

Delegated Decisions 2023-24
(Updated 25/3/2024)

Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
DD.23.1	28/04/2023	Creation Agreement	Head of Strategy & Ranger Service	Colton	High Stott Park to YMCA	Creation of bridleway
DD.23.2	12/05/2023	s147	Ranger Team Leaders' Meeting	Caldbeck	Claybottom Farm	New gate - grazing regime change
DD.23.3	28/06/2023	TRN	Head of Strategy & Ranger Service	Crosthwaite and Lyth	Cockmoss Bridge	Temporary Closure Notice- danger of bridge collapse
DD.23.4	06/07/2023	TRN	Senior Rights of Way Officer	Lakes (Langdales)	Oak Howe	Temporary Closure Notice prohibiting horse traffic due to condition of deck slats to be repaired
DD.23.5	28/07/2023	s147	Ranger Team Leaders' Meeting	Strickland Roger	Potter Tarn	Authorisation of two pedestrian deer gates over FP 575016
DD.23.6	28/07/2023	s147	Ranger Team Leaders' Meeting	Colton	Wintering Park	Authorisation of a new kissing gate over FP 511070
DD.23.7	28/07/2023	s147	Ranger Team Leaders' Meeting	Coniston	Bleathwaite	Authorisation of a pedestrian wicket gate over FP 512015
DD.23.8	07/08/2023	TRO	Ranger Team Leaders' Meeting	Crosthwaite and Lyth	Cockmoss Bridge	Temporary Closure Order- danger of bridge collapse
DD.23.9	24/08/2023	TRO	Ranger Team Leaders' Meeting	Borrowdale	Seathwaite Bridge	Temporary Closure Order- bridge replacement
DD.23.10	28/09/2023	s33	Ranger Team Leaders' Meeting	Bootle, Millom Without, Whicham & Broughton West	Various	Section 33 Consent for Lakes Two-Day Trial off-road motorbike event

Delegated Decisions 2023-24
(Updated 25/3/2024)

DD.23.11	20/10/2023	s33	Ranger Team Leaders' Meeting	Wythop, Lorton, Above Derwent, Buttermere and Brackenthwaite ,	Various	Section 33 Consent for Vintage Sports Car Club - Lakeland Trial
DD.23.12	26/10/2023	TRO	Ranger Team Leaders' Meeting	Above Derwent, Broughton West, Colton, Coniston, Hawkshead, Lorton, Satterthwaite and Wythop	Grizedale Forest, Whinlatter Forest, Broughton Moor and Wythop Woods	TRO- Temporary Closures for public safety during motor rally events
DD.23.13	26/10/2023	s33	Ranger Team Leaders' Meeting	Broughton West, Colton, Coniston, Hawkshead and Satterthwaite	Grizedale Forest and Broughton Moor	Section 33 Consent for Grizedale Stages Rally - December 2023
DD.23.14	26/10/2023	s33	Ranger Team Leaders' Meeting	Above Derwent, Colton, Coniston, Hawkshead, Lorton, Satterthwaite and Wythop	Whinlatter Forest, Wythop Woods and Grizedale Forest	Section 33 Consent for Malcolm Wilson Rally - March 2024
DD.23.15	17/10/2023	TRO	Ranger Team Leaders' Meeting	Above Derwent	Whinlatter Forest	Temporary closure of part of Bridleway 201006 to allow forestry harvesting operations

Delegated Decisions 2023-24
(Updated 25/3/2024)

DD.23.16	19/01/2024	TRN	Senior Rights of Way Officer	Matterdale	Swinburn's Woods	21-day Temporary Closure Notice on FP 345008 - due to danger from partially fallen overhanging trees
DD.23.17	24/01/2024	Creation Order and Diversion Order	Ranger Team Leaders' Meeting	Bampton	Bowderthwaite, Band End and Haweswater Lakeshore	Creation of FP 306036 at Bowderthwaite and Band End, and Diversion of FP 306003 at Haweswater Lakeshore (Coast to Coast National Trail)
DD.23.18	22/02/2024	Creation Order and Diversion Order	Ranger Team Leaders' Meeting	Ennerdale and Kinniside	Black Sail Hut and Loft Beck	Diversion of Public Bridleway 407001 at Black Sail Hut and Creation of Public Footpath 407068 between Black Sail Hut and Loft Beck (Coast to Coast National Trail)
DD.23.19	07/03/2024	s147	Ranger Team Leaders' Meeting	Colton	Bethecar Moor	Authorisation of two box kissing gates on FP 511052 and FP 511053
DD.23.20	07/03/2024	TRO	Ranger Team Leaders' Meeting	Crook	Beckside, Crook	Temporary closure of part of FP 513039 and 513040 during renovation works on buildings
DD.23.21	25/03/2024	TRN	Senior Rights of Way Officer	Borrowdale	Honister Old Toll Road	5-day Temporary Closure Notice over way generally used as BW 212008 - to enable works to repair collapsed revetment and culvert

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).

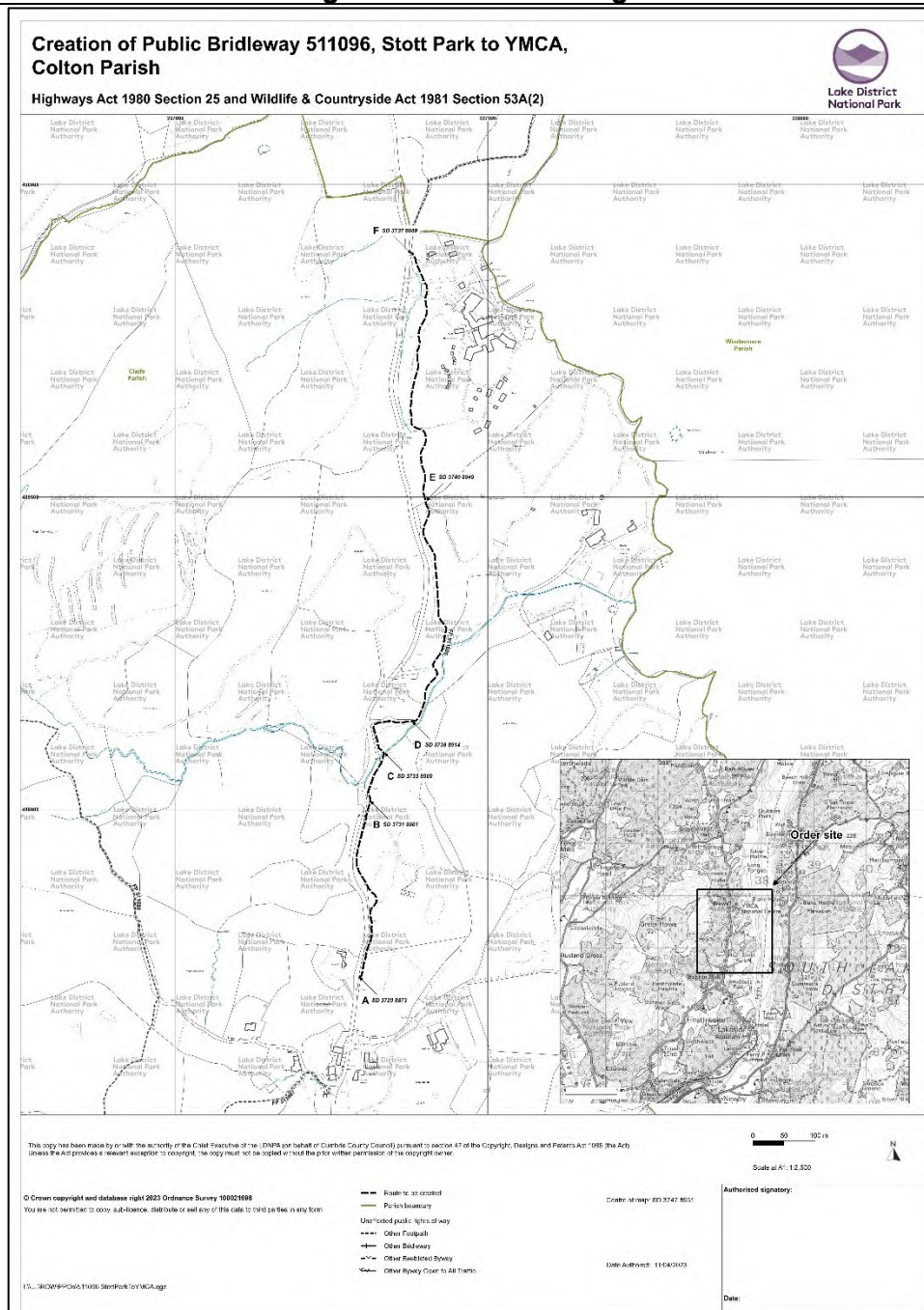
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	WEST WINDERMERE WAY – RIGHTS OF WAY NETWORK LEGAL CHANGES – CREATION OF BRIDLEWAY 511096, HIGH STOTT PARK TO THE YMCA, COLTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS 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 which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	Over the last five years or so, we have been working to develop a mainly off-road multi-user route at the foot of Windermere. The eventual aim is to have an off-road trail all the way from Newby Bridge to the Windermere Ferry along the south-western shore of Windermere. The establishment requires various changes to the rights of way network.	
Details of Decision	Dedicate our own land and enter into creation agreements with the landowner to create bridleway 511096 between High Stott Park and the YMCA, or make a creation order.	
Details of alternative options considered and rejected.	Not to enter an agreement, to make a creation 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 1412.511.17, PMF Project files 00038 - SWT	
Date of Report	28 April 2023	
Authorising officer	Hanna Latty, Head of Strategy & Ranger Service	
Date	28 April 2023	

WEST WINDERMERE WAY – RIGHTS OF WAY NETWORK LEGAL CHANGES – CREATION OF BRIDLEWAY 511096, HIGH STOTT PARK TO YMCA, COLTON PARISH

1 Summary

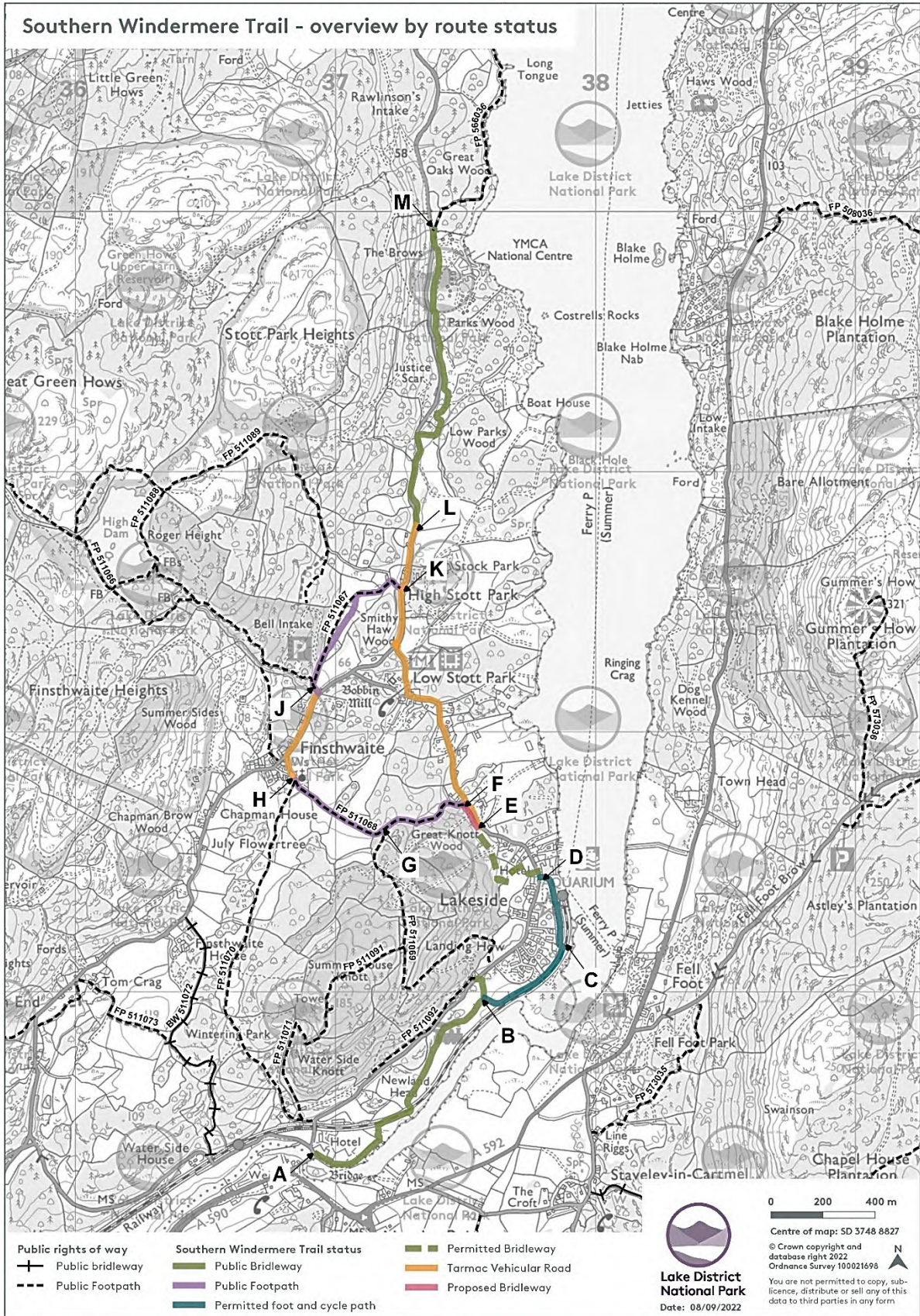
1.1 Over the last five years or so, we have been working to develop a mainly off-road multi-user route at the foot of Windermere. The eventual aim is to have an off-road trail all the way from Newby Bridge to the Windermere Ferry along the south western shore of Windermere. The establishment requires various changes to the rights of way network.

