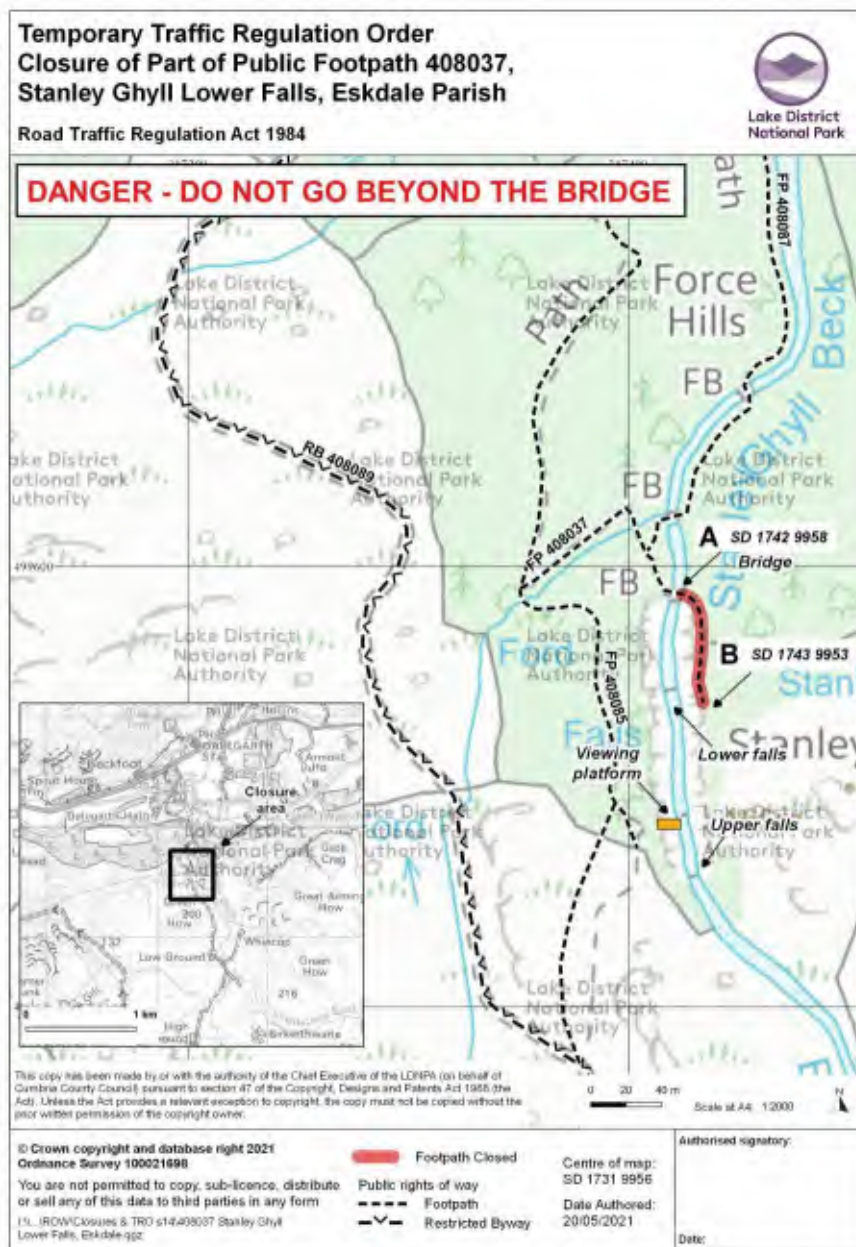
TEMPORARY TRAFFIC REGULATION NOTICE, FOLLOWED BY CONVERSION TO ORDER FOR FOOTPATH 408037, STANLEY GHYLL LOWER FALLS, ESKDALE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic along a short stretch of footpath because of damage to the path surface rendering it dangerous to use.

Recommendation:

- a That we issue a Temporary Traffic Regulation Notice for the section of footpath 408037 between points A & B as shown on the map below.**
- b That we convert this (or a subsequent) Notice to a six-month Order when it expires.**



Site Map of Proposed Closure

2 Details of Request

- 2.1 We have carried out a large-scale project at Stanley Ghyll over the last six months, removing rhododendron. This has exposed loose rock, much of which has fallen during the works. In the last few weeks of the project (April 2021) work was carried out above the final bridge – in an area which had already been identified as a risk, even before the current project. Unfortunately, the rocks that became dislodged fell onto an already narrow and fragile path. The path edge was destroyed, and although we have tried digging down to create a benched path to use, the looseness of the soil, the instability, and the presence underneath of steeply sloping bedrock, has meant that it has not been possible.



The footpath from the far side of the beck



The traverse across the loose slope



Showing the previous height of the path and surface lost

- 2.2 We have investigated various ways of re-instating the path, but because of the particular geology, fragility of the soil structure and sheer steepness of the rock face, there are few options open to us. The most logical and sustainable solution will be to construct a metal walkway (pinned to the rockface) with a handrail, to get people from the top of the steps, across the traverse to the solid path around 15 metres further on.
- 2.3 However, this will take time to design, approve, fabricate, and get on site. The earliest this is likely to happen in late summer 2021.
- 2.4 To protect the public, it will be necessary to physically and legally close the footpath, so that access is prohibited.

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:
- a) Issue a 21-day Notice and then a second Notice
 - b) Issue a 21-day Notice and then convert this to an Order
 - c) Issue the Notice and do not convert to an Order
 - d) Do not issue any Notice.

5 Proposal

- 5.1 The reason for the initial Notice are outlined in sections 2 and 8, so option 4.1d is not appropriate.
- 5.2 All the paths on site are currently closed by an existing Temporary Traffic Regulation Order, which expires on 30 May 2021, or whenever the works (for which the closure order was made) have been completed. The works relating to rhododendron clearance and scaling were completed on 20 May 2021, and the bridges are currently being replaced. The site will be opened to the public on Friday 28 May 2021, and all existing fences and signs removed.
- 5.3 We cannot extend the current closure order, partly because it covers the whole site – but also because the reason for the closure is 'works' – not 'public safety'. In addition, we have to apply to the Department of Transport for an extension and this has to be done several weeks prior to the order expiring.

- 5.4 It will therefore be necessary to issue a 'Notice', which is used for situations where we consider a closure has to come into effect immediately. Such a Notice can last for 21 days only. We can then re-open the path (option 4.1c), issue a second Notice for another 21 days (option 4.1a), or convert the Notice to an Order (option 4.1b), which can last for six months.
- 5.5 There is no likelihood of carrying out the required works within 21 days, and little likelihood of it being achieved within 42 days. I therefore recommend option 4.1b – issuing a Notice to come into effect on 28 May 2021, and converting it to a six-month Order as soon as possible.

6 Best Value Implications

- 6.1 The Best Value implications are:
- The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - Processing temporary traffic regulation 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.
 - We have carried out the required **consultations**.
 - We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Notice are approximately £135 + VAT which cover staff-time, stationery and postage. An Order costs £710+VAT (mainly staff-time), plus around £350 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 will be at risk from the unstable surface.
- 8.2 The current Order has not been fully obeyed by the public – but because the main risk was when contractors have been on site – those breaking the closure have generally been spotted and work stopped before any harm came to them. This closure will be different, as the risk is there all the time. To minimise these issues, the Ranger Team Leader (Western) has agreed that the Ranger Team will ensure the following:
- The path is fenced off at the end of the bridge
 - The fencing is rock solid and not removable;
 - And checked regularly;
 - We place notices over a wider area – so that people don't find out only at the last moment;
 - And these are checked regularly to ensure they are in place.

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 Ranger Team Leader (Central) currently 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 legal work involved in this proposal is approximately 18 hours from members of the Park Management team, 1 hour from the GIS technician and 0.5 hours from a member of Legal Services team. This work involved is part of our day-to-day duties, and most of it has already been undertaken. There will also be time required from the Ranger team in erecting the signs and fencing – but this can be incorporated into the time already allocated for removing the existing fencing and signs. There will be ongoing work to replace the signs when the Order is made, and to monitor and replace signs over time to ensure that the Order is enforced. This will be part of our regular duties, and we can reduce the time needed by installing the structure sooner rather than later.

11 Consultation Responses

- 11.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so). However, I do feel that it is prudent to seek responses to the notification of our intention to convert the Notice to an Order from our usual consultees. This is because the closure will have a serious impact by prohibiting public access to the very thing people visit Stanley Ghyll for (the waterfall). If significant issues are raised, or timings are appropriate, then instead of converting the Notice to an Order, we can issue one further Notice for another 21 days to consider the matter further.

Authorised by:




.....Date.....24 May 2021.
Steve Gaskell, Ranger Team Leader (Central)

Background Papers	Case file 1410.003 (238)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	20 May 2021
Version	FINAL

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

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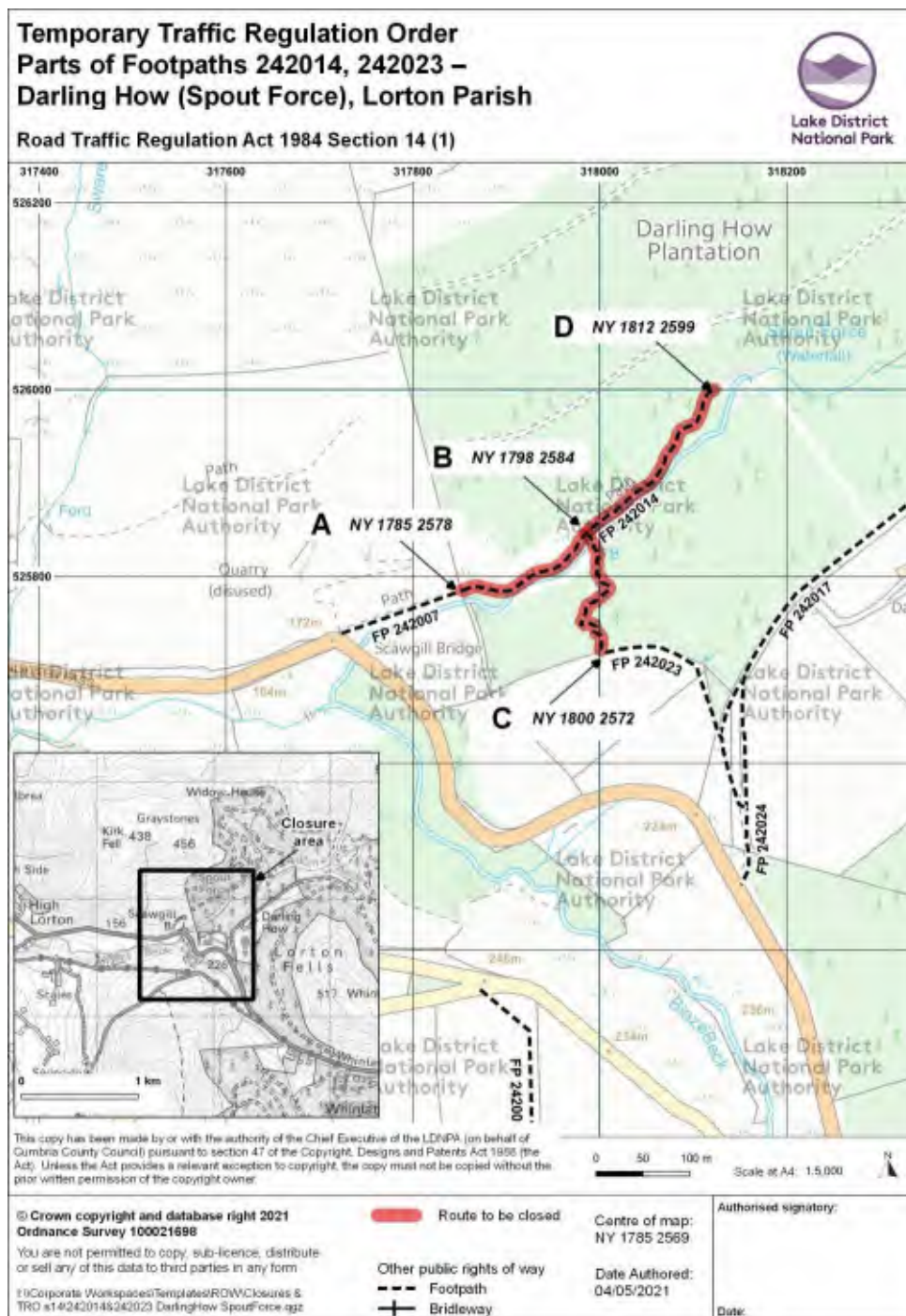
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PARTS OF FOOTPATHS 242014 AND 242023, DARLING HOW (SPOUT FORCE), LORTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management: Rights of Way and Access Matters All functions of the Authority under the Highway Acts [including the CROW Act] (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	Forestry England (FE) are planning clearfell works in Darling How Plantation. This contains a number of footpaths. FE have requested a temporary closure of parts of these paths to enable their operations to take place.	
Details of Decision	<i>That we make a Temporary Traffic Regulation Order from 1 July 2021 for parts of footpaths 242014 and 242023 at Darling How (Spout Force, as shown A-B-C and B-D on the plan included in the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making an Order. • Making an Order for shorter / longer lengths of footpath 	
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 (236)	
Date of Report	27 May 2021	
Authorising officer:	Signed	
Steve Gaskell, Acting Head of Park Management		
	Steve Gaskell, Ranger Team Leader (Central), holding interim delegated powers	
Date	27 May 2021	

TEMPORARY TRAFFIC REGULATION ORDER, PARTS OF FOOTPATHS 242014 AND 242023, DARLING HOW (SPOUT FORCE), LORTON PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over parts of two public footpaths to enable clearfell forest operations to take place.

Recommendation: a That we make a Temporary Traffic Regulation Order from 1 July 2021 for parts of footpaths 242014 and 242023 at Darling How (Spout Force, as shown A-B-C and B-D on the plan below.



2 Details of Request

- 2.1 Forestry England are clear-felling the forest around Aiken Beck, which falls over Spout Force. The area being clear-felled is on steep slopes either side of the beck below the falls (B-D on plan). The section of path A-B-C is within two tree lengths of the felling, and because of the terrain and steepness, there is a strong possibility of debris and logs rolling downhill.
- 2.2 Consequently, Forestry England have applied to close the footpaths shown in red on the map from 1 July 2021 onwards. The closure would be in force for six months, but it is likely that the work will not take that long, and the paths will be reopened before the end of the year. Generally speaking, the best time to visit Spout Force is the winter months, when it is clearly visible – so, contrary to other locations, a summer closure will actually hopefully be better than a winter closure.
- 2.3 The path to Spout Force itself (B-D) is a ‘there and back’, so there is no alternative route. The only viable alternative to A-B-C is along the public road to the south.

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:
- a) Make an Order to close parts of the footpath shown in red on the map
 - b) Make an Order to close only section B-D
 - c) Do not make an Order.

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 & 8. I contacted Forestry England with regard to option 4.1b, but they consider that the closeness of the site, and the particular terrain, means that there is a strong likelihood of debris and trees rolling down the steep bank onto these sections of path. Leaving them open would make their work harder and less viable. Such an option (and option 4.1c) would not enable the works to be carried out safely or 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 costs of a temporary closure Order are £710+VAT (mainly staff-time), plus two lots of around £350 for adverts in the newspaper. All of these costs will be met by Forestry England.

8 Risk

- 8.1 There is a significant risk if we do not make the Order that a path user could be injured by the felling itself, or by debris and trees rolling down the steep banks.. Therefore the proposed temporary closure will safeguard potential users of the footpaths, and allow the clearfell 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 Ranger Team Leader (Central) currently has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths, which is done 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 18.5 hours from members of the Park Management team and 0.5 hours from a member of Legal Services team. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

11 Sustainability

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

12 Consultation Responses

- 12.1 We consulted the Highway Authority, Cumbria County Council, as well as other interested parties, on the proposed closure.

We received the following responses:

Consultee	Comment
Local Access Forum	<i>The LAF has no objection to these closures for necessary forestry work. It is agreed that, in fact, winter is the best time to enjoy the area though it does seem to be busy anyway in the summer. Our principle concern, which we would ask you to pass on to Forestry England, is that they restore the paths to a high standard after the work, which some members observe is not always the case.</i>
Ramblers	<i>Temporary closure is the right thing to do.</i>

Authorised by:



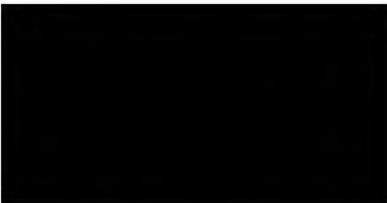
.....
Steve Gaskell, Ranger Team Leader (Central), holding interim delegated powers

Date: 27 May 2021

Background Papers Case file 1410.003 (236)
Author: Nick Thorne, Countryside Access Adviser
Date Written: 27 May 2021
Version Final

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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 201044, BECKSTONES GILL (BARF / LORDS SEAT PATH), 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	Forestry England (FE) are planning clearfell works in Beckstones Plantation. They have requested a temporary closure of the footpath that runs through the plantation to enable their operations to take place.	
Details of Decision	<i>That we make a Temporary Traffic Regulation Order from 31 August 2021 for part of footpath 201044, Beckstones Gill, as shown A-B on the plan included in the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making 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 (236)	
Date of Report	17 June 2021	
Authorising officer:	Signed	
Steve Gaskell, Acting Head of Park Management		
	Steve Gaskell, Ranger Team Leader (Central), holding interim delegated powers	
Date	17 June 2021	

TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 201044, BECKSTONES GILL (BARF / LORDS SEAT PATH), ABOVE DERWENT PARISH

1 Summary

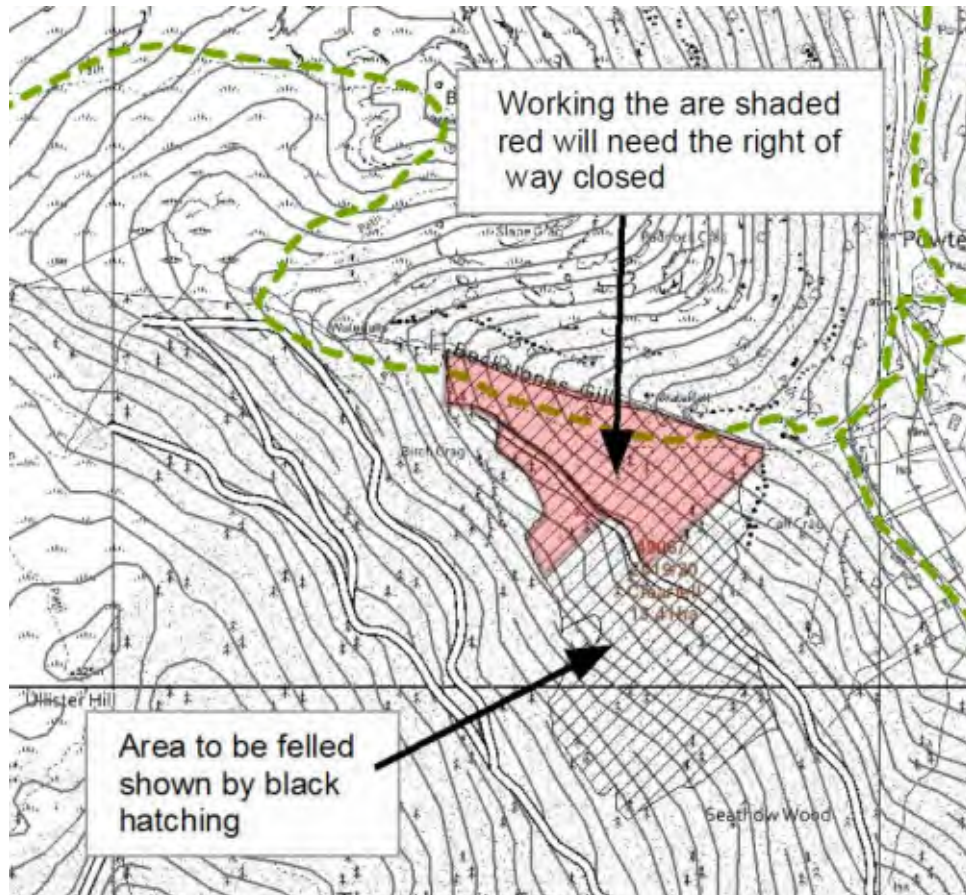
1.1 This report recommends the temporary prohibition of traffic over parts of two public footpaths to enable clearfell forest operations to take place.

Recommendation: a That we make a Temporary Traffic Regulation Order from 31 August 2021 for part of footpath 201044, Beckstones Gill, as shown A-B on the plan below.



2 Details of Request

- 2.1 Forestry England (FE) need to carry out clear-fell work in Beckstones Plantation as shown by the hatched area on the map below. The area within the red shading is very steep, and leads down to Beckstones Gill, which contains the popular path up to Barf and Lord's Seat from Powter How.



- 2.2 They consider that the risk to users of the footpath is high, and cannot safely be managed by banksmen or other means. The nature of the site means that there is a strong likelihood of timber and debris (including dislodged stone) ending up rolling downhill onto the footpath.
- 2.3 The work will take four-six months overall, and FE had planned to carry it out this summer. We discussed this with them, and they agreed to delay the work until September – so that the main summer months are avoided. They have also agreed that the work directly affecting the footpath can be restricted to a couple of months.
- 2.4 They have therefore applied for a temporary closure order for six months from 1 September 2021, and within that six months will activate the footpath closure for two months – hopefully all in one period. The path will remain open at other times.
- 2.5 We have looked for alternative routes from Powter How that don't involve steep dangerous faces, but there aren't really any except for the one suggested by FE on the map on page 1. This is very lengthy (about 4km extra) – and so we will ensure that it is well signed by FE.

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:
- a) Make an Order to close the section of footpath shown in red on the map
 - b) Do not make an Order.

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 & 8. This is a difficult closure, as the path is popular, and the alternative very long. But, on occasion, such closures are unavoidable, and that we and FE have tried to ensure that disruption is limited to the minimum 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 Order are £710+VAT (mainly staff-time), plus two lots of around £350 for adverts in the newspaper. All of these costs will be met by Forestry England.

8 Risk

- 8.1 There is a significant risk if we do not make the Order that a path user could be injured by the felling itself, or by debris and trees rolling down the steep bank. Therefore the proposed temporary closure will safeguard potential users of the footpath, and allow the clearfell 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 Ranger Team Leader (Central) currently has delegated powers to authorise the issue of Notices and making of Orders for the temporary closure of paths, which is done 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 18.5 hours from members of the Park Management team and 0.5 hours from a member of Legal Services team. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

11 Sustainability

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

12 Consultation Responses

- 12.1 We consulted the Highway Authority, Cumbria County Council, as well as other interested parties, on the proposed closure.

- 12.1.1 We received the following responses.

Consultee	Comment
Cumbria County Council	<i>No comment to make on the application</i>
LDNPA Natural Environment Adviser	<i>Nothing to add.</i>
Ramblers	<i>You have to agree this closure, the path is hazardous enough without coping with tree felling and the brashing that will result. It would be useful if Forestry England were asked to leave the path in a better state after the work than it is in now. I think there has been a mountain rescue call out associated with this route, there is certainly an awkward section of rock and mud.</i>
Local Access Forum	<i>The LAF accepts that the closure is necessary due to the nature of the terrain. One member suggested that it would cause the least disruption if the closure took place in consecutive months, November and December. As mentioned in a previous consultation response, our principle concern, which we would ask you to pass on to Forestry England, is that the paths are restored to a high standard after the work, which some members observe is not always the case.</i>

12.1.2 We will discuss the re-instatement with Forestry England, and with regards to timing, the work is likely to be done in one go – but earlier than recommended by the LAF. FE have already postponed it once at our request, and I think it unlikely that they will consider this further.

Authorised by:


.....
Steve Gaskell, Ranger Team Leader (Central), holding interim delegated powers

Date:

Background Papers	Case file 1410.003 (237)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	17 June 2021
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, BRIDLEWAY 561014, SCROGGS FARM, OVER STAVELEY 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 owners of Scroggs Farm, Staveley, need to replace the surface of their access drive, which also serves as bridleway 561014. Their chosen surface is concrete, and, unlike with tarmac, the pouring and setting of this is incompatible with continued public use. Because of the narrow track it is also difficult to devise a method where half can be done at a time. The work is likely to take five days between points B & C on the map, and there is no alternative route. Concrete deliveries are currently rather erratic and the work is unexpectedly early – and so a closure by Notice has been requested as a matter of some urgency.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the section of bridleway 581060 affected.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a 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 (239)	
Date of Report	17 June 2021	
Signature of authorising officer	Sig  Steve Gaskell Ranger Team Leader (Central) – with interim delegated powers	
Date	17 June 2021	

TEMPORARY TRAFFIC REGULATION NOTICE, BRIDLEWAY 561014, SCROGGS FARM, OVER STAVELEY PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic along a stretch of bridleway to enable works to the farm track to take place expeditiously.

Recommendation:

- a That we issue a Temporary Traffic Regulation Notice for the section of bridleway 561014 between points A & C as shown on the plan below.**
- b The decision of the date of activation of the closure to be delegated to David Bell, Ranger.**



2 Details of Request

- 2.1 The owners of Scroggs Farm, Staveley, need to replace the surface of their access drive, which also serves as bridleway 561014. Their chosen surface is concrete, and, unlike with tarmac, the pouring and setting of this is incompatible with continued public use. Because of the narrow track it is also difficult to devise a method where half can be done at a time. The work is likely to take five days between points B & C on the map, and there is no alternative route. Concrete deliveries are currently rather erratic and the work is unexpectedly early – and so a closure by Notice has been requested as a matter of some urgency. To avoid unnecessary journeying and turning back, it is probably best to close the path between points A & C.

3 Policy Context

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

4 Options

- 4.1 The options are to:
- Issue the Notice.
 - 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. The Notice for works can only last for 5 days, and the work needs to be carried out relatively urgently, as the concrete is being delivered whilst supplies are suddenly available. There is therefore no time to process a full closure Order, which requires consultations, and ten weeks' notice.

6 Best Value Implications

- 6.1 The Best Value implications are:
- The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - Processing temporary traffic regulation 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.
 - We have carried out the required **consultations**.
 - We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Notice are approximately £185 + VAT which cover staff-time, stationery and postage. The applicants will meet all the costs.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The closure will enable the works to be carried out expeditiously and speedily, and will result in a better, longer-lasting surface than if we tried to maintain access.

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 to enable works to be executed on or near the path.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices 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. These delegated powers have temporarily been extended to the Ranger Team Leader (Central) until transferred to the new Head of Service.
- 9.3 Because we do not know the precise date of delivery, and the closure will be needed for the five days following initial delivery, I propose that the Ranger Team Leader authorises and signs the Notice, leaving the date of activation to be decided by the Ranger (David Bell) when notified by the applicants.

10 Human Resources


- 10.1 The work involved in this proposal is approximately 8 hours from members of the Park Management team, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

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

12 Consultation Responses

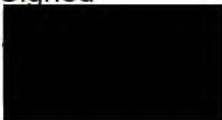
- 12.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so).

Authorised by:  Steve Gaskell Ranger Team Leader (Central) Date 17 June 2021

Background Papers	Case file 1410.003 (239)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	17 June 2021
Version	FINAL

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

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 - 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, FOOTPATH 348001, SCALES FARM, BERRIER, MUNGRISDALE 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 owners of Scales Farm need to re-concrete their yard. Footpath 348001 passes through the yard between farm buildings. The pouring and setting of concrete is incompatible with continued public use. Because of the narrow track it is also difficult to devise a method where half can be done at a time. The work is likely to take a day, and a further day or two for it to set before being walked on. There is no alternative route on the owners' land for walkers to use during this time. Concrete deliveries are currently rather erratic and the applicant has been advised that they will have a delivery sometime in the next two weeks – and so a closure by Notice has been requested as a matter of some urgency.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the section of footpath 348001 affected.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a 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 (239)	
Date of Report	17 June 2021	
Signature of authorising officer	Signed  Steve Gaskell Ranger Team Leader (Central) – with interim delegated powers	
Date	17 June 2021	

TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 348001, SCALES FARM, BERRIER, MUNGRISDALE PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic along a stretch of bridleway to enable works to the farm track to take place expeditiously.

Recommendation:

- a** That we issue a Temporary Traffic Regulation Notice for the section of footpath 348001 between points A & B as shown on the plan below.
- b** The decision of the date of activation of the closure to be delegated to Suzy Hankin, Area Ranger.



2 Details of Request

- 2.1 The owners of Scales Farm need to re-concrete their yard. Footpath 348001 passes through the yard between farm buildings. The pouring and setting of concrete is incompatible with continued public use. Because of the narrow track it is also difficult to devise a method where half can be done at a time. The work is likely to take a day, and a further day or two for it to set before being walked on. There is no alternative route on the owners' land for walkers to use during this time. Concrete deliveries are currently rather erratic and the applicant has been advised that they will have a delivery sometime in the next two weeks – and so a closure by Notice has been requested as a matter of some urgency. To avoid unnecessary journeying and turning back, it is probably best to close the whole path path between points A & B.

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. The reason for the initial Notice are outlined in sections 2 and 8. The Notice for works can only last for 5 days, and the work needs to be carried out relatively urgently, as the concrete is being delivered whilst supplies are available. There is therefore no time to process a full closure Order, which requires consultations, and ten weeks' notice.

6 Best Value Implications

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

7 Finance Considerations

- 7.1 The costs of a temporary closure Notice are approximately £185 + VAT which cover staff-time, stationery and postage. The applicants will meet all the costs.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The closure will enable the works to be carried out expeditiously and speedily, and will result in a better, longer-lasting surface than if we tried to maintain access.

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 to enable works to be executed on or near the path.
- 9.2 The Head of Park Management has delegated powers to authorise the issue of Notices 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. These delegated powers have temporarily been extended to the Ranger Team Leader (Central) until transferred to the new Head of Service.
- 9.3 Because we do not know the precise date of delivery, and the closure will be needed for the five days following initial delivery, I propose that the Ranger Team Leader authorises and signs the Notice, leaving the date of activation to be decided by the Area Ranger (Suzy Hankin) when notified by the applicants.

10 Human Resources

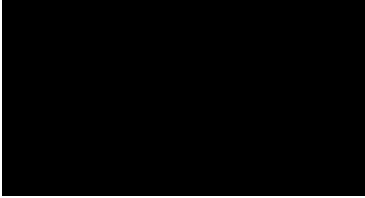
- 10.1 The work involved in this proposal is approximately 8 hours from members of the Park Management team, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

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

12 Consultation Responses


- 12.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so).

Authorised by:  Steve Gaskell Ranger Team Leader (Central) Date 17 June 2021
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Background Papers	Case file 1410.003 (240)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	17 June 2021
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	CREATION OF FOOTPATH TO ORREST HEAD SUMMIT, WINDERMERE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service 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	For some years now we have been working with Windermere & Bowness Town Council and South Lakeland District Council on a project (suggested by the public) to improve accessibility for people with limited mobility seeking to get to the popular viewpoint of Orrest Head. Phase 1 was completed in 2017 and this report seeks authorisation for part of phase 2.	
Details of Decision	To enter into two creation agreements with the landowners to create this footpath.	
Details of alternative options considered and rejected.	To enter into only one agreement – or none at all.	
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 1412.264.06	
Date of Report	4 May 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central), holding interim delegated powers	
Date	11/05/2021	

CREATION OF FOOTPATH TO ORREST HEAD SUMMIT, WINDERMERE PARISH

1 Summary

- 1.1 For some years now we have been working with Windermere & Bowness Town Council and South Lakeland District Council on a project (suggested by the public) to improve accessibility for people with limited mobility seeking to get to the popular viewpoint of Orrest Head. Phase 1 was completed in 2017 and this report seeks authorisation for part of phase 2.

Recommendation that: a *We enter into a creation agreement with the landowners for the following sections of public footpath as shown on the proposal map at page 6 of this report:*

- **581083, F-G – (South Lakeland District Council) over old carriage road below Orrest Head [already provisionally authorised by prior report – 2016];**
- **581083, G-H – (Windermere & Bowness Town Council) from the end of the carriage road over a graded path to the summit of Orrest Head**

2 Background

- 2.1 In the Victorian era a carriage road was constructed from Riggs Hotel to the foot of Orrest Head, and this was used to convey hotel and railway visitors most of the way up the hill, leaving them with a short walk to the summit. This is quite a steep ascent, and so the carriage road consisted of a number of loops, with a turning circle at the top. It didn't follow the current tarmac road (except for the lower section), but was further to the west. Over the years the top end of the route fell out of use.
- 2.2 Over the last few years we have developed a project with Windermere & Bowness Town Council, SLDC, and others to improve the footpaths to and at Orrest Head. This project has re-established the majority of the carriage road both through practical works, and through legal dedications. Further detail can be found on our webpage on this topic <https://www.lakedistrict.gov.uk/caringfor/localcommunities/central-and-south-east-district-area/orresthead>
- 2.3 For many visitors to the Lake District, Orrest Head is an introduction to both hill walking and the Lakeland landscape. The stunning panoramic view is just a short walk from Windermere Station. It kindled Alfred Wainwright's love with the Lake District and set him on the journey to writing his *Pictorial Guides to the Lakeland Fells*; guidebooks which have inspired and influenced generations of walkers. Unfortunately, not everyone can get to this special viewpoint. The path below the summit has steep steps and is rocky near the top. Waterlogging on the summit itself is causing more problems. There is an unofficial, alternative route avoiding the steps, but this is also becoming eroded and rocky and the landscape is getting damaged.



Gate and steps on direct path between F & H



Summit conditions

- 2.4 The project aims to help more people to enjoy and appreciate the view from Orrest Head by creating improved, sustainable access to the summit. It is a project about people - removing barriers, providing opportunity, increasing understanding and building relationships.
- 2.5 Our plans have been informed by visitor surveys carried out on site in June 2019, an accessibility audit conducted by LDNPA volunteers and in consultation with [Lake District Mobility](#). Read the [Orrest Head Baseline Visitor Survey 2019 Analysis Report](#). Phase 2 is to continue the restoration of a Victorian carriage drive which takes people close to the summit (F-G on proposal map). From there we will create an alternative, easy-gradient path to the viewpoint which will be suitable for people with pushchairs and mobility scooters (G-H). The path will be surfaced with the same fine stone material as the previously restored carriage drive (photo below). The existing route through the gate and up the steps will remain in place as some people prefer this challenge.



Restored carriage drive west of point F

- 2.6 We will improve the drainage on the summit and replant the eroded areas to help restore the habitat. We will also provide new seating and more information about the special features of this World Heritage Site. We are also hoping to facilitate the provision of an all-terrain mobility scooter which will be available in Windermere for people to use. The path will become a [Miles without Stiles](#) route.
- 2.7 The works plan can be viewed here https://www.lakedistrict.gov.uk/_data/assets/pdf_file/0016/371023/Orrest-Head-plan-of-works.pdf and the project description here https://www.lakedistrict.gov.uk/_data/assets/pdf_file/0017/371024/Orrest-Head-Capital-Project-Description.pdf
- 2.8 The relevant extracts from these relating to this consultation are below:



Orrest Head: Proposed interventions

Sections 5 and 6 and green area on Orrest Head Summit Works Plan

We will restore a section of a Victorian carriage drive to create a wide, flat, easy gradient path which avoids steep and rocky terrain. The new path will be a dedicated Right of Way, maintained by the LDNPA in good order in perpetuity.

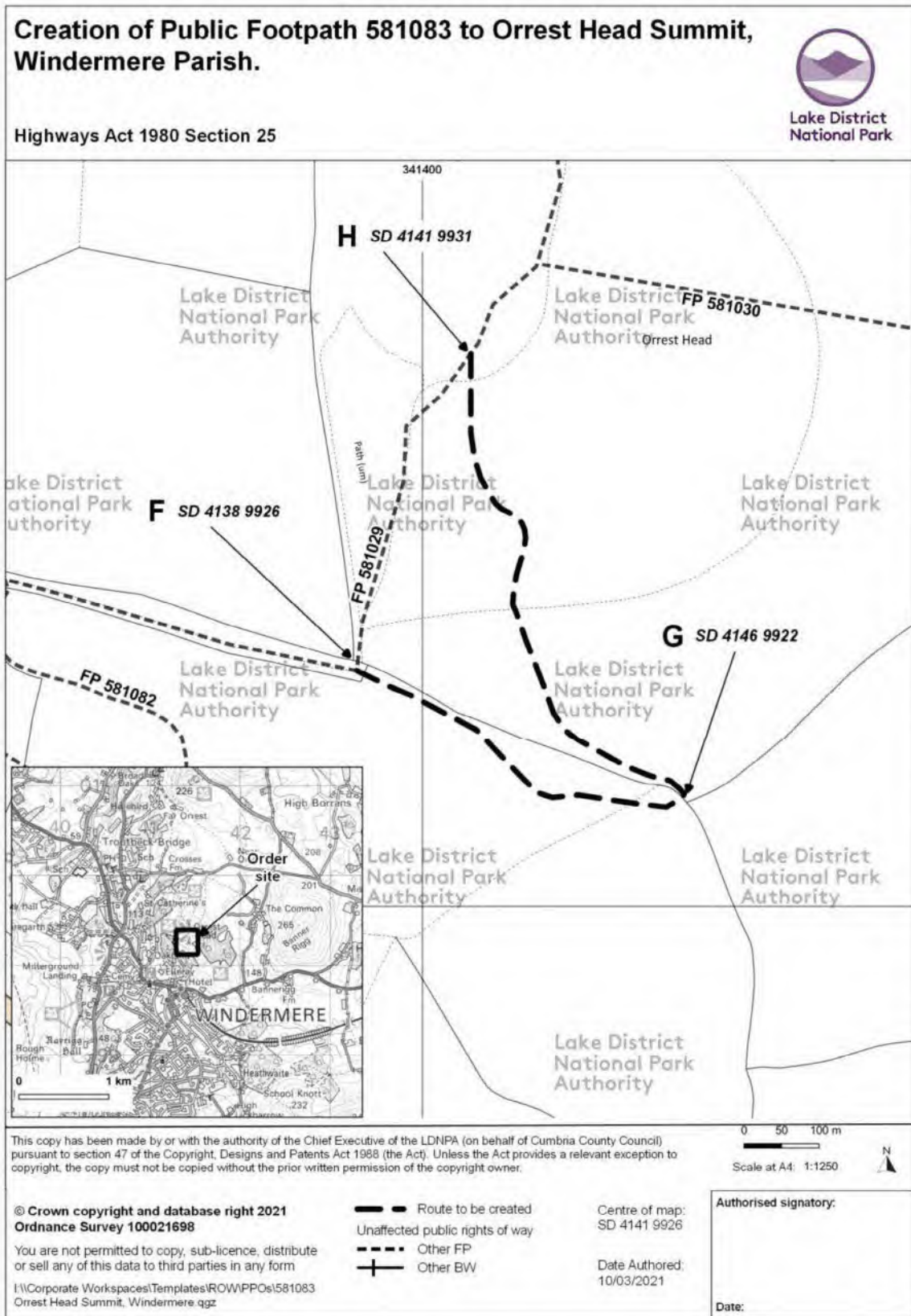




We will also rationalise and replace the worn-out seating and the mix of seating type on the summit and along the route with crafted metal seating (not shown here). This bespoke seating will reference the landscape and historic environment in its design and enhance the sense of place of this iconic viewpoint; the seats themselves will be a work of art and a feature in the landscape, while also providing a means to sit and enjoy the views comfortably.

- 2.9 Planning permission and funding has already been obtained, so this authorisation relates only to the legal creation of a public footpath as shown on the attached map. This will be along the old carriage drive F-G, and then up to the summit G-H. The latter will replace the informal paths that already exist, and which will be reseeded.
- 2.10 The land F-G is owned by South Lakeland District Council (SLDC), and is farmed by their tenant. G-H is owned by Windermere & Bowness Town Council. All these parties support the proposals.

Proposed Agreement Plan



3 Policy Context

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

4 Options

- a. enter into creation agreement with SLDC and WTC for sections F-G & G-H;
- b. enter into one agreement but not the other;
- c. do not enter into any agreement.

5 Proposals

- 5.1 I recommend option 4.1a – and the reasoning is set out below.
- 5.2 There are no specific grounds to meet when considering dedications or creation agreements, but it is probably appropriate to consider the tests that apply under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.
- Is there a need for the new path?
 - Is it a good idea to create the new path taking account of;
 - how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
 - how it will affect the rights of those with an interest in the land?
- 5.3 *Is there a need for the new path?*
- 5.3.1 The land over which section F-G runs is owned by SLDC under the provisions of the Public Health Act 1875 for the purposes of providing 'public walks and pleasure grounds'. However, in practice, the farmland does not actually have any public access over it.
- 5.3.2 The section G-H runs over existing statutory open access land (being 'open country' as defined under the Countryside & Rights of Way Act 2000).
- 5.3.3 Consequently, there is, in highway terms, no specific 'need', as the route could be physically created with no legal work involved. However, I consider that it would be beneficial for the whole route to be recognised as a public footpath – thereby ensuring that it is protected (and available) as a specific route in perpetuity rather than just an open area, ensuring long-term maintenance responsibilities, and enabling it to be on the Ordnance Survey Map.

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

5.4.1 The practical works associated with the creation will make the route vastly more convenient for those with limited mobility – which is what the whole project is about. It will provide an alternative to the steps on the current footpath running between point F and H. The new route will also give an additional entrance point onto Orrest Head itself – thereby creating the opportunity for a wider variety of walks and routes to the summit.

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

5.5.1 South Lakeland District Council will be freezing the rent for the duration of the current tenancy agreement. Their tenant will also be losing a small amount of farmland. However, both parties have agreed to the project and the works associated with it. We will not be involved in any compensation agreements, which, if they applied, would be between the landowner and tenant. There will be no impact on Windermere & Bowness Town Council land, which is not commercially grazed.

5.6 *Other factors to take into account*

5.6.1 Before confirming a public path creation we are required to have regard to any material provision of a Rights of Way Improvement Plan (ROWIP). This proposal is not a specific ROWIP proposal put forward by the public. But it fits within a number of actions and within the general ethos of the ROWIP, such as creating new links for walkers and enhancing the network for those with limited mobility.

5.6.2 There is one identifiable impact on the needs of agriculture and forestry – the removal of a small strip of grazing land given up. The tenant and landowner have agreed to this, and in general these are the least profitable parts of this landholding, being short grass on a stone surface.

5.6.3 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 significant effects on these aspects. There will be a small loss of grassland under new surfacing – but none of this is necessarily a negative impact.

6 **Best value implications**

6.1 **Work Programme and relevance to this case:** This case is of high priority as it is important to complete the legal works involved whilst the project is

6.2 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 is a speedy and pragmatic method of achieving new legal routes.
- b) Processing public path creations is not a **competitive** procedure. Cumbria County Council can also process creations, but we can dedicate paths directly without their involvement – thereby making it speedier.
- c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process (see section 13).

- d) We have **compared** our casework completion rates with other authorities. The creation will help us reach a satisfactory target of processing cases this year.

7 Finance Considerations

- 7.1 The staff costs involved in the legal work are minimal, and I estimate that the staff-time cost for purely the legal works will be less than £1,000. The advertisement required will cost around £150+VAT.
- 7.2 The practical works to improve the route will be in the region of £23,000 and this will be met by a RDPE (Rural Development Programme for England) grant.

8 Risk

- 8.1 I have not identified any significant risks.

9 Legal Considerations

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

10 Human Resources

- 10.1 The legal work involved in this proposal is approximately 25 hours from members of the Park Management teams, and 1 hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.
- 10.2 Much discussion and negotiation has already been carried out through the Central and South East Distinctive Area Team. Staff input into the negotiations, costings and so on to date have been at least 30 days.

11 Diversity Implications

- 11.1 There are no identified diversity issues. The paths will be suitable for those with some limited mobility when improved, including powered wheelchairs.

12 Sustainability

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

13 Consultation responses


13.1 Comments from those responding to our consultation are summarised below, but should be read in full (attached to the report). *Our comments are in italics:*

Cumbria County Council	Support the creation.
District Councillor	Strongly support the initiative – as councillor, resident and carer for someone with limited mobility.
Jackie McClure (member of the public)	As [part] is on an old carriage road, should it not be open to equestrians as vulnerable road users who also require accessible routes to scenic viewpoints? <i>The landowners are unwilling to dedicate the route as a bridleway – they have concern about conflicts between walkers and cyclists, and there is no link southwards – so other routes would also have to be upgraded. Other consultees have said they would oppose the route becoming open for cyclists. Without landowner support, we could not obtain a dedication.</i>
Friends of the Lake District	Supportive of the proposal.
Open Spaces Society	Support the project, and would not like to see the route defined as a bridleway. Raised various other concerns to do with the wider project.
Ramblers	Fully support the proposed creation, but only as a footpath. Suggested other improvements. <i>Further improvements are outside the scope of the current creation agreement proposals.</i>
SLDC	Made comments about the construction work. <i>Did not support or object – but as one of main partners, they are fully supportive.</i>

14 Recommendation

14.1 The proposal will create a better route for all users to the summit of Orrest Head. The proposal has received the support of our consultees, and I therefore recommend that we create this path.

Background Papers:	Case file reference 1412.581.12
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	4 May 2021
Version	Final

Authorised by:


 Steve Gaskell, Ranger Team Leader (Central),
 holding interim delegated powers
 Date.....11/05/2021.....

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.

Nick Thorne

From: Smith, Sandra <Sandra.Smith@cumbria.gov.uk>
Sent: 26 April 2021 11:07
To: Nick Thorne
Subject: RE: Potential Creation of new footpath - Orrest Head, Windermere

Hi Nick

Cumbria County Council supports your proposal to create this public footpath.

Cheers

Sandra

Sandra Smith
Countryside Access Officer
Highways Assets & Strategy | Highways and Transport | Economy and Infrastructure
Cumbria County Council | The Parkhouse Building
Kingmoor Business Park | Carlisle | CA6 4SJ

m: 07920 711254
www.cumbria.gov.uk

Countryside Access are currently working to Covid-19 guidelines so there may be a delay in reacting to some matters.

You may still see our contractors working on the network. This will be carried out ensuring they are abiding by the current social distancing guidelines

Nick Thorne

From: Cllr Jarvis, Andrew <andrew.jarvis@southlakeland.gov.uk>
Sent: 11 March 2021 09:09
To: Nick Thorne
Subject: RE: Potential Creation of new footpath - Orrest Head, Windermere

Nick,

Thank you for consulting me on this.

I strongly support this initiative – both in my role as a councillor, as a local resident, and as a carer for someone with limited mobility. This new path will give much better access to Orrest Head, the main existing route being steep and difficult by the wall. This will make it much easier for anyone with any sort of mobility difficulty, or those with young children (e.g. in push chairs) to enjoy this lovely and historic place with its outstanding view of the central lakes.

Many thanks for all your work on this.

Kind regards,

Andrew Jarvis.

Cllr Andrew Jarvis
SLDC Councillor for the Windermere ward,
Cabinet Member for Finance & Resources.
Mobile: 07462652717

Nick Thorne

From: Nick Thorne
Sent: 30 March 2021 17:17
To: [REDACTED]
Cc: [REDACTED] ar an ones
Subject: RE: Potential Creation of new footpath - Orrest Head, Windermere

Hi Jackie

I passed this onto our Area Ranger who has been working with the relevant parties to bring about the proposed improvements.

Her comments were:

Most of the carriage drive route through the woods is on a permitted path, not a Public Right of Way, so we would need to look at upgrading footpath 581082 and sections of 581024 and 581028 through Elleray Wood to bridleway.

The landowners, Windermere & Bowness Town Council, are opposed to this, as they have a number of concerns:

- a) This would permit cycling in Elleray Wood and present potential conflict with other users – sections of these footpaths are steep and have blind bends. They already receive complaints about close encounters by pedestrians with cyclists illegally riding paths in the woods;
- b) Upgrading these footpaths to bridleways may encourage cyclists to use this route to access other permitted paths or footpaths (both in the woods and on the wider fell) where it is not appropriate;
- c) The upgrade would require the town council to carry out additional vegetation management to ensure that there is sufficient clearance above the paths for horseriders.

Separately, we have also had representations from the Ramblers and the Open Spaces Society that they would oppose the route being made available to cyclists (we didn't even ask them – these were comments made of their own accord).

So, without the support of the very bodies who have striven to bring about the footpath improvements, and with active opposition from user bodies, it is extremely unlikely that we would have any success in making the route a bridleway. Unfortunately, it would appear that in this instance the concerns over cycling that a bridleway would bring about is disadvantaging horse-riders.

I hope that this explains the situation, but if you have any further queries, please do get back to us.

Nick Thorne

Countryside Access Adviser
Lake District National Park Authority
Direct 01539 792621

lakedistrict.gov.uk | [Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

My normal working week is Monday to Thursday

From: [REDACTED]
Sent: 10 March 2021 20:12

To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>

Subject: Re: Potential Creation of new footpath - Orrest Head, Windermere

Hello Nick,

As the new route is a restoration of an original Carriage drive, should it not be open to equestrians, as vulnerable road users who also require accessible routes to scenic viewpoints?

kind regards

Jackie McClure

Nick Thorne

From: Andrew Tait <Andrew-Tait@fld.org.uk>
Sent: 15 March 2021 12:08
To: Nick Thorne
Subject: RE: Potential Creation of new footpath - Orrest Head, Windermere

Hi Nick,

Thank you for consulting us on the above.

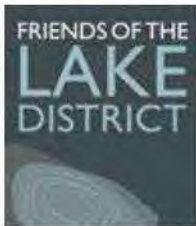
I hope you are well.

I can confirm that we are supportive of this proposal.

Best wishes

Andrew

Andrew Tait
Policy Officer
(please note my normal working days are Monday to Thursday)



Friends of the Lake District

***The only membership organisation dedicated to protecting
and enhancing Lake District and Cumbrian landscapes***

Friends of the Lake District, Murley Moss, Oxenholme Road, Kendal, LA9 7SS

Tel: 01539 720788 www.friendsofthelakedistrict.org.uk

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Nick Thorne

From: Nick Thorne
Sent: 30 March 2021 17:24
To: 'Christine Hunter'
Cc: Marian Jones
Subject: RE: Comments on the proposed Potential Creation of new footpath - Orrest Head, Windermere

Dear Christine

Thanks for your comments. Our Area Ranger, who has worked on the project with the relevant parties, has added responses.

I hope this helps clarify the situation.

All the best.

Nick Thorne

Countryside Access Adviser
Lake District National Park Authority
Direct 01539 792621

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My normal working week is Monday to Thursday

From: Christine Hunter [mailto:christinehunter@oss.org.uk]
Sent: 22 March 2021 14:15
To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>
Subject: Comments on the proposed Potential Creation of new footpath - Orrest Head, Windermere

Dear Nick

Please find below comments from the Open Spaces society.

The society notes the popularity and currently unsustainable conditions of this well visited summit and viewpoint. We note that the project will provide much needed access for people of more limited physical abilities and this will be welcome. We support the proposals to make the new route a definitive footpath. Whilst parts of the route may be suitable for cyclists we would not expect to see, in line with your proposals, the upper reaches of the route defined as a bridleway.

Windermere Town Council, landowners, wish to see it designated as a footpath only – so there is no likelihood of it becoming a bridleway

Whilst we note that you will provide new seating on the summit we hope that this will involve a rationalisation of the existing ample provision. We would suggest that information on the World Heritage Site inscription should be placed nearer the start of the route in Windermere rather than in open country where people have come to enjoy the extensive views.

Summit seating will be rationalised and replaced with a cohesive seating arrangement. The inscribed stone bench, however, will remain. The existing Wainwright lectern will remain on the summit. New site orientation and information panels will be sited at the start of the route and in Elleray Wood. Please see map of project work below for exact locations.

We note that the works will involve some scrub clearance and hope that some compensatory planting may be achieved nearby.

Minimal scrub clearance is required to create the new path. Eroded areas around the summit will be overseeded and planted with new trees. A new hedge will be created along the section of path between points 10 and 11 on the map of project work.

We have not noted any proposals for the existing path between 10 and 12 on your site plan. We trust some unobtrusive minor works can return this path into a more useable route for more agile walkers. Equally we note that the PROW running north from your point 12 also needs some works to fully make it sustainable for the heavy use it receives.

The external funding for the project is restricted to creating an accessible route to the summit. There are no further works planned at present. The surrounding ROW routes are surveyed on a regular basis and any work required are incorporated into our work programme of path maintenance, but as you will appreciate, our funding for basic maintenance is quite small at present.

Regards

*Christine Hunter
Office Assistant
Open Spaces Society
25a Bell Street
Henley-on-Thames RG9 2BA
email: office2@oss.org.uk
website www.oss.org.uk*

The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).

PLEASE NOTE THE FOLLOWING:

1. In the present circumstances, please email before posting anything to the office address

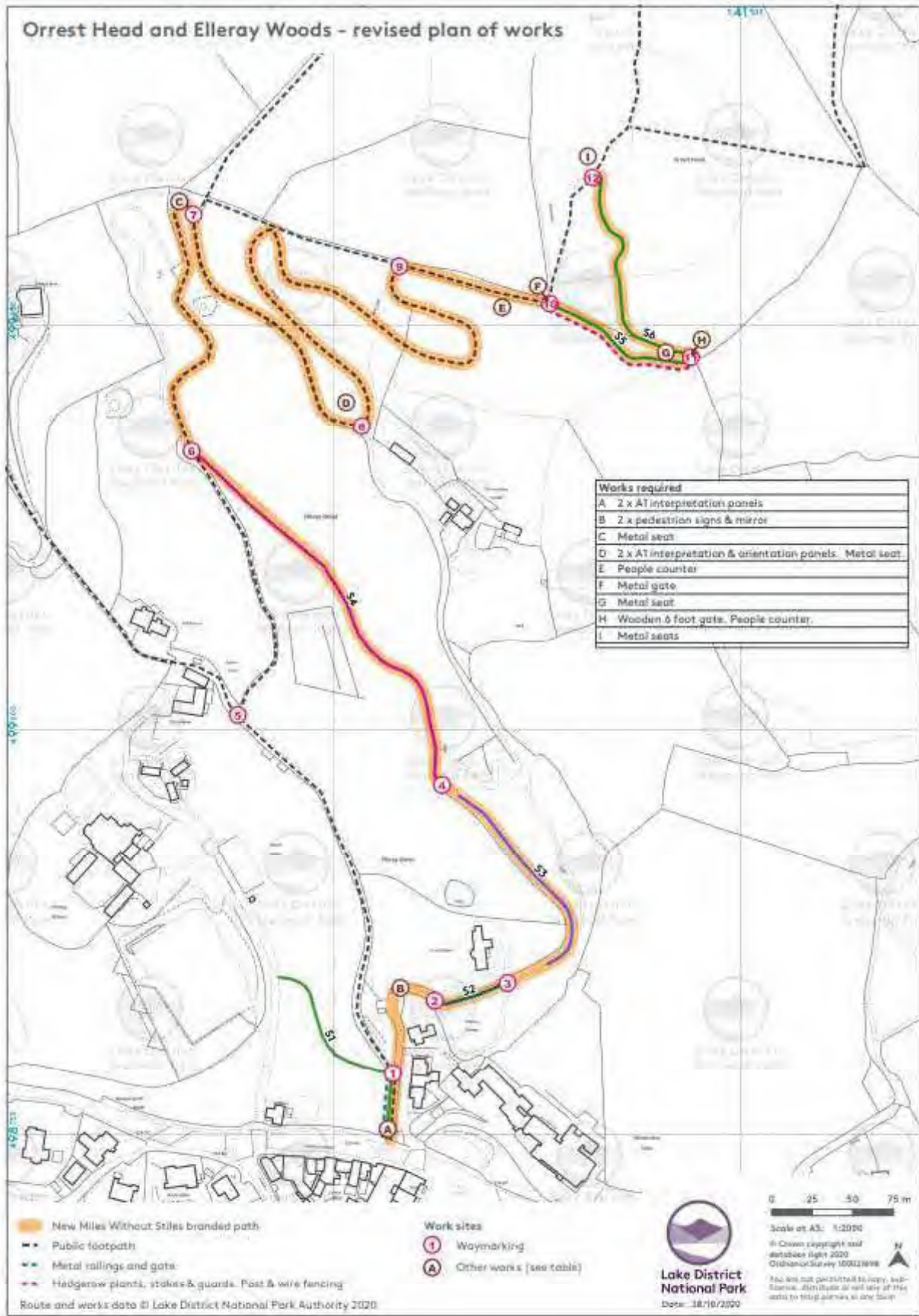
Support our Lockdown Spaces Appeal

and help fund our work to protect local open spaces which we need now more than ever



The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

Orrest Head and Elleray Woods - revised plan of works



Works required	
A	2 x A1 interpretation panels
B	2 x pedestrian signs & mirror
C	Metal seat
D	2 x A1 interpretation & orientation panels. Metal seat
E	People counter
F	Metal gate
G	Metal seat
H	Wooden & foot gate. People counter.
I	Metal seats

- New Miles Without Stiles branded path
- Public footpath
- Metal railings and gates
- Hedgerow plants, stakes & guards. Post & wire fencing

- Work sites
- Waymarking
 - Other works (see table)



0 25 50 75 m
Scale at A3: 1:2000
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Nick Thorne

From: RamblersLD-dwp <dwpldra@btinternet.com>
Sent: 25 March 2021 10:28
To: Marian Jones
Cc: Nick Thorne; Staton, David; Harrison, Dave
Subject: Orrest Head-Creation of Footpath 581083
Attachments: 581083 Orrest Head-Ramblers response.pdf

Marion,

Ramblers fully support the proposed creation of public footpath 581083 and look forward to the completion of this project.

We would like to make the following comments:

1 As shown on the attached plan there is an existing path which connects point G to where FP 581030 meets the permissive paths of Common Wood at SD 416 994. It appears the route of choice to Orrest Head from where walkers exit Common Wood is indeed via point G and then along a line similar to that of the proposed 581083 rather than walking the steeper FP 581030.

Could this connecting path from point G be made a public footpath?

As an aside, do you think the permissive paths in Common Wood could be dedicated as public footpaths?

2 Many people having reached the top of Orrest Head via FP 581029 then decide to descend via an existing path which is on a line similar to that of the proposed FP 581083. Indeed the new path will probably encourage this. As re-seeding of worn areas is part of the project are you concerned that desire lines will develop if people attempt to take short-cuts back to point F?

3 It is intended that the new path be constructed to be accessible to All- Terrain mobility vehicles. Given that the dedication is for a footpath these vehicles will be limited to a speed of 4mph. However the question could arise over access by cyclists. This could be permitted via the Cycle Tracks Act 1984 or by dedication as a bridleway which would also give access to horse riders. Given the popularity of Orrest Head and the fact that cyclists would have to return by the same route as do most visitors Ramblers can only support the creation of this new PRoW as a footpath.

Regards,

Dennis Pook
Area Footpath Secretary
Lake District Ramblers' Assoc.

Nick Thorne

From: Marian Jones
Sent: 30 March 2021 15:39
To: RamblersLD-dwp
Cc: Nick Thorne; Staton, David; Harrison, Dave
Subject: RE: Orrest Head-Creation of Footpath 581083

Dear Dennis,

Thanks for your support for the dedication and your comments. I've added responses to these comments below and will let you know of any updates from the Town Council and National Trust.

best wishes,

Marian
07990 523265

My usual working pattern is Monday – Thursday.

PLEASE NOTE – I am working from home.

From: RamblersLD-dwp [mailto:dwpldra@btinternet.com]
Sent: 25 March 2021 10:28
To: Marian Jones <Marian.Jones@lakedistrict.gov.uk>
Cc: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>; [REDACTED]
Subject: Orrest Head-Creation of Footpath 581083

Marion,

Ramblers fully support the proposed creation of public footpath 581083 and look forward to the completion of this project.

We would like to make the following comments:

1 As shown on the attached plan there is an existing path which connects point G to where FP 581030 meets the permissive paths of Common Wood at SD 416 994. It appears the route of choice to Orrest Head from where walkers exit Common Wood is indeed via point G and then along a line similar to that of the proposed 581083 rather than walking the steeper FP 581030.

Could this connecting path from point G be made a public footpath?

- I can suggest this to Windermere Town Council, the landowners. The land has a covenant on it for public access and the TC are committed to upholding this so access rights are protected.

As an aside, do you think the permissive paths in Common Wood could be dedicated as public footpaths?

- I've asked James Archer, NT Ranger about this. Will get back to you with his response.

2 Many people having reached the top of Orrest Head via FP 581029 then decide to descend via an existing path which is on a line similar to that of the proposed FP 581083. Indeed the new path will probably encourage this. As re-seeding of worn areas is part of the project are you concerned that desire lines will develop if people attempt to take short-cuts back to point F?

- Most of the new route follows the desire line to point G. The terrain is steep and challenging enough between point F and most of this route to be a natural deterrent. The only place where I can see people being tempted to take a short cut is once they've reached the wall between points F and G. I think the new viewpoint which will be accessible from point G will attract people to stick to the new path. We will also be planting trees as well as overseeding the eroded areas and can, if necessary, put in some temporary fencing to protect these areas until the vegetation becomes established.

3 It is intended that the new path be constructed to be accessible to All- Terrain mobility vehicles. Given that the dedication is for a footpath these vehicles will be limited to a speed of 4mph. However the question could arise over access by cyclists. This could be permitted via the Cycle Tracks Act 1984 or by dedication as a bridleway which would also give access to horse riders. Given the popularity of Orrest Head and the fact that cyclists would have to return by the same route as do most visitors Ramblers can only support the creation of this new PRow as a footpath.

- The consultation has resulted in a request that this be considered, but WTC does not support opening this route as a cycle path or bridleway.

Regards,

Dennis Pook
Area Footpath Secretary
Lake District Ramblers' Assoc.

From: Marian Jones
Sent: 15 April 2021 14:36
To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>; [REDACTED]
Subject: RE: Potential Creation of new footpath - Orrest Head, Windermere

Dear Helen,

Yes. The path will follow the route of 'Phase 2' shown on the plan attached to your email. Work plans include a stock proof post and wire fence and hedge. We will, of course, work directly with Mr Hicks during the planning and delivery of the works.

As soon as I have a timeline from the contractors, I will share this with you and Mr Hicks.

Kind Regards,

Marian
07990 523265

My usual working pattern is Monday – Thursday.

PLEASE NOTE – I am working from home.

From: Nick Thorne
Sent: 15 April 2021 14:01
To: [REDACTED]
Cc: Marian Jones <Marian.Jones@lakedistrict.gov.uk>
Subject: FW: Potential Creation of new footpath - Orrest Head, Windermere

Thanks Helen

I shall forward this to Marian, our Area Ranger – who is leading on the project.

All the best.

Nick Thorne
Countryside Access Adviser

Lake District National Park Authority
Direct 01539 792621

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My normal working week is Monday to Thursday

From: Loney Helen [REDACTED]
Sent: 15 April 2021 13:56
To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>
Cc: Kendal <Kendal@lsh.co.uk>
Subject: RE: Potential Creation of new footpath - Orrest Head, Windermere

Dear Nick,

I attached the last emails and plan on this matter between myself and the LDNPA and the tenant Mr Steve Hicks. Please confirm the plan you are referring to is shown on the attached plan marked as 'Phase 2'?

I previously negotiated the release of this land for Phase 2 from the tenancy of Mr Hicks. However, this was some time ago. If the LDNPA is now ready to undertake the works, please liaise directly with Mr Hicks as he will be keen to know when the works will commence and that suitable stockproof fencing is used as he does keep livestock in the fields.