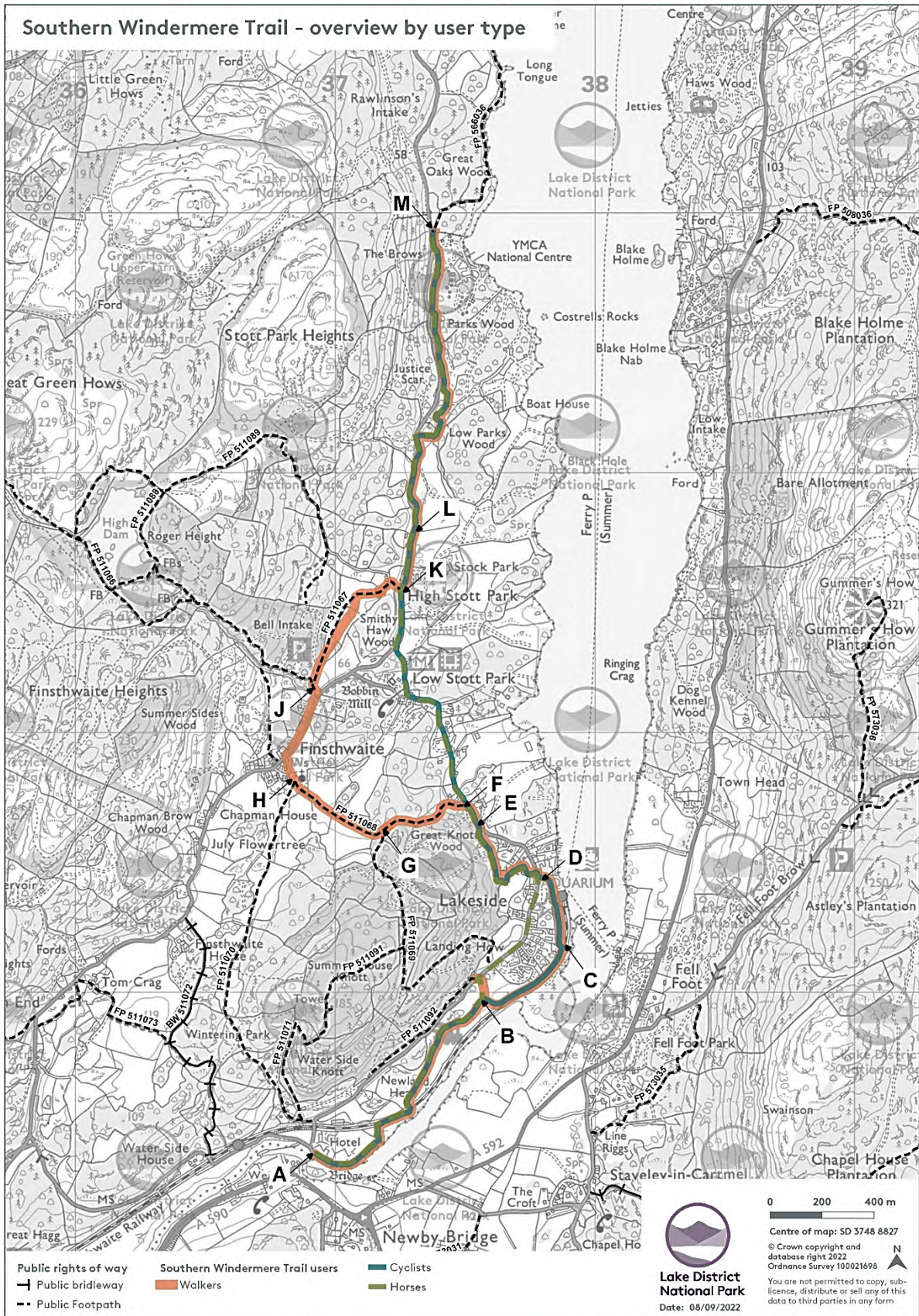
Recommendation that: a we dedicate a public bridleway between points A & Z on the map below; we enter into creation agreements with the landowners to create a public bridleway between points Z & F (or the start of FP 566036). Or make a creation order if agreements are not signed in time.



2 Background: West Windermere Way – creations / diversion / permitted paths

- 2.1 As in 1.1, we are developing an off-road route north of Newby Bridge, which will eventually link to the existing Windermere West Shore Way (Ferry House to Wray Castle) and create a walking and riding route along the entire western shore of England's largest lake. There are then spurs from the northern end to Clappersgate and Hawkshead, which we created under the Go Lakes project 5-10 years ago.
- 2.2 We would also like to see a further link along the south-eastern shore as far as the National Trust's Fell Foot site.
- 2.3 The aim of all these projects is to provide visitors a series of interlinked, predominately traffic-free stone surfaced multi-use routes to link the key visitor destinations and to help bring about a step-change in the way visitors and locals move around the National Park and reduce the reliance on cars.
- 2.4 The nature of these types developments and the available funding to deliver them mean that delivery is incremental, and cannot be achieved all at once. Our current focus is developing new routes in the Southern Windermere Basin (online information can be found [here](#)) This involves constructing a 5.5km section at the southern end of the lake, linking The Swan Hotel at Newby Bridge to YMCA National Centre at Lakeside - connecting settlements and or attractions at Newby Bridge, Lakeside and Finsthwaite. Including:
- Hotels and cafes at Newby Bridge and Lakeside
 - Lakes Aquarium (Lakeside)
 - Stott Park Bobbin Mill
 - Lakeside & Haverthwaite Railway
 - Windermere Cruises / Ferries
 - Lake District National Park High Dam property
 - YMCA National Centre at Lakeside
- 2.5 The maps overleaf reflect the current agreed positions for various sections, and these are listed below the maps. One map shows the initial proposed status of the various sections, and the other shows the ways differing users will be able to use the trail.
- 2.6 The West Windermere Way is also referred to as Southern Windermere Trail or SWT within this report / on maps.





A-B	<ul style="list-style-type: none"> • New public bridleway constructed and open for use - and agreements in progress.
B-C-D	<ul style="list-style-type: none"> • Permitted foot and cycle way constructed and open for use.
D-E	<ul style="list-style-type: none"> • This will be a 2.5-3m wide surfaced permitted bridleway. We hope that in the longer-term the path will be dedicated as a public path.
E-F	<ul style="list-style-type: none"> • This will be a 2.5-3m wide surfaced bridleway – either permitted or public.
F-K	<ul style="list-style-type: none"> • Cyclists and horse-riders will have to use the tarmac road to K (and L) as we have currently been unable to obtain consent for F-G-H to be upgraded to a bridleway. • Walkers will use F-G-H through Great Knott Wood and the fields to Finsthwaite Church. This route has been improved and surfaced to a standard appropriate for cyclists and horse-riders in the hope that future Bridleway consent is secured. • Between J&K the path has been diverted and surfaced for walkers.
L-M	<ul style="list-style-type: none"> • This is proposed to be a new public bridleway running alongside the road, and is the subject of this report.

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. The Business Case for the Southern Windermere Trail identified the following links:
- Partnership Plan VE 1 – Opportunity for experiences in a unique landscape
 - Partnership Plan VE 6 - VE 6 – Easy access to and within the Lake District, clear and easy orientation and choice of attractive travel options
 - Business Plan BP 45 - Develop an action plan to ensure we are maximising the health and wellbeing benefits offered by our spectacular landscape, wildlife and culture and our rights of way and cycle networks.
 - Business Plan BP 7 - Catalyse a step change in sustainable transport, access and recreation by delivering respective action plan activity.
- 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 contains our goal for access and recreation, which is that by 2040 we have: "A better connected access network fit for purpose in the 21st Century with high quality infrastructure, facilities and services meeting the needs of all users, in particular families and young people." The strategy has four main priority themes, including:

Improve: Rights of Way and Countryside Access

There will be better access provision which will benefit all users and attract new audiences. For example, we will extend the coverage of our Miles without Stiles routes and develop easy to use and, wherever possible, off road multi-user trails to connect settlements and key attractions. We will further develop promoted routes and associated facilities such as round Thirlmere and Derwentwater Cycleways. We will explore innovative approaches to better connect the bridleway network for both mountain bikers and horse-riders.

Integrate: with health and wellbeing, sustainable transport and the economy

The natural access asset and the huge amount of recreational opportunities that it provides are vital to the National Park in many ways, and therefore cannot be viewed in isolation. We will ensure that access and recreation contributes to these wider issues that also need to be managed: the way that people travel to and around the Lake District to undertake their chosen activities, in particular in the Showcase Areas of the National Park; the positive impacts access to the countryside can have for both people's health and wellbeing; and benefits to the local economy. Actions in this Strategy will therefore align with and contribute to: broader sustainable and active travel objectives, notably around cycling and walking; growth in the rural visitor economy; and the health and wellbeing of both the visitor and resident population.

- 3.6 This proposal helps towards fulfilling both aims by creating a new off-road route for a variety of walkers, cyclists and horse-riders.
- 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 is a high priority case, as the work on the ground is underway, and funding timescales limited.
- 4.2 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. This project is mainly externally funded, although the legal work and advertising costs are part of our contribution.
 - b) Processing public path orders and agreements is not a **competitive** procedure. The highway authority (Westmorland & Furness Council) can also process orders and 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 within the report.
- d) We have **compared** our casework completion rates with other authorities, and are broadly comparable with other authorities of our size and with similar staffing levels.

5 Options

- 5.1
 - a: enter into a creation agreement and dedicate our own section;
 - b: do not enter into any agreements or dedicate on our land;
 - c: make a creation order.

6 Proposals

- 6.1 I recommend option 5.1a. Creation Agreements are the easiest and cheapest way to create new public rights of way in situations where all the landowners are supportive of the process, and dedications can be done in-house. Having no agreements or orders at all (5.1b) would fail to achieve our aims, and would not protect this large publicly funded investment in perpetuity.
- 6.2 Some of the land is currently for sale. We anticipate that a creation agreement will be signed before any sale goes through – but suggest flexibility in the authorisation to enable us to make a creation order (5.1c) if there are delays. The existence of the bridleway is advertised within the sale particulars – so any new purchaser will be buying the land in the knowledge of the forthcoming legal changes.

7 Grounds and Tests for a Creation Order

- 7.1 There are no specific legal tests relating to entering into creation agreements or dedicating highways – but it is logical to consider the creation order tests to examine whether it is expedient for us to carry out these processes. 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.
 - Is there a need for the new path?
 - Is it a good idea to create the new path taking account of:
 - how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
 - how it will affect the rights of those with an interest in the land?
- 7.2 *Is there a need for the new path?*
 - 7.2.1 The road north of Lakeside is fast and busy – with no footways and few refuges. It not pleasant to walk or ride along. There is no real safe route for non-road users
 - 7.2.2 The link from High Stott Park to the YMCA alone has not been identified as a particular or specific need in any plans or documentation, but will link the jetties at Lakeside and the YMCA if the YMCA jetty comes back into full public use. It will also enable any cyclist who are using this stretch of road to leave the road for the length of the proposed bridleway. However, the main need is to create a link in a much longer project as described in section 2 above. That is – the need is really for the future rather than the present.

7.2.3 Nonetheless, experience tells us that if something is constructed and opened, it will get used – regardless of any huge previous need.

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

7.3.1 The new path will enable any members of the public wishing to use this section of road to get to their destinations to have a safe off-road path.

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

7.4.1 The landowners (YMCA and ourselves) are in full agreement with the proposal. In respect of ourselves – the land has only been purchased to facilitate the bridleway creation.

7.5 *Northern end of the path*

7.5.1 The construction works terminate at point F. However, this leaves a gap of around 35 metres between the end of the surfaced bridleway and the start of the Silverholme footpath to the north. This short stretch of land is used as a layby on the road, but was previously fenced off and provided a roadside permitted path. It was included within the planning permissions. At present, we are uncertain who precisely owns the land, but it is likely to be the YMCA. Although not surfaced, it would still be useful to have this short section dedicated as a bridleway. This will make any future northwards development easier. It will also mean we could refence the section from the road, thereby preventing cars from parking and forcing users into the road. Gaps could be left in the fence to meet highway requirements for visibility. As we are uncertain of the ownership at present, I suggest that any authorisation gives flexibility for the northern termination point to be either point F, or at the start of footpath 566036.