Please keep me posted on the work and let me know once they are complete (Phase 2) so I can amend our plan records accordingly and I will also visit the site and take photographs.

Thank you.

Kind Regards,

Helen.



Helen Loney BSc (Hons) MRICS Registered Valuer
Estates Surveyor
Suite 1, Cumbria Tourism Building, Windermere Road, Staveley, Kendal, Cumbria, LA8 9PL



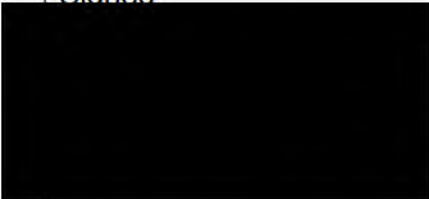
Keep up-to-date with LSH news and updates
#LSHKNOWS

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From: Loney Helen
Sent: 18 March 2021 15:48
To: '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	DIVERSION OF PUBLIC FOOTPATH 264009 / 201004, KING'S WOOD, WYTHOP / ABOVE DERWENT PARISHES	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service 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	A length of footpath in King's Wood has been obstructed for many years. We have investigated the reasons for this, and consider that the most satisfactory solution is a diversion of the path, with various associated practical improvements.	
Details of Decision	To divert the footpath to a new line, part of which is currently used as an alternative.	
Details of alternative options considered and rejected.	To re-open the definitive line through enforcement, or to divert onto a different route (the nearby forest road).	
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 1412.264.06	
Date of Report	10 May 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central), holding interim delegated powers	
Date	11/05/2021	

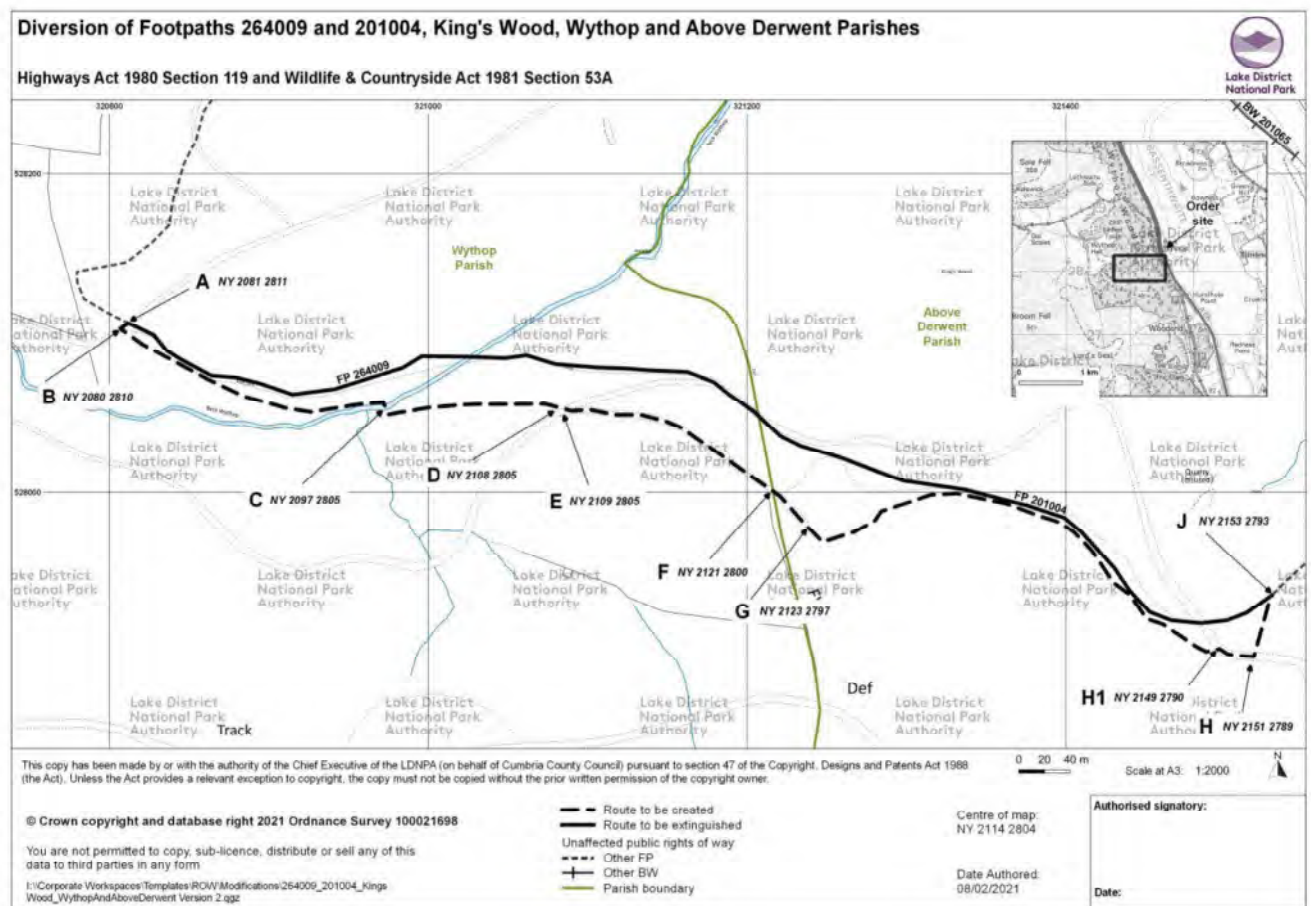
DIVERSION OF PUBLIC FOOTPATH 264009 / 201004, KING'S WOOD, WYTHOP / ABOVE DERWENT PARISHES

1 Summary

1.1 A length of footpath in King's Wood has been obstructed for many years. We have investigated the reasons for this, and consider that the most satisfactory solution is a diversion of the path, with various associated practical improvements.

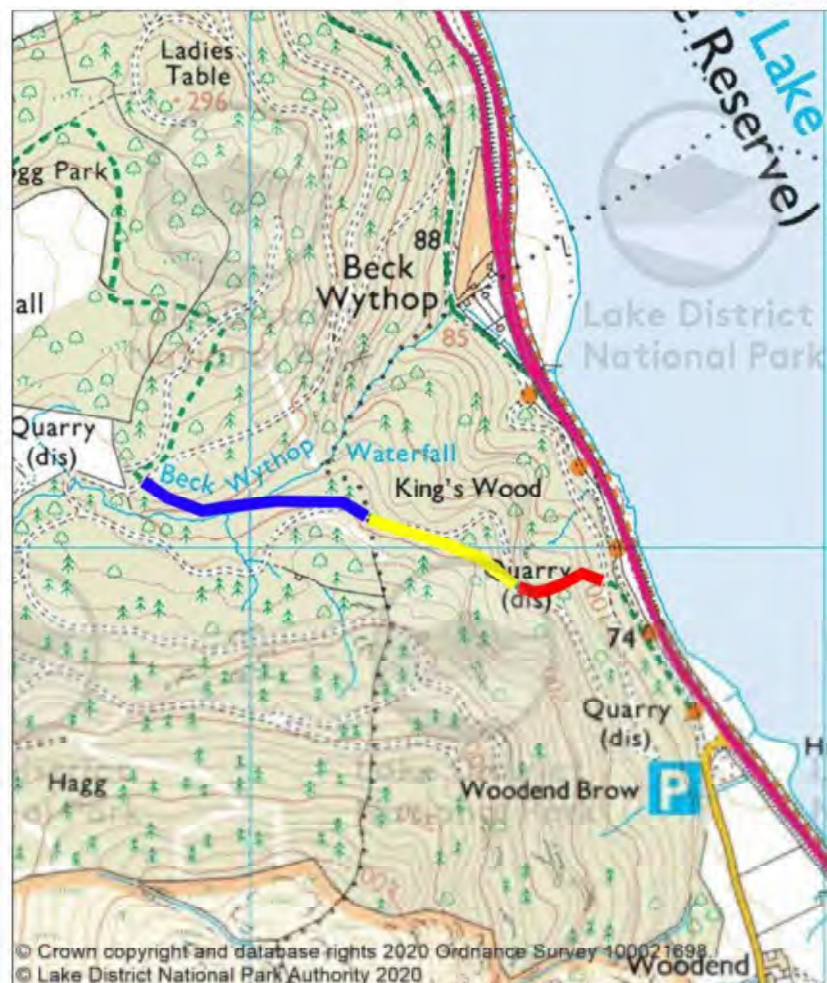
Recommendation that:

- a** we make a diversion order for the section of Public Footpath 264009/201004 between points A-J as shown on the plan below;
- b** we confirm the order if no objections are received or if those objections received are withdrawn.



Plan of proposed diversion (larger copy at Annex 2)

Site plan
Area of affected footpath - Kings Wood



Site plan showing route in context, and coloured for descriptions in section 2 of report

2 Background

2.1 A length of footpath in Kings Wood has been obstructed for many years, and we have investigated the reasons for this, and the potential solutions. The path concerned runs from the old lakeshore road westwards through the woods and over Beck Wythop. The lengths concerned (coloured for reference) are shown on the plan above. The proposed diversion is shown on the map at page 1 of this report, and also attached at Annex 2 (larger size). Relevant photographs are at Annex 3.

2.2 Red section.

2.2.1 This section of footpath is extremely steep and has been covered in brash and difficult to use for some time. Forestry England have now cleared a route, and this is marked with stakes. At the far eastern end, where it leaves the forest track, we have recently installed a short flight of stairs to make accessing the start of the path possible. At the western end of this section, we are proposing a slight diversion between points H&J. This is an easier gradient than the steep clamber up loose spoil on the trackside. This section is usable with care at present. H-J will be improved with a digger.

2.3 Yellow section.

2.3.1 The definitive line for the eastern half of this section appears to be incorrect. Although drawn on an old Ordnance Survey base map (the 1923 map is below), it looks to have been transcribed to newer maps in a location 15-20 metres further north. When investigating this, we managed to find the old Ordnance Survey mapped route from G towards H on the ground, including some old steps in the middle. This route is clearly visible as a slightly sunken benched path, although a bit overgrown in summer (through lack of use). Just west of H the path has been obliterated by the construction and widening of the forest track. North of point G the old path dropped down to the current forest track – this section has again been destroyed by the forest track construction, and is now basically a cliff-edge.



1923 Ordnance Survey Map (25" to the mile)

2.3.2 We are proposing to divert the definitive line to H1-G-F-E. From the track at H1 we will install a flight of 20 or so steps to gain height up the slope, and then a simple benched trod curving around to the point at which the old path is visible. We propose to then follow the old path to the point at which it disappears over the new roadside cliff, the new route will then run uphill (it's a bit wet at present, but will be drained and waymarked) to the end of a grassy ride at G.

2.4 Blue Section.

2.4.1 From where the definitive line crosses the forest track (north of G), the old line went down the slope to a crossing of Beck Wythop – there are still signs of an old benched path on the definitive line if you look closely enough. However, it seems far more logical to continue within the woods on the grassy ride that runs between points G & E, and then continue down to the best crossing point of the beck at point C – this latter section is a good, well used benched track with a flight of steps at the start. The bridge is currently missing at point C, and will be replaced in the summer of 2021 (the beck is crossable at most times of the year). From the beck crossing, we propose to divert onto the well-used, easy to follow benched path that exists up to point B. The proposed route is currently very easy to use and follow.

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 Strategy & Rangers 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 '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.
 - 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.
- 3.6 This proposal helps fulfil these aims. It brings an obstructed and difficult to use path into a path that will be able to be used by the majority of the walkers in the area.
- 3.7 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.8 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 path has been obstructed on the definitive line for many years, maybe more than twenty. So, at first sight it would not seem to be a priority for us to resolve at present. However, the obstruction is the subject of a formal complaint, and we have been informed that legal notices will be served on us if we do not resolve the matter. It is therefore of high 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 is a pragmatic method of resolving a number of issues in that area.
- 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. The proposal has arisen through the good partnership between us and Forestry England.
- d) We occasionally **compare** our casework with other authorities. This proposal will help us reduce the number of outstanding cases of this nature. It will align the definitive map and situation on the ground and will 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: make a different order (for example, along the forest road H-D);
 - c: re-open / open the definitive line.

6 Proposals

- 6.1 I recommend option 5.1a. The proposed alteration maintains the historical integrity of the network as much as possible, makes the route usable and direct, and maintains interest. The forest road option was considered, but was not generally thought to meet the tests, would have received objections, and did not receive favourable comments. Conversely, the diversion proposed 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 both the owner and the public. The owner benefits in as much as they will not have to re-establish the definitive line where it has been destroyed and turned into steep rock faces through forestry operations. The public will benefit as a path roughly on a route previously used by them will be fully open for use, with new steps, a bridge and some surfacing.

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 The current definitive line is impossible to use, and probably not quite on the historic line anyway. The proposed route can actually be used at present, but will be greatly improved before any order is confirmed – it is not viable to improve the definitive line to the same degree. The new route is slightly longer than the definitive line (865m v 800m), but this extra distance is greatly outweighed by the increased accessibility.

8.2.3 We considered diverting along the forest road as well. This is even easier to walk, but is less direct than the proposed route. It is 50 metres longer, not a lot – but actually 15% of the length concerned. So, it's both less and more convenient.

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

8.3.1 The current definitive line is unusable, and there is no enjoyment in scaling rock faces and so on – even if we made it usable through steps and staircases. The new route is a pleasant woodland trod, through mainly coniferous forest, but one with quite a reasonable proportion of deciduous trees and undergrowth – making it interesting to walk along.

8.3.2 Again, we considered the forest road H-C as an option, and the enjoyment factor was the biggest issue here. For many walkers forest roads are 'boring' to walk along when compared to an 'interesting' green ride through woodland. The two things in this specific that location are different experiences. One is a 'road' and the other is a 'lovely path'.

8.3.3 The complainant triggering this work has already stated that if we attempt to divert the path onto the forest road, he (and others) will object. His reasoning is: *"The ROW allows users to avoid long sections of the forest road and therefore avoid the non pedestrian "traffic" (and the impact caused by such traffic) using the forest road. At any time, that traffic includes cyclists and Forestry England vehicles as well as (at certain times of year) vehicles taking part in Motorsport events authorised by Forestry England where they do not close the ROW's or forest roads to the public e.g. the Vintage Sports Car Clubs Lakeland Trial and the Northern Classic Trials.*

Motorsport events where Wythop Woods is "closed" such as rallying also impacts upon the condition of the forest roads for weeks, sometimes months after the event (until Forestry England decide to regrade the forest road). In addition, as you may be aware, Wythop Woods has been subject to extensive forestry work for the last 18 months. The work has continued even after the ROW's were reopened and had the two sections not been obstructed, the ROW's would have provided a means of avoiding the logging trucks and other machinery encountered on the forest roads. This traffic has also meant that the forest road and other permissive paths in Wythop Woods have been (and still are) in poor condition for use by pedestrians. Wythop Woods will continue to be heavily forested on a regular basis going forwards and so the availability of the ROW will continue to provide a benefit to users of Wythop Woods."

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

8.4.1 Not that we are aware of. We are not aware of any private rights.

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

8.5.1 Not that we are aware of. The land is all forestry, and managed by Forestry England. They would prefer the route to be diverted along the forest road H-C for reasons of easier management, and because that is where most walkers currently go. However, we have stressed to them that it is not really a comparison between the proposed route and the forest road. What has to be compared is the definitive line (which used to be a clear benched trod through the woodland) to the proposed line (a clear benched trod through woodland). So, the impact on the land is actually negligible when looked at in that light.

8.5.2 The land is actually owned by a large estate, not Forestry England (who manage the woodland). We have corresponded with the estate's agents, and explained the reasons for the proposed diversion (and the other options open to us). They have not responded. But, as above – I consider the impact to be minimal.

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 there is no impact on its termination points.

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 **Cumbria ROWIP** proposal put forward by the public. But it fits within a number of actions and within the general ethos of the ROWIP:

- Action 17 – Support to land managers: offer practical assistance, support and advice to encourage land managers to develop new access opportunities. *It is because of our support based working practices that we have been able to work with Forestry England to bring about this overall improvement.*
- Paragraph 18 – improvements can include physical work on a route (surfacing, gates, and so on). *This project will help us bring about physical improvements on this path – not least the bridge re-instatement.*

- 9.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. Neither the old or proposed paths are particularly suited to use by those with limited mobility. The proposed steps are not suitable for many with limited mobility, but the alternative of a slightly longer benched path without steps was deemed not to be feasible to attain by Forestry England and the Ranger Team Leader (Northern). The forest road is perfectly suitable, but as this would only have been the middle section of a longer path, diverting onto the road between H&C would have brought about no overall benefit.
- 9.3 We are obliged to assess the impact on the needs of agriculture and forestry under schedule 6, of the Countryside & Rights of Way Act 2000. As explained earlier, we are effectively replacing one woodland path with another – so effectively there is no overall impact on the forestry management of the area.
- 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, the only practical works will be replacing a bridge on a previous bridge site, and creating steps and benched path on land which is mainly woodland verge. There will be no loss of habitat.
- 9.5 *Relationship with our policies on changes to the rights of way network.*
- 9.5.1 Most of our specific policies (annex 1) have been addressed through the normal tests, or do not apply. The only one not specifically addressed already is: *“The future maintenance and management implications of any proposed change to the network will be considered.”*
- 9.5.2 Forestry England will be meeting the costs of the initial works. However, the creation of a flight of steps at point H1, and the formal acceptance of a staircase at D will increase our overall maintenance liabilities – as we will be responsible for the surface in the future. Both sets are likely to need replacement every 10-15 years at a cost of around £200 plus two days staff time. This acceptance of increased liability has been accepted by the Park Management Team Leader (Central & South East) on 18 February 2021 (under delegated powers from the Director).

10 Consultation Responses

- 10.1 We have consulted our usual consultees, and have had few responses. Those received are below.

Cumbria County Council	Questioned future maintenance, then had no comments.
Above Derwent Parish Council	No objection to proposal. On reading their response, it is actually in support, stating that the new path will be a more obvious route, sensible, and more interesting than the forest road.
Local Access Forum	Supportive, and look forward to the completion of the work.
John Crosbie (LAF member)	Fully support the work – more pleasant than the forest road.
Andrew Nelson (LAF member)	Raised issues about other paths, but supported replacement of bridge. No objection to proposals.

11 Finance Considerations

- 11.1 The proposal is mainly in the interest of the landowner / occupier, with some smaller public benefit. Therefore, our policies state that the landowner / occupier should meet the majority of the costs.
- 11.2 The costs involved are a combination of our legal work, advertising, and the practical works required on the ground (excluding the bridge and fingerposts/waymarks, which we are obliged to replace already, and have previously been budgeted for).

Order Costs

- £2,750+VAT for the diversion order
- Approximately £800+VAT for the adverts

Materials and labour

- Labour – steps – 6 person days (£261 a day): £1,566
- Machine and operator – benched path: 1 day £300
- Material for the steps: £250

Total cost: £5,666+VAT

- 11.3 We have agreed with Forestry England that they will meet all the costs other than the advertising costs, which we will meet. Therefore, Forestry England will be contributing £4,886+VAT.
- 11.4 Authorisation of our contribution was granted by the Park Management Team Leader (Central & South East) on 18 February 2021 (under delegated powers from the Director).

12 Risk

- 12.1 Diversion Orders - There is a risk that the orders 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.
- 12.2 The landowners themselves have not responded. Owners or occupiers are entitled to claim compensation under section 28 of the Highways Act if a diversion order negatively affects their interest in the land. The landowner has not responded to our consultations, so we have not had confirmation from them that they will not claim such compensation. However, as explained above, the alternatives are either for them to open up the definitive line, or to face legal action – so the proposed diversion is likely to have no negative impact overall, and any compensation claim would have a low chance of success.

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 from hereon is approximately 105 hours from members of the Ranger teams, and one hour from a member of Legal Services. The legal work is part of our day-to-day business, and the Ranger work is being funded by Forestry England. There have been countless hours spent in negotiation, site inspections, and so on. However, it is fair to say that this was not specifically due to the diversion proposal, but more to the long-outstanding obstructions on the path, and finding a satisfactory solution to them.

15 Diversity & Sustainability Implications

I have identified no significant diversity or sustainability issues.

16 Summary

- 16.1 The proposals will benefit the landowner/occupier, and the public. They will resolve a long outstanding obstruction on the rights of way network, and will improve ease-of-use and accessibility overall. They have come about through successful partnership working. All of those who responded to the consultation are in agreement with the proposals.
- 16.2 I recommend that we make the necessary diversion order to bring this into effect.

Background Papers:	Case file reference 1412.264.06 Complaint files on network
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	10 May 2021
Version	Final

Authorised by:



.....
Steve Gaskell, Ranger Team Leader (Central),
holding interim delegated powers

Date..... 11/05/2021.....

Our Policies on Changes to the Public Path Network

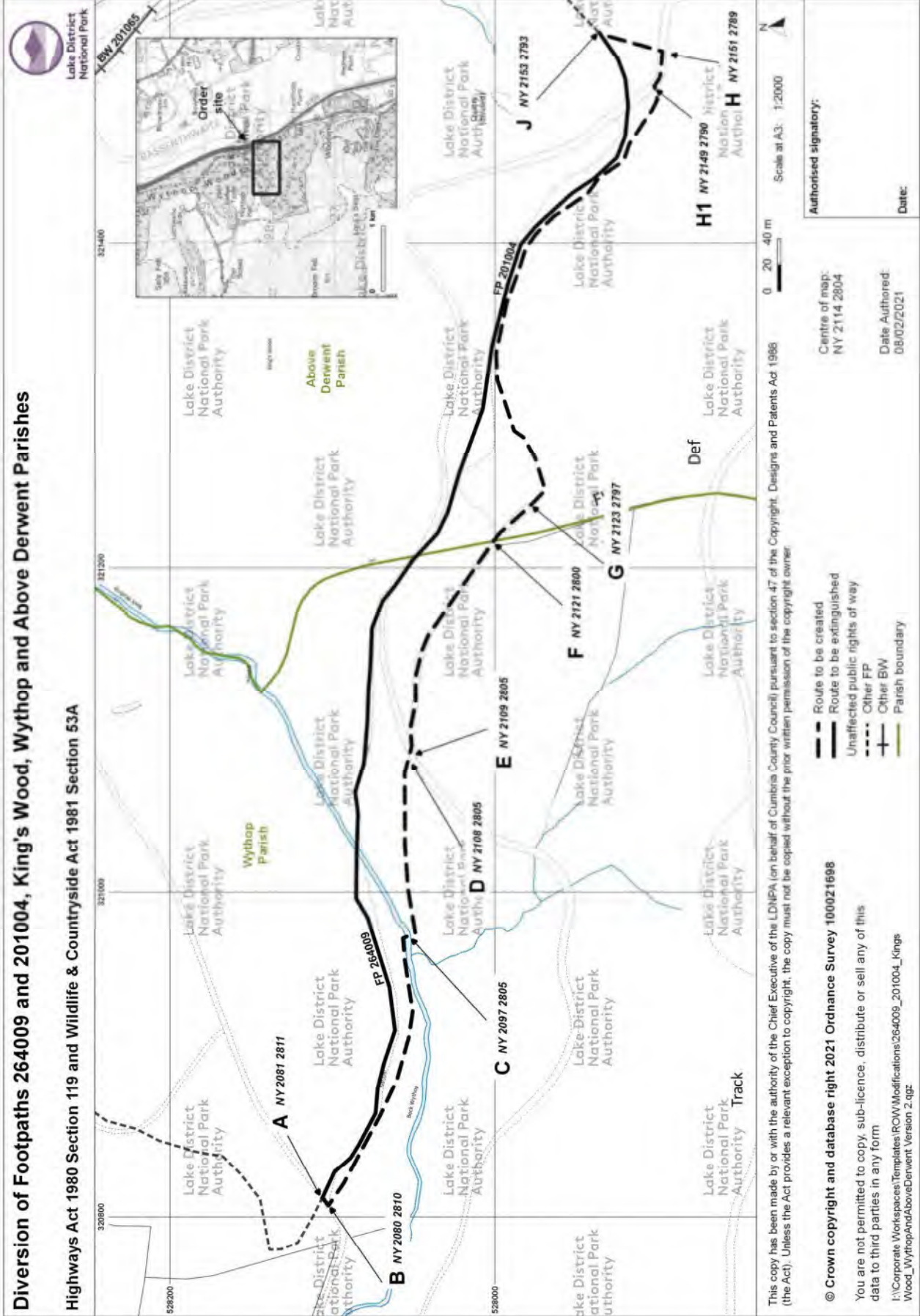
Policies on changing the public path network have been developed and approved by the Authority. These are listed below, and reference is made to them, where appropriate, in the later annexes.

- 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.

DIVERSION PROPOSAL MAP

Diversion of Footpaths 264009 and 201004, King's Wood, Wythop and Above Derwent Parishes

Highways Act 1980 Section 119 and Wildlife & Countryside Act 1981 Section 53A



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I:\Corporate Workspaces\Templates\ROM\Modifications\264009_201004_Kings Wood_WythopAndAboveDerwent_Version 2.rgp

Centre of map:
 NY 2114 2804

Date Authored:
 08/02/2021

Authorised signatory:

Date:

PHOTOS OF ROUTE(S)



Top – the old route from the beck up the hill eastwards towards the forest road. An old path can just be made out here and there.
Bottom – the proposed route to replace this, C-D – well-used, clearly defined benched trod.



Top – the proposed route at E where it sets off along a grassy ride towards F – the ride open up as shown in the bottom photo.



Top & Bottom – showing the existence of the path between G & H as an old usable trod – still clear of most vegetation.



These photos show the point (north of G) where the definitive line leaves the forest road – compare this to the previous photos showing the comparative usability of the route G-H.



These photos show the eastern end of this section – where the definitive line drops down to the forest road just north of point H1.



Top photo – the location (H1) where we will build a flight of around 20 simple steps, followed by a slim benched path heading towards the trees, rejoining the old trod there.

Bottom photo – the diversion between J-H, with the steep and unstable red line being replaced by the green line – which will be scraped clear of vegetation.



Lake District
National Park



8 July 2021

Dear ■■■

Our Reference: 1410.002

Authorisation of new gate across public footpath 361006, Harter Fell (Mardale Common), Shap Fell Parish

Thank you for your application to erect a new gate across the above footpath. On behalf of the Lake District National Park Authority, I authorise the installation of the following gate:

- 5' Bridle Gate at NY 4636 0965 as shown on the attached map

The authorised gate will enable efficient agricultural use of the landholding concerned by enabling a countryside stewardship scheme to control the ingress and egress of stock, encouraging regrowth, and making the agricultural holding more viable and efficient.

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, which have partly been set by the Secretary of State in the decision letter COM/3262569.

- The gate will be a minimum of 5' clear width when open, with a long handle.
- It shall meet the British Standard BS5709:2018 (copy attached).
- 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.
- The authorisation will end if the use of the land changes and the gates are no longer necessary to control animal movement. If the authorisation ends, you must remove the gate to restore uninterrupted passage.
- In the absence of the above change, the authorisation will expire on 30 June 2035.

Please sign and return a 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 Nick Thorne, Countryside Access Adviser on (01539) 792621.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Steve Gaskell

Ranger Team Leader (Central)

Direct: 01539 792604

Email Steven.Gaskell@lakedistrict.gov.uk

Landowner Confirmation

- I am acting for the ~~owner/lessee~~/occupier* of the land shown on the plan attached to this letter.

- I agree to the above conditions

Print name Bill Kenmir

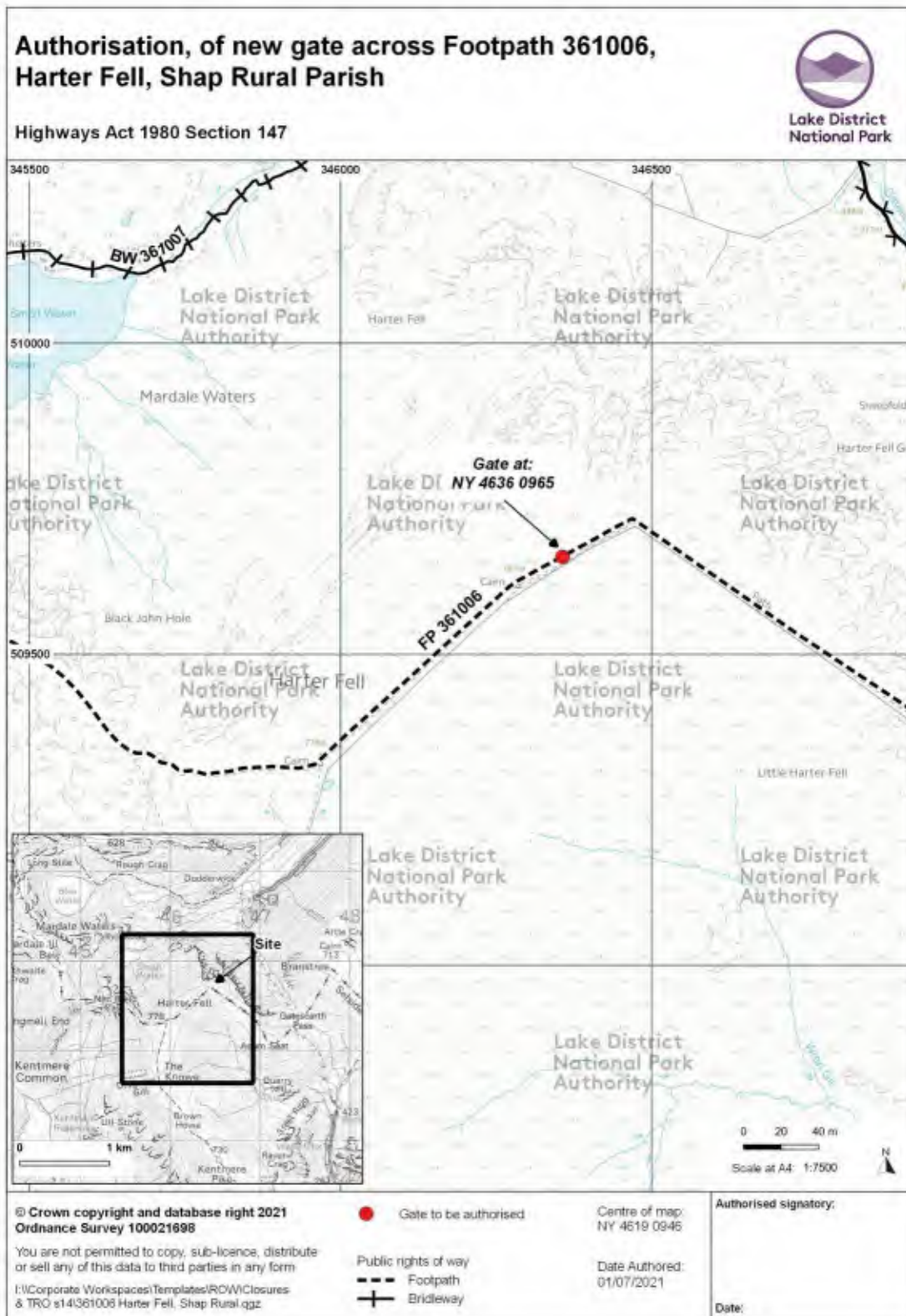
Signature ... 

Date 20th July 2021

*Delete as appropriate

.....

Map 1: Location of New Gate



British Standard 5709

6.3 Pedestrian gates and bridle gates

6.3.1 General

Pedestrian gates and bridle gates shall be selected in accordance with [Clause 4](#). Pedestrian and bridle gates shall conform to [Clause 5](#) and to the following requirements (see examples in [Figure 3](#), [Figure 4](#) and [Figure 5](#)).

NOTE 1 A field gate (farm gate) may be used as a pedestrian or bridle gate if it conforms to this British Standard, but [6.3.14](#) should be taken into account.

NOTE 2 Consideration should be given to additional features which might help specific users, e.g. a smooth push-plate on gates at height of bumper or foot rests of mobility vehicles to assist passage.

NOTE 3 Where required to control animals, gates should normally open into the land used by them. "Handed" gates to enable this are sometimes available from manufacturers or gates can be modified.

NOTE 4 Battens, mesh or other means of animal control may be applied to the gate to meet agricultural requirements.

6.3.2 Self-closing

- a) **Bridle gates.** Self-closing bridle gates shall have a minimum closing time from fully open (without wind) of 8 s.

NOTE 1 This timing derives from field trials conducted in 2015 (see [A trial of self-closing bridle gates \[2\]](#)).

NOTE 2 It is recommended that hydraulic or pneumatic two stage closers (slow from fully open, faster part way through closure) are used. Failing that, purpose-made offset hinges can be used.

- b) **Pedestrian gates.** Self-closing pedestrian gates, springs without speed control and torsion springs used as tension springs shall not be used as a means of closing.

NOTE 3 It is recommended that purpose-made offset hinges are used in situations where other constant force arrangements, such as weight and cable, are easily vandalized. Properly designed and installed torsion springs might be satisfactory if speed control is included, but the practice of using these springs as tension springs is both ineffective and unacceptable.

6.3.3 Tying open

Where they are not needed for animal control on a holding for a significant time, gates for animal control shall be tied open or temporarily removed (in line with the least restrictive option).

NOTE There are benefits from this action for wear and tear on the gate and for surface quality due to less ground poaching.

6.3.4 Minimum clear width

The minimum clear width of pedestrian gates shall be 1 100 mm and the minimum clear width of bridle gates shall be 1 525 mm.

NOTE 1 Bridle gates that are somewhat wider than the minimum are generally easier for riders to pass through and 1 800 mm is recommended.

NOTE 2 Many path maintenance vehicles can usefully gain access to paths through a 1 800 mm spacing.

NOTE 3 This requirement is not applicable to structures authorized prior to this edition of BS 5709.

6.3.5 Latches

Latches, including loop latches, on pedestrian and bridle gates shall only be fitted if needed and shall be visible and accessible.

Stockproof latches (which include a handle requiring an additional movement to release the latch and thereby reduce the accidental ingress and egress of animals) shall be used in any situation where they are required for land management purposes.

NOTE 1 See 4.3, which specifies the situations where structures preventing the movement of animals are required.

Latches shall be smoothly and easily operable with one hand from both sides of the gate by all path users, including mounted horse riders. These latches shall also be operable by a stick, by persons in mobility scooters.

NOTE 2 Many users of mobility scooters cannot get off their scooter to open gates but want to be able to go out without more-mobile helpers. If the latch is operable by a stick it can be lifted and the scooter driven slowly forwards against the gate until the user can reach the gate to open it fully. The gate can then self-close or be pushed shut.

The operating part of the latch shall be coloured yellow. Where the latch or latch operation is not obvious a notice shall be fixed nearby identifying the latch or giving instructions where necessary. The notice shall be black on yellow. Shutting the gate shall automatically fasten the latch except where a throw-over loop is used. The force needed to operate a latch by grasping with the hand shall not in any event exceed 30 N (representing approximately 3 kg on a spring balance scale) and the force needed to operate a latch operated by finger tips shall not exceed 10 N (representing approximately 1 kg on a spring balance).

Any one latch (including loop latches) shall allow the gate to be opened without involving any other latch, except in the case of a RADAR lock.

6.3.6 Opening force

Pedestrian and bridle gates shall swing freely and a force not greater than 18 N shall be needed to open them fully in the absence of wind forces.

NOTE 1 This was derived from field trials conducted in 2015 (see A trial of self-closing bridle gates [2]).

6.3.7 Two-way opening

Self-closing pedestrian gates and bridle gates which do not adjoin roads or ownership boundaries shall be two-way.

NOTE Gates are normally easier to use for all users if they open in the direction of travel, i.e. they are two-way. This avoids back-tracking to open the gate. It also avoids the risk with self-closing gates of a horse or mobility vehicle being jammed by the closing gate. It could also reduce the amount of manoeuvring space required.

6.3.8 Manoeuvring spaces

A substantial manoeuvring space shall be provided either side of pedestrian gates and bridle or field gates to allow path users to operate the latch (if fitted), as well as to pass through the gateway.

NOTE The opening side of one-way gates normally need substantially more manoeuvring space than two-way gates owing to the need for the user to keep out of the way of the gate as it opens. Some horses and mobility vehicles need at least 3 000 mm diameter to turn around in. See [A trial of self-closing bridle gates \[2\]](#).

6.3.9 Cattle grids

When used as a bypass for a cattle grid a guard fence shall be provided to separate the grid from the gate.

6.3.10 Straining posts

Gateposts shall not be used as straining posts for a fence.

6.3.11 Shearing action

In order to reduce shearing action on fingers, etc., where two-way gates swing past a post, gates shall be at least 30 mm from the post they swing past, except for any latch area (see [Figure 4](#)).

6.3.12 Trapping

For one-way opening gates which close onto a closing post rather than onto a latch, to avoid trapping, the overlap at the closing line on the closing post shall be at least 30 mm (see [Figure 3](#), key 5).

NOTE This trapping can be avoided by preventing the gate closing completely, for example by installing a block of resilient material on a part of the closing line. On metal gates such a block might also resolve noise issues. See [Figure 3](#), key 6.

6.3.13 Visibility

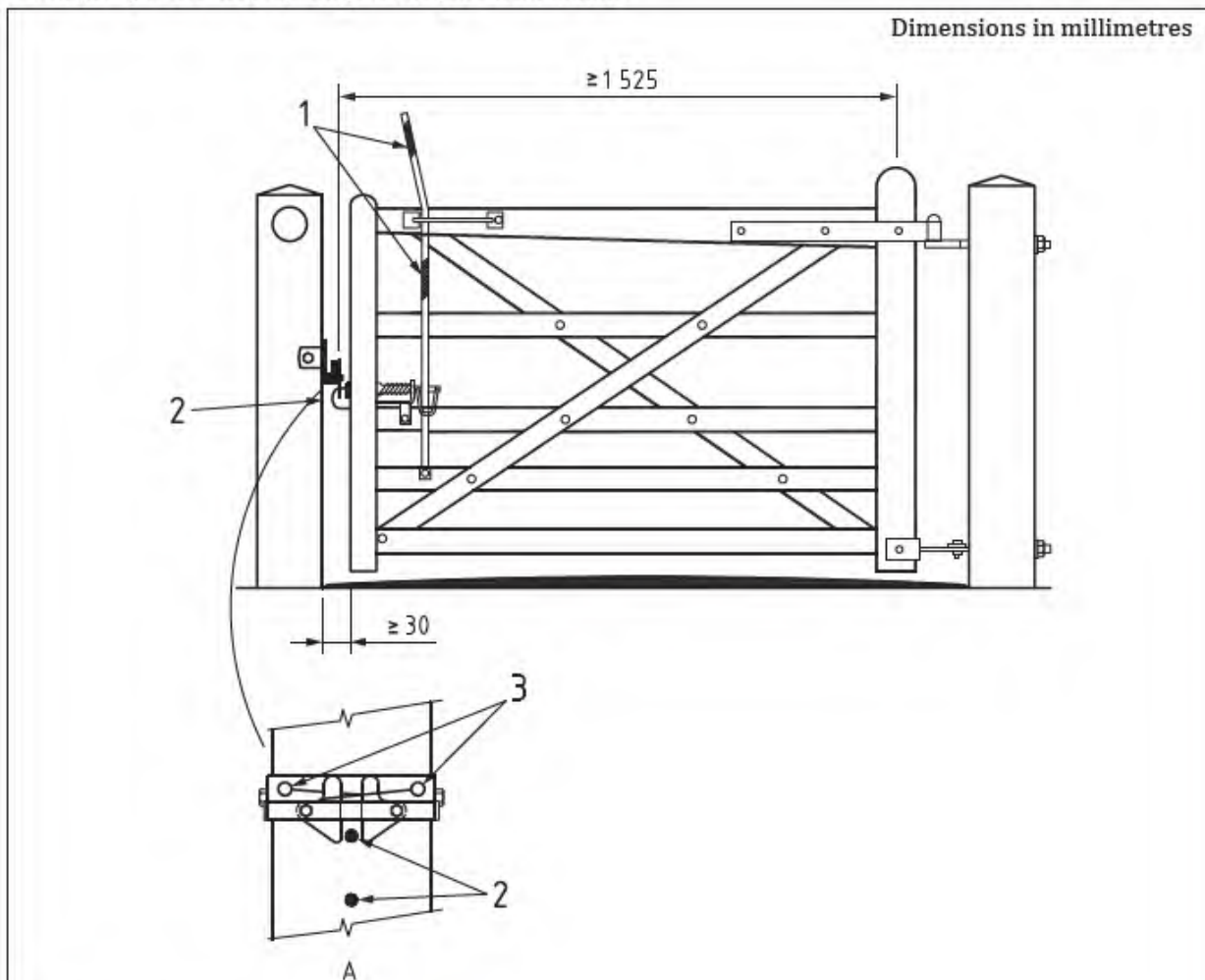
Every part of a gate above 1 200 mm from the ground shall be of open construction so as to allow a clear sight of the route beyond the gate.

6.3.14 Heavy gates

For hinged gates individually weighing more than 80 kg, the failure of any single hinge fitting shall not result in the gate falling down. A force of 800 N applied vertically at the latch end shall not ground the gate.

NOTE A chain through the gate and round the hanging post might protect against top hinge failure.

Figure 4 — Example of a two-way opening bridle gate with handle

**Key**

- 1 Handle coloured yellow (see 6.3.5)
- 2 "D" latch pin
- 3 Latches coloured yellow (see 6.3.5)


This example is illustrative of one design of a bridle gate which would conform to this British Standard if selected in accordance with [Clause 4](#) and meets dimensional and other requirements as specified in [Clause 5](#) and [6.3](#). Other designs which conform to these clauses are possible.

NOTE 1 The handle cranked towards the closing post was found in the bridle gate trial (see *A trial of self-closing bridle gates [2]*) to be easier for some riders.

NOTE 2 This type of latch can allow some mobility vehicle users to open the latch with a stick and simultaneously with the same stick push the gate open.

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, PARTS OF FOOTPATHS 408087 AND 408037, STANLEY GHYLL, ESKDALE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service Rights of Way and Access Matters All functions of the Authority under the Highway Acts [including the CROW Act] (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 again carrying out large-scale rhododendron clearance and rock-scaling within Stanley Ghyll, and the risk of debris falling onto the footpath in the bottom of the Ghyll is high. Closing the footpath to the public will mitigate this risk.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for sections of two public footpaths within Stanley Ghyll, Eskdale.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making 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 (241)	
Date of Report	27 August 2021	
Signature of authorising officer	Signed  Steve Gaskell	
Date	27 August 2021	

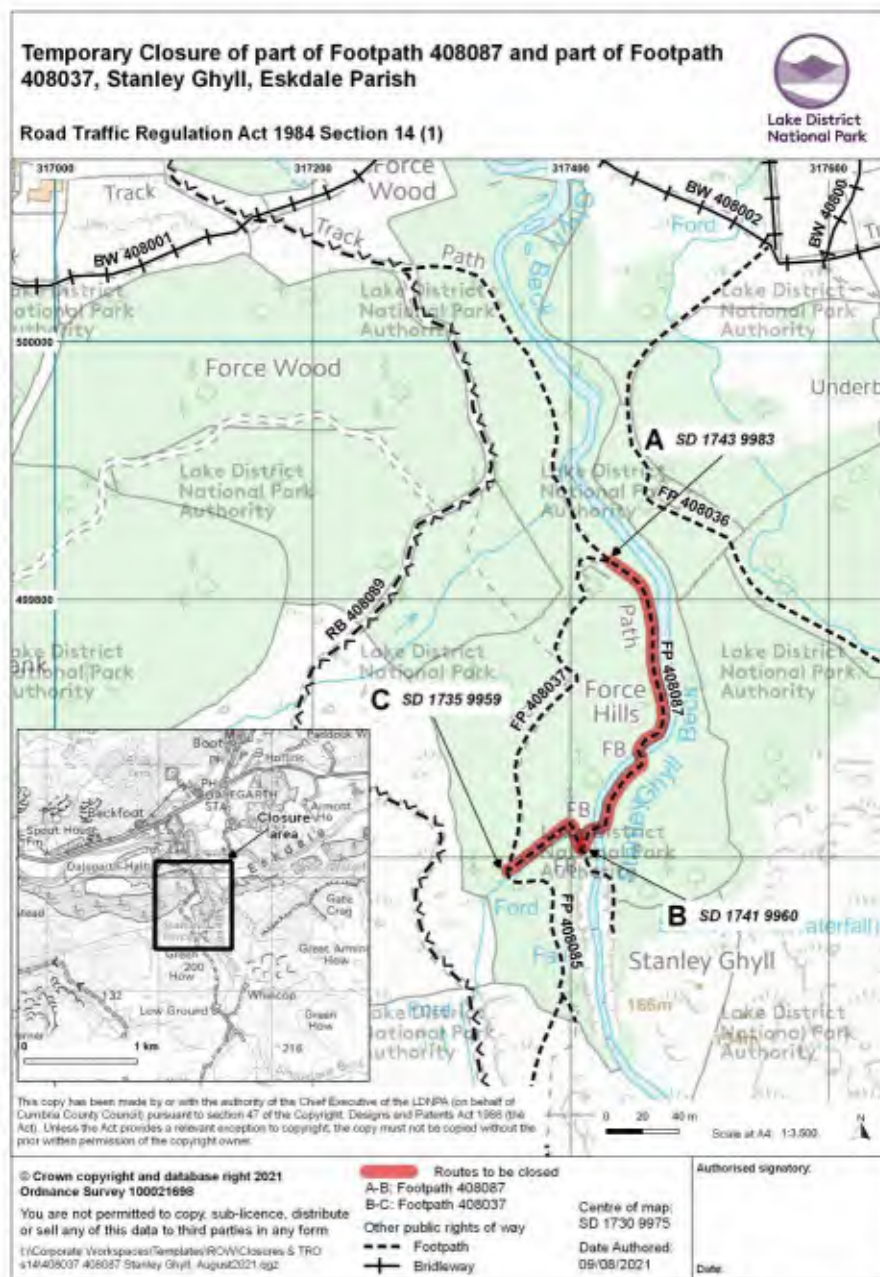
TEMPORARY TRAFFIC REGULATION ORDER, PARTS OF FOOTPATHS 408087 AND 408037, STANLEY GHYLL, ESKDALE PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over two parts of public footpaths to enable large scale works to go ahead.

Recommendation: a That we issue a Temporary Traffic Regulation Order for two sections of footpath in Stanley Ghyll, Eskdale, as shown on the map below:

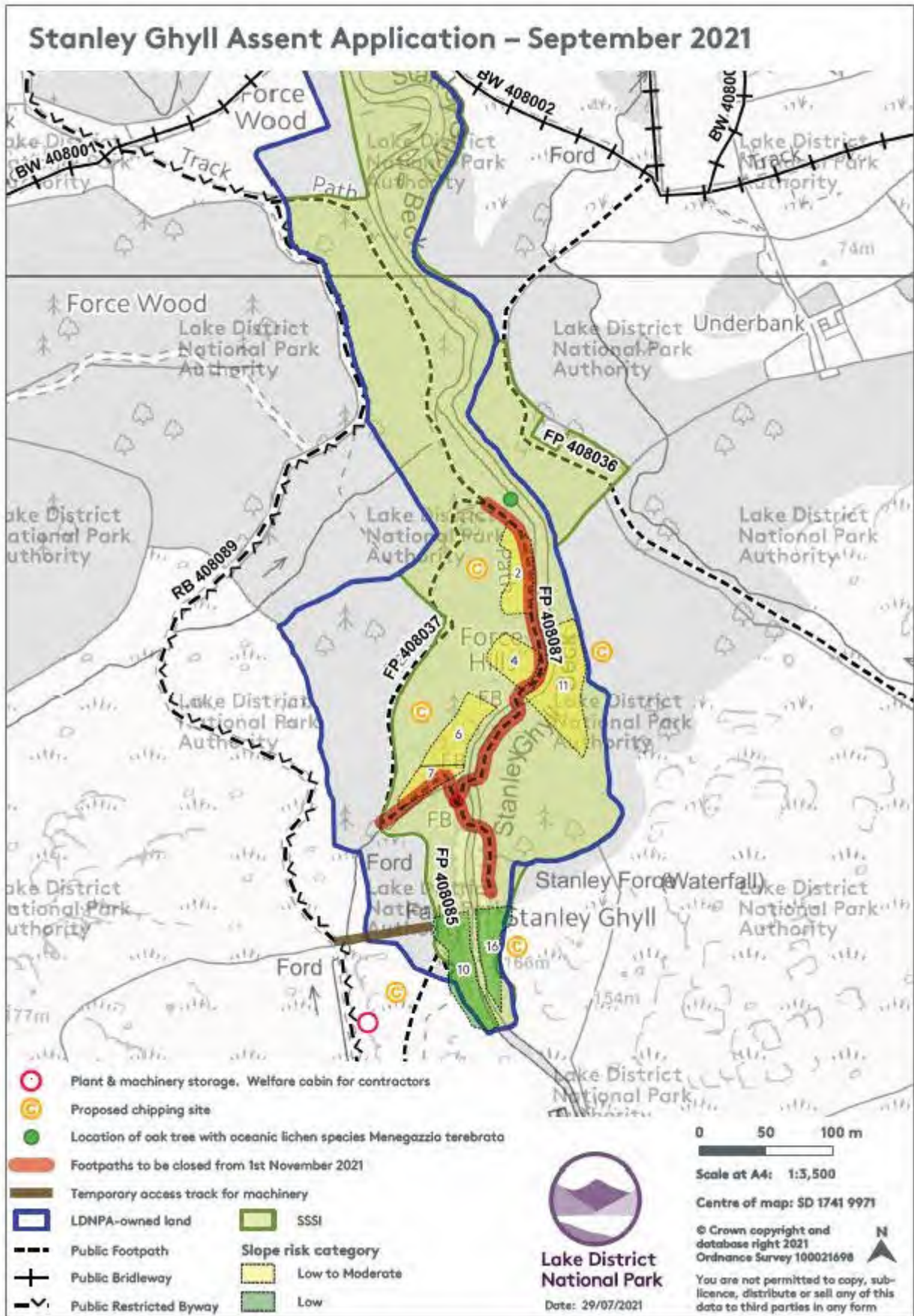
- FP 408087, section A-B
- FP 408037, section B-C



Site Map of Proposed Footpath Closures

2 Details of Request

- 2.1 As part of the ongoing programme to restore the Special Site of Scientific Interest at Stanley Ghyll, we carried out some large clearances of rhododendron, and other vegetation. This exposed a number of rockfaces, the stability of which raised concerns. We therefore commissioned a survey which identified a number of issues throughout Stanley Ghyll, most of which were manageable in the short-term. However, in the case of the rockface above the section of the footpath leading to the waterfall itself, the survey identified a significant imminent potential risk to footpath users and the surveyors recommended closure of that part of the footpath until stabilisation works are undertaken. We therefore closed the short section of footpath between the bridge and the waterfall in 2020.
- 2.2 The closure period gave us time to develop an action plan to ensure that the whole site (not just the closed section) was made safe for public access, as well as bringing the SSSI back into condition.
- 2.3 This action plan had two main phases, the first of which involved large-scale clearance and rock scaling across the whole site – which was closed between December 2020 and June 2021. The full report setting out all the issues is attached as an annex. This comprised contractors working their way through much of the site removing rhododendron and loose rock, followed by a repeat rock survey, and then any further required stabilisation works.
- 2.4 We have now been successful in obtaining funding to complete the second phase – which are the lower priority areas, and the area above the top waterfalls. These are areas 2, 4, 6, 7, 10, 11, 16 on the map overleaf.
- 2.5 Following our experiences from the first phase, we know that there is an extremely high likelihood of debris rolling down the steep sides and onto the footpath. Having taken part in some of the works myself, I can personally confirm that this isn't so much of a likelihood, as an actuality.
- 2.6 Obviously, this will mean that there is considerable risk to people using the footpath, which is mainly at the foot of the slope alongside the river. I therefore consider that we should close this footpath to protect the public during the works.
- 2.7 The work above the waterfall (areas 10 & 16) will begin in mid-September, but no closure is needed at that point. The work will continue northwards, and the closures will be needed from 1 November 2021. It is planned to do the section above B-C first (area 7), and so this section will hopefully re-open after a few weeks – but A-B (areas 6,4,11,2) will need to remain closed until Christmas (the closure will be in force till March – but the work is expected to be completed by Christmas).
- 2.8 The section from B to the base of the lower falls is also currently closed as it is dangerous to use. We are hoping to install a structure to make this path safe and usable in September / October, and so hopefully this section will then re-open. In which case, the lower falls will be accessible by the top path, then via points C & B.
- 2.9 The top path and the paths to the viewing platform will remain open at all times. The contractors will be erecting heras fencing and tape to keep visitors away from the tops of the worksites.



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. 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) Make an Order to close the footpaths
 - b) Do not make an Order

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 & 8. The other option will not enable the works to be carried out efficiently, effectively, and safely.

6 Best Value Implications

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

7 Finance Considerations

- 7.1 The costs of a Temporary Closure Order are £710+VAT (mainly staff-time), plus two adverts in the newspaper costing around £350+VAT each. Given that this is a public safety issue, I consider that it is appropriate that we meet these costs. The costs of the adverts will come from our property budgets.

8 Risk

- 8.1 There is a significant risk if we do not make the Order that a path user could be injured. These risks are set out in section 2. The contractor has carried out a risk assessment and has concluded that the work cannot reasonably go ahead unless the public are excluded from the work area. This is a reasonable conclusion. Given all the factors, it is unlikely that the work programme could practically go ahead due to the level of disruption from the presence of members of the public continuing to use the paths and the access land. Therefore the proposed temporary closure will safeguard potential users of the footpaths, and enable the rhododendron clearance and scaling works to be carried out safely and efficiently.

9 Legal Considerations

- 9.1 The relevant grounds for making an order restricting or prohibiting traffic 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 Service 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. This delegation is currently sub-delegated to the Ranger Team Leader (Central).

10 Human Resources

- 10.1 The work involved in this proposal is approximately 18 hours from members of the Park Management team (processing the Order and completing the required report to the Open Access Contact Centre), 1 hour 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 much of it has already been undertaken. There has also been countless hours in carrying out the inspections, surveys, analysing the report, awarding a contract, and so on.

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, as well as other interested parties, on the closure of the rights of way.

We received the following response:

Consultee	Comment
Cumbria County Council	<i>No comment to make</i>

Authorised by:



.....
Steve Gaskell, Ranger Team Leader (Central)


Date

27 August 2021

Background Papers Case file 1410.003 (241)
Author: Nick Thorne, Countryside Access Adviser
Date Written: 27 August 2021
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 GATES, FP 581061, BRANTFELL MOSS, MATSON GROUND, WINDERMERE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service 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 two new gates across a footpath to exclude stock following realignment of fences to create a wetland and have differing stocking regimes.	
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	6 September 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	7 September 2021	

Brief Summary of reasoning for authorisation

The request has been made by the owner of Matson Ground Estate.

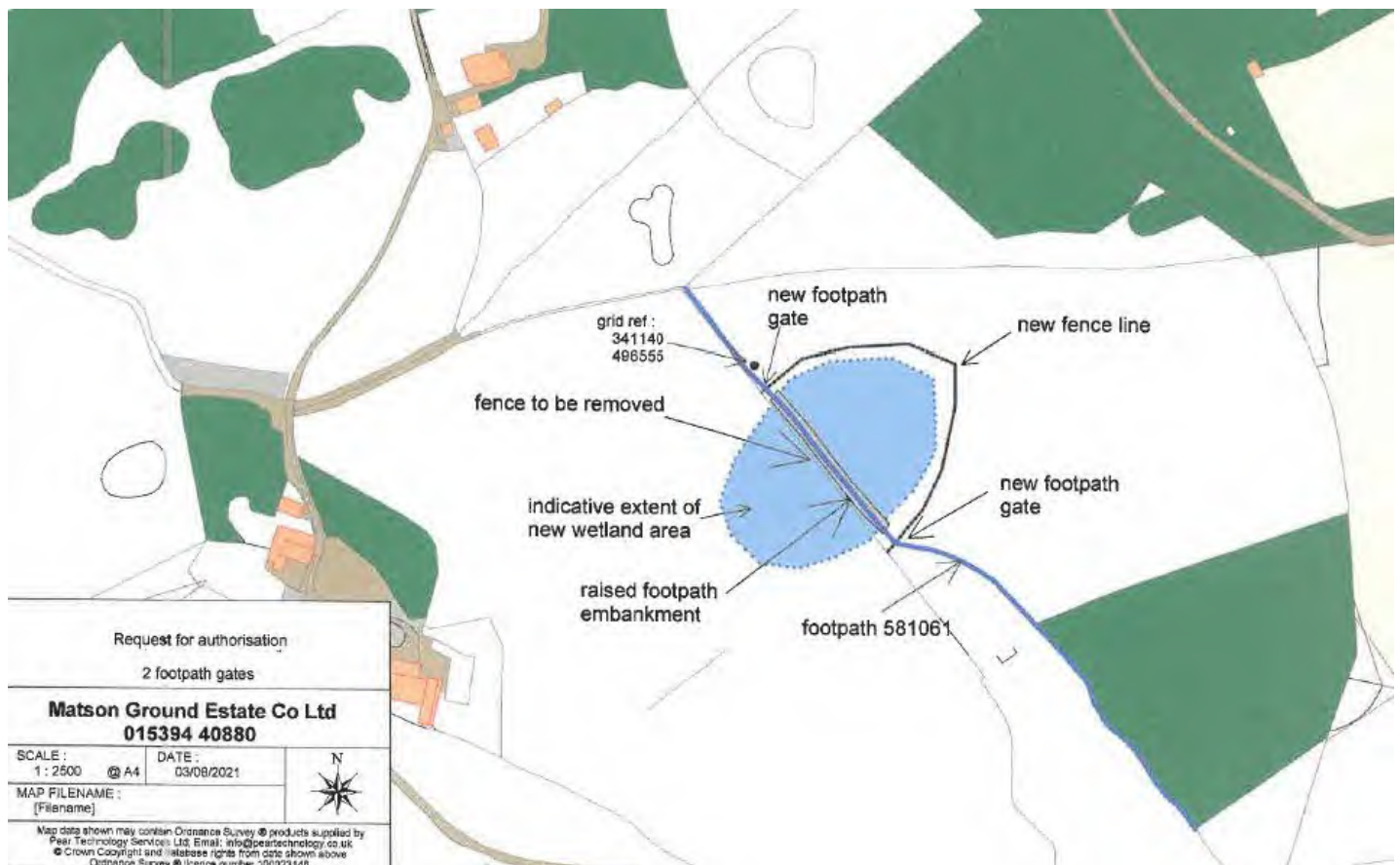
The main proposal is to enlarge an existing wetland area and realign the fences so that the western field has a lower grazing regime than the eastern field (see map below). One suggestion was to realign the fence entirely (move it all eastwards), but this would remove too much grazing ground from the holding.

This will mean that the new fence will loop around the wetland, and cross footpath 581061 twice – requiring two new gates.

In normal circumstances, the increase in gates would be, in my view, an unnecessary inconvenience to the public. However, in this particular instance, I think that it is acceptable. The wetland (with its new raised surface) will be a different habitat than traversed by the rest of the path, and in my view, the gates will make it feel as though walkers are entering/exiting something different – rather than merely passing through field boundaries.

The application states that the gates will be triangular kissing gates. I consider that we should require these kissing gates to be box-style, which are more accessible.

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.





**Lake District
National Park**

Matson Ground Estate Co Ltd
Unit 1D, Low House Business Centre
Windermere
Cumbria
LA23 3NA

6 September 2021

Our Reference: 1410.002

Dear [REDACTED]

**Authorisation of new gates across public footpath 581061, Brantfell Moss,
Matson Ground, Windermere Parish**

Thank you for your application to erect new gates across footpath 581061 at Brantfell Moss. On behalf of the Lake District National Park Authority, I authorise you to erect two kissing gates 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 separating stock from the enlarged wetland. 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.

- You have attached a photograph of the proposed gates – which are kissing gates with a triangular box. We would prefer a wicket gate, but a kissing gate is acceptable. However, we do not generally install triangular boxes anymore as they are more restrictive than the full square box style. Our authorisation is therefore on the condition that a square box gate is installed – and the specifications for this are attached.
- You will maintain the gates in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from you.
- Liability for this safe maintenance lies with the landowner / occupier.
- 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 longer agricultural. If the authorisation ends, you must remove the gate to restore uninterrupted passage.

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, Dave Bell on 07747 767156 or Nick Thorne, Countryside Access Adviser, on (01539) 792621.

Yours sincerely



Steve Gaskell

Ranger Team Leader (Central)

Direct: 01539 792604

Email steven.gaskell@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

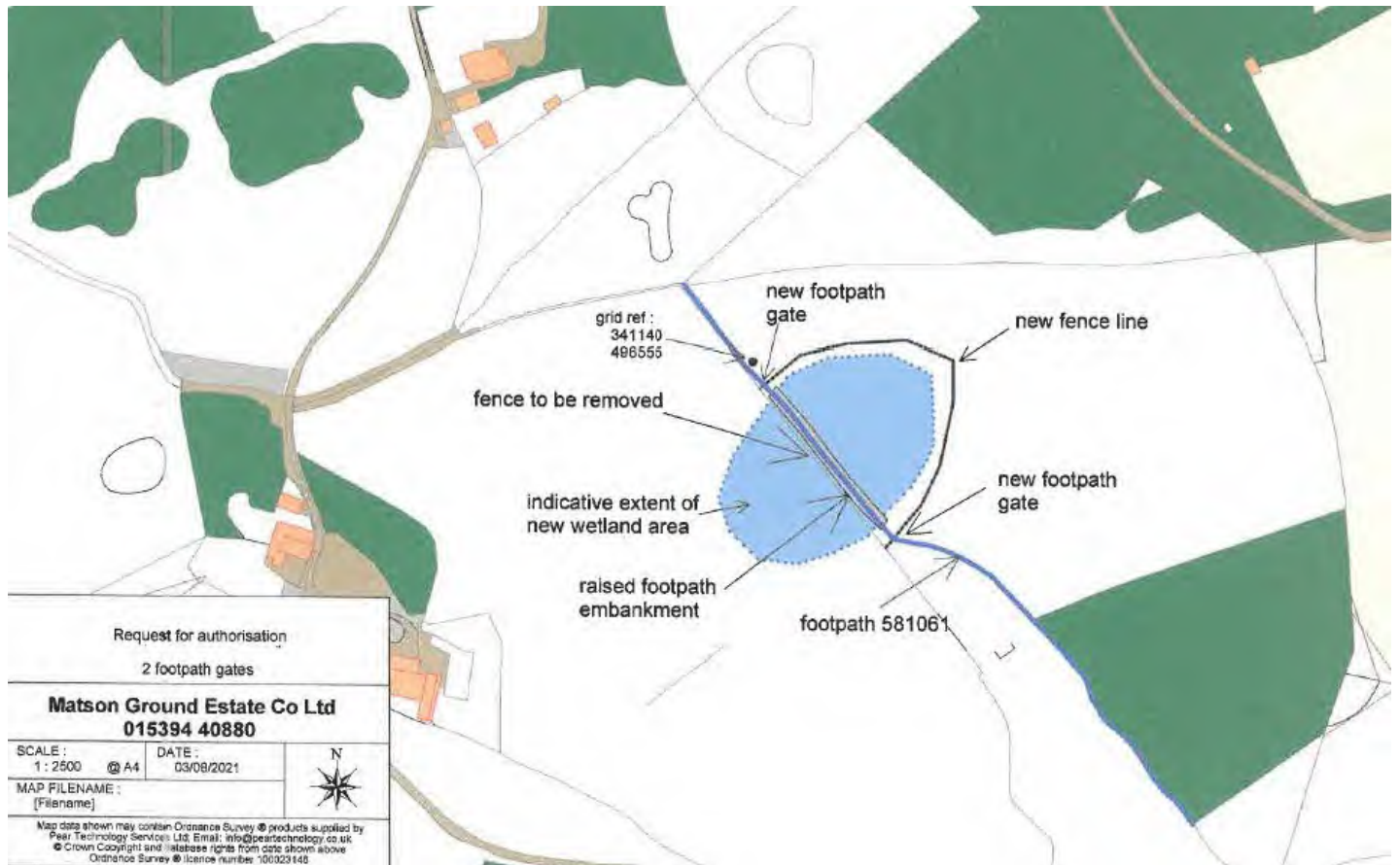
Signature

Date

*Delete as appropriate

.....