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). Unfortunately, it is not certain whether we have a current, valid RoWIP at present. We developed the Cumbria ROWIP in 2007 with Cumbria County Council (CCC) – and this was fully adopted (CCC were the highway authority, we acted as their agents – the current highway authority are Westmorland & Furness Council). This 2007 ROWIP has since been withdrawn by The Council and replaced with a Strategy. However, the latter has never been formally ratified by us, or formally consulted upon - although it includes actions from a draft LDNPA access strategy. Nonetheless, we are assured by Westmorland & Furness Council that it is indeed their current ROWIP. Our own Access & Recreation Strategy to run alongside this is close to being finalised, and we are discussing the status of the various documents with The Council.

8.1.2 The Cumbria Access Strategy does not contain specific route proposals, but is a more generic document. Action 1a states “Review and make legal orders to ensure a safe network, limit obstructions and support priority access development initiatives where required on the rights of way network.” This creation helps fulfil this aim.

- 8.1.3 With regard to the 2007 ROWIP, the main long-term through route was a specifically identified route as a proposed/desired cycleway (L2780) – scoring within the top-third of suggested improvements, and therefore a priority for delivery.
- 8.1.4 It fits within a number of actions and within the general ethos of the 2007 ROWIP:
- Actions 11 and 15 – Family-friendly cycle routes and promoted horse-riding routes: identify, develop and promote a set of continuously way-marked short, medium, and long family friendly cycle routes and horse riding routes. Where possible these will be traffic-free and close to where people live and visit.
 - Action 14 – Bridleway links: identify and create links in the bridleway network to increase integration of the network and create greater opportunities.
 - Action 27 – Footpath links: identify and create new links in the footpath network.
 - Paragraph 18 – improvements can include physical work on a route (surfacing, gates, and so on).
- 8.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. This route is fully surfaced, and will meet the criteria for a Miles Without Stiles route for many.
- 8.3 Impact on the needs of agriculture and forestry – an assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. The owners have not identified any significant impact – the land is mainly amenity land.
- 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 Stakeholder Consultation

- 9.1 We have consulted our usual consultees on this specific project (the majority are supportive of the wider project). We have had a comparatively low number of responses for a project of this scale. See below:

Name of Stakeholder	Consultation Response
Member of the public	This is looking good if we can get the full off-road route open as a bridleway.
British Horse Society	The British Horse Society welcomes and supports the creation of a new public bridleway along the road between Stotts Park and the YMCA as part of the West Windermere Way. The road between these two points is narrow and twisty, there is very little or no verge for horse riders to use if they need to get off the carriageway and the close proximity of trees along the road means that horse riders are often in the shadow and therefore not particularly visible to other road users. The south-western side of Windermere is particularly lacking in bridleways meaning that horse riders have no alternative than to use the road. The creation of a bridleway in this area will not only provide a safe off- road route for horse riders but will also be of benefit to motorists and other road users who will not have to negotiate horse riders using the road.

<p>Westmorland & Furness Council Locality Officer</p>	<p>I am writing with concerns regarding the parking at Newby Bridge now the new route has opened. There seems to be no consideration to the parking of cars at the start of the route at Newby Bridge. The Swan Hotel installed a digital parking system, to avoid charges many vehicles are now parked on both sides of the road causing a very narrow passing to Finsthwaite (please see photo attached). Although a standard vehicle can pass with extreme care, a bin wagon/recycling wagon/Ambulance/Fire Engine/Tractor would struggle resulting in a four mile diversion.</p> <p>Refer to your email below: <i>The aim of all of these projects is to provide visitors a series of interlinked predominately traffic-free stone surfaced multi-use routes to link the key visitor destinations and to help bring about a step-change in the way visitors and locals move around the National Park and reduce the reliance on cars.</i></p> <p>Please can you provide me with the initial thoughts to where visitors should park at Newby Bridge? As the tourist season has started I have already had to reverse over 80 metres to Newby Bridge Halt to let traffic through!</p> <p>I would like to suggest any promotion of this new route is put on hold until the issue of parking is addressed.</p>
<p>Westmorland & Furness Council – Countryside Access Team</p>	<p>No response</p>
<p>Open Spaces Society</p>	<p>Concerns as to surfacing and conflict – see attached exchanges.</p>

10 Finance Considerations

- 10.1 This project is a key component of the Low Carbon Lake District and Optimising Connectivity 2 investment programmes. The Optimising Connectivity 2 programme prioritised two key strategic sites; Keswick to Threlkeld and Southern Windermere. The Keswick to Threlkeld project completed in January 2021. The capital investment has been secured from Cumbria Local Enterprise Agency (CLEP) is instrumental in leveraging match funding for this project as part of the Low Carbon Lake District programme, funded by ESIF. The total project cost is £1,451,969, with funding secured from ESIF II of £989,635 and CLEP of £444,694.
- 10.2 There is a requirement to advertise the coming into existence of creations in the local newspaper. This is likely to cost around £300, and the funds will come out of our own advertising budgets.

- 10.4 The main finance consideration is that the creation agreements will make us responsible for maintaining the surface as agents of the highway authority. The levels of ongoing maintenance are uncosted, unknown and will need to be met by our rights of way maintenance budget. On similar routes in the Go Lakes suite of paths (Hawkshead/Wray, Grasmere) our ranger teams regularly spend time and funds repairing the surfaces after weather events. Given inflationary costs and this additional new route, our overall budgets for this work is reducing. We hope to secure a higher value settlement from the new unitary authorities for our rights of way agency agreement to help meet these costs. We deem these risks within tolerance when balanced with the opportunity to realise sustainable transport and Lake District for Everyone organisational priorities delivered by this project.

11 Risk

- 11.1 There is a legal risk that the owners may not eventually enter into the proposed creation agreements, or that the land is sold before it happens. This risk is considered unlikely given the level of involvement from the landowners and the advanced stage of our discussions. It is also mitigated by the recommended to authorise a creation order if this happens. There is also the financial risk of ongoing maintenance as outlined at 10.4.

12 Legal Considerations

- 12.1 Creation Agreements are entered into under section 25 of the Highways Act 1980 and we are able to enter such agreements by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The action strikes a reasonable balance between private and public rights. We have delegated powers for accepting dedications through our Agency Agreement with the highway authority.
- 12.2 Section 2 of the Local Government Act 2000 provides local authorities with a power to take any steps which they consider are likely to promote or improve the economic, social, or environmental well-being of their local community, and under this provision authorities can make Deeds of Dedication of public rights over their land.
- 12.3 Creation Orders are made under s26 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 the highway authority. The action strikes a reasonable balance between private and public rights.

13 Human Resources

- 13.1 The legal work involved from the Rights of Way and GIS staff for this proposal alone is approximately 80 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 Implications

- 14.1 The new route will be available to all users.

15 Sustainability

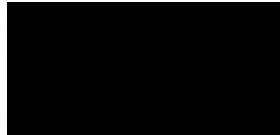
- 15.1 I have not identified any significant environmental, economic or social effects – other than those explained as the purposes of the Southern Windermere Trail as a whole.

16 Summary

- 16.1 The proposals will benefit the public, and have come about through successful partnership working and stakeholder engagement.
- 16.2 I recommend that we enter into the necessary creation agreements to bring this into effect.

Background Papers:	Case file reference 1412.511.17
Author/Post:	Nick Thorne, Senior Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	28 April 2023

Authorised by:



Hanna Latty, Head of Strategy & Ranger Service

Date.....28th April 2023

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 – Exchange with Open Spaces Society

From: Ian Brodie <
Sent: Thursday, April 13, 2023 11:19 AM
To: Nick Thorne >
Subject: Re: West Windermere Way - Creation Consultation

Dear Nick

Thank you for this consultation. We have already expressed some strong views about the concept of the West Windermere Way to your colleagues. These include issues of inter-user conflicts and we ask the npa to monitor this route for such problems as the public are usually reluctant to report such issues.

Can we first record that I was only brought into the process later on and I still have some confusion as to whether or not earlier consultation took place prior to the development of the scheme or after planning permission was gained. I assume it was the former however, it would still be useful if your colleagues could amend their systems to alert us and other kindred bodies as to when planning applications have or are being lodged for both PROW matters and schemes affecting registered common land.

We note the aspiration for the link to Fell Foot. We are unsure as to why this would be a terminus given the pressures on car parking and the busyness of this site. As we had previously told your colleagues we are aware there was a public path crossing through Fell Foot, over the river Leven and meeting with the road to Lakeside. This appears on some NT property documents to which we do not have access. This may be a useful point of research for the npa.

Now to our comments to the proposed section L-M which we have previously walked on several occasions. We are still unsure why traffic calming cannot make the user the road as the best option for cyclists and horse-riders. Additionally, for part of this way a track on the western side of the road may be more advantageously used even if it does not stretch the full length of the route below/through 'Justice Scar'. We would be appalled by any future proposal if extending the route north of point M to make the line of PROW fp566036 into a bw.

The construction of a surfaced route of the proposed width along the proposed line will be damaging to some ASNW (albeit approving to lack appropriate management) and will negatively affect the nature of the small watercourse where the route leaves the edge of the field and enters the southern point of Low Park Wood. Applying the Sanford principle mitigates against your proposal.

Leaving aside the supported needs to encourage cycling and horse-riding we would press the npa to additionally consider a walkers only route nearer to the lakeshore (although we would have preferred this from point E or F). We are aware of the concerns of the site operator for security and the effect on their shore based activities but we believe such obstacles are capable of resolution as occurs in other parts of the national park.

Hope this helps
Best wishes
Ian

On 18 Apr 2023, at 17:33, Steve Tatlock wrote:

Hello Ian,

Thanks for your comments about the West Windermere Way (WWW). Given that a number of your comments relate to matters wider than the creation work on WWW, I thought I would respond.

We have borne in mind your comments from our earlier discussions and we are carrying out on-site surveys with users of the newly opened section two to gather their thoughts on the route, why they use it, the benefits to them and any concerns they may have. We will also be patrolling the route in its entirety when it is complete with both staff and volunteers to continue this monitoring. To date we have no significant number of complaints from one user group about another on all the shared routes that we have constructed in recent years. It is my personal hope that we are all becoming more 'Dutch' in our attitude to sharing of routes with respect and consideration shown for all.

Following our previous discussions I talked to colleagues in planning about whether we could tailor consultations further but the view was the danger in doing so would miss a body or organization out and so the consultation process as part of the planning process will not be amended. However as part of any future project planning on larger scale access works we will look to engage stake holder organizations at an earlier stage and seek their input to improve the final proposal.

The link to Fell Foot is seen as a means of giving safe access from the main bus route along to Fell Foot for the many visitors who already walk along the A592 from the A590 having used the bus service to get to Newby Bridge. It would also allow visitors to Fell Foot to travel to the Western side of the Lake without having to resort to moving their car, though we do understand that on completion of the WWW, Windermere lake Cruises will extend their cross lake shuttle to include the public jetty on YMCA land and so allow another link to the western shore of the lake.

With regards to section L-M being the a 'best option' for horse riders and cyclists, all research shows that if people are to be encouraged to use motor vehicles less and be more active through walking, cycling and horse riding, then removing them from roads is the way to have the best chance of encouraging the more sustainable and healthy way of getting around and about. In the spending precious and scarce public money we have to look for maximum public value and benefit and the provision of an off -road route for multiple user groups is the best way of doing this. When this phase of developing the WWW is complete we will pause and evaluate all the lessons we have learned in its delivery, part of that will include re-visiting the section from Newby Bridge to Fell Foot and we will also look at the section north of point M to see if a similar scheme joining the WWW up to the existing bridleway that runs from Ferry House to Ambleside will deliver similar benefits. This is one of the schemes that we would look for early engagement with all interested stakeholders including The Ramblers and Open Spaces Society amongst others.

We are always mindful of the impacts of such projects on the habitats they pass through and certainly through woodland sites we use construction approved and proven to protect tree roots. Additionally, the new path will be constructed for the most part on an existing trackway which further minimises and impacts on habitats.

Lastly, we had discussions with the private owners about the routing the WWW along the lakeshore utilizing the existing track there, but we could not reach agreement with them on that and so the existing route was a reasonable compromise to all.

I hope this answers some of your questions and I am sure we'll speak before long about any future projects that might be developed.

Thanks again for making the time to comment.

Best regards

Steve

Steve Tatlock

Ranger Team Leader (Western)

Strategy and Ranger Service

Contact Number 07768 977813

From: Ian Brodie

Sent: Wednesday, April 19, 2023 9:06 AM

To: Steve Tatlock

Subject: Re: West Windermere Way - Creation Consultation

Hello Steve

Many thanks for your detailed comments.

As you know the OSS, who ask me to comment on their behalf on PROW matters within the Lake District give equal weight to the needs of walkers, cyclists and horse-riders. The needs of all user groups are equally paramount and as such we will support greater and more sustainable provision for all users.