Map 1: Location of New Gates

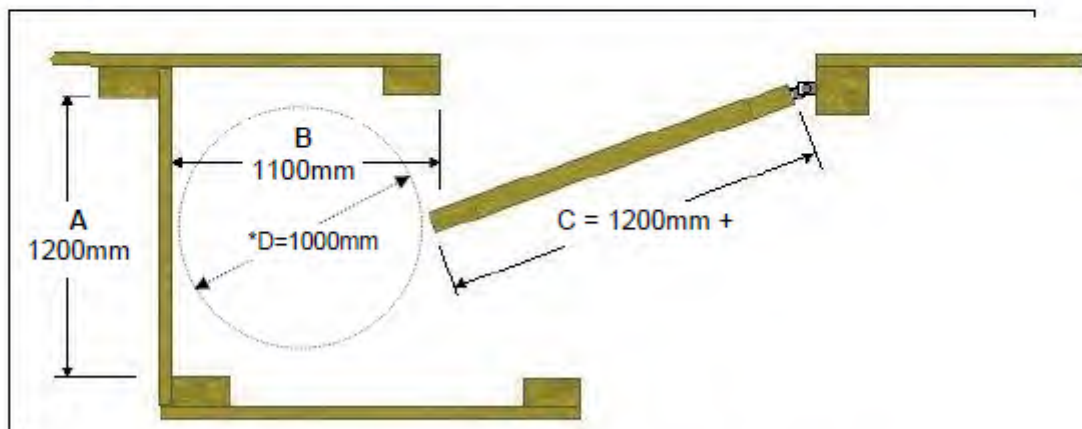


Request for authorisation	
2 footpath gates	
Matson Ground Estate Co Ltd 015394 40880	
SCALE: 1: 2500 @ A4	DATE: 03/08/2021
MAP FILENAME: [Filename]	
Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd. Email: info@pearstechnology.co.uk © Crown Copyright and database rights from data shown above Ordnance Survey © license number: 100029148	



**LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011**

GATES – KISSING (PEDESTRIAN) – RECTANGULAR (FLUSH)



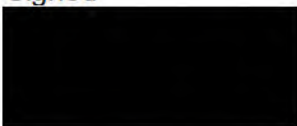
- *D=1000mm – minimum internal manoeuvring space should be adequate to allow a 1m diameter cylinder to pass through the kissing gate (flat end on ground).
- Hinge to be offset, so gate swings closed – flush to boundary fence (if gate swings from middle – then refer to SNH specifications – the pen will need to be larger).
- Catches to be avoided if possible – but if present, preferably self-fastening. They should be visible, accessible, and smoothly and easily operable from both sides of the gate by all path users.
- Public footpath waymarker to be fixed to both sides of posts / frame if appropriate.
- Hanging stoop should not be used as straining post for a fence.
- There should be no barbed wire or electric fencing attached to the hanging stoop or top rails of box.
- Meets BS5709: 2006 size specifications.

- For routes specifically adapted for use by all those with limited mobility, including manual and motorised wheelchairs should have the following specifications (and springs should not be used):
 - A – 1200mm minimum – 1500mm preferable
 - B – 1600mm minimum
 - D – 1150mm minimum – 1500mm preferable

*D - the usable width of a different sized pen is simply the shortest distance from the end of the gate to the end of the pen – so long as the pen is wider (A) than deep (B).

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 Service 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 of the routes 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 operative only on the three 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	Nick Thorne, Countryside Access Adviser	
Background Papers	Case file: 1410.003 (243)	
Date of Report	30 September 2021	
Signature of authorising officer	Signed  Steve Gaskell Ranger Team Leader (Central) – sub delegation	
Date	5/10/21	

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 to be operative only on the three 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 4 December 2021. It will follow its usual route through Grizedale Forest and Broughton Moor.
 - The Grizedale Stages (GSR) organisers have also requested an extra event for this year (and possibly future years) – being usage of the eastern side of Grizedale on the evening beforehand – Friday 3 December 2021.
 - The Malcolm Wilson Rally (MWR) will take place on Saturday 12 March 2022. This usually runs through Grizedale Forest, Wythop Woods and Whinlatter Forest. Last year the rally used the usual GSR route at Broughton as Wythop was not available because of large scale felling operations. The final route of the MWR has not yet been finalised but the organisers have stated that they are likely to be using Broughton Moor this coming year, and the proposed order takes this into account.

- 2.2 In summary:

Grizedale Stages Rally 3 December 2021 (from 00:01 for 24 hours)	Grizedale: all routes east of the Hawkshead to Satterthwaite road.
Grizedale Stages Rally 4 December 2021 (from 00:01 for 24 hours)	Grizedale: all routes west of the Hawkshead to Satterthwaite road. Broughton Moor: footpaths and bridleways in the southern part of the forest.
Malcolm Wilson Rally 12 March 2022 (from 00:01 for 24 hours)	Grizedale: all routes west of the Hawkshead to Satterthwaite road. Broughton Moor: footpaths and bridleways in the southern part of the forest.

Whinlatter Forest and Wythop Woods: various footpaths and bridleways.

- 2.3 Forestry England 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(s) 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.
- 2.4 To mitigate against any potential negative impact in Grizedale Forest one side of the forest will remain open for use – the west side on the Friday night, and the east side on the Saturday. The closure will be clearly signed and Forestry England will put information on their website to emphasise that the rally is being held at the weekend.
- 2.5 Forestry England consult the local parish councils about the use of the forests at the weekend and they have no objections.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 The increase in usage at Grizedale is a major step-change in the event – extending it from one affected day to two. Whilst the Friday event will be in the evening, the paths will be closed for the day. However, the western side will remain open. The Head of Park Management was consulted about this matter in August 2020. His view was that he didn't have a particular issue with this – as there would always be one side of the forest open. He added that it was also more likely to result in competitors and spectators staying overnight locally – thus adding value to the local economy. However, an alternate view put forward by bodies such as Ramblers and Cyclists is that Motor Sports are not an appropriate activity within the National Park as it is – and extending the length simply increases the impact and reduces tranquillity.
- 2.10 That discussion is maybe one for the section 33 consent to use the routes (which will be a separate report), whereas this issue is about the safety of path users.

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 Strategy & Ranger 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.

6.2 I consider that this work is good value for money. We provide this service, the public are protected, and the organisers meet our costs.

7 Finance Considerations

7.1 The costs of this temporary closure order are estimated to be £2400 excluding VAT which includes:

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

7.2 The two event organisers will meet the costs of the order 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 Strategy & Ranger Service 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. This is currently delegated to the Ranger Team Leader (Central).
- 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 50 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 Forestry England.

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
Cumbria County Council	<i>No comments to make on this proposal</i>
Ramblers	<i>Unhappy that the number of paths closed is growing. Do not oppose the closures as they are for safety reasons – but the issue they are concerned with is more extensive use by motor vehicles with resultant damage to forest roads and their surroundings. It is using the National Park for activities that don't preserve the National Park's peace and serenity.</i>

13 Recommendation

13.1 We make a temporary closure order to cover all the events.

Background Papers:	Case file reference 1410.003 (243)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	30 September 2021
Version	Final

Authorised by:



.....
Steve Gaskell, Ranger Team Leader (Central)

Date.....5/10/2021.....

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 Rally only – Grizedale East (Friday night)

Parish	Right of Way	From (SD)	To (SD)
Hawkshead	FP 529003	345 966	345 960
Hawkshead	FP 529004	342 964	353 968
Hawkshead	BW 529042	342 963	345 953
Satterthwaite	BW 566008	354 937	338 926
Satterthwaite	BW 566011	339 921	349 917
Satterthwaite	BW 566012	343 918	345 913
Satterthwaite	BW 566020	345 953	345952
Satterthwaite	BW 566021	345 952	354 940
Satterthwaite	FP 566028	337 945	350 941
Satterthwaite	FP 566029	347 931	353 932

Grizedale Stages – (Saturday) & Malcolm Wilson Rallies

Grizedale West / Broughton Moor


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
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

Malcolm Wilson Rally only (Wythop / Winlatter)

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PART OF BRIDLEWAY 407021, GILLERTHWAITE, ENNERDALE & KINNISIDE 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	Forestry England has been served with a Statutory Plant Health Notice to fell/kill all larch trees around the Gillerthwaite area due to infection of <i>Phytophthora ramorum</i> . Much of the felling can take place without affecting public access (using bankspeople) but for one section there is a high likelihood of timber and debris rolling down the hill onto the bridleway.	
Details of Decision	<i>That we issue Temporary Traffic Regulation Order for the section of Bridleway 407021 affected as shown from A to D on the plan attached to the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making 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 (243)	
Date of Report	30 September 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	5/10/2021	

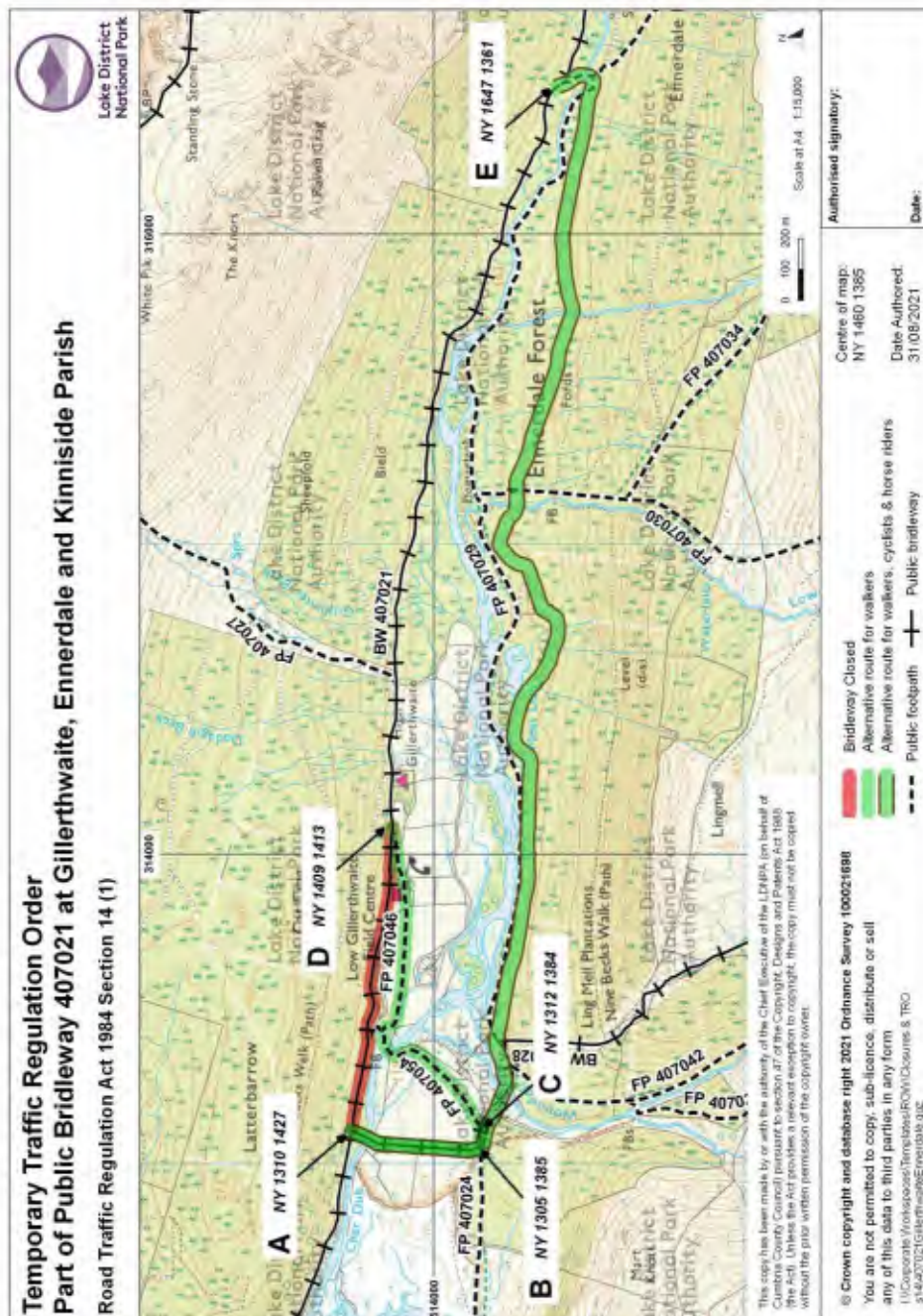
TEMPORARY TRAFFIC REGULATION ORDER, PART OF BRIDLEWAY 407021, GILLERTHWAITE, ENNERDALE & KINNISIDE PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic along a section of public footpath to enable Forestry England to carry out safe and efficient work operations to fell and extract trees infected with *Phytophthora ramorum*.

Recommendation: *That we make a temporary Traffic Regulation Order for the section of Bridleway 407021 between points A & D as shown in red on the plan below.*

2 Details of Request



- 2.1 Forestry England are felling a lot of larch trees in the area around Gillerthwaite as they have been identified as being infected with *Phytophthora ramorum*. Much of the felling can take place without affecting public access (using bankspeople) but for one section there is a high likelihood of timber and debris rolling down the hill onto the bridleway.
- 2.2 They have therefore requested that we close a short section of bridleway to enable them to carry out the required felling and extraction effectively, efficiently, and safely.
- 2.3 They have requested a closure for at least six months – but they anticipate that the work will only last for two months. And that the path can remain open whilst no work is taking place.
- 2.4 Whilst the closure is in operation, alternative routes will be available as follows:
 - For walkers - via footpaths 407054 and 407046, A-B-D;
 - For walkers, cyclists and horse-riders – via the forest road to the south of the river, A-B-C-Eas shown in green on the plan above.

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. This will allow work to go ahead safely and efficiently. The disruption to the public will be reduced by the path being open at weekends and by the footpath on the other side of the tarn being available as an alternative to the closed path.

6 Best Value Implications

- 6.1 The Best Value implications are:
 - a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumbria County Council can also process temporary closure orders, but we are the best placed organisation to make this order.

- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £710 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. Forestry England will meet all the costs.

8 Risk

- 8.1 The major risk associated with this is if we do not make the Order. The closure will safeguard potential users of the footpath who may be injured if they attempt to use the path during works.

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 to enable works to be executed on or near the path.
- 9.2 The Head of Service 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, and under our Agency Agreement with Cumbria County Council. This has currently been sub-delegated to the Ranger Team Leader (Central).

10 Human Resources

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

11 Sustainability

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

12 Consultation Responses


- 12.1 We carried out a public consultation with interested bodies and individuals including the Highway Authority, Cumbria County Council (CCC). We received the following responses:

Consultee	Comment
Cumbria County Council	<i>No comments from us</i>

13 Summary and Recommendations

- 13.1 Although we would rather forest operations were carried out with no interruption to public access, on this occasion it is unavoidable, particularly as Forestry England have a statutory notice to remove the infected larch trees within a short timescale. I therefore feel that this closure request is reasonable and that we should make the required temporary closure order.

Authorised by:




.....
Steve Gaskell
Ranger Team Central

Date 5/10/21

Background Papers	Case file 1410.003 (243)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	30 September 2021
Version	Final

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	SECTION 33 ROAD TRAFFIC ACT CONSENT – GRIZEDALE STAGES RALLY 3 & 4 DECEMBER 2021	
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 England) 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	Nick Thorne, Countryside Access Adviser	
Background Papers	File Reference 1480.006	
Date of Report (letter)	14 October 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	18 October 2021	



Lake District
National Park

[REDACTED]
Grizedale Stages Rally

14 October 2021

Our Reference: NJT/1480.006

Dear [REDACTED]

Section 33 Consent for Grizedale Stages Rally 2021

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:

Friday 3 December 2021 - all routes in Grizedale East as listed in schedule 1 and shown on maps below.

Saturday 4 December 2021 – all routes in Grizedale West and Chapel House Plantation listed in schedules 2 & 3 and shown on maps below.

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 subject to the conditions listed overleaf. This replaces the earlier consent dated 30 September 2021.

If you have any queries about this matter, please contact Nick Thorne, Countryside Access Adviser (nick.thorne@lakedistrict.gov.uk).

Yours sincerely

[REDACTED]
Steve Gaskell

Ranger Team Leader (Central)

Direct: 01539 792604

Email: steven.gaskell@lakedistrict.gov.uk

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.

SCHEDULE 1 – Grizedale East

Parish	Right of Way	From (SD)	To (SD)
Hawkshead	FP 529003	345 966	345 960
Hawkshead	FP 529004	342 964	353 968
Hawkshead	BW 529042	342 963	345 953
Satterthwaite	BW 566008	354 937	338 926
Satterthwaite	BW 566011	339 921	349 917
Satterthwaite	BW 566012	343 918	345 913
Satterthwaite	BW 566020	345 953	345952
Satterthwaite	BW 566021	345 952	354 940
Satterthwaite	FP 566028	337 945	350 941
Satterthwaite	FP 566029	347 931	353 932

SCHEDULE 2 – Grizedale West

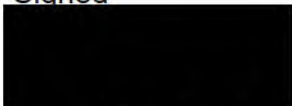
Parish	Right of Way		From (SD)	To (SD)
Colton	BW	511055	306 924	310 937
Colton	BW	511084	309 925	315 928
Colton	BW	511085	314 923	312 925
Coniston	BW	512066	318 970	325 955
Coniston	FP	512002	318 970	324 971
Coniston	BW	512003	317 968	320 947
Coniston	FP	512004	312 949	317 951
Coniston	BW	512005	323 951	318 950
Coniston	BW	512006	318 944	323 951
Coniston	FP	512047	324 956	329 971
Coniston	FP	512061	329 976	327 984
Hawkshead	BW	529005	338 963	342 964
Hawkshead	FP	529006	342 975	339 966
Hawkshead	FP	529007	336 965	337 968
Hawkshead	FP	529019	339 972	339 986
Hawkshead	BW	529039	341 965	349 980
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	334 920	322 909
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

SCHEDULE 3 – Chapel House Plantation

Parish	Right of Way		From (SD)	To (SD)
Staveley-in Cartmel	FP	573028	3946 8654	3822 8549
Staveley-in Cartmel	FP	573029	3846 8570	3817 8518
Staveley-in Cartmel	BW	573032	3848 8600	3875 8566

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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – LAKES TWO DAY TRIALS, OCTOBER 2021	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service - 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	5 October 2021	
Date of Report (letter)	12 September 2018	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	5/10/21	



Lake District
National Park

[REDACTED]
Birkett Motor Sport UK Ltd
[REDACTED]

5 October 2021

Dear [REDACTED]

Our Reference: 1480.001

Lakes Two Day Trial – 9-10 October 2021: 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 9 & 10 October 2021 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 9 October 2021

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

Sunday 10 October 2021

FP 520010	Haveriggholme	Crossed by event
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I note also that you are using Occupation Lane in Broughton-in-Furness. We have received an application to record this as a bridleway – so it may be worth treating is as such until we have determined the application (that is – signage and marshals). I would also be interested in copies of the permissions from the landowners for the use of this lane with motorbikes, as they have stated that they have not given anyone permission to use it (not in connection with your usage – but the general public).

As ever, if you have any queries, please don't hesitate to get in touch with Nick Thorne, Countryside Access Adviser.

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



Steve Gaskell


Ranger Team Leader (Central)

Direct: 01539 792604

Email: steven.gaskell@lakedistrict.gov.uk

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 - ii) affect the rights of an individual; or
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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – Vintage Sports Car Club – Lakeland Trial, 13 November 2021	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service - 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 and Planning Acts.	
Background	The Lakeland Trial is a one day time schedule event for up to 120 pre-war road cars in the Hobcarton / Wythop / Setmurthy areas. It has been running for many years. A number of public paths are used to reach the trial sites, and one bridleway is used as part of the hill trial. 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 1480.013	
Date of Report (letter)	20 October 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central	
Date	21 October 2021	



**Lake District
National Park**

Andrew Tarring
The Vintage Sports Car Club



20 October 2021

Dear Mr Tarring

**Vintage Sports Car Club – Lakeland Trial, 13 November 2021
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, as shown on the attached route maps:

As part of the event:

- BW 220003, Honister (Drumhouse).

Crossed or used as access only:

- FP 242017/024, Darling How;
- FP 264002/264005, Peel Wyke;
- BW 264003, Lothwaite;
- FP 264009, Beck Wythop;
- FP 201004, Beck Wythop.

For the event planned for 13 November 2021, 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 section.

- 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 20 marshalls on the 600 metres of the Drumhouse event route. 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 bridleway will be informed of the event by the marshals. If the public wish to continue along the bridleway, 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.

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 120 vehicles
6. Remove litter deposited on any affected footpath or bridleway during the event.
7. Report any accidents or near miss incidents involving spectators or public rights of way users to us within 48 hours of any event.

Yours sincerely

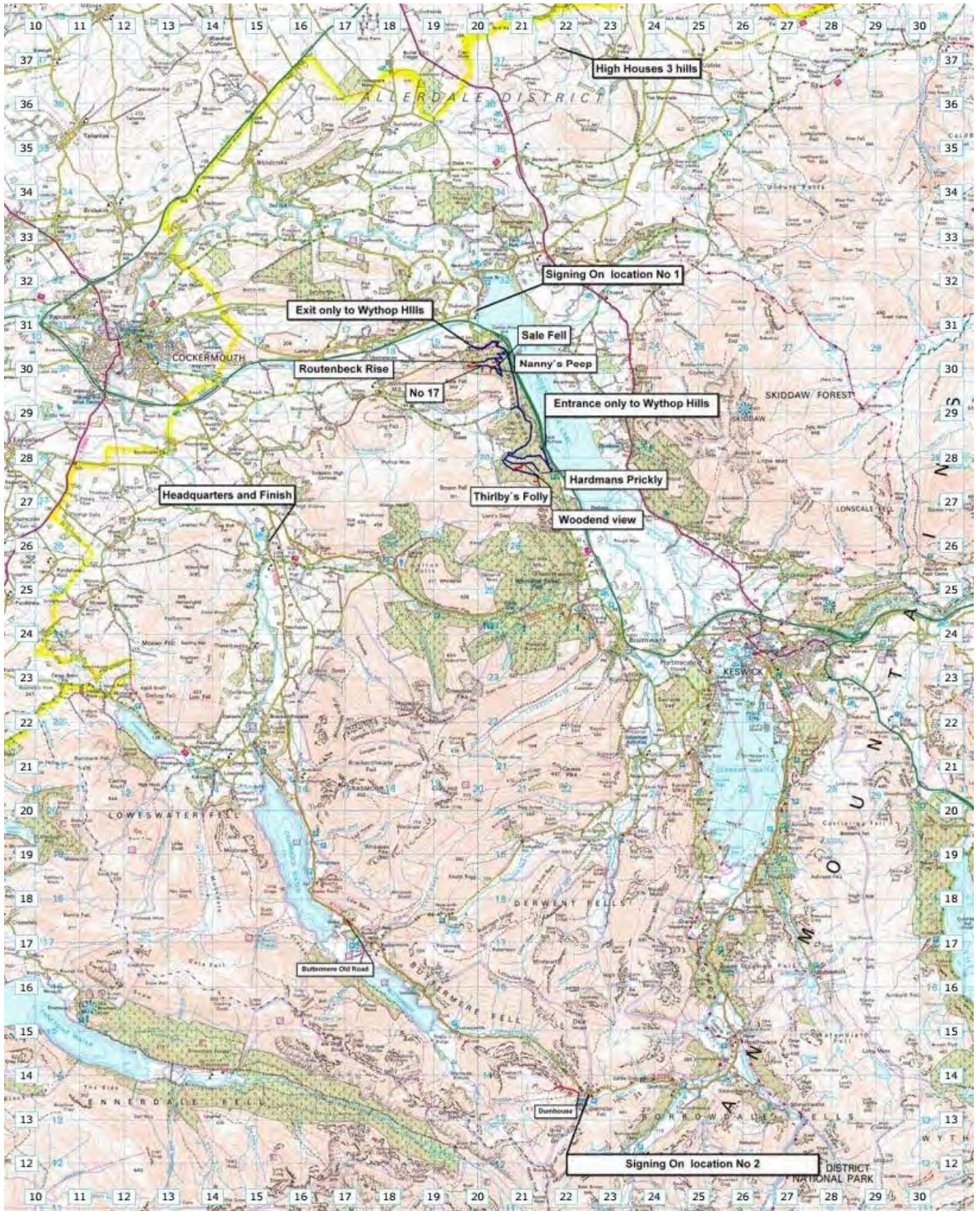


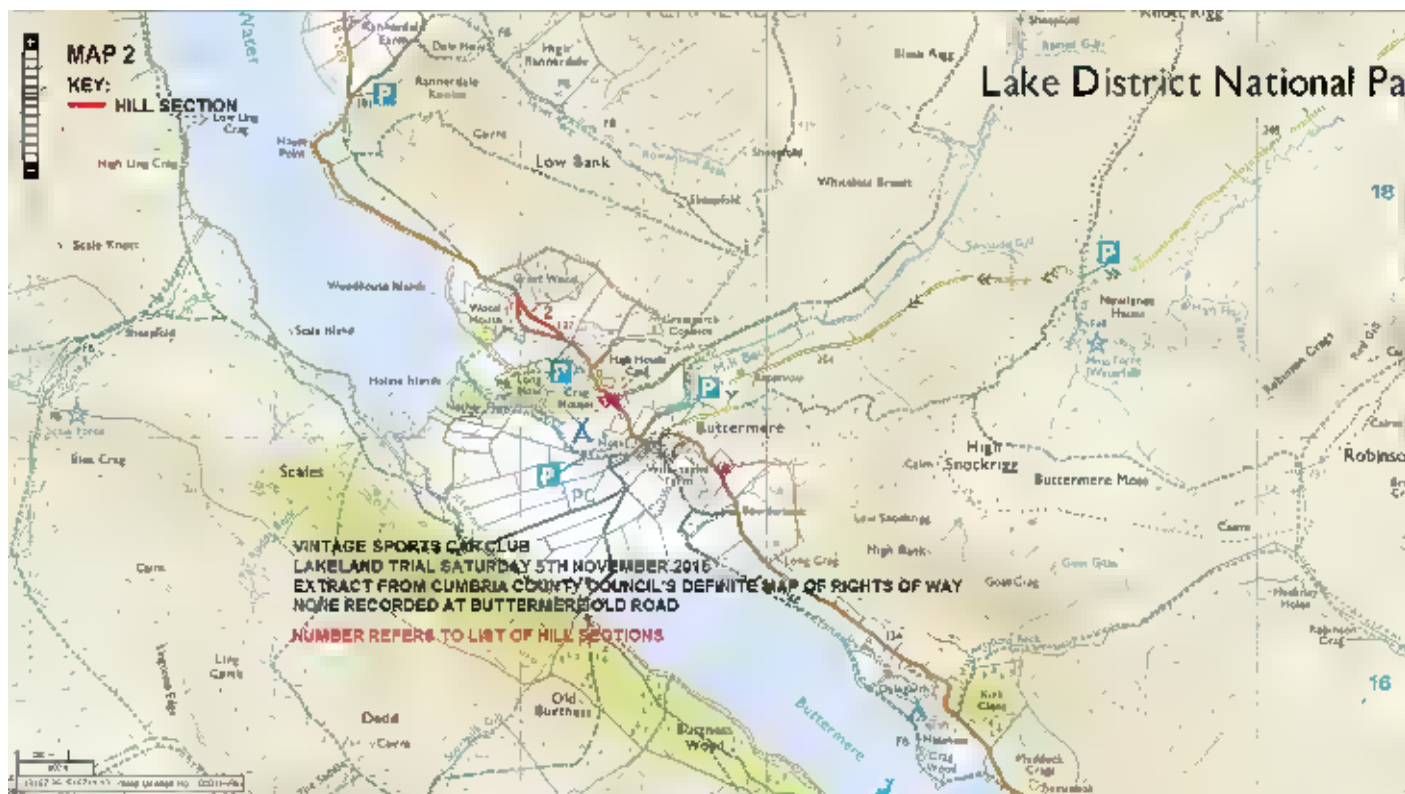
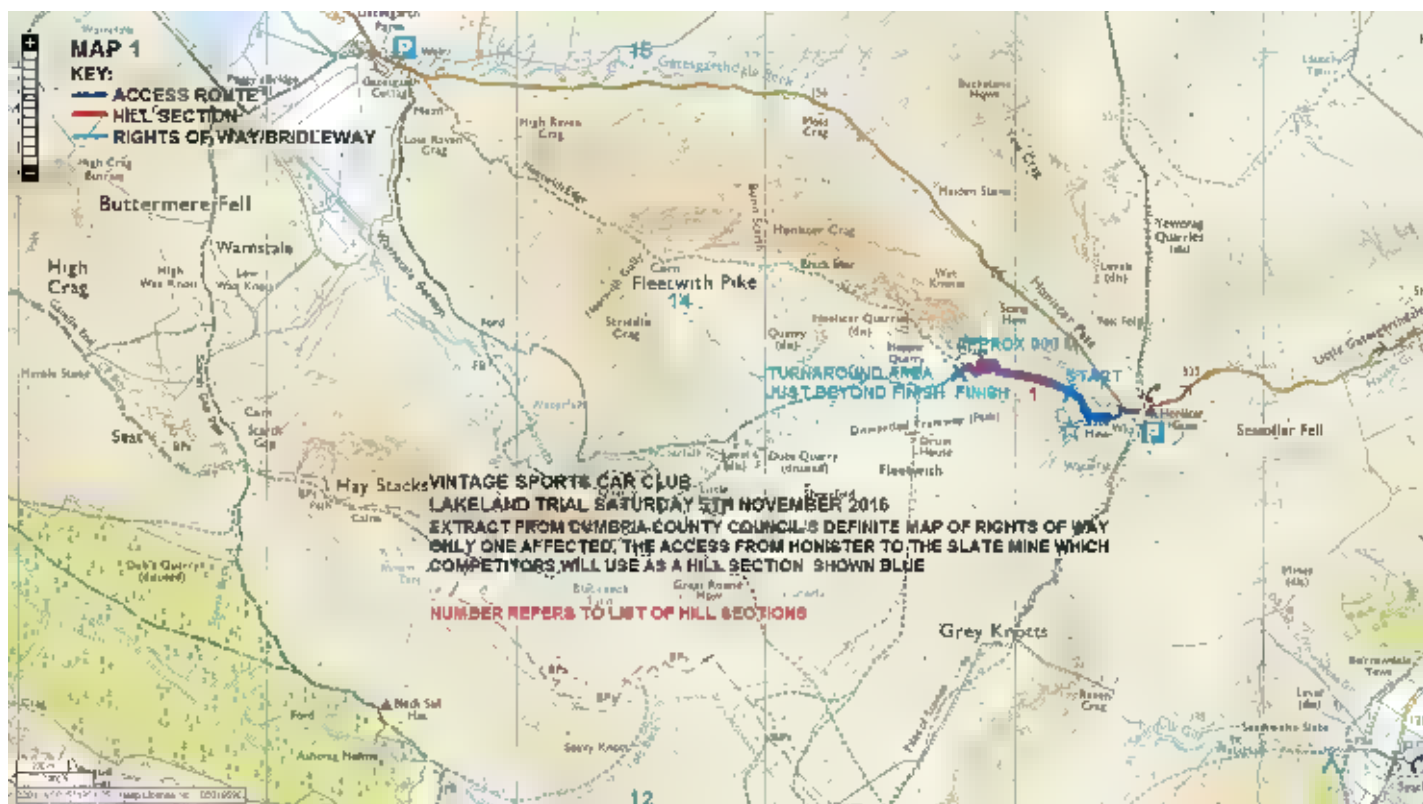
Steve Gaskell

Ranger Team Leader (Central)

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	DIVERSION OF PUBLIC FOOTPATH 537003, HOLLINGSWORTH & VOSE FACTORY, KENTMERE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service 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	Planning permission has been granted for the H&V factory in Kentmere to expand, and the development will obstruct the footpath that currently runs through the yard. Rather than simply divert the path around the development, the opportunity has arisen to remove it from the factory yard altogether.	
Details of Decision	To divert the footpath to a constructed path to the west of the factory yard.	
Details of alternative options considered and rejected.	To refuse the diversion, to divert around the extension only, or to divert to a different line altogether.	
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 1412.537.02	
Date of Report	1 November 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	2 November 2021	

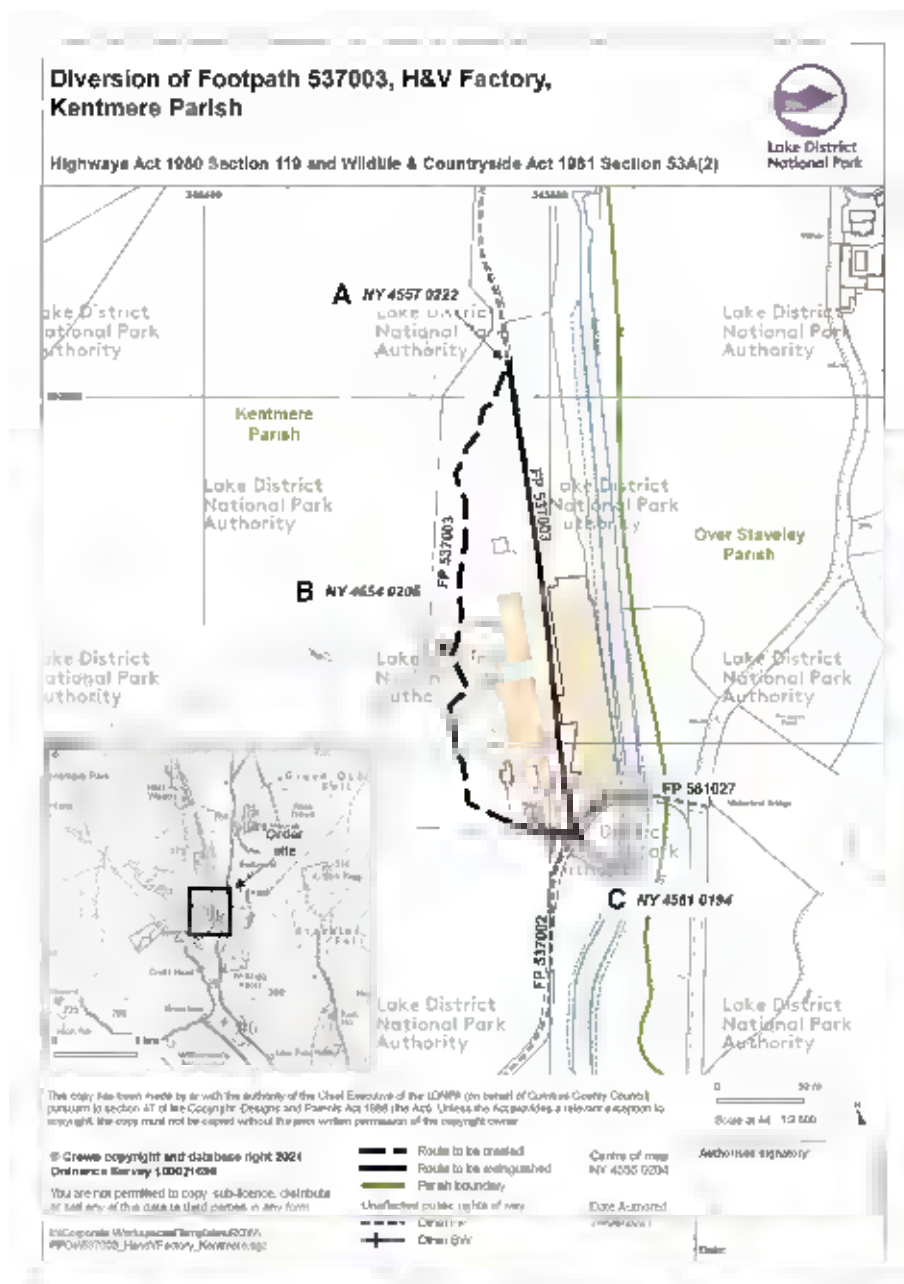
DIVERSION OF PUBLIC FOOTPATH 537003, HOLLINGSWORTH & VOSE FACTORY, KENTMERE PARISH

1 Summary

- 1.1 Planning permission has been granted for the H&V factory in Kentmere to expand, and the development will obstruct the footpath that currently runs through the yard. Rather than simply divert the path around the development, the opportunity has arisen to remove it from the factory yard altogether.

Recommendation that:

- a** we make a diversion order for the section of Public Footpath 537003 between points A-C as shown on the plan below;
- b** we confirm the order if no objections are received or if those objections received are withdrawn.



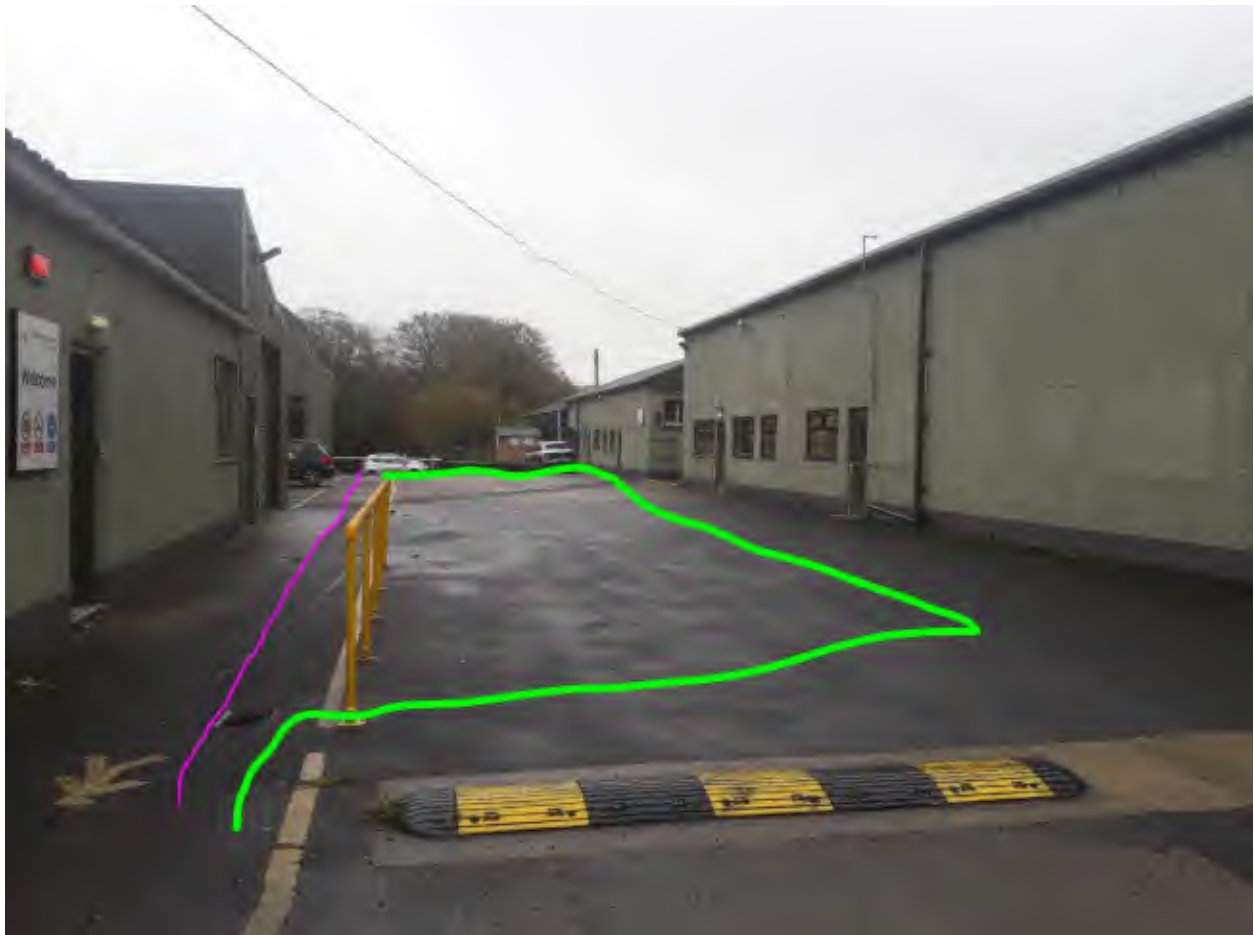
Plan of proposed diversion

2 Background

- 2.1 Planning permission has recently been granted for a warehouse extension, factory extension, and car park extension at Holligsworth & Vose's facility in Kentmere. The application is [here](#)
- 2.2 One of the extensions will be over footpath 573003, and in pre-planning discussions we discussed this with the developers. Under the Town & Country Planning Act provisions (TCPA), the initial suggestion was to divert the affected section only, by moving the footpath to the other side (western) side of the yard, as shown in green on the planning application document extract below.
- 2.3 But in discussions, a potentially preferable alternative was put forward (as shown on plan at page 1), and this would be under the Highways Act provisions rather than the TCPA.
- 2.4 The proposal is to remove the footpath from the yard altogether – thereby reducing the risk of conflict between vehicles and walkers. And it would, for some, make the path as a whole more enjoyable. The proposed route would run to the west of the buildings, mainly through established woodland. There would be a slight gradient (the current path is flat), but nothing particularly difficult to navigate for those with limited mobility, and it is slightly longer (60m). At present, the proposed route is accessible if properly shod, and has been cleared and trimmed. Before any diversion is confirmed, H&V would stone surface the path to our specifications (a separate planning application has been made for the works).



Planning application – extension is blocked in dark sage colour, and initial diversion proposal shown in light green



Current route through yard in purple, original proposal around extension in green



**The new route will run through this habitat.
It will be fully surfaced before confirmation of any diversion order**

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 Strategy & Rangers 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 '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.
 - 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.
- 3.6 This proposal mildly helps fulfil these aims. It arguably makes the path more attractive, and removes it from a potential risk area where factory vehicles and walkers may interact.
- 3.7 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.8 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:** We have received an application to divert this footpath to enable development to take place. We have developed prioritisation criteria for casework (2007 onwards), and such applications are generally of high 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 enable sustainable development to take place, whilst also arguably improving the enjoyment for walkers.
- 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 occasionally **compare** our casework with other authorities. We appear to process as many Orders as similarly sized and staffed local authorities.

4.3 Value for money – we are obliged to assess proposals to ensure that they are good ‘value for money’. In this instance, the applicants are meeting all of our costs, and we are providing a service.

5 Options

- 5.1 a: make the recommended order;
- b: make a different order (for example, the original proposal);
- c: do not make an order.

6 Proposals

6.1 I recommend option 5.1a. The proposed alteration brings about a preferable diversion than merely moving the path within the yard – both for walkers and the applicants. Not making an order at all would mean that the development for which planning permission has been granted would be unable to take place – which would seem unreasonable.

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 Although there is some arguable benefit to the public, this is not a diversion we would have sought if it had not been for the development. The clear beneficiaries are the developers/applicants – Hollingsworth & Vose.

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 The current definitive line is a straight line on a level tarmac/concrete surface – very easy to navigate and to use for all walkers and those with limited mobility.

8.2.3 The proposed path will not be direct, being a windy path through woodland, it will be stone surfaced and includes some relatively gentle gradients.

8.2.4 For these reasons, the new route will be less convenient – but not substantially so. It will be surfaced to our specifications, and will be well waymarked and easy-to-follow. In this respect, it is worth reading the consultation response from the Open Spaces Society in full (attached as Annex 2) – as this explains the view from users and that they have no objection to the proposal.

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

8.3.1 The current definitive line passes through (in the words of the Open Spaces Society) and 'incongruous industrial works directly through the middle of the site along a road which is used by industrial traffic and regular movements of fork-lift vehicles cross the path'. In all honesty, it is not a particularly enjoyable experience for walkers – when using it myself in the past I have felt out of place, and a little wary.

8.3.2 The new route will be to the west of the factory complex, and will wind through pleasant amenity scrub and woodland – much in keeping with the continuation of the path northwards.

8.3.3 Personally, I consider that the new route will be more enjoyable to walk, and those consultees that have responded appear to agree.

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

8.4.1 Not that we are aware of. We are not aware of any private rights along the existing footpath.

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

8.5.1 The land is owned by the applicant. There appears to be a private access for a third party over a short section of the proposed route – but the establishment of this as a public footpath will not interfere with their access rights.

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 there is no impact on its termination points.

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 [Cumbria ROWIP](#) proposal put forward by the public (although the status of this ROWIP is currently uncertain) and nor does it really fit with any of the listed actions. It is basically processing a diversion application on behalf of a landowner.

9.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The proposed route is less usable for those with limited mobility – being stone rather than tarmac, and with slight gradients. However, it is not unduly so, and is similar in nature to the continuation of the path northwards.

9.3 We are obliged to assess the impact on the needs of agriculture and forestry under schedule 6, of the Countryside & Rights of Way Act 2000. There is no identifiable impact.

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, the land for the new route is currently scrubby and bracken. A few small trees will be removed, but new trees will be planted to replace them. There will be no noticeable loss of habitat.

9.5 *Relationship with our policies on changes to the rights of way network.*

9.5.1 Most of our specific policies (annex 1) have been addressed through the normal tests, or do not apply. The only one not specifically addressed already is: “*The future maintenance and management implications of any proposed change to the network will be considered.*”

9.5.2 The applicants will be carrying out the initial works to our specification. However, the creation of a new surfaced path could increase our overall maintenance liabilities – as we will be responsible for the surface in the future (the surface of the current route requires no involvement from us). However, if well constructed at the outset, we do not anticipate any onerous future maintenance requirements.

10 Consultation Responses

- 10.1 We have consulted our usual consultees, and have had few responses. Those received are below.

Cumbria County Council	"All looks pretty sensible and straightforward...no objection".
Open Spaces Society (supported by the Ramblers)	Generally supportive, with suggestions – see Annex 2 for exchange of emails with us and with the applicants.
Local Access Forum	Regular user (on the LAF) considers that despite the small increase in length the change is highly beneficially, since it takes the section out of the factory yard and into pleasant woodland.

11 Finance Considerations

- 11.1 The proposal is mainly in the interest of the landowner / occupier, with some smaller public benefit. Therefore, our policies state that the landowner / occupier should meet the majority of the costs.
- 11.2 The costs involved are a combination of our legal work, advertising, and the practical works required on the ground (excluding the bridge and fingerposts/waymarks, which we are obliged to replace already, and have previously been budgeted for).

Order Costs

- £2,750+VAT for the diversion order
- Approximately £500+VAT for the adverts

Materials and labour

- All work to be carried out by the applicant

- 11.3 The applicants have agreed to meet all the above costs. We will carry out some minor waymarking and signing works at our expense when complete (probably an hour's work and a couple of waymarker posts - £10 or so).

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.

13.2 We did consider making the order under the provisions of the Town & Country Planning Act (diversions necessary to enable planning permissions to be implemented). However, this would have restricted the diversion to the immediate vicinity of the development (moving the path around the extension) – whereas what is now proposed is a wider change – and the use of TCPA powers would not be appropriate, or allowable under the legislation.

14 Human Resources

14.1 The work involved in this proposal is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. The legal work is part of our day-to-day business, and most of it has already been carried out. There has also been Ranger site visits and discussions prior to the application – but again, this is part of our general provision of advice and guidance to landowners.

15 Diversity & Sustainability Implications

I have identified no significant diversity or sustainability issues.

16 Summary

16.1 The proposals will benefit the landowner/occupier. All of those who responded to the consultation are in agreement with the proposals.

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

Background Papers:	Case file reference 1412.537.02 Complaint files on network
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	1 November 2021
Version	Final

Authorised by:



.....
Steve Gaskell, Ranger Team Leader (Central)

Date.....2 November 2021

Annex 1 - Our Policies on Changes to the Public Path Network

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

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

ANNEX 2 - RESPONSE FROM OPEN SPACES SOCIETY / RAMBLERS

Dear Nick

The OSS is grateful for this consultation which affects a well-used low-level path. Given the nature of the usage there is a need to ensure that any diversion and accompanying works cater for those whose mobility is not what it once may have been.

We attended (1 Oct) a site visit with Mr Singh of Hollingworth and Vose along with the Ramblers. Our adviser has previously used the path on several occasions.

The existing PRoW passes through an incongruous industrial works in the middle of Kentmere. The site has a long, historical use and the previous owners were involved in a conservation battle when they announced they wished to extract diatomite from Skegges Water (in the 1960s?). The conservation 'skirmish' was one which contributed to the writing of one of the OUVs for the WHS inscription. However, given the nature of this site we do not think the proposed path diversion impacts on the WHS Inscription.

The existing PRoW goes directly through the middle of the site along a road which is used by industrial traffic, and regular movements of fork-lift vehicles cross the path. While health and safety considerations are obviously on the applicant's mind, the issue for us is the amenity for walkers. The road and path are tarmacadamed throughout.

The proposed diversion skirts the western side of the factory partially through the factory grounds but largely through some woodland and bracken-infested ground. A few trees would be lost but we understand the applicant will plant compensatory trees of native species nearby.

The ground appeared to be of low nature conservation value and a habitat survey would appear to be unnecessary.

The new path will have three ramps and be a constructed stone surface. Given the nature of the existing path and the need to traverse rough ground with the new route the proposed works and nature of the path, although not ideal, appear to be a sustainable solution for path users. However, there is one short section of a track used by vehicles for which no surface treatment was considered necessary. Given the wet nature of this ground, which quickly becomes deeply rutted when used by the occasional vehicle, we recommend that appropriate surface treatment be made. This short section was difficult to walk during our site visit and would detract from the otherwise suitable works..

We looked at two alternative routes nearer the River Kent. One was unavailable because of land ownership constraints, the second (between the factory buildings and the river) would have involved intrusive engineering to a delightful but hidden section of the river.

We trust that the surface material for the path will match the local rock colour as near as possible. We would ask that, for the short section of path to the rear of the offices where a containing fence is proposed, a stone wall could be constructed.

Provided that the agreed works are approved and our working suggestions accepted, with appropriate guarantees for the future management of this path being made, we have no objection to the proposed diversion.

Yours
Kate

*Kate Ashbrook
General Secretary
The Open Spaces Society
25a Bell Street
Henley-on-Thames RG9 2BA*

EXCHANGE BETWEEN LDNPA AND H&V (their response in blue)

I have had a consultation response from the Open Spaces Society and the Ramblers – whom I think you accompanied on a recent site visit.


They are generally supportive of the proposals, but have three points which I am hoping you can address.

- There is one short section of a track used by vehicles for which no surface treatment was considered necessary. Given the wet nature of this ground, which quickly becomes deeply rutted when used by the occasional vehicle, we recommend that appropriate surface treatment be made. This short section was difficult to walk during our site visit and would detract from the otherwise suitable works. I think Marian had suggested leaving that section of track 'as is' but that comment was only based on her limited visits to site. On reflection and looking at the track surface over the year it is not suitable for wheel chair access and will have to be addressed. I am thinking of levelling out the ruts and stoning that area so that it can still be used for vehicles and pedestrians. If it needs the same type of top stone as the rest of the footpath diversion I would think that can be accommodated.
- We trust that the surface material for the path will match the local rock colour as near as possible. Marian had requested Elter water stone because it has been used on several other paths, that's what we intend to use. I believe its grey/pale green in colour.
- We would ask that, for the short section of path to the rear of the offices where a containing fence is proposed, a stone wall could be constructed. We agreed to leave fences off the planning drawing but we did discuss with Marian, Jackie and HM Architecture. We had considered a wall behind the offices but it was generally felt that post and wire fencing similar to the existing fencing around the northern, southern and western boundary would be more fitting. We can revisit this if it's an issues but it will look rather strange with a wall on one side of the footpath and a post and wire fence on the other side.

I am seeking your views on these. I tend to agree with their comments myself.

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).

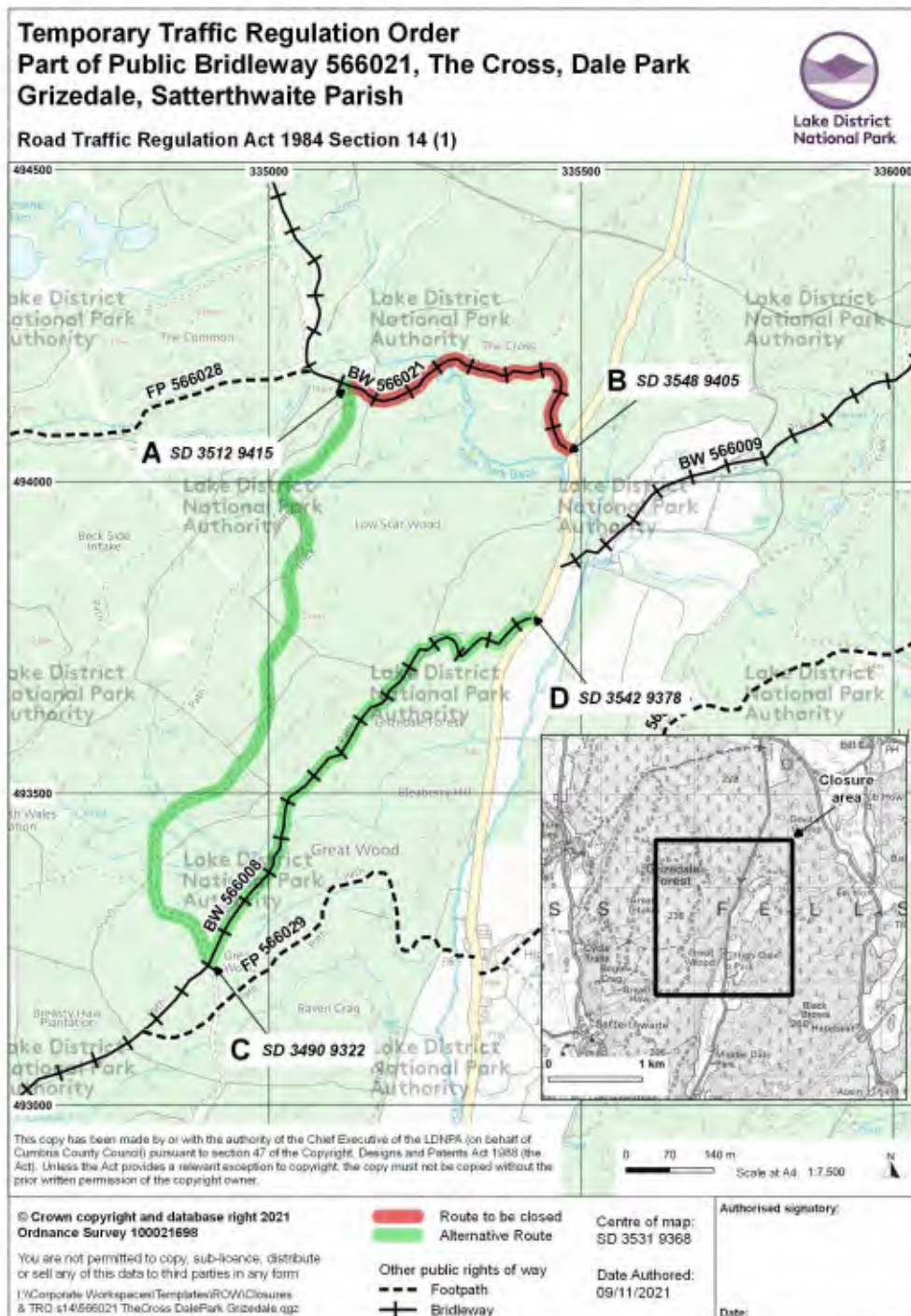
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PART OF BRIDLEWAY 566021, THE CROSS, DALE PARK, SATTERTHWAITE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated 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	Forestry England has been served with a Statutory Plant Health Notice to fell/kill all larch trees in 'The Cross' due to infection of <i>Phytophthora ramorum</i> . This will be difficult to do without closing the bridleway which runs through the middle of the site.	
Details of Decision	<i>That we issue Temporary Traffic Regulation Order for the section of Bridleway 566021 affected as shown from A to B on the plan attached to the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making 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 (244)	
Date of Report	8 December 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	9 December 2021	

TEMPORARY TRAFFIC REGULATION ORDER, PART OF BRIDLEWAY 566021, THE CROSS, DALE PARK, SATTERTHWAITHE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic along a section of public bridleway to enable Forestry England to carry out safe and efficient work operations to fell and extract trees infected with *Phytophthora ramorum*.

Recommendation: *That we make a temporary Traffic Regulation Order for the section of Bridleway 566021 between points A & B as shown in red on the plan below.*



2 Details of Request

- 2.1 Forestry England have been served with a Notice to fell and remove larch trees infected with *phytophthora ramorum* in the forest at The Cross, Dale Park, Grizedale.
- 2.2 Bridleway 566021 is an old extraction route snaking through the area where much of the work is required. Although the bridleway itself will not be used now, the harvesters and forwarders will be crossing it multiple times. They will be constructing multiple log rafts across the bridleway to enable this to happen, which will effectively obstruct the bridleway to users. In addition to this is all the actual felling taking place in and around the area itself – the bridleway goes through the middle of a block of unthinned larch with no real sight lines, and the trees are right up to the edge of the route.
- 2.3 Forestry England have therefore requested closure of part of the bridleway (as shown on above map) to enable them to carry out their works in the most effective and efficient manner possible – whilst also protecting the public. The work is planned to take eight weeks, but will hopefully be less than that. It is very weather dependant. Re-instatement works will follow the extraction, and is likely to last 3-4 days.
- 2.4 The works will start in mid-January, and we are therefore considering closing the bridleway for up to three months from that time. As above, it's unlikely all of the three months will be required, and the bridleway will be re-opened as soon as practicable.
- 2.5 An alternative exists along forest roads, although it is lengthy.

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. This will allow 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 costs of a temporary closure Order are approximately £710 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. Forestry England will meet all the costs.

8 Risk

- 8.1 The major risk associated with this is if we do not make the Order. The closure will safeguard potential users of the bridleway who may be injured if they attempt to use the path during works.

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 to enable works to be executed on or near the path.
- 9.2 The Head of Service 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, and under our Agency Agreement with Cumbria County Council. This has currently been sub-delegated to the Ranger Team Leader (Central).

10 Human Resources

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

11 Sustainability

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

12 Consultation Responses

- 12.1 We carried out a public consultation with interested bodies and individuals including the Highway Authority, Cumbria County Council (CCC). We received the following responses:

Consultee	Comment
Cumbria County Council	<i>No comments from us.</i>

13 Summary and Recommendations


- 13.1 Although we would rather forest operations were carried out with no interruption to public access, on this occasion it is unavoidable, particularly as Forestry England have a statutory notice to remove the infected larch trees within a short timescale. I therefore feel that this closure request is reasonable and that we should make the required temporary closure order.

Authorised by:  Steve Gaskell Ranger Team Central Date 9 December 2021

Background Papers	Case file 1410.003 (244)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	8 December 2021
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	CREATION OF BRIDLEWAYS 407066 AND 407067, LOW MOOR END AND BROADMOOR, ENNERDALE & KINNISIDE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service 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 explaining adequately the nature of the concerns and meet the legal considerations defined by the Highways and Planning Acts.	
Background	Ennerside & Kinniside Parish Council have worked with Forestry England, United Utilities, and the National Park Authority to build two new off-road paths – and we would like to enter into creation agreements to adopt them as public bridleways.	
Details of Decision	<i>To enter into creation agreements to formally create public bridleways 407066 at Low Moor End and 407067 at Broadmoor Plantation.</i>	
Details of alternative options considered and rejected.	Not to enter into agreements, to achieve the same result via a creation order, to make the paths footpaths only.	
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 1412.407.10	
Date of Report	6 December 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	15 December 2021	

CREATION OF BRIDLEWAYS 407066 AND 407067, LOW MOOR END AND BROADMOOR, ENNERDALE & KINNISIDE PARISH

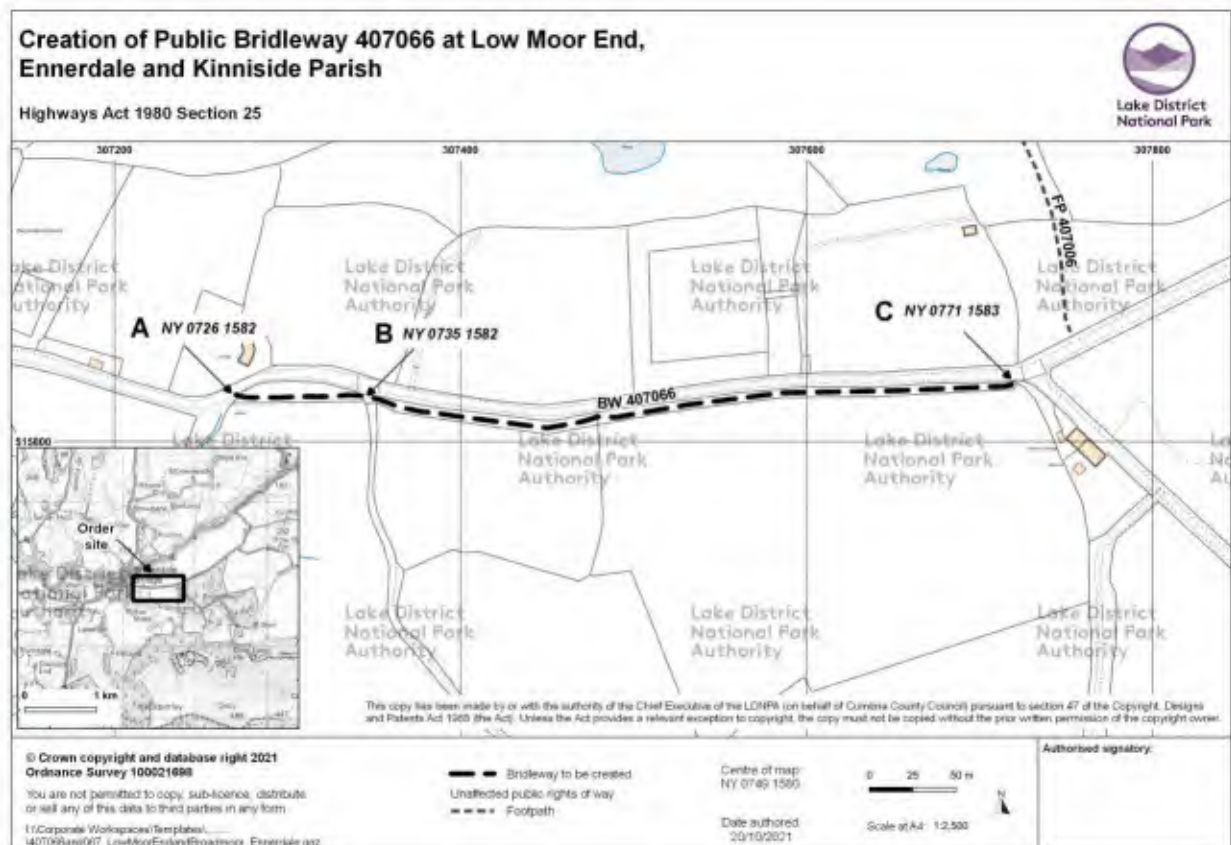
1 Summary

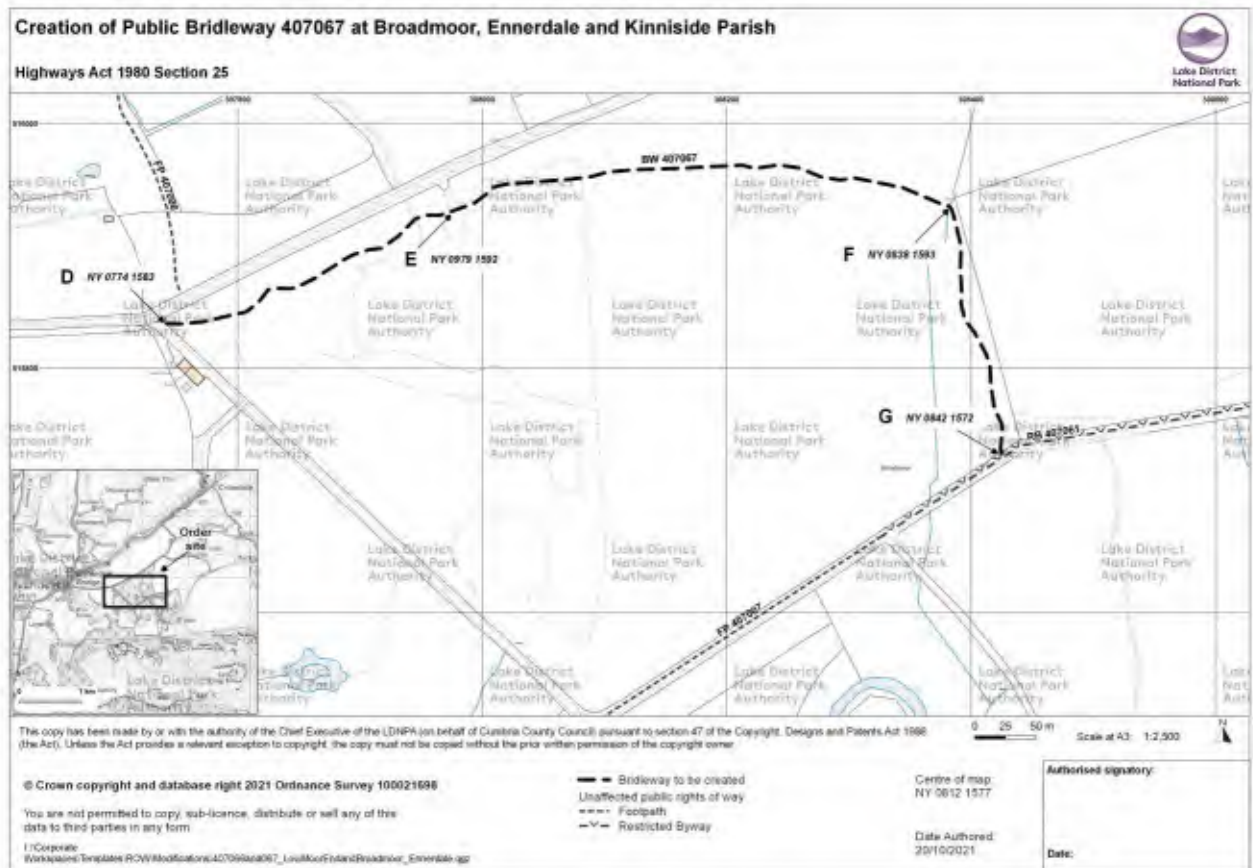
- 1.1 Ennerside & Kinniside Parish Council have worked with Forestry England, United Utilities, and the National Park Authority to build two new off-road paths – and we would like to enter into creation agreements to adopt them as public bridleways.