We do recognise the point that sharing routes between the various users is becoming more common but, given the albeit limited direct evidence and comments made to me by various people, so are the cases of unreported aggravations between what should be kindred spirits. The key flash points reported to me have been caused both by a restricted group of cyclists (who also appear to regard all PROWs and open fell as useable routes) and some walkers with dogs. Such issues equally apply to tarmacadamed highways.

The OSS also pay regard to the principles of national parks and the Sanford principle. There have been, over the decades, several areas of the national park where the npa have not been as conscientious in protecting ASNW from the construction of surfaced routes. That said I am sure those kindred bodies which often work closely together - OSS, FLD, Ramblers, LAF - on other issues affecting access (especially with issues on registered common land) would welcome an earlier input from you and your colleagues. You will note that I copied this response to these contacts.

It is highly probable that where you do not obtain the consent of all landowners for desirable access projects which enable people to better enjoy the national park we would seriously consider supporting the npa in using their compulsory creation powers. An early involvement in taking your ideas forward would be helpful in securing such support.

I will not add anything about your aspiration to extend the WWW to Fell Foot where, as you know car parking is already at a premium at busy times. However, in a wider context for access gain, including alongside the eastern edge of Windermere, might be better facilitated through planning gain - something we hope you might suggest to your planning colleagues when policies are reviewed. Although it is accepted this would be a slow, piecemeal approach.

Best wishes

Ian

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	AUTHORISATION OF NEW GATE, BW 561016, ELF HOW, HUGILL PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders Meeting.</p> <p>Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	We have received a request to authorise a new gate across a public footpath for the purposes of preventing the ingress and egress of stock as part of an environmental scheme to reintroduce conservation grazing.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not 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, Senior Rights of Way Officer	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	5 May 2023	
Authorising officer	Ranger Team Leaders' Meeting	
Date	11 April 2023	

Brief Summary of reasoning

The owners of Claybottom Farm, on the edge of the fell south of Caldbeck are carrying out improvement works under a FiPL project (Farming in Protected Landscapes). They have re-instated an ancient drain (shown on the 1860 Ordnance Survey Maps, but not on the 1920 maps) across a field and wish to fence alongside this drain to protect it from stock damage. The drain and fence will improve the current habitat of the field by enabling better rotational grazing of the current large field to preserve and enhance the nutrient poor acid grassland for ground-nesting birds.

Footpath 221006 crosses this field, and the correlation between the path and drain can be seen on the OS first edition map below.



The applicant is requesting authorisation for a new 6' gate with standard/high latch at the point the drain bisects the path. They have already installed a culvert / pipe for the drain, as shown on the photograph below.



The applicant will be provided with our standard specifications. For the reasons given above, I consider that it is appropriate to issue the relevant authorisation.

Nick Thorne, Senior Rights of Way Officer, 4 April 2023

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.

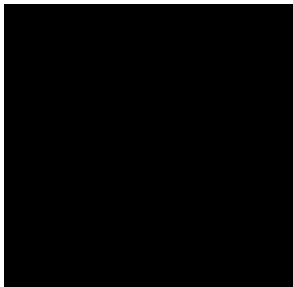
(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(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**



10 May 2023

Dear 

Our Reference: 1410.002

**Authorisation of new gate across public footpath 221006
Claybottom Farm, Caldbeck 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:

- 6' gate at NY 323 375, as shown on map attached.

The authorised gate will enable efficient agricultural use of the landholding concerned by enabling rotational grazing through controlling the ingress and egress of different types of stock.

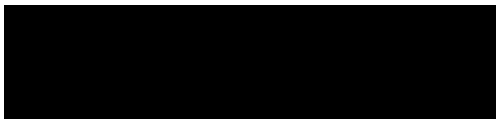
Our authorisation is granted under Section 147 of the Highways Act 1980. We must consider the needs of many users and the authorisation is therefore subject to the conditions below.

- The gate shall meet the LDNPA structures standard 2011 (copy attached). It should preferably have a long-handled gravity catch (your Ranger, Amy, can advise as to this).
- 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. It does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- 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. If the authorisation ends, you must remove the gates 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, Amy Smiles or Nick Thorne, Senior Rights of Way Adviser on (01539) 792621.

Yours sincerely



Cath Johnson

Ranger Team Leader (North)

Direct: 01768 871407

Email: cath.johnson@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

Signature

Date

*Delete as appropriate

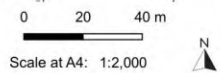
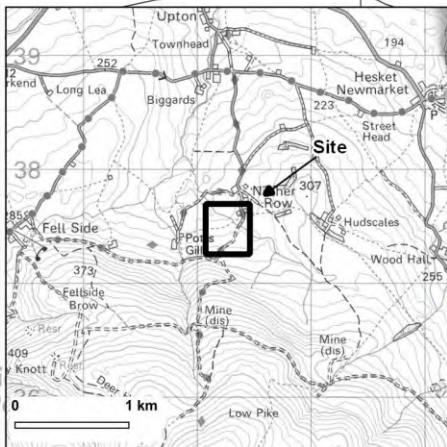
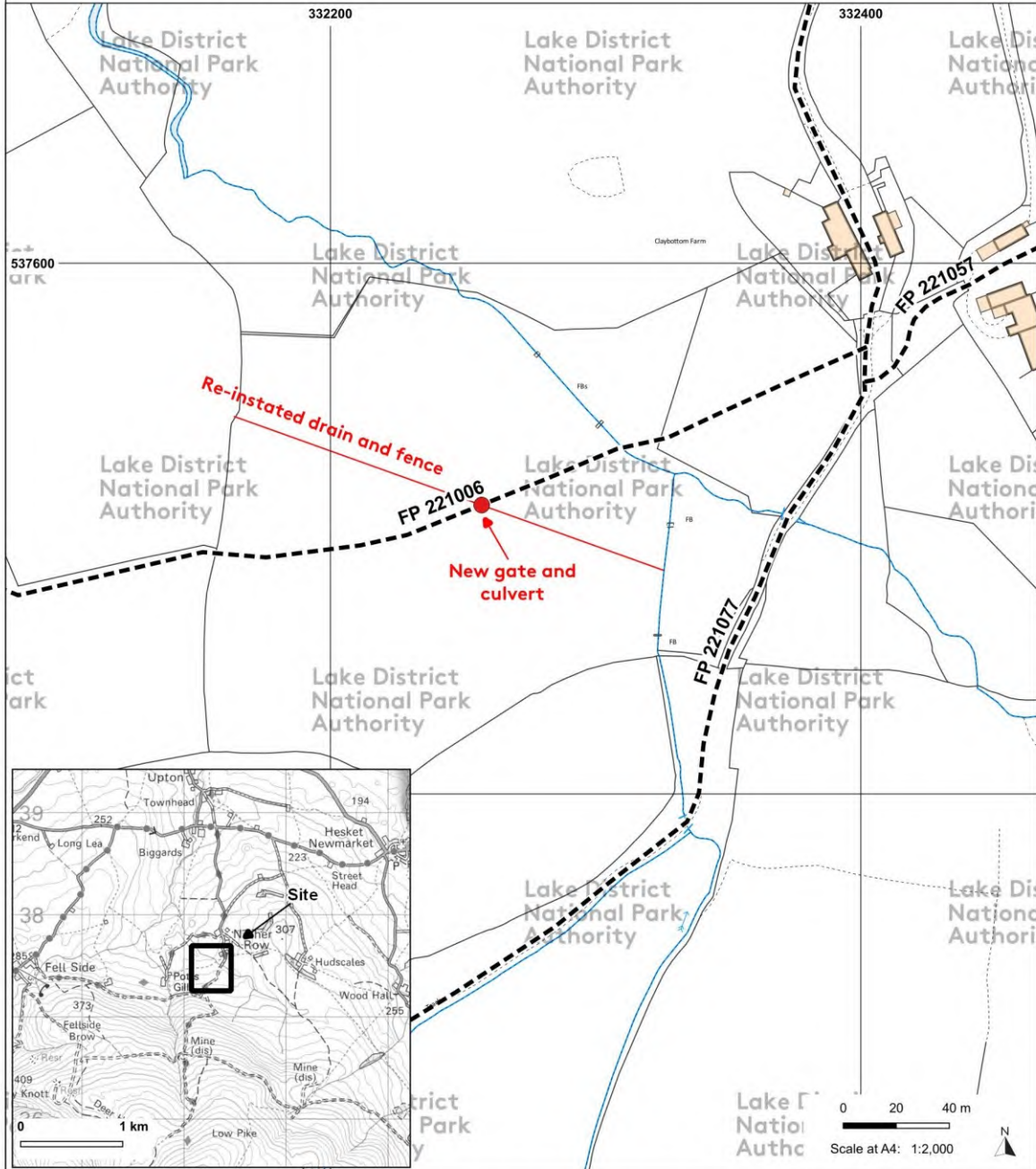
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Authorisation of new gate on Public Footpath 221006, Claybottom Farm, Caldbeck Parish



Lake District National Park

Highways Act 1980 Section 147



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I:\Corporate Workspaces\Templates\ROW\Closures & TRO s14\221006 ClaybottomFarmCaldbeck.qgz

● Gate to be authorised

Public rights of way

--- Footpath

—+— Bridleway

Centre of map:
NY 3227 3747

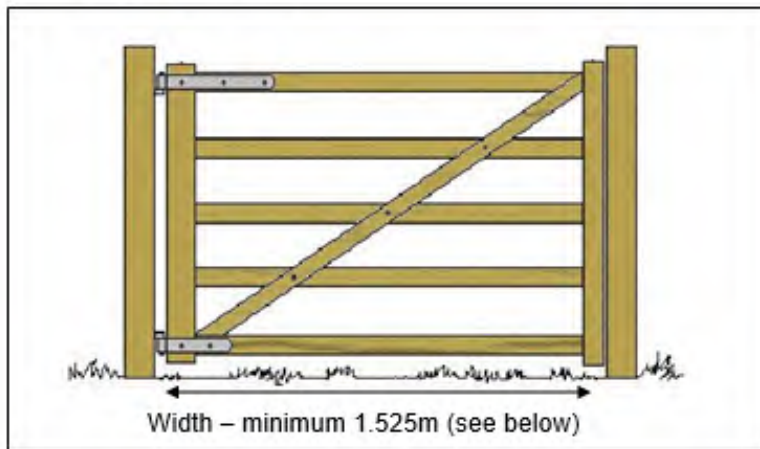
Date Authored:
05/05/2023

Authorised signatory:

Date:

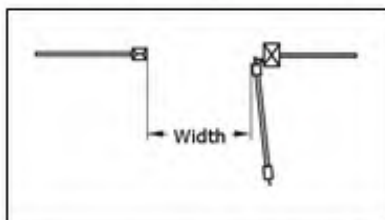
LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011

GATES – FIELD & BRIDLE

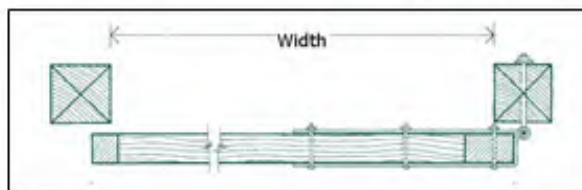


- Usable width for all for bridleway gates to be at least 1.525m (5ft) wide.
- Bridleway gates (5') are preferable to field gates (8-10') - except on byways.
- They should preferably be openable on horseback.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and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

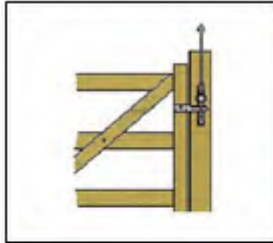
If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.525m gate width)



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



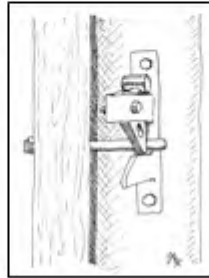
B|– LONG HANDLED GRAVITY CATCH / HUNTING TYPE GRAVITY LIFT CATCH



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

C – TRIANGULAR GRAVITY CATCH

Standard slam catch
– self closing / fastening



TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 514021, CROSTHWAITE AND LYTH PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over Cockmoss Bridge, part of footpath 514021, because of the danger to the public resulting from undercutting and damage to the abutment of Cockmoss Bridge meaning there is a potential for the bridge to collapse.

Recommendation: *That we issue a Temporary Traffic Regulation Notice over part of footpath 514021, namely at Cockmoss Bridge as shown on the attached plan.*

2 Details of Request

- 2.1 Cockmoss Bridge is constructed of concrete and stone, it spans the main land drain in the Lyth Valley. The bridge span is recorded as 1.4m and width 3.7m. The Lake District National Park Authority has received an external report from the landowner 27 June 2023 with photos, verified by Ranger Mike Tattersall, that the bridge abutment, also constructed of concrete and stone, has been undermined and sustained significant damage.
- 2.2 There is a potential that the bridge could collapse, presenting a significant danger to the public if in use.
- 2.3 At this stage we do not know what has caused the damage. The bridge was last surveyed 18 December 2019 at which time no issues were identified. This bridge has a 4-yearly cyclical survey schedule.
- 2.4 Unfortunately no alternative public rights of way exist linking Whitebeck and Moss Side, the end points of footpath 514021, other than public roads (A5074 and C5074). The culvert is not fordable and vegetation either side of the culvert is impassable, making the creation of any alternative route difficult. No other public rights of way intersect footpath 514021.
- 2.5 In addition to ensuring public safety, this closure will allow the Ranger team time to plan the required repairs to make the bridge safe. This is likely to require removing the deck of concrete slabs to repair the abutment. Environment Agency consent will need to be sought in order for work in the drain to take place. It is therefore highly likely that conversion of this Notice into an Order will be required to allow sufficient time for repair works to be planned and carried out and the bridge made safe.