Recommendation that: a To enter into creation agreements to formally create public bridleways 407066 at Low Moor End and 407067 at Broadmoor Plantation.

2 Background

- 2.1 For some years Ennerdale & Kinniside Parish Council have been working with Forestry England and United Utilities, and us, to create an off-road path to help residents, visitors and walkers on the Coast-to-Coast route move more safely between the village and the lakeshore. This involved the construction of a new roadside path at Low Moor Farm, and similar through Broadmoor Plantation from the road to Sawdust Lonning – as shown on the maps below.
- 2.2 Funding was obtained, planning permission granted, and the practical works have been carried out. There are a few surfacing improvements and tidying-up that will be carried out when the initial works have bedded in through the very wet plantation. However, the Ranger Team Leader (Western) has agreed that the paths are currently to a standard adoptable as public bridleways.





Low Moor Farm – the road is to the left, beyond the hedge.



Broadmoor Plantation

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 Strategy & Rangers 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 '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.
 - 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.
- 3.6 This proposal helps fulfil many of these aims – in particular, improving the access network and multi-user routes connecting to a small village
- 3.7 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.8 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 Demonstrating Best Value

- 4.1 **Work Programme and Relevance to This Case:** this project is a community initiative, and the works on the ground were completed in the summer of 2021 – as a consequence it is a high priority case.
- 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 agreements will benefit the public at little further expense to ourselves.
 - b) Processing public path agreements is not a **competitive** procedure. Cumbria County Council can also process orders / agreements, 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, their responses and our comments are later in the report. The whole project has come about through effective partnership working – with UU / FE / Parish Council, and ourselves all involved.
 - d) There is little to **compare** to in respect of this type of proposal.
- 4.3 I consider that the proposal is good value for money. The works have already been done (externally funded) and accepting the routes as rights of way protects this investment for the future.

5 Options

- 5.1 a: enter into creation agreements
b: do not enter into creation agreements

6 Proposals

- 6.1 I recommend option 5.1a. It will make these paths publicly maintainable, will protect them in perpetuity, and will mean that they are shown on Ordnance Survey maps.

7 Grounds and Tests for a Creation

- 7.1 There are no specific legal tests relating to entering into creation agreements – but it is logical to consider the creation order tests to examine whether it is expedient for us to carry out this process.
- 7.2 There are two questions to consider under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.

If it is a creation agreement, explain that there are no set tests, but....

- 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?

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

- 7.3.1 Ennerdale & Kinniside Parish Council have long wanted a safer off-road route to provide access from Ennerdale Bridge to the lake. Partly for local usage, but also because of the numbers of people using the Coast-to-Coast route each year. The Coast-to-Coast walk is regularly described as the most walked long distance route in the country (albeit it is not [yet] a designated Long Distance Path – and nor do we have any actual figures for usage levels).
- 7.3.2 The road here is not enormously busy – except at weekends, but it is quite fast. And therefore the Parish Council felt that there was a need for a safe off-road route for walkers, cyclists and horse-riders. We agree.
- 7.3.3 The map below shows how the new route (green) fits in with the existing network and the Coast-to-Coast Walk (light blue).



- 7.4 *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*
- 7.4.3 Both the fundamental convenience and enjoyment aspects are covered above. In addition, the new route will offer a greater number of options for circular walks from the various parking places in the area.
- 7.5 *How will it affect the rights of those with an interest in the land?*
- 7.5.1 The landowners (United Utilities and Forestry England) are both part of the project and fully support the creation of these routes.

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. *As explained above – this bridleway the village of Ennerdale Bridge with the lakeshore, the sort of route this action describes.*
- Action 14 – Bridleway links: identify and create links in the bridleway network to increase integration of the network and create greater opportunities. *This proposal clearly meets this action. But furthermore, it links to Sawdust Lonning and the lakeshore path which were put forward as specific ROWIP bridleway proposals – and which have already been achieved..*
- Action 17 – Support to land managers: offer practical assistance, support and advice to encourage land managers to develop new access opportunities. *It is because of our support based working practices that the bridleway has been offered.*

8.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The path will be recognised eventually as a Miles Without Stiles route. Some top-surfacing works will be required once the initial works have bedded in at Broadmoor – and this is planned for 2021-22.

8.3 The impact on the needs of agriculture and forestry is required to be assessed under schedule 6, of the Countryside & Rights of Way Act 2000. With regard to Low Moor End, the whole field in which the path sits has already been taken out of agriculture following the sale of the farm a few years ago. It is now part of the Wild Ennerdale principles of allowing natural processes to dominate. Forestry England have agreed (and wished to see) the path at Broadmoor.

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 have consulted our usual consultees and a few have responded.

Cumbria Bridleways Society	Looks an excellent piece of work, and the sort of community initiative we should support to improve the network.
Jackie McClure (horserider)	These new paths should definitely be adopted as bridleways to ensure equestrians continue to be able to use these off road options.
Cumbria County Council	No objection to the creation of the paths – although it is noted that a section of the path doesn't look really wide enough to be a bridleway.
Wainwright Society	Very happy, from a C2C Walk perspective, to support the legal creation of the paths.

10 Finance Considerations

10.1 The proposal is entirely in the public benefit. Therefore, I consider that it is appropriate that the authority meet the entire costs, which are approximately £2,900 plus VAT (mainly staff costs). The practical work has been completed and was externally funded.

		Cost
Legal and Administration work	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order.	£2,750
ADVERTISING	One advert placed in local newspaper	£150

11 Risk

11.1 There is little risk – other than the future maintenance liability being unsustainable if budget cuts are suffered.

12 Legal Considerations

13.1 The agreement will be made under section 25 of the Highways Act 1980 and we are able to enter agreements under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The action strikes a reasonable balance between private and public rights.

13 Human Resources

14.1 The legal work involved in this proposal is approximately 50 hours from members of the Ranger 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.

14 Diversity & Sustainability Implications

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

15 Summary

- 15.1 The proposals will benefit the public, and have come about through successful partnership working. All of those who responded to the consultation are in agreement with the proposals.
- 15.2 I recommend that we enter into the necessary creation agreement to bring this into effect.

Background Papers:	Case file reference 1412.407.10
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	6 December 2021
Version	Final

Authorised by:



Steve Gaskell, Ranger Team Leader

Date: 15 December 2021


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	APPLICATION FOR NEW GATES, FP 520004, WALK MILLS, BROUGHTON MILLS, BROUGHTON WEST 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 gate across a footpath at Walk Mills, Broughton – which would be across footpath 520004.	
Details of Decision	Not to grant authorisation	
Details of alternative options considered and rejected.	To grant authorisation	
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	15 December 2021	
Signature of authorising officer	Signed  Steve Gaskell, Ranger Team Leader (Central)	
Date	15 December 2021	

Brief Summary of reasoning

We have received an application from a landowner who wishes to erect a new pedestrian wicket gate across footpath 520004 at Walk Mills, Broughton Mills, Broughton West Parish. The location of the proposed gate is shown by the red line on the map below.

The necessity for the structure is cited in the application as: *"The footpath is indistinct the gate will have directions on it. Also stock from neighbouring farms can get up and into our land – this gate should stop. I would like to have a few animals on my land and this gate would contain them."*



Our Area Ranger has visited the site to have a look at the location and discuss the matter with the applicant. The following information is of relevance:

- The stock referred to is sheep, and when they are being moved between fields they sometimes come into the area in front of the house;
- The stock movement is between the fields at the end of the tarmac drive (the fields either side of the footpath/drive running north west from Walk Mill) and the field to the north of Walk Mill itself.
- Photos of the location for the gate are below:



Discussion

The power to authorise new gates across footpaths is under section 147 of the Highways Act, and the relevant legislation is overleaf. In this instance, there are a number of issues:

- s147 only applies to '*agricultural land, or of land which is being brought into use for agriculture*'. As can be seen from the photos, the location is not on agricultural land – being the curtilage of a dwelling.
- Gates can only be authorised for the purposes of (paraphrased) '*preventing the movement of stock for the purposes of agricultural efficiency*'. The problem here is that the applicant is not the one carrying out agricultural activities – the stock does not belong to the applicant. The owner of the stock is not applying for this gate to improve their own agricultural holding or efficiency – and presumably have no particular issues. If the issue is to do with sheep coming down the drive into the curtilage of the dwelling when occasionally being moved between fields, then the remedy is to either have someone turning the sheep, or for the person moving the sheep to place a temporary hurdle or vehicle on the drive to turn the sheep into the field.
- If the footpath is indistinct, we can erect waymarkers on waymarker posts.

I therefore consider that we do not have the power to authorise a gate at this location, and that the application should be refused. There is no right of appeal for such a refusal.

Nick Thorne, Countryside Access Adviser, 15 December 2021

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
- (b) in the case of any other footpath or bridleway, the highway authority.
- (2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.
- (2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.
- (2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.
- (3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.
- (4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.
- (5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.
- (6) Nothing in this section prejudices any limitation or condition having effect apart from this section.



Lake District
National Park



15 December 2021

Dear 

Our Reference: 1410.002

Application to erect a gate across footpath 520004 at Walk Mill Cottage, Broughton Mills, Broughton West Parish

Thank you for your application to install a gate across the footpath at Walk Mill Cottage as shown by the red line on the map below. The purpose of this gate would be to stop stock wandering down the drive and round the side of the cottage when being moved between fields by neighbouring farmers.

Whilst fully understanding the reasons behind your wish to do this, we are unfortunately hampered by the relevant legislation.

It is possible to install gates across highways where none currently exist, but only under specific circumstances. This ability is contained within section 147 of the Highways Act 1980 (full legislation extract is also below). This gives us, as the authority responsible for looking after rights of way, the power to authorise new gates.

However, this power is restricted to agricultural or forestry land, or land that is being brought into use for agriculture. Furthermore, the only ground for authorisation is to increase the efficiency of the agricultural land by preventing the movement of stock.

The location of the gate requested is on the curtilage of Walk Mill Cottage. Unfortunately, it would not appear as though this land is agricultural, and consequently, we are unable to grant authorisation for a gate.

We have lobbied government on this issue, and encouraged them to give us, and other authorities, the ability to authorise gates other than on agricultural land. This was considered by the Government during the current draft deregulation bill progress – but the suggestion has not been taken up. Therefore, I am afraid that the legal situation is unlikely to change in the near future.

Furthermore, even if the land were agricultural, the application is from you as the householder – not the owner of the stock concerned. And therefore the gate would not increase the efficiency of farming this stock.

Finally – if the issue is that stock are not turning into the correct field before reaching your property, then the answer is probably for those moving the stock to place a person at the appropriate point, or even a temporary hurdle or vehicle. It may be that you could suggest this to the relevant person – and that may solve the issue.

I am sorry if this does not help you achieve what you want, and that we can't be more helpful – but as explained, our hands are rather tied in this matter. I hope that you can find a solution to the problem.

If you have any other questions, please do not hesitate to contact Nick Thorne, our Countryside Access Adviser or Sara Spicer.

Yours sincerely



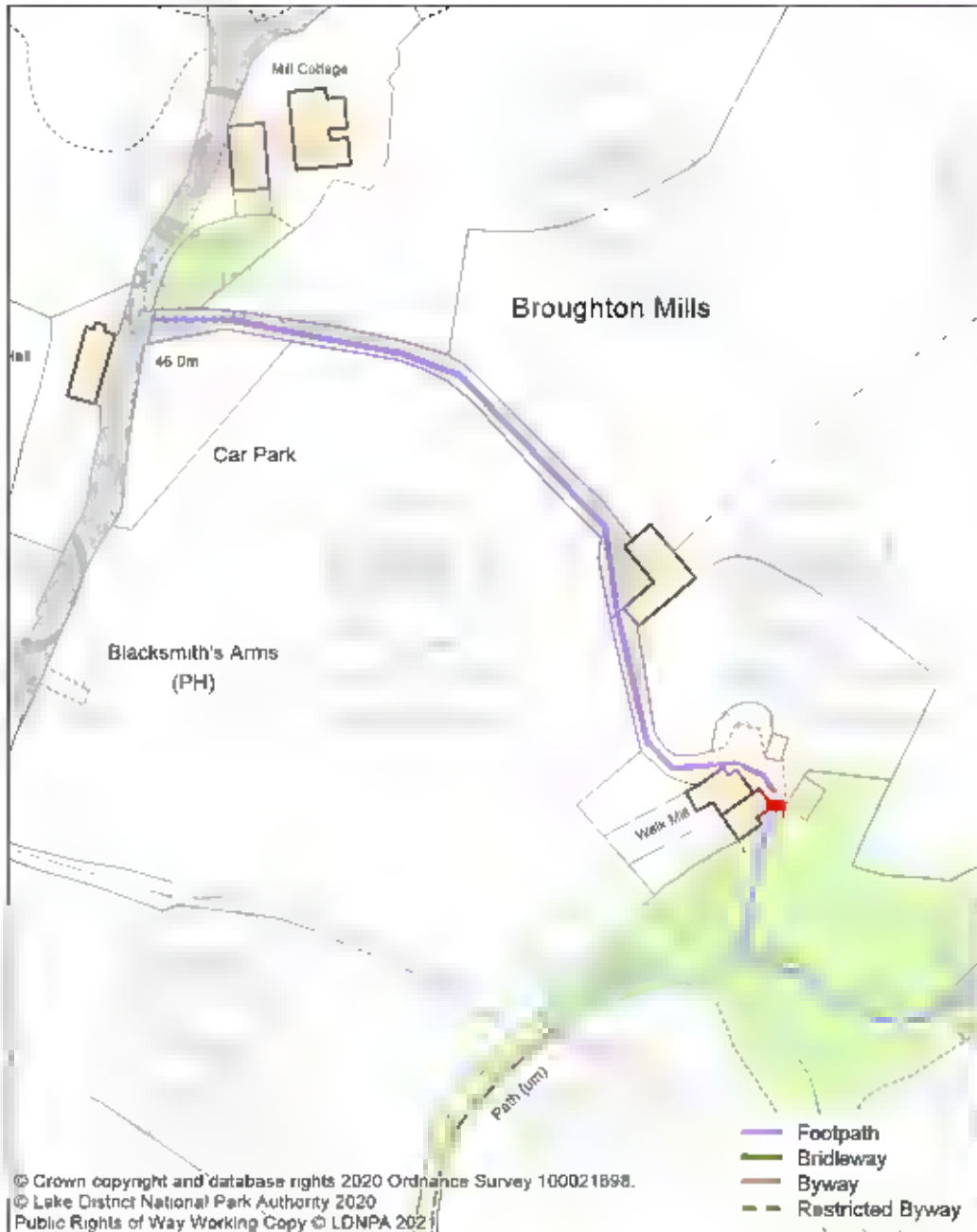
Steve Gaskell

Ranger Team Leader (Central)

Direct: 01539 792604

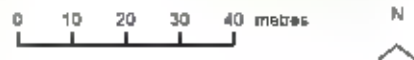
Email Steven.Gaskell@lakedistrict.gov.uk

**Extract from Cumbria Definitive Map working copy
s147 Application - 520004, Walk Mills**



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Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

- (7) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
(b) in the case of any other footpath or bridleway, the highway authority.

- (8) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

- (9) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.


- (10) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.

- (11) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.

- (12) Nothing in this section prejudices any limitation or condition having effect apart from this section.

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(S) FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 543035/571004, RIVER BRATHAY NORTH OF STANG END, PARISHES OF LAKES(LANGDALES) AND SKELWITH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Ranger Team Leader (Central) 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 footbridge across the River Brathay has been deteriorating for some years, and is on our list of works to carry out. Unfortunately, consents have not been issued for river works in time, and staff have now been diverted to Storm Arwen recovery works. The bridge is now in a state that we consider unsafe for use (rotting beams).	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the section of footpath 534035/571004 affected and that we convert this or a subsequent 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 • Issuing a Notice for a longer section of the footpath. 	
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 (246)	
Date of Report	1 December 2021	
Signature of authorising officer	 Steve Gaskell Ranger Team Leader (Central)	
Date	1 December 2021	

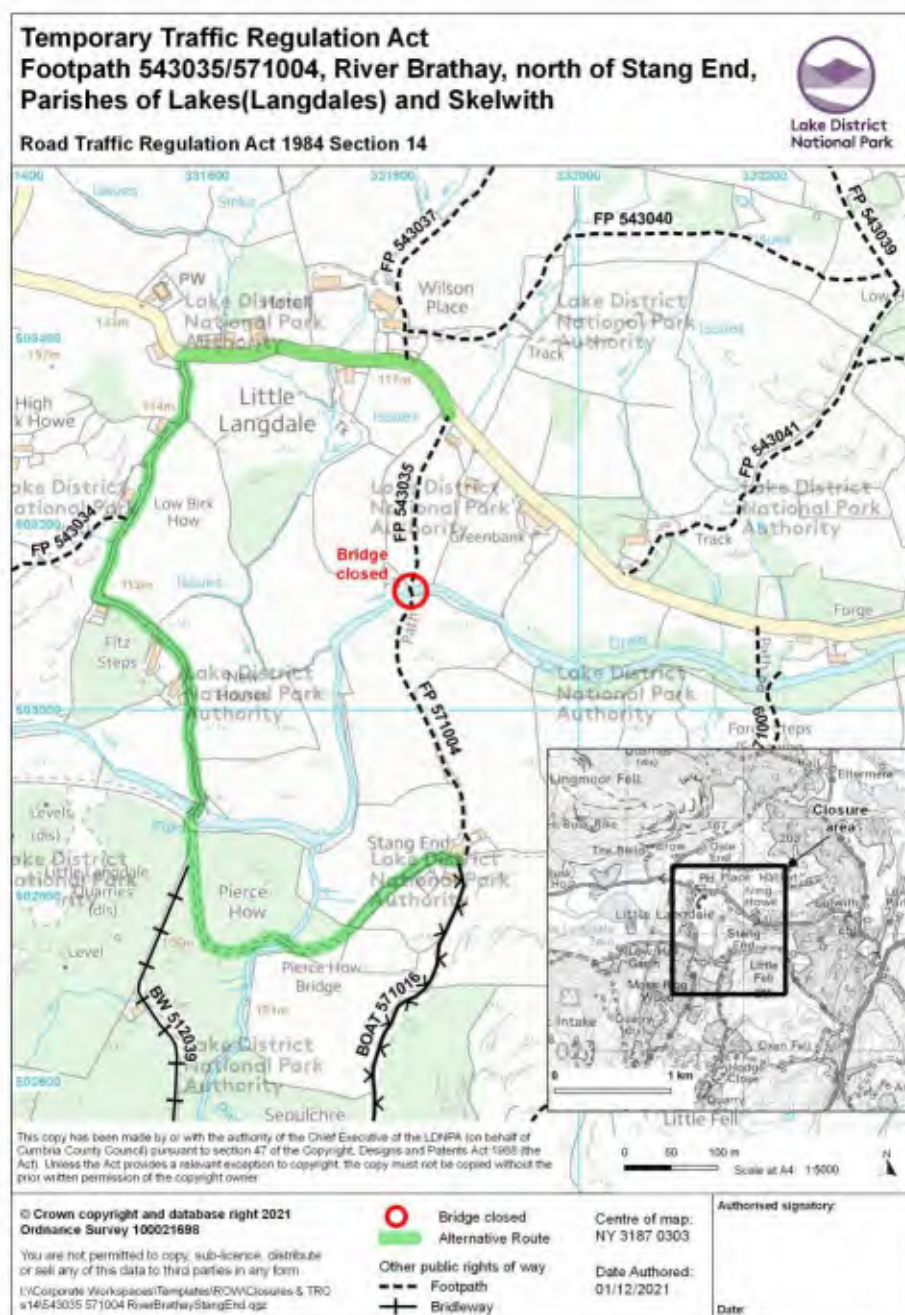
TEMPORARY TRAFFIC REGULATION NOTICE(S) FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 543035/571004, RIVER BRATHAY NORTH OF STANG END, PARISHES OF LAKES(LANGDALES) AND SKELWITH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over and unsafe bridge.

Recommendation:

- a That we issue a Temporary Traffic Regulation Notice for the bridge over the River Brathay on footpath 534035/571014 as shown on the map below.**
- b That we convert this (or a subsequent) Notice to a six-month Order when it expires.**



Site Map of Proposed Closure

2 Details of Request

- 2.1 The footbridge across the River Brathay has been deteriorating for some years, and is on our list of works to replace. The replacement bridge is built, and is in our yard ready to be transported and constructed on site.
- 2.2 Unfortunately, consents have not yet been issued by the Environment Agency for river works, and staff have now been diverted to Storm Arwen recovery works. It is unlikely that we will have time to replace this bridge in the immediate future.
- 2.3 On our latest inspection, we considered that the bridge is now in a state is unsafe for use. The rotting beams have been getting worse, and the rot now extends to around 70% of the depth, affecting the structural integrity.



October 2019



December 2021

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:
- Issue a 21-day Notice and then a second Notice and subsequent Order
 - Issue a 21-day Notice and then convert this to an Order
 - Issue the Notice and do not convert to an Order
 - Do not issue any Notice.

5 Proposal

- 5.1 The reason for the initial Notice are outlined in sections 2 and 8, so option 4.1d is not appropriate.
- 5.2 It will therefore be necessary to issue a 'Notice', which is used for situations where we consider a closure has to come into effect immediately. Such a Notice can last for 21 days only. We can then re-open the path (option 4.1c), issue a second Notice for another 21 days (option 4.1a), or convert the Notice to an Order (option 4.1b), which can last for six months.
- 5.5 There is little likelihood of carrying out the required works within 21 days (but it may happen), and whether we can achieve this within 42 days depends upon the Environment Agency and our staffing levels and availability. I therefore recommend option 4.1a – issuing a Notice to come into effect on 1 December 2021, with a power to extend this if required on 22 December 2021 and converting it to a six-month Order on 5 January 2022 if required. Obviously, if the work does take place, we will revert to 4.1c

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 £350 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 will be at risk from the unsafe bridge.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21 days, and can be renewed for a further 21 days. Section 15.8(b) allows a notice issued under section 14(2) to be converted into an order.
- 9.2 The Ranger Team Leader (Central) currently 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.

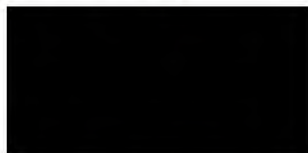
10 Human Resources

- 10.1 The legal work involved in this proposal is approximately 18 hours from members of the Park Management team, 1 hour from the GIS technician and 0.5 hours from a member of Legal Services team. This work involved is part of our day-to-day duties, and most of it has already been undertaken. There will also be time required from the Ranger team in erecting the signs – but this can be incorporated into their daily work. There will be ongoing work to replace the signs when the Order is made, and to monitor and replace signs over time to ensure that the Order is enforced. This will be part of our regular duties, and we can reduce the time needed by installing the bridge sooner rather than later.

11 Consultation Responses

- 11.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so).

Authorised by:




Date 1 December 2021
Steve Gaskell, Ranger Team Leader (Central)

Background Papers	Case file 1410.003 (246)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	1 December 2021
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 FOR VARIOUS FOOTPATHS AFFECTED BY STORM ARWEN – NOVEMBER 2021	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Ranger Team Leader (Central) 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	Various public rights of way around the Lake District have been affected by damage during Storm Arwen in late November 2021. We consider that some of them need closing to protect public safety.	
Details of Decision	<i>We issue Temporary Traffic Regulation Notices for the rights of way described in the various attachments.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing 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 (245)	
Date of Report	29 November 2021	
Signature of authorising officer	Signed  Steve Gaskell Ranger Team Leader (Central)	
Date	30 th November 2021	

TEMPORARY TRAFFIC REGULATION NOTICE FOR VARIOUS FOOTPATHS AFFECTED BY STORM ARWEN – NOVEMBER 2021

1 Summary

- 1.1 Various public rights of way around the Lake District have been affected by damage during Storm Arwen in late November 2021. We consider that some of them need closing to protect public safety.

Recommendation that:

- a we issue Temporary Traffic Regulation Notices for the rights of way described in the various attachments.**
- b subsequent authorisations for individual paths are delegated to Nick Thorne, Countryside Access Adviser**

2 Details of Issue

- 2.1 Storm Arwen on the night of 26-27 November 2021 was one of the worst wind-storms in Cumbria since 2005. A large number of trees fell, and many paths were blocked. Where these are known about, we will be erecting signs to this effect.
- 2.2 However, some woodlands contain trees which have not completely fallen and are hanging above rights of way – often in a precarious state, and liable to fall completely without warning. In some places there may also be damage to path furniture and surfaces.
- 2.3 In these instances it is appropriate to close sections of paths to protect the public, and to protect the Authority.
- 2.4 This main report sets out the principles of issuing temporary closure notices, and each annex contains the details for each specific path.

3 Policy Context

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

4 Options

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

5 Proposal

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

6 Best Value Implications

6.1 The Best Value implications are:

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

7 Finance Considerations

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

7.2 As the measures are to protect the public and the Authority, I consider it appropriate that we meet all the costs.

8 Risk

8.1 The major risk associated with this is if we do not make these notices. The closure Notices will safeguard us from any claims from users if they were hurt using rights of way which we consider unsafe. If any subsequent insurance claims were submitted then we may be held responsible for not taking the necessary action to protect them.

9 Legal considerations

9.1 The relevant ground for restricting or prohibiting traffic on public paths is within section 14(2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public, or of serious damage to the right of way, which is not attributable to works. Such a notice will last for 21 days, and can be extended for a further 21 days. If the right of way has not been made fully safe by then, we can convert the notice to a temporary order, which can last for six months.

9.2 The Head of Service 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 (for each path) approximately three hours from a member of the Park Management team (not including the surveying and assessment time – and the erection of the site notices), and 30 minutes from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Consultation Responses

- 11.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so).

12 Sustainability

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

13 Subsequent delegations

- 13.1 Given the circumstances of the new ways of working and the speed required, the principle of the closures is proposed here, with the subsequent decisions and authorisations on individual paths delegated to Nick Thorne, Countryside Access Adviser.

Authorised by:



Date 30th November 2021
Steve Gaskell, Ranger Team Leader (Central)

Background Papers	Case file 1410.003(245)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	29 November 2021
Version	Final

TEMPORARY TRAFFIC REGULATION NOTICE FOR VARIOUS FOOTPATHS AFFECTED BY STORM ARWEN – NOVEMBER 2021

List of individual closures


	Path	Dates
1	FP 514020, Durham Bridge Wood, Crosthwaite & Lyth Parish	21 days from 29 November 2021 (20 Dec)
2	All paths within Stanley Ghyll, Eskdale Parish	21 days from 1 December 2021 (22 Dec)
3	All paths within Elleray Woods, Windermere Parish	21 days from 1 December 2021 (22 Dec). Second Notice for smaller number of paths 21 Dec for 21 days (11 Jan)
4	FP 573026, Newby Bridge Caravan Park, Canny Hill, Staveley-in-Cartmel Parish	21 Days from 2 December 2021 (23 Dec)
5	FP 512054, Tarn Hows, Coniston Parish	21 Days from 13 December 2021 (3 Jan)
6	RB 510039, Harrowslack to Belle Grange Bay, Windermere Parish	21 Days from 7 January 2022 (28 January)
7	BW 510018 & 510031, Wray & Belle Grange Area, Windermere Parish	21 days from 13 January 2022
8	FP 543052 & 543002, Blea Tarn, Lakes (Langdales) Parish	21 Days from 7 January 2022 (28 January)

TEMPORARY TRAFFIC REGULATION NOTICE FOR VARIOUS FOOTPATHS AFFECTED BY STORM ARWEN – NOVEMBER 2021

SCHEDULE 1 – FOOTPATH 514020, DURHAM BRIDGE WOOD, CROSTHWAITE & LYTH PARISH

- 1 This footpath runs through Durham Bridge Wood, at Row – Crosthwaite & Lyth Parish. The owner has spent the weekend following the storm clearing trees from the paths within the wood itself, including the public footpath. However, he reports that there are around eight trees that are hung up over the footpath – and that are beyond his capability to deal with quickly. He has been unable to book his usual tree surgeon, as understandably – they are extremely busy.
- 2 There is a clear risk to the public if they attempt to use this path, as the hung-up trees could complete their fall at any moment.
- 3 The landowner hopes to be able to clear these trees within the 21-day Notice, but has already expressed a view that this may not be possible, but is confident that a further 21 days will suffice, so it is likely that an extension (which we can authorise) may be necessary – and that decision will be made nearer the time.



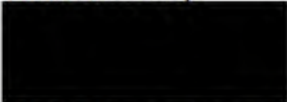
Authorised by:

Nick Thorne, Countryside Access Adviser
29 November 2021

TEMPORARY TRAFFIC REGULATION NOTICE FOR VARIOUS FOOTPATHS AFFECTED BY STORM ARWEN – NOVEMBER 2021

SCHEDULE 2 – FOOTPATHS 408037, 408085, 408087 STANLEY GHYLL, ESKDALE PARISH

- 1 The whole site at Stanley Ghyll has suffered severe windblow, and there are trees both across the paths and hung up over them. The area is being assessed by our property and ranger teams, and contractors are on site making safe the dangerous trees. The work is likely to take at least three weeks, and then the clearance to make the paths accessible may take as long again.
- 2 There is a clear risk to the public if they attempt to use the paths in the site, as the hung-up trees could complete their fall at any moment.



Authorised by:

Nick Thorne, Countryside Access Adviser
1 December 2021

TEMPORARY TRAFFIC REGULATION NOTICE FOR VARIOUS FOOTPATHS AFFECTED BY STORM ARWEN – NOVEMBER 2021

SCHEDULE 3 – FOOTPATHS 581028, 581029, and 581082, ELLERAY WOODS, TO ORREST HEAD, WINDERMERE PARISH

- 1 The whole of Elleray Woods has suffered severe windblow, and there are trees both across the paths and hung up over them. The area has been assessed by our ranger teams and the owners (Windermere & Bowness Town Council). The work to make the area safe is likely to take at least three weeks – probably longer.
- 2 There is a clear risk to the public if they attempt to use the paths in the site, as the hung-up trees could complete their fall at any moment.
- 3 We should close all the paths within the woods, and then prioritise which trees to make safe so that a route to Orrest Head can be opened as soon as possible. An extension to the closure is likely to be required.



Two limbs are hung here – the Terrace

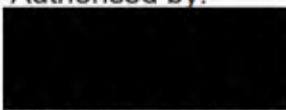


Impacts red and blue route

Hung up tree

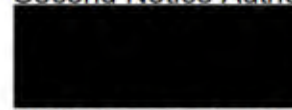
Everyone is presently diving through this gap

Authorised by:



Nick Thorne, Countryside Access Adviser
1 December 2021

Second Notice Authorised by:



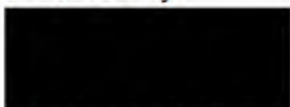
Nick Thorne, Countryside Access Adviser
21 December 2021

SCHEDULE 4 – FOOTPATH 573026, NEWBY BRIDGE CARAVAN PARK, CANNY HILL, STAVELEY-IN-CARTMEL PARISH

- 1 This footpath runs through the caravan park from the A592 to the Canny Hill road. Most of it follows the caravan park roads, but the last 50 metres or so is a narrow path between two hedges. A large fir has half fallen, and is partly over this footpath, and propped up against a caravan. The owners of the site are having difficulty in arranging for it to be made safe, as it cannot simply be felled without damaging the caravan – and will probably need a crane or specialist equipment. Which is in short supply at the moment.
- 2 There is a clear risk to the public if they attempt to use this path, as the hung-up tree could complete its fall at any moment.
- 3 The landowner hopes to be able to clear this tree within the 21-day Notice, but is hampered by the fact that there is currently no power on site, and none projected until 8 December 2021.



Authorised by:

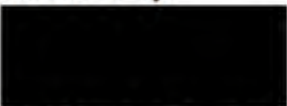


Nick Thorne, Countryside Access Adviser
2 December 2021

SCHEDULE 5 – FOOTPATH 512054, TARN HOWS, CONISTON PARISH

- 1 Tarn Hows was badly hit during the storm, and the main path rendered almost impassable with trees across it, and overhanging it – some with complex root balls making it difficult to quickly deal with. The National Trust have employed contractors to make the site safe – but their work is being hampered by members of the public ignoring warning notices and still using the footpath – despite the clear danger both natural and from the works as well. The contractors are spending as much time dealing with the public as they are the trees – and are unable to leave the site in a safe condition.
- 2 There is a clear risk to the public if they continue to attempt to use this path, as the hung-up trees could complete their fall at any moment.
- 3 The National Trust hope to make the site safe before Christmas, and within the 21-day Notice.

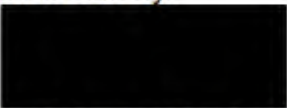


Authorised by:

Nick Thorne, Countryside Access Adviser
13 December 2021

SCHEDULE 6 – PART OF RESTRICTED BYWAY 510039, HARROWSLACK TO BELLE GRANGE BAY, WINDERMERE PARISH

- 1 The whole of the route along the west shore of Windermere was badly hit during the storm, and the track rendered almost impassable with trees across it, and overhanging it – some with complex root balls making it difficult to quickly deal with. The National Trust advised that there was no need to legally close the path, as there was no unforeseen risks or dangers – as effectively the path could not be used.
- 2 They are now beginning to clear the path – and by removing the initial trees from the track, are exposing the public to the risks pertaining from hung-up trees and weakened trees – that they were previously protected from by virtue of them being unable to reach these sites.
- 3 There is therefore a clear risk to the public if they attempt to use this path, as the hung-up and weakened trees could complete their fall at any moment.
- 3 The National Trust anticipate making the site safe and fully opening the path within the 21-day Notice period running from 7 January 2022.




Authorised by:

Nick Thorne, Countryside Access Adviser
7 January 2021

SCHEDULE 7 – PARTS OF BRIDLEWAYS 510018 & 510031, WRAY & BELLE GRANGE AREA, WINDERMERE PARISH

- 1 The whole of the route along the west shore of Windermere was badly hit during the storm, and the track rendered almost impassable with trees across it, and overhanging it – some with complex root balls making it difficult to quickly deal with. The National Trust advised that there was no need to legally close the path, as there was no unforeseen risks or dangers – as effectively the path could not be used. The same is true of the path running inland from Belle Grange.
- 2 They are now beginning to clear the paths – and by removing the initial trees from the tracks, are exposing the public to the risks pertaining from hung-up trees and weakened trees – that they were previously protected from by virtue of them being unable to reach these sites.
- 3 There is therefore a clear risk to the public if they attempt to use these paths, as the hung-up and weakened trees could complete their fall at any moment.
- 3 The National Trust anticipate making the site safe and fully opening the path within the 21-day Notice period running from 13 January 2022.

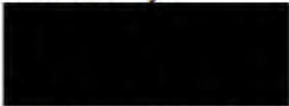


Authorised by:

Nick Thorne, Countryside Access Adviser
13 January 2021

SCHEDULE 8 – PARTS OF FOOTPATHS 543052 & 543002, BLEA TARN, LAKES (LANGDALES) PARISH


- 1 This exposed area was badly hit during the storm, and the two rights of way through the woodland rendered almost impassable with trees across it, and overhanging. The National Trust advised that there was no need to legally close the paths, as there was no unforeseen risks or dangers – as effectively the paths could not be used.
- 2 They are now beginning to clear the paths and woodland – and by removing the initial trees from the track, are exposing the public to the risks pertaining from hung-up trees and weakened trees – that they were previously protected from by virtue of them being unable to reach these sites.
- 3 There is therefore a clear risk to the public if they attempt to use the woodland paths, as the hung-up and weakened trees could complete their fall at any moment.
- 3 The National Trust anticipate making the site safe and fully opening the path within the 21-day Notice period running from 7 January 2022.



Authorised by:

Nick Thorne, Countryside Access Adviser
7 January 2021

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 – NORTHERN CLASSIC TRIAL (FELL SIDE AUTO) 19 FEBRUARY 2022	
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 Chris Tomlin, Ranger Team Leader (Northern)	
Background Papers	File Reference 1480.009	
Date of Report (letter)	2 February 2022	
Signature of authorising officer	Signed  Hanna Latty, Head of Strategy & Ranger Service	
Date	04.02.22	



Lake District
National Park

[REDACTED]
Course Secretary, Fell Side Auto Club

2 February 2022

Our Reference: NJT/1480.009

Dear [REDACTED]

Section 33 Consent for Northern Classic Trial 19 February 2022

Thank you for supplying details of the proposed route of this year's event organised by Fell Side Auto. The following sections of public footpaths and bridleways will be affected:

Crossing the path	FP 264009	King's Wood
	BW 264003	Lothwaite Side
	FP 264002	Peil Wyke
	FP 264012	Peil Wyke
Using the path to reach the event	FP 264002	South of Peil Wyke
	FP 264005	Peil Wyke

These are shown on the maps forwarded to us by yourself (retained on file).

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 19 February 2022 subject to the conditions listed on the reverse of this letter.

A Lake District National Park Authority Ranger will monitor the event to check signage and marshalling on the day. To cover part of our costs for this work we will be charging a nominal £25. An invoice will be sent in due course.

Yours sincerely

[REDACTED]
Hanna Latty

Head of Strategy & Ranger Service

Direct: 01539 792650

Email: hanna.latty@lakedistrict.gov.uk

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

Web lakedistrict.gov.uk | Tel 01539 724 555 | Email hq@lakedistrict.gov.uk

You (the Rally organisers) shall:

1. Repair any significant 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 to warn people of the presence of motor vehicles and stop the competitive sections if necessary - at the locations identified on the attached maps.
4. Erect the attached warning signs (or substantially to the like effect) at the locations shown on the attached maps.
5. Remove the signs within two days after the event has finished.
6. Remove litter deposited on any affected footpath or bridleway during the event.
7. Report any accidents or near miss incidents involving spectators or public rights of way users to us within 48 hours of any event.

Warning Sign



WARNING MOTOR VEHICLES AHEAD

**Fell Side Auto Club will be running
The Northern Classic Trial for cars
and motorbikes within this forest
on the 19th February 2022.
Vehicles will also be present on
the 17th/18th February to set up
for the competition. Vehicles will
be travelling on forest tracks in
both directions on all days.**

Locations of signs and marshals



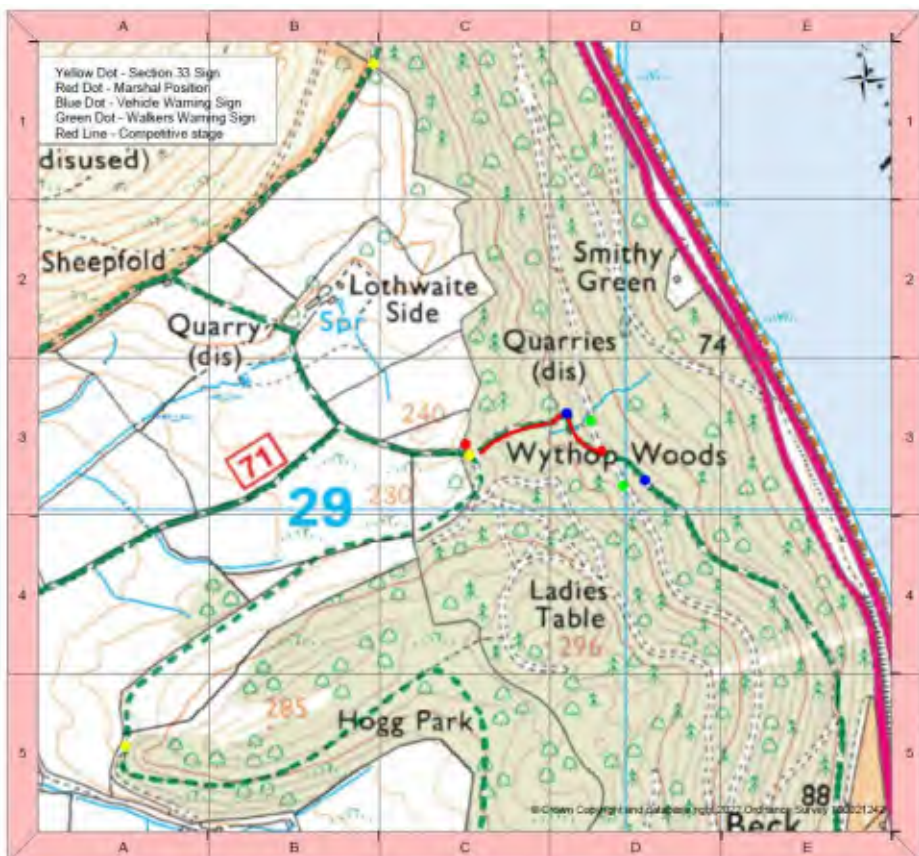


Title: Marshals & Signs Plan 2
 Date: 21 January 2022
 Author: Adrian Jones
 Scale @ A3: 1:5,000

Legend


 Forestry England
 forests and woodlands
 have been certified in
 accordance with the UK
 Woodland Assurance
 Standard (UKWAS)







Title: Marshals & Signs Plan 2
 Date: 21 January 2022
 Author: Adnan Jones
 Scale @ A3: 1:5,000

Legend


 Forestry England
 forests and woodlands
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Title: Marshals & Signs Plan 2
 Date: 21 January 2022
 Author: Adrian Jones
 Scale @ A3: 1:5,000

Legend

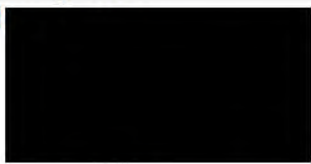


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The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

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 - 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 – FOOTPATH 511069 (LANDING KNOTT WOOD) AND PART OF FOOTPATH 511068 (GREAT KNOTT WOOD), COLTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Ranger Team Leader (Central) 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	Following Storm Arwen in late November 2021 fallen trees were cleared from the footpaths in Great Knott Wood to make them passable. However, surrounding trees were weakened in the storm and continue to fall across the path – endangering walkers. We consider that two paths need closing whilst the trees alongside are felled or made safe.	
Details of Decision	<i>We issue Temporary Traffic Regulation Notices for the rights of way described in the various attachments.</i>	
Details of alternative options considered and rejected.		• Not issuing 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 (249)	
Date of Report	16 February 2022	
Signature of authorising officer	Signed  Stephen Ratcliffe Director of Sustainable Development	
Date	16 February 2022	

TEMPORARY TRAFFIC REGULATION NOTICE – FOOTPATH 511069 (LANDING KNOTT WOOD) AND PART OF FOOTPATH 511068 (GREAT KNOTT WOOD), COLTON PARISH

1 Summary

- 1.1 Following Storm Arwen in late November 2021 fallen trees were cleared from the footpaths in Great Knott Wood to make them passable. However, surrounding trees were weakened in the storm and continue to fall across the path – endangering walkers. This has increased in frequency, and we consider that two paths need closing whilst the trees alongside are felled or made safe.

Recommendation that:

- a We issue 21-Day Temporary Traffic Regulation Notices for the sections of footpaths 511069 and 511068 shown in red on the map below.**
- b If the issue is still ongoing, that these Notices are extended for a further 21 Days, and then converted to a longer-term temporary order if required.**



2 Details of Issue

- 2.1 Storm Arwen on the night of 26-27 November 2021 was one of the worst wind-storms in Cumbria since 2005. A large number of trees fell, and many paths were blocked.
- 2.2 The Woodland Trust have cleared the two main paths through Great Knott Woodland (the path via the Tower is completely impassable), and these are being used by the public. However, the storm weakened a number of surrounding trees and these are falling with a concerning frequency – including over the path (either fully, or hanging in other trees). Members of the public are unaware of the potential dangers, and even after some trees have fallen and are on the ground, they are continuing to attempt to use the paths. A couple of injuries and near-misses have been reported to the Woodland Trust.
- 2.3 In these instances it seems prudent to close sections of paths to protect the public, and to protect the Woodland Trust and the Authority. An initial 21 Day Closure Notice will enable the Woodland Trust to make safe trees that are within falling distance of the footpaths. It may well be that a second 21 Day Notice is also required – but the Trust are fairly confident that we will not need to convert this into a longer-term closure. However, the option is there if required.
- 2.4 There is an added urgency to these closures because of the likelihood of further damage and weakening occurring during the predicted high winds of the next few days.

3 Policy Context

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

4 Options

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

5 Proposal

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

6 Best Value Implications

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

7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £135 + VAT which covers staff-time and stationery.
- 7.2 As the measures are required because of a natural event, and are designed to protect the public and the Authority, it has been already agreed within the Ranger Teams that it is appropriate that we meet all the costs of Storm Arwen related closure Notices.

8 Risk

- 8.1 The major risk associated with this is if we do not make these notices. The closure Notices will safeguard us from any claims from users if they were hurt using rights of way which we consider unsafe. If any subsequent insurance claims were submitted then we may be held responsible for not taking the necessary action to protect them.

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 Service 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. In the Head of Service's absence this delegates upwards to the Director of Sustainable Development.

10 Human resources

- 10.1 The work involved in this proposal is approximately three hours from a member of the Ranger Teams, and 30 minutes from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken. The Woodland Trust will be erecting the Notices on site – along with Heras Fencing to prevent access.

11 Consultation Responses

- 11.1 There is no requirement to consult upon issuing a Notice (indeed there is not time to do so). However, if it looks as though a longer term order is likely to be required, we will carry out a brief consultation in advance of this happening. If responses are negative, then the decision taken now can be revisited.

12 Sustainability

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

Authorised by:




Date 16 February 2022

Stephen Ratcliffe, Director of Sustainable Development

Background Papers	Case file 1410.003(249)
Author:	Nick Thorne, Countryside Access Adviser
Date Written:	16 February 2022
Version	Final

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

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 - 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 542021, DALE END BOATHOUSE, LAKES (GRASMERE) PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service 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 owners of Dale End Boathouse have planning permission to carefully dismantle and rebuild it. The lakeside bridleway runs immediately alongside the boathouse. To enable a safe working area, the owners have requested temporary closure of the bridleway and will be providing an alternative to the same standard immediately alongside.	
Details of Decision	<i>That we issue Temporary Traffic Regulation Order for the section of Bridleway 542021 affected as shown between A and B on the plan attached to the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making 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, Senior Rights of Way Officer	
Background Papers	Case file 1410.003 (247)	
Date of Report	1 March 2022	
Signature of authorising officer	Signed  Hanna Latty, Head of Ranger & Strategy Service	
Date	3 March 2022	

2 Details of Request

- 2.1 The owners of the Boat House at Dale End on the shore of Grasmere have planning permission to take it down and rebuild it – as it is in poor condition (photos below) – [Planning Permission Link](#) . The bridleway (one of our family friendly cycle routes) runs immediately alongside the boathouse, and it will be difficult to carry out the works, maintain a safe site, store materials and so on without impacting upon the users of the bridleway.
- 2.2 The owners have therefore applied to temporarily divert the bridleway just ‘inland’ slightly, as shown on the map on the previous page. They will create a surfaced path for this to happen – and will remove this and restore the current path at the end of the project. They hope to start work in April, and the closure / diversion of the path will be from mid-May, for six months.
- 2.3 The path to the north/west will also be used for site traffic and for carrying materials, and a new temporary access route will also be constructed. Any interactions with the public on the bridleway will be managed through the use of bankspeople.
- 2.4 There is a possibility that the work may take longer than six months – in which case, the applicant will ask us to apply to the Secretary of State for an extension. There is little likelihood that this would be refused.



Photos of current condition of boathouse – taken from the bridleway.

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. This will allow work to go ahead safely and efficiently. The disruption to the public will be unnoticeable - as an alternative, fully surfaced route will be constructed immediately alongside.

6 Best Value Implications

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

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £710 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. The applicants will meet all the costs. They will also meet any costs associated with any extension to the order if required.

8 Risk

- 8.1 The major risk associated with this is if we do not make the Order. The closure will safeguard potential users of the footpath who may be injured if they attempt to use the definitive line of the path during works.

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 to enable works to be executed on or near the path.
- 9.2 The Head of Service 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, 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, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability & Diversity Implications

- 11.1 I have not identified any significant environmental, economic, or social effects that will affect sustainability. Nor any diversity implications.

12 Consultation Responses

- 12.1 We carried out a public consultation with interested bodies and individuals including the Highway Authority, Cumbria County Council (CCC). We did not receive a response from CCC. We did receive the following:

Consultee	Comment
LDNPA Area Ranger	<i>Seems like a very pragmatic and sensible approach.</i>
Ramblers	<i>Looks okay, it does what it says on the tin,</i>
County Councillor	<i>Makes sense to me.</i>

13 Summary and Recommendations


- 13.1 This is a logical request from the owner / applicant – who are to be commended in ensuring that all the plans for an alternative route and the works were included in detail with their planning application and fully discussed with us in advance. I consider that this closure request is wholly reasonable and that we should make the required temporary closure order.

Authorised by:  Hanna Latty Head of Ranger & Strategy Service Date 3 March 2022

Background Papers Case file 1410.003 (247)
Author: Nick Thorne, Senior Rights of Way Officer
Date Written: 1 March 2022
Version Final

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Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, BYWAY 355002 / 367004 / 355003 / 584026, BREAST HIGH ROAD, PARISHES OF ORTON, TEBAY & WHINFELL	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service 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 repairing / resurfacing the unsealed section of Breast High Road between the A6 and Bretherdale. In order to enable this to take place effectively and safely, it will be useful to prohibit all vehicular traffic during the works period - and for a time following completion of the works to facilitate a bedding-in period.	
Details of Decision	<i>That we issue Temporary Traffic Regulation Order for the sections of Byway affected as shown between A and E on the plan attached to the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making 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, Senior Rights of Way Officer	
Background Papers	Case file 1410.003 (248)	
Date of Report	8 March 2022	
Signature of authorising officer	Signed  Hanna Latty, Head of Ranger & Strategy Service	
Date	10 March 2022	

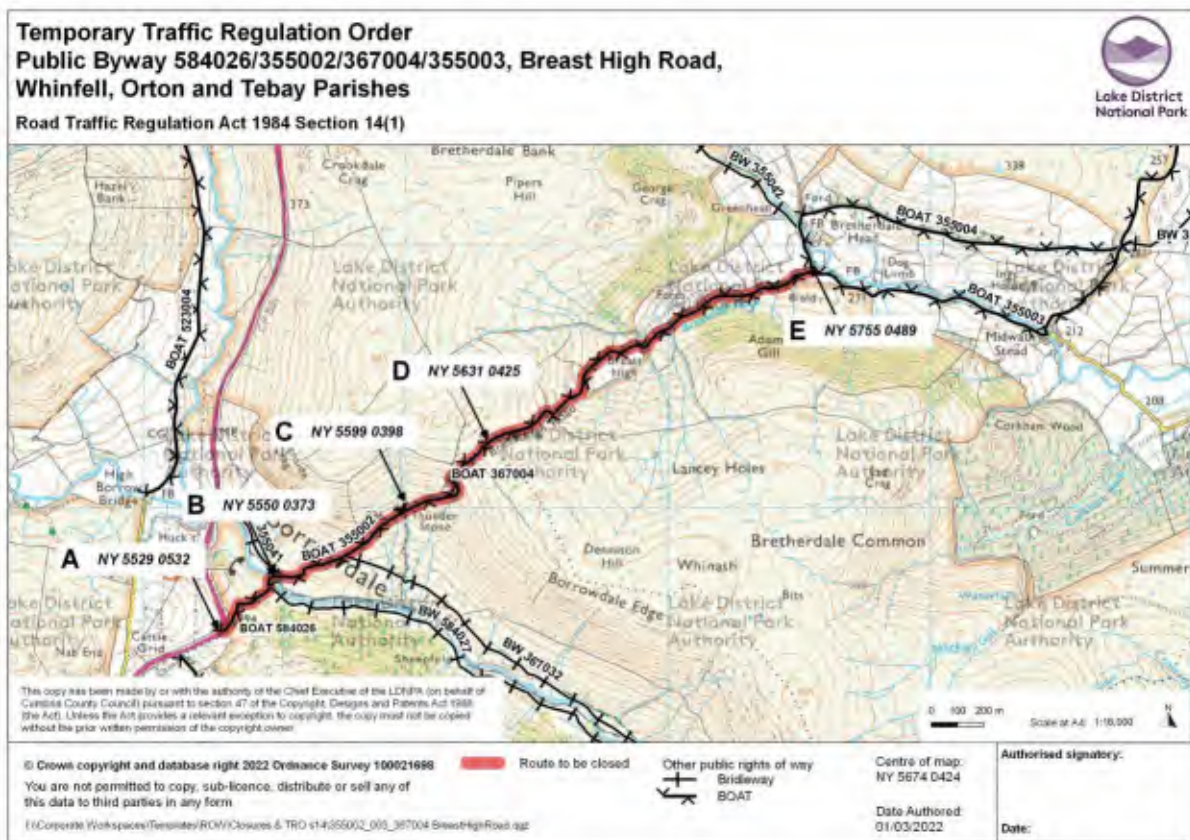
TEMPORARY TRAFFIC REGULATION ORDER, BYWAY 355002 / 367004 / 355003 / 584026, BREAST HIGH ROAD, PARISHES OF ORTON, TEBAY & WHINFELL

1. Summary

- 1.1 This report recommends the temporary closure of the unsealed section of Breast High Road between the A6 and Bretherdale in order to facilitate the resurfacing / repair works and their subsequent 'bedding-in'.

Recommendation:

- a That we issue a Temporary Traffic Regulation Order for the sections of Byway affected as shown between A and E - as shown in red on the plan below.**
- b Any decision on extensions to the order are delegated to the Senior Rights of Way Officer and Ranger Team.**



Map 1: Location Plan

2 Details of Request

- 2.1 The condition of Breast High Road between Borrow Beck and Bretherdale Head has been deteriorating for many years, due to the exposed nature of the route, visitor pressure and significant weather events in the area. This has caused damage to the route including:
- blocked drainage gullies and culverts,
 - exposed, broken concrete drains, where the surrounding road surface has washed away,
 - displaced and unstable stone on steeper sections,
 - the lane surface has sunken to below the surrounding hillsides, forming channels for water to run down.

- 2.2 As a consequence of its condition, users began deviating from the route itself, causing further damage to the fragile landscape surrounding the road, and increasing its visibility in the landscape. We have now been successful in obtaining funding from National Grid's Landscape Enhancement Initiative <https://lei.nationalgrid.com/> to repair the road itself, which will generally enhance the landscape and enable users of the road to stay on it – which will enhance the surrounding landscape as well.
- 2.3 The work will encompass the whole route between Borrow Beck and Bretherdale Head, and includes:
- Bretherdale (D-E) side:**
- Clear 510m of draining gullies
 - Remove, replace or improve 3 culverts
 - Install two bridges
 - Create three new pitched fords
- Borrowdale (B-D) side:**
- Reinstate/clear 1200m of existing drainage gullies
 - Replace five broken culverts
 - Pitch 38m of path
 - Repair an existing traditional stone culvert and pitched ford
 - Re-landscaping and profiling of sides of route which are badly eroded.
- In addition, sections of the route will be subsoiled and surfaced.
- 2.4 The practical works will take an estimated 6-10 weeks and the proposed start date is 1 May 2022. The route is a byway which is used quite regularly by 4x4 and motorbikes. Whilst we are doing the works it would not be feasible to have vehicles driving along the route – works such as pitching could take a lengthy period of time to complete, machinery will be occupying the full width of the road, and continued driving along the byway will interfere with the efficiency of carrying out the works, and could damage any works in progress. We are therefore proposing a closure to all vehicles during the works period, the extent of the closure being shown on the attached map. It will not be necessary to close the route to walkers who will be able to pass the works and machinery. Cyclists and horses will also be able to use the route with care, although they may have to dismount or wait to pass the work sites – we will make them aware of the possibility of meeting work vehicles through signage.
- 2.5 Following completion of the works, we would like the route to remain closed for a period of time to allow the subsoiling and surfacing to stabilise. We can therefore use the full six months allowed under the legislation, and retain the closure in force until 31 October 2022. We will assess the route in late September, and if we consider that stabilisation during the winter months is still required, we can apply to the Secretary of State for an extension to the Order until the spring of 2023. It is worth noting that our consultees (including vehicular user groups) are generally in favour of extending the settling-in period over the first winter.
- 2.6 Although section A-B (the A6 to Borrow Beck) is not being repaired, we asked our consultees whether they considered it should be included within the closure to avoid creating a cul-de-sac that might encourage use of the longer route. They supported this.

2.7 Photographs of parts of the route.



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. This will allow work to go ahead safely and efficiently, and will protect the repairs from possible damage whilst not fully stable after completion. The disruption to the walking and riding public will be pretty much unnoticeable – but motor vehicles will obviously be disadvantaged – however, the user groups accept the need for this closure.

6 Best Value Implications

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

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £710 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. An extension is another few hundred pounds and a further advert. We will also be purchasing some large 'no vehicular access' roundels (around £100) to make it more obvious that the route is closed (other interpretative work is within the project budgets). As the work is being carried out by us, and for the public benefit – I consider it appropriate that we meet all the costs. The advertisement costs and our time are part of our match funding contribution within our external funding bid.

8 Risk

- 8.1 The major risk associated with this is if we do not make the Order. The closure will safeguard potential users of the byway who may be injured if they attempt to use it during works, and will protect the works themselves.

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 to enable works to be executed on or near the path.
- 9.2 The Head of Service 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, 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, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability & Diversity Implications

- 11.1 I have not identified any significant environmental, economic, or social effects that will affect sustainability. Nor any diversity implications.

12 Consultation Responses

- 12.1 We carried out a public consultation with interested bodies and individuals including the Highway Authority, Cumbria County Council (CCC). We did not receive a response from CCC. We did receive the following:

Consultee	Comment
LARA (vehicular users)	<i>MPV interests are expecting an extended period of regulation to facilitate the works and settlement over the next winter. It would be best to apply the TTR from the A6.</i>
GLEAM (Green Lanes Environmental Action Group)	Their response centred around the issues of MPV use and damage – so have not been included, as they were not relevant to the TRO itself.
Resident / horse-rider	<i>Sounds a worthwhile project to me. Closing the section from the A6 to the beck is a sensible idea.</i>
TRY (Trail Riders Fellowship)	<i>Happy to see an 18-month closure [if required] to really allow the bedding-in process to do its job. Please close the road up to the A6 as well as it will discourage some of the less respectful folk to stay away.</i>

GLASS (Green Lanes Association)	<i>We are in complete agreement that the closure should extend all the way to the A6 at the south.</i>
Lake District Green Lanes Alliance	<i>LDGLA supports the temporary traffic regulation order you propose. We think it should cover the section of the route between Borrow Beck and the A6, in addition to the section between Borrow Beck and Bretherdale Head. Although you are not repairing the former section, we think that allowing motor vehicles to use this section, only to have to turn round when they reach Borrow Beck, will cause problems at this point. The route is narrow where it runs between Borrow Beck and the field boundary, immediately to the south of the ford; vehicles turning here will erode the verges.</i> [Other issues also raised – to do with future maintenance]

13 Summary and Recommendations

- 13.1 This is a logical action to take in order to facilitate the works and the bedding-in process. It has the support of all the consultees that responded, and is supported by the vehicular user groups – who are the very ones who will be restricted. I consider that this closure is wholly reasonable and that we should make the required temporary closure order.
- 13.2 If an extension is required, it would also seem logical to delegate this decision to the Senior Rights of Way Officer and the Ranger Team who are leading on the works – thus saving Head of Service time.

Authorised by:



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Hanna Latty
Head of Ranger & Strategy Service

Date 10 March 2022

Background Papers Case file 1410.003 (248)
Author: Nick Thorne, Senior Rights of Way Officer
Date Written: 8 March 2022
Version Final