3 Policy Context

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

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

4 Options

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

5 Proposal

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

6 Best Value Implications

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

7 Finance Considerations

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

8 Risk

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

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer term order if necessary. It is very likely that one or both these eventualities will be required as detailed in 2.5.
- 9.2 The Head of Strategy and Ranger Service has delegated powers to authorise the issuing 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 Westmorland and Furness County Council.

10 Human Resources

- 10.1 The work involved in this proposal is approximately four hours from members of the Ranger Service (Ranger and Trainee Rights of Way Officer), 30 minutes from the GIS Officer, and 15 minutes from our Legal team. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability due to this temporary closure.

Authorised by:

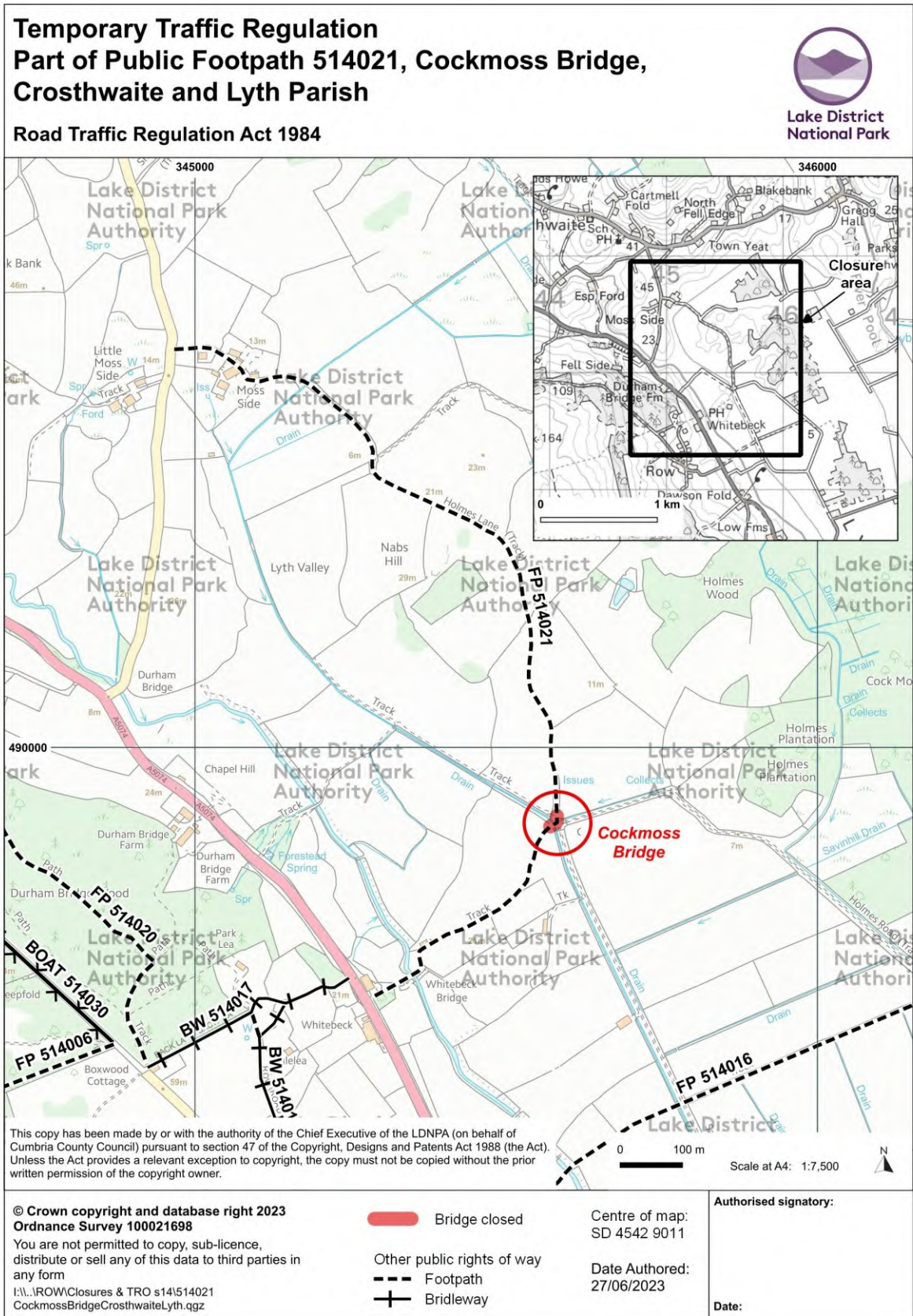


.....
Hanna Latty, Head of Strategy and Ranger Service

Date...28th June 2023.....

Background Papers	Case file 1410.003 (258)
Author:	Will Hinchliffe, Trainee Rights of Way Officer
Date Written:	27 June 2023
Version	FINAL

Appendix A: Location Plan



Appendix B: Photos provided with external report from member of public



TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF BRIDLEWAY 543049, LAKES (LANGDALES) PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of horse traffic over part of bridleway 543049 because of the danger to the public resulting from rotten bridge deck slats which require replacement.

Recommendation: *That we issue a Temporary Traffic Regulation Notice over part of bridleway 543049 closing it to horse traffic for safety reasons as shown on the attached plan.*

2 Details of Request

- 2.1 The bridge on bridleway 543049 crossing Great Langdale Beck near Oak Howe is constructed of timber. We have received an external report from a member of the public 5 July 2023 following which it was identified that one of the deck slats was broken. Our Ranger Dave Bell has inspected the bridge 6 July 2023 and replaced the deck slat which had broken. However, on inspection he identified that other slats were showing signs of rot and due to the potential risk posed to members of the public, all other deck slats will also require replacement.
- 2.2 The Ranger's assessment is that the bridge remains safe for walkers and cyclists due to their lower weight and wider weight distribution but that it is not currently safe for horses.
- 2.3 If the bridge remains in use without repairs there is a potential that further slats might break, presenting a significant danger to the public.
- 2.4 The bridge has an annual survey schedule and was last surveyed by a Field Ranger 9 November 2023 at which time some rot was identified on one of the bridge uprights and an existing job is recorded on our system to address this.
- 2.5 Unfortunately there are no nearby usable alternative public bridleway crossings of Great Langdale Beck. Adjacent bridleway 543045 also crosses Great Langdale Beck nearby but the river here is not fordable.
- 2.6 In addition to ensuring public safety, this temporary closure will allow the Ranger team time to order materials and make repairs to make the bridge safe for all bridleway users. Due to the lead times for delivery of replacement deck slats it is likely that a further 21-day extension of this Notice will be required, but it is hoped that it will be possible to make repairs within a timeframe which will not necessitate the conversion of these Notices to an Order.

3 Policy Context

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

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

4 Options

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

5 Proposal

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

6 Best Value Implications

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

7 Finance Considerations

- 7.1 The costs of a temporary closure Notice are approximately £135 + VAT which cover staff-time, stationery and postage. Given the circumstances that this bridge is LDNPA maintained and an aid to passage along the bridleway, I consider that it is appropriate that we meet these costs.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The closure will safeguard users of the bridleway with horses who may be injured if they attempt to use the bridge currently and alleviate the potential for further damage which may endanger all users if repairs are not made.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer term order if necessary. It is very likely that a second 21-day extension of this Notice will be required to allow time for repairs to be made.
- 9.2 The Senior Rights of Way Officer has delegated powers to authorise the issuing 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 Westmorland and Furness County Council.

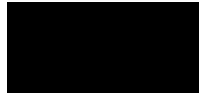
10 Human Resources

- 10.1 The work involved in this proposal is approximately four hours from members of the Ranger Service (Ranger, Trainee Rights of Way Officer and Senior Rights of Way Officer) and 30 minutes from the GIS Officer. 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 due to this temporary closure.

Authorised by:



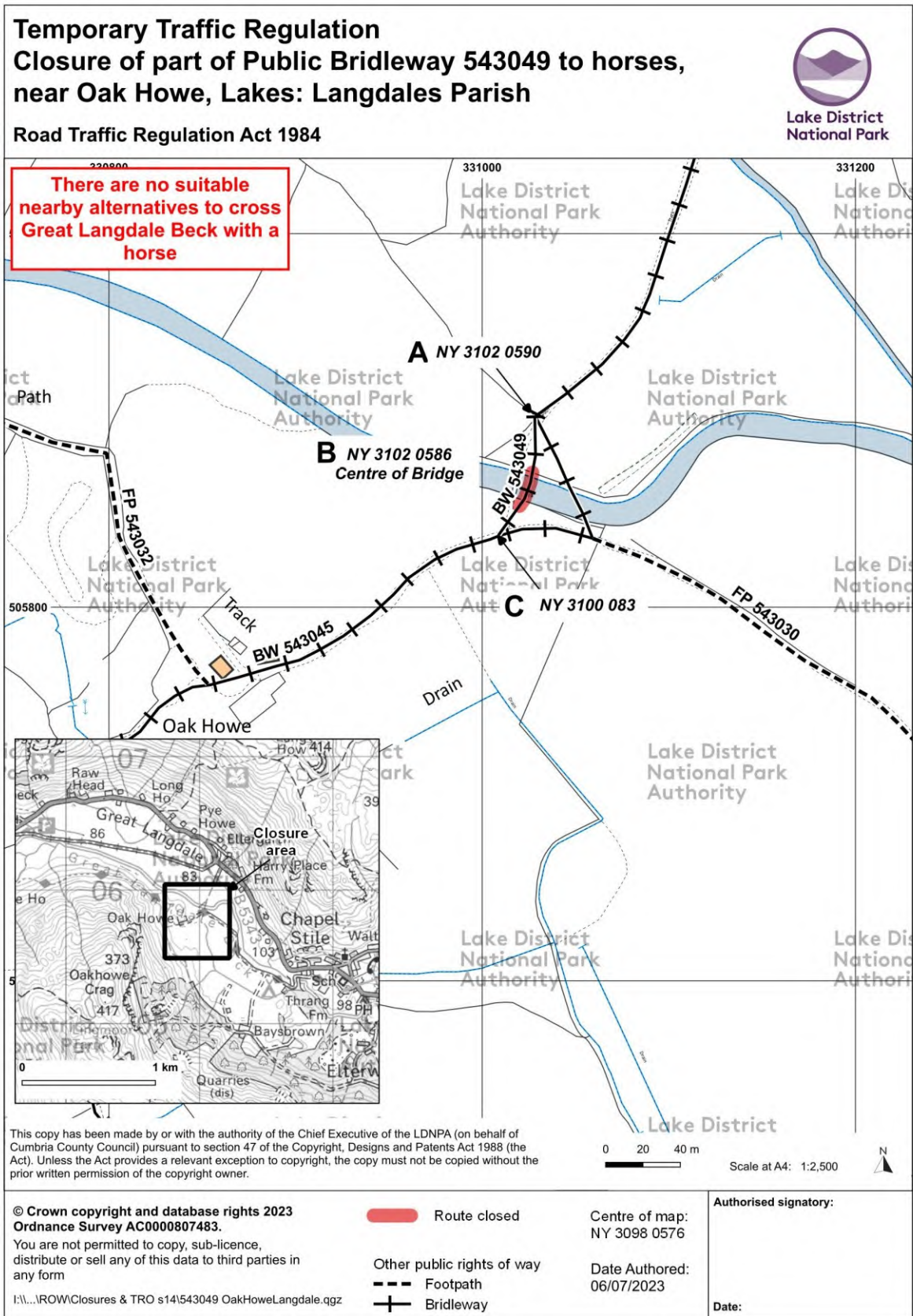
.....
Nick Thorne, Senior Rights of Way Officer

Date...6th July 2023.....

Background Papers
Author:
Date Written:
Version

Case file 1410.003 (259)
Will Hinchliffe, Trainee Rights of Way Officer
6 July 2023
FINAL

Appendix A: Location Plan



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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	AUTHORISATION OF TWO NEW GATES, FP 575016, POTTER TARN, STRICKLAND ROGER PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders' Meeting. 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 deer gates (1.2m wide) across a public footpath for the purposes of preventing the ingress and egress of animals as part of a Rural Payments Agency environmental scheme to create an area of native woodland.	
Details of Decision	To grant authorisation for a period of ten years	
Details of alternative options considered and rejected.	To grant indefinite authorisation Not 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	William Hinchliffe, Trainee Rights of Way Officer Will.hinchliffe@lakedistrict.gov.uk , 01539 792696	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	7 July 2023	
Authorising officer	Ranger Team Leaders' Meeting	
Date	27 July 2023	

Brief Summary of reasoning

Land between Potter Tarn and Gurnal Dubs through which footpath 575016 passes has been planted with native trees and shrubs as part of a Rural Payments Agency grant agreement to reinstate native woodland here (see Annex A- location plan). The area has been planted predominantly with broadleaves, with smaller areas planted with Sitka spruce, widely spaced shrubs and some areas (including the full length of the footpath through the plot) left open.

In order to allow the planted trees to become established deer fence has been erected around the perimeter of the whole plot (see location map below), set a couple of metres within the wall where the fence is adjacent to the pre-existing wall line. Where the footpath crosses walls just to the east of Potter Tarn (at SD 4954 9892) and at the eastern boundary of the planted plot (SD 4992 9904) there are pre-existing stone step stiles. Deer-proof pedestrian gates (1.2m width) have been erected in the fenceline in front of the stiles (see Annex C- photos).

The applicant has been in contact with our Ranger Mike Tattersall and Area Ranger Marian Jones, regarding the installation of the gates and been informed of the need to apply for s147 authorisation for the new gates, following which they have completed a s147 authorisation request form.

Firstly, it must be considered whether the gates are necessary to prevent the ingress or egress of animals on land used, or being brought into use, for agriculture or forestry. In this instance the land is being brought into use for forestry - planting of native woodland, along with some Sitka spruce. Deer are present in the area and therefore to prevent them interfering with the woodland becoming established the erection of the fence and gates (the existing walls not being high enough to keep out deer) appears necessary at this time.

Although the gates do add an additional item of furniture for footpath users to tackle, being situated next to stone step stiles I do not think the gates are more difficult to use than the existing stiles. Enough of a gap has been left between the gates and stiles that the use of one is not obstructed by the other.

A fenced 'corridor' along the route of the footpath through the plot could be an option which would avoid the need for the new gates, but in my view this would detract far more from the experience of walking this footpath by creating a hemmed in feel than the, relative to this, minor inconvenience and unsightliness of the new gates.

The option of removing the pre-existing wall and stiles to create wall gaps (with gates) for the duration of the authorisation period has been considered, as this would improve accessibility, however the walls are not the property of the applicant so not theirs to remove without agreement from the neighbouring landowner. In addition, stone step stiles are considered by many an attractive traditional feature of the Lake District landscape and part of its cultural heritage. If the stiles were to be removed whilst the gates were in place this would require further work to reinstate them when the authorisation period for the gates had ended. Although authorisation does mean a period of time where path users must navigate two items of furniture and the arrangement is not attractive it does not appear to outweigh the practical requirement of the gates for the success of the tree-planting.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation under Section 147, Highways Act 1980 (see Annex B).

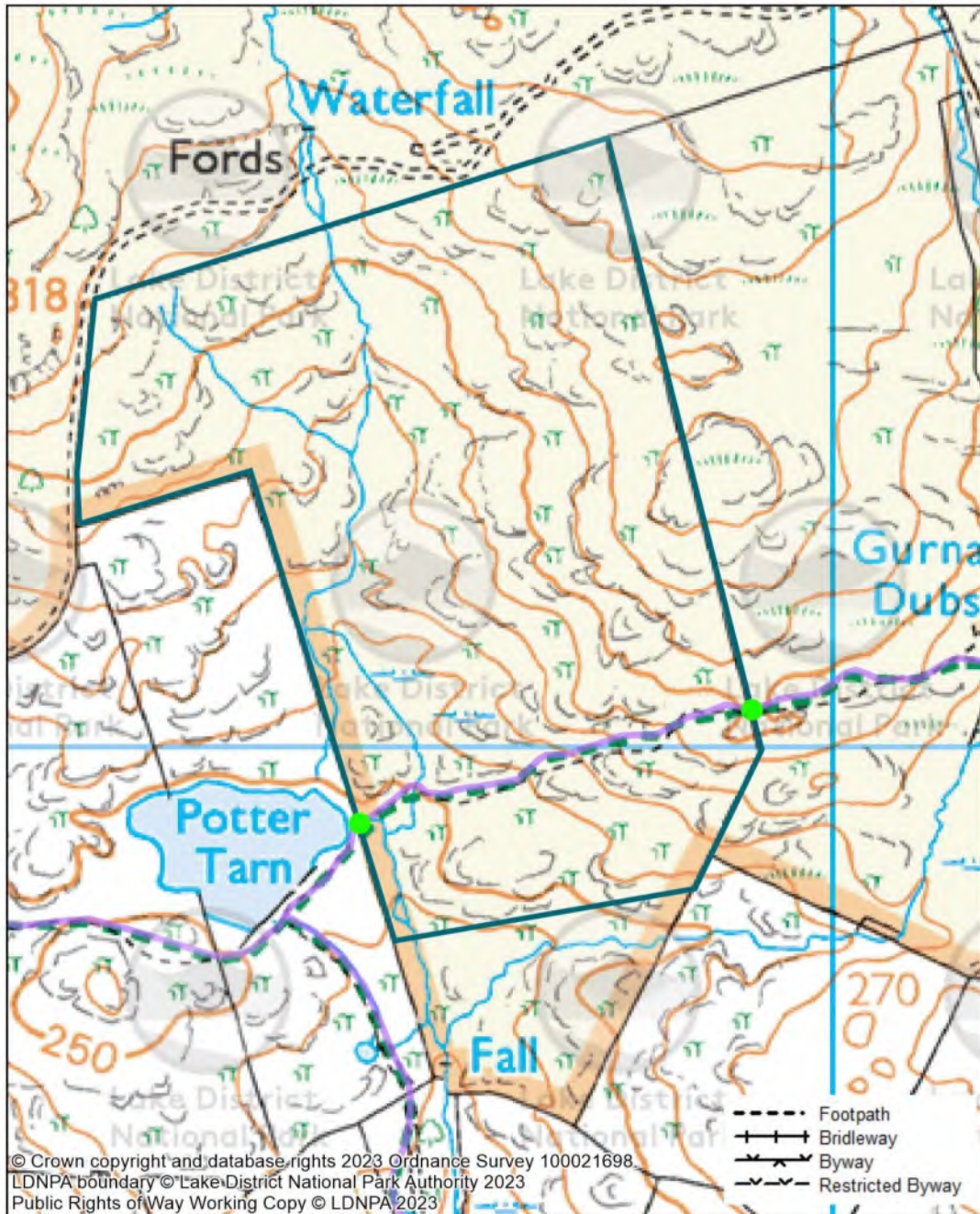
In giving authorisation the Authority may impose conditions. The gate should be constructed to the 2011 Lake District National Park Structures Standards (Annex D). In this instance the gates are only necessary to prevent the ingress of deer until the planted trees have had time to become established. Therefore, this authorisation is given only for a 10 year period (ending 31 July 2033). If the applicant wishes to retain the gates beyond this period if they believe them to still be necessary at that time, they will need to apply again for renewed authorisation. This information will be added to ROWMANS to ensure they are removed at the end of the authorisation period. The authorisation will also end if the use of the land changes and the gate is no longer necessary to control animal movement.

Will Hinchliffe, Trainee Rights of Way Officer, 7 July 2023

Annex A- Location Plan

Extract from the Definitive Map for Cumbria
(relevant date: 1 January 1976)

s147 Authorisation location map- Potter Tarn



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0 50 100 150 200 metres



Key

Teal box – extent of planted area and deer fence

Green dots – Location of new gates adjacent to pre-existing stiles

Annex B

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.

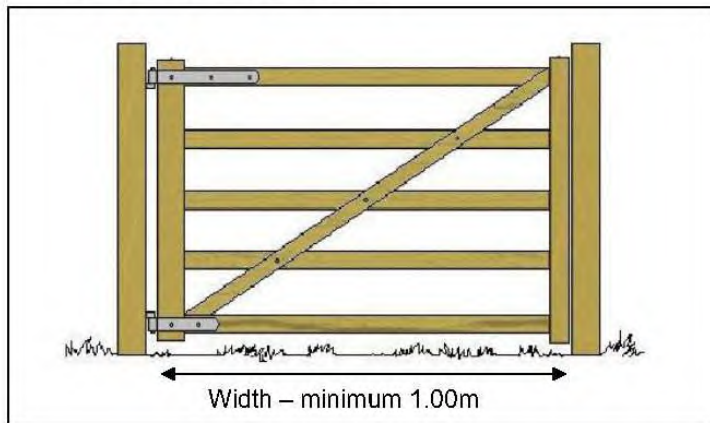
Annex C

Photos of the gates and pre-existing stiles-



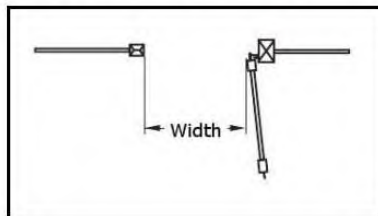
**LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011**

GATES – WICKET (PEDESTRIAN)

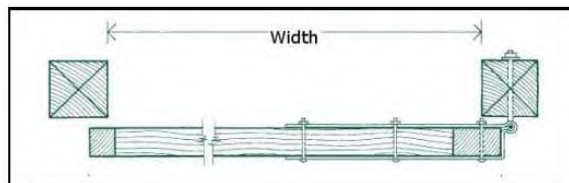


- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)





[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

27 July 2023

Dear [REDACTED]

Our Reference: 1410.002

**Authorisation of new gates across public footpath 575016
Potter Tarn, Strickland Roger Parish**

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

- Pedestrian Deer Gate (1.2 metres wide) at SD 4954 9892
- Pedestrian Deer Gate (1.2 metres wide) at SD 4992 9904

The authorised gates will prevent the ingress and egress of deer as part of an RPA environmental scheme to create an area of native woodland.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex A). We must consider the needs of many users and the authorisation is therefore subject to the conditions below.

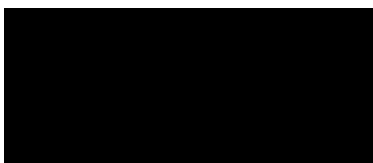
- The authorisation is granted for a period of ten years, so the gates must be removed by 31 July 2033. If you or your client wish to retain the gates beyond this period you will need to apply for a new consent from us.
- The gates shall meet the LDNPA structures standard 2011 for pedestrian wicket gates (Annex B)
- You or your client 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. As the gates have already been installed they do not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for this safe maintenance lies with the landowner / occupier.

- The authorisation will also end if the land use changes before 31 July 2033 and the gates are no longer necessary to control animal movement. If the authorisation ends, you must remove the gates 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 Area Ranger, Marian Jones, on 07799 0523265 or Nick Thorne, Senior Rights of Way Officer, on 01539 792621.

Yours sincerely



Steve Gaskell

Ranger Team Leader



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

Signature

Date

*Delete as appropriate

.....

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	AUTHORISATION OF NEW GATE, FP 511070, WINTERING PARK, COLTON PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders’ Meeting.</p> <p>Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	We have received a request to authorise a new kissing gate across an old wall gap through which public footpath 511070 passes for the purpose of preventing the ingress and egress of animals for an area of land being brought into use as woodland pasture with cattle in a Countryside Stewardship scheme.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not 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	William Hinchliffe, Trainee Rights of Way Officer Will.hinchliffe@lakedistrict.gov.uk , 01539 792696	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	10 July 2023	
Authorising officer	Ranger Team Leaders’ Meeting	
Date	28 July 2023	

Brief Summary of Reasoning

An area of land through which footpath 511070 passes is being brought into use as woodland pasture in a Countryside Stewardship scheme. Cattle will be introduced into the pasture and the number of sheep will be reduced. The estate is making changes to the boundaries in order to effectively manage the cattle.

As part of this the landowner has requested authorisation (Section 147, Highways Act 1980- Annex A) for a new kissing gate across the public footpath at an existing wall gap at SD 3665 8678 (see Annex B- location map). The wall at this point also forms the boundary with a neighbouring landowner; the applicant and landowner therefore wish to avoid their cattle straying over the boundary. The Authority can only authorise new gates where these are necessary to prevent the ingress or egress of animals on land used, or being brought into use, for agriculture or forestry. In this instance the land is being brought into use for woodland (though potentially not commercial forestry) and agriculture – the keeping of cattle. In order to keep the cattle within the parcel of land a new gate appears necessary at this time.

The applicant initially submitted an application with a sprung gate and catch, however, following consultation with Area Ranger Sara Spicer, was happy to amend this to an un-sprung gate without a catch. Cattle are very unlikely to pass through a kissing gate, so there is no need for a catch and spring which would make the gate more difficult to negotiate for footpath users.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation.

In giving authorisation the Authority may impose conditions. The gate should be built to the Lake District National Park Structures Standards (2011) for a rectangular (flush) pedestrian kissing gate (Annex C). The authorisation will end if the use of the land changes and the gate is no longer necessary to control cattle.

Will Hinchliffe, Trainee Rights of Way Officer, 10 July 2023

Annex A

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—

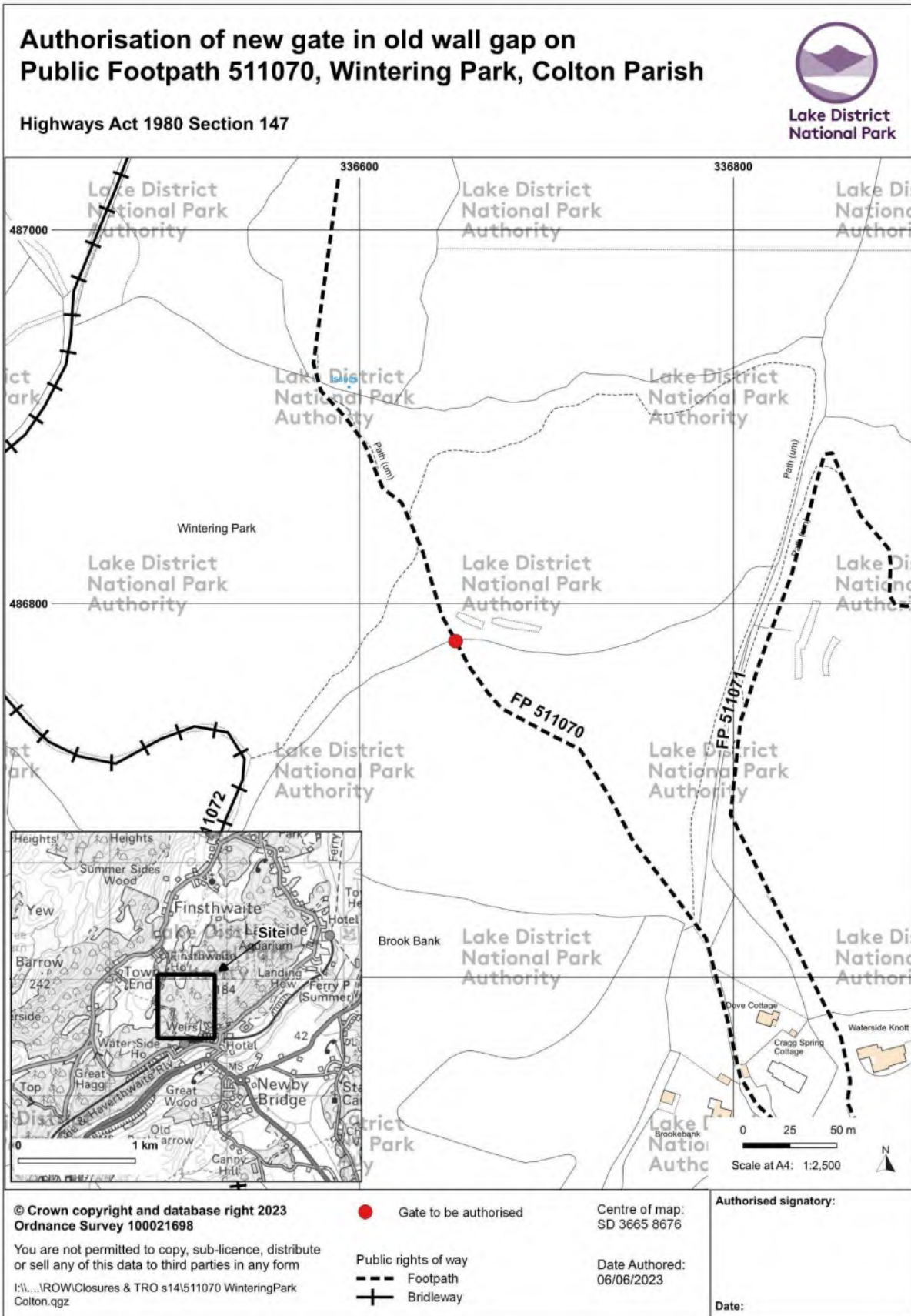
- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
(b) in the case of any other footpath or bridleway, the highway authority.

- (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.

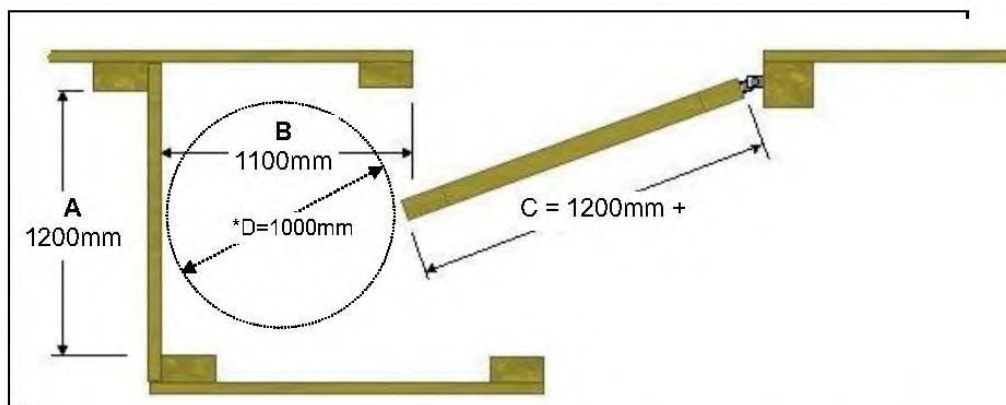
(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

- (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
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).



Lake District
National Park

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10 July 2023

Dear [REDACTED]

Our Reference: 1410.002

**Authorisation of new gate across public footpath 511070
Wintering Park, Colton Parish**

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

- Rectangular box pedestrian kissing gate at SD 3665 8678 (Annex A- location map)

The authorised gate will prevent the egress of cattle as part of a Countryside Stewardship scheme to bring an area of land into use as woodland pasture.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of many users and the authorisation is therefore subject to the conditions below.

- The gate shall meet the LDNPA structures standard 2011 for a rectangular (flush) pedestrian kissing gate (Annex C).
- You or your client 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 the landowner. The gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- 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 manage cattle. If the authorisation ends, you must remove the gates to restore uninterrupted passage.

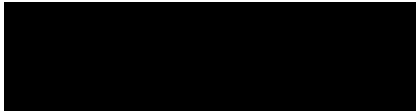


Lake District
National Park

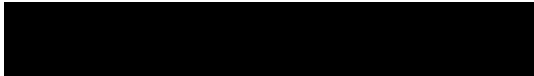
Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structure will remain an unauthorised obstruction.

If you have any queries please contact the Area Ranger, Sara Spicer, on 07788 658566 or Nick Thorne, Senior Rights of Way Officer, on 01539 792621.

Yours sincerely



Steve Tatlock
Ranger Team Leader



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

Signature

Date

*Delete as appropriate

.....

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	AUTHORISATION OF NEW GATE, FP 512015, BLEATHWAITE, CONISTON PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders' Meeting.</p> <p>Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	We have received a request to authorise a new pedestrian wicket gate across a public footpath for the purpose of preventing the ingress of animals into a protected watercourse area being created as part of a Countryside Stewardship scheme. The gate will also ensure sheep on neighbouring land are not able to access adjacent land which is to be grazed only by cattle.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not 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	William Hinchliffe, Trainee Rights of Way Officer Will.hinchliffe@lakedistrict.gov.uk , 01539 792696	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	10 July 2023	
Authorising officer	Ranger Team Leaders' Meeting	
Date	27 July 2023	

Brief Summary of reasoning

An area of land through which public footpath 512015 passes is being fenced off to create a protected watercourse as part of a Countryside Stewardship scheme which will allow the restoration of natural habitat. We have received a request to authorise a new pedestrian wicket gate (SD 2929 9610) across the footpath which accesses this watercourse corridor for the purpose of preventing the ingress of animals into the area. Annex B is a location map of the requested gate. A new fence is being erected upslope of the path which traverses a steep hillside adjacent to the watercourse. The area between the fence and beck is wide enough that it should not create a hemmed in feeling for footpath users (see Annex D photo) - the applicant is encouraged to site the fence as far up the slope as possible as placing this on the slope above the bench-cut path may make the cattle less likely to try to push against the fence than if it is on a flatter section. The gate will also ensure sheep on neighbouring land are not able to access adjacent land which is to be grazed only by cattle.

The Authority can only authorise new gates where these are necessary to prevent the ingress or egress of animals on land used, or being brought into use, for agriculture or forestry (under Section 147 of the Highways Act 1980, see Annex A). The new gate and fence are necessary in this instance to keep the cattle out of the watercourse. Were these not to be in place the agricultural efficiency of the applicant's farm would be significantly impacted by having to spend time removing and driving the cattle from the watercourse. The fence and gate will also prevent any sheep from neighbouring land entering the pasture which is to be used solely for cattle.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation.

In giving authorisation the Authority may impose conditions and must consider the impact on those with a disability or mobility problems. In this case the least restrictive option which will be compatible with the agricultural purpose is a pedestrian wicket gate. The gate should be constructed to the 2011 Lake District National Park Structures Standards (Annex C). The authorisation will end if the use of the land changes or the gate is no longer necessary to control cattle.

Will Hinchliffe, Trainee Rights of Way Officer, 10 July 2023

Annex A

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.

Annex B

Location Map

Extract from the Definitive Map for Cumbria
(relevant date: 1 January 1976)
Bleathwaite Section 147 authorisation request



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0 25 50 75 100 metres



Key

Red circle- location of gate to be authorised

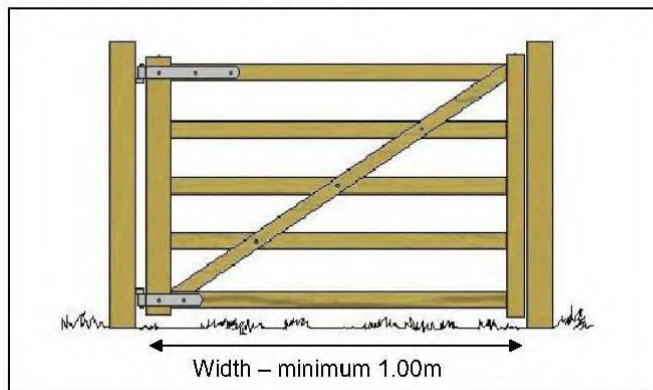
Red line- location of new fence

Annex C



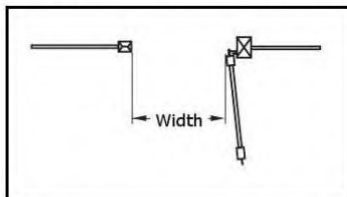
LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

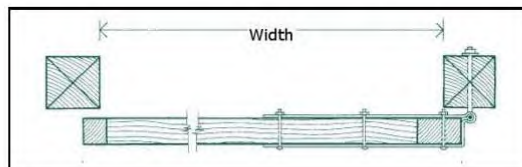


- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)



Annex D

Bench cut path upslope of watercourse-





Lake District
National Park

[REDACTED]

10 July 2023

Dear [REDACTED]

Our Reference: 1410.002

**Authorisation of new gate across public footpath 512015
Bleathwaite, Coniston Parish**

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

- Pedestrian wicket gate at SD 2929 9610

The authorised gate will prevent the ingress of cattle as part of a Countryside Stewardship scheme to create a protected watercourse area.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex A). We must consider the needs of many users and the authorisation is therefore subject to the conditions below.

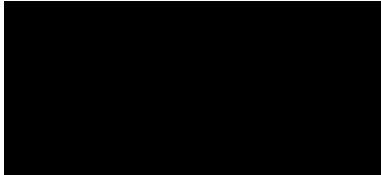
- The gate shall meet the LDNPA structures standard 2011 for a pedestrian wicket gate (minimum width between posts of 1 metre-see Annex B).
- You will maintain the gate in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from the landowner. The gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for this safe maintenance lies with the landowner / occupier.
- The authorisation will end if the use of the land changes or the gate is no longer necessary to manage cattle. If the authorisation ends, you must remove the gates 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.

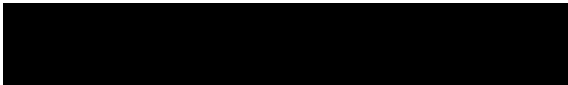


If you have any queries please contact the Area Ranger, Sara Spicer, on 07788 658566 or Nick Thorne, Senior Rights of Way Officer, on 01539 792621.

Yours sincerely



Steve Gaskell
Ranger Team Leader



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

Signature

Date

*Delete as appropriate

.....

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).

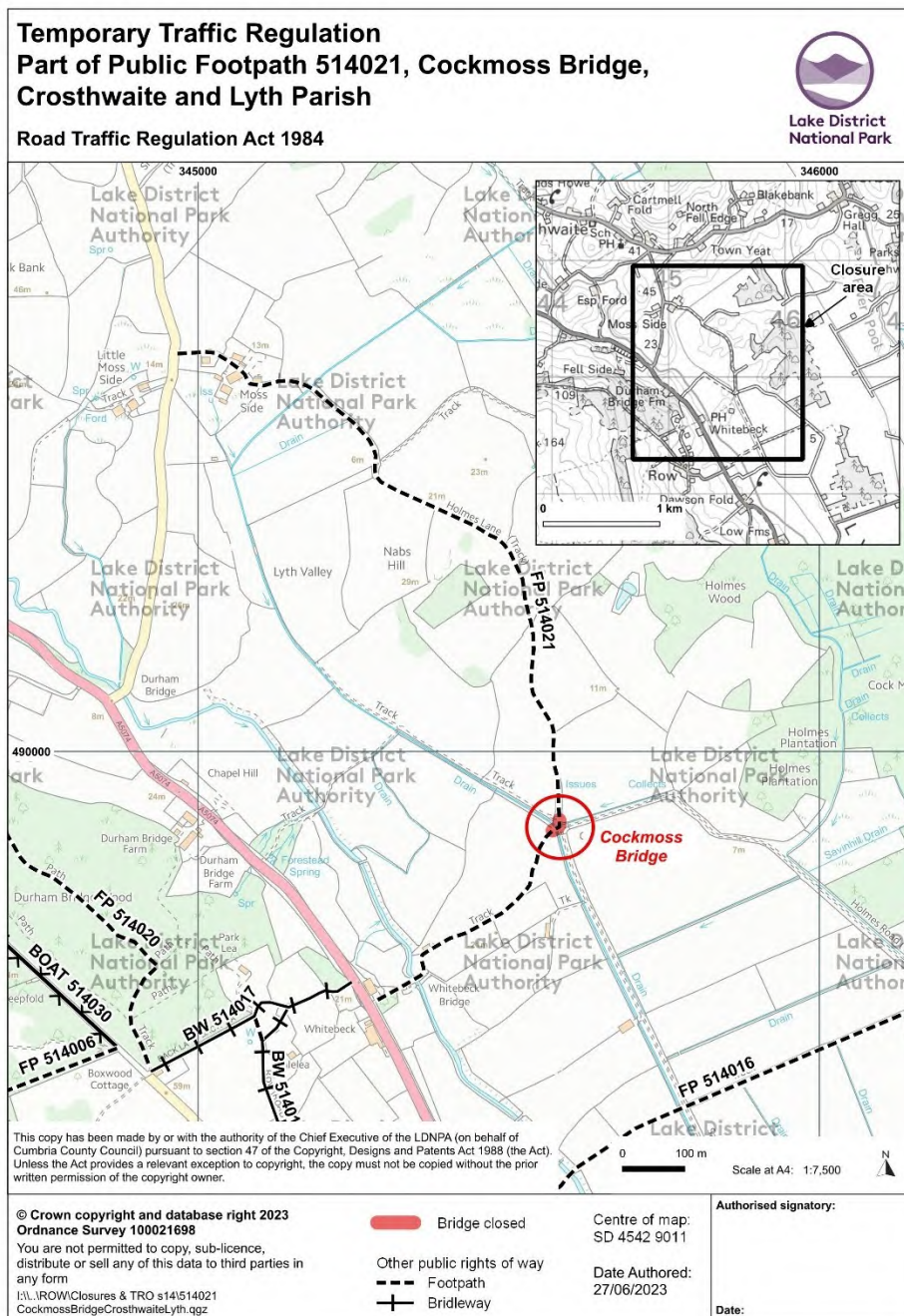
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	CONVERSION OF TEMPORARY TRAFFIC REGULATION NOTICE TO AN ORDER, PART OF FOOTPATH 514021, COCKMOSS BRIDGE, CROSTHWAITE AND LYTH PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service, and sub-delegated to the Team Leaders (power to issue Notices delegated to Senior Rights of Way Officer). Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	Cockmoss Bridge has been closed as the bridge abutment and parapet have been damaged and there is a danger that the bridge will collapse.	
Details of Decision	<i>That we convert the Temporary Traffic Regulation Notice for the section of footpath 514021 affected into an Order.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing 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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	Case file 1410.003 (258)	
Date of Report	31 July 2023	
Authorising officer	Ranger Team Leaders' Meeting	

CONVERSION OF TEMPORARY TRAFFIC REGULATION NOTICE TO AN ORDER, PART OF FOOTPATH 514021, COCKMOSS BRIDGE, CROSTHWAITE AND LYTH PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over a section of footpath which crosses a potentially unsafe bridge until it has been replaced.

Recommendation: *That we convert the Second Temporary Traffic Regulation Notice issued on 18 July 2023 to an Order - for the section of footpath 514021 at Cockmoss Bridge as shown on the map below.*



Site Map of Proposed Closure

2 Details of Request

- 2.1 Cockmoss Bridge is constructed of concrete and stone, it spans the main land drain in the Lyth Valley. The bridge span is recorded as 1.4m and width 3.7m. The Lake District National Park Authority received an external report from the landowner on 27 June 2023 with photos, verified by Ranger Mike Tattersall, that the bridge abutment, also constructed of concrete and stone, had been undermined and sustained significant damage.
- 2.2 There is a potential that the bridge could collapse, presenting a significant danger to the public if in use.
- 2.3 Prior to the report received in June the bridge was last surveyed 18 December 2019 at which time no issues were identified. This bridge has a 4-yearly cyclical survey schedule.
- 2.4 Unfortunately no alternative public rights of way exist linking Whitebeck and Moss Side, the end points of footpath 514021, other than public roads (A5074 and C5074). The culvert is not fordable and vegetation either side of the culvert is impassable, making the creation of any alternative route difficult. No other public rights of way intersect footpath 514021.
- 2.5 Following the report received on 27 June 2023 a 21-day Temporary Closure Notice was issued on 28 June 2023. A second 21-day Notice was issued on 18 July 2023.
- 2.6 Since the first notice was issued the Ranger team have assessed the situation. They hoped it would be possible to prop the concrete bridge beams from beneath to make the bridge safe for use whilst repair works were planned and carried out. However, a detailed survey of the found that the beams had dropped, leading to a crack in the parapet. The entire structure will therefore need to be lifted out and fully replaced to make it safe. This will require careful planning and consent for in-river works to be obtained from the Environment Agency. This cannot happen in the short timescale afforded by a Notice and will therefore necessitate the making of an Order.
- 2.7 If authorised the Ranger team will erect site notices at suitable locations (at both ends of the footpath and on the bridge approach from both sides) to inform the public of the temporary closure and also tape off the bridge to ensure public safety as far as possible.

3 Policy Context

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

4 Options

- 4.1 The options are:
- a) Convert the existing Notice to an Order,
 - b) Do not convert the existing Notice to an Order.

5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 9. I consider that option 4.1b is not appropriate, as it exposes the public to unnecessary risk.

6 Stakeholder Consultations

- 6.1 There was no requirement to consult upon issuing a Notice. When we notified our stakeholders about the emergency closure notice and second notice, we also informed them of the likely intention to convert this to an Order (which is effectively a consultation in terms of traffic regulation orders). The Open Spaces Society responded to say that they accepted we had taken the most pragmatic course with this problem and supported our actions. No-one else has yet responded.

7 Demonstrating Best Value

- 7.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation notices and orders is not a **competitive** procedure. Westmorland and Furness County Council can also process temporary closure orders, but we are the best placed organisation to make this order.
 - c) We have not carried out any **consultations** (see section 6).
 - 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.

8 Finance Considerations

- 8.1 The costs of a temporary closure Order are approximately £965 + VAT (which covers staff-time, stationery and postage) plus the cost of a newspaper advert (around £400). As the closure is for public safety reasons – I consider it appropriate that we meet all the costs.

9 Risk

- 9.1 The major risk associated with this is if we do not make an Order. The closure will safeguard potential users of the footpath who could be at risk if the bridge were to collapse.

10 Legal Considerations

- 10.1 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. Section 15.8(b) allows a notice issued under section 14(2) to be converted into an order.

10.2 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 (now Westmorland & Furness Council). She has sub-delegated these powers to the Strategy & Ranger Team Leaders.

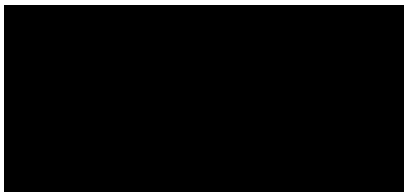
11 Human Resources

11.1 The legal work involved in this proposal is approximately 10 hours from members of the Ranger Teams. The work involved is part of our day-to-day duties, and some 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.

12 Sustainability and Diversity Implications

12.1 I have not identified any significant environmental, economic, or social effects that will affect sustainability. In order to carry out the replacement works the Ranger team will need to apply to the Environment Agency for in-river works consent but do not anticipate this being an obstacle other than the time required to make an application and receive a response. I have not identified any diversity implications from the making of this Order.

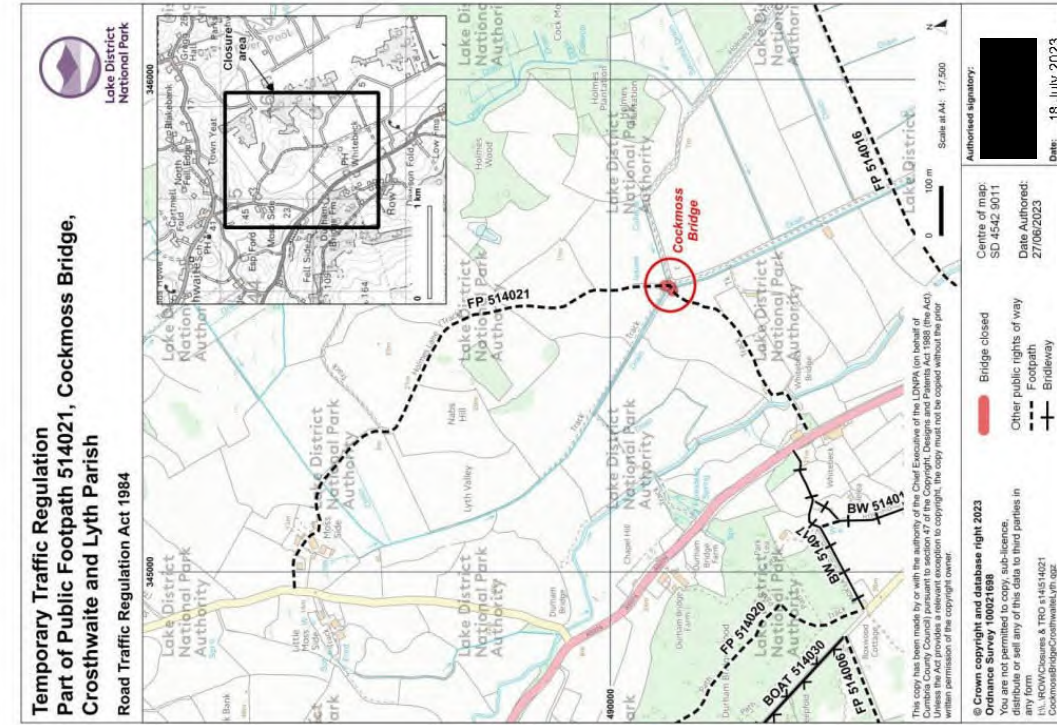
Authorised by:



Date: 7 August 2023
Steve Gaskell, Ranger Team Leader

Background Papers	Case file 1410.003 (257)
Author:	William Hinchliffe, Trainee Rights of Way Officer
Responsible Director	Steve Ratcliffe, Director of Sustainable Development
Date Written:	31 July 2023

Second Notice issued on 18 July 2023



PATH CLOSED DANGEROUS BRIDGE

PATH CLOSURE NOTICE
ROAD TRAFFIC REGULATION ACT 1984
THE LAKE DISTRICT NATIONAL PARK AUTHORITY
PART OF FOOTPATH 514021 AT COCKMOSS BRIDGE, CROSTHWAITE AND LYTH PARISH
TEMPORARY PROHIBITION OF ALL TRAFFIC - SECOND NOTICE 2023

NOTICE IS GIVEN that under Section 14(2) of the Road Traffic Regulation Act 1984, the issue of this notice has the effect of prohibiting all traffic from proceeding over the section of the right of way shown on the site map; namely Cockmoss Bridge at SD 4558 8987, part of footpath 514021, because a danger to the public following damage to the bridge abutment and the potential for it to cause the collapse of the bridge.

The first notice for this closure was issued on 28 June 2023, and this second notice comes into effect on 18 July 2023 and will continue in force for 21 days. It is unlikely that we will be able to replace the bridge in that time - and so will be converting this notice to a Temporary Prohibition of Traffic Order, which could be in force for up to six months.

No alternative public right of way other than the public roads (A5074/C5074) exists between Whitebeck and Moss Side.

If you have any queries, please contact the National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria (01539 724555) during normal office hours, or will.hinchliffe@lakedistrict.gov.uk.



Dated 18 July 2023



Authorised Signatory
Lake District National Park Authority, Wayfaring House, Murley Moss, Oxenholme Road,
KENDAL Cumbria LA9 7RL www.lake-district.gov.uk

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Ordnance Survey 100021699
You are not permitted to copy, sub-license, or otherwise use or part of any of this data to third parties in any form
T/L: ROW/Closures & TR0 141614021
CockmossBridge/Crosthwaite/Lyth.023

Bridge closed
Other public rights of way
Footpath
Bridleway

Centre of map:
SD 4542 9011
Date Authored:
27/06/2023

Authorised signatory:
[Redacted]
Date: 18 July 2023

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).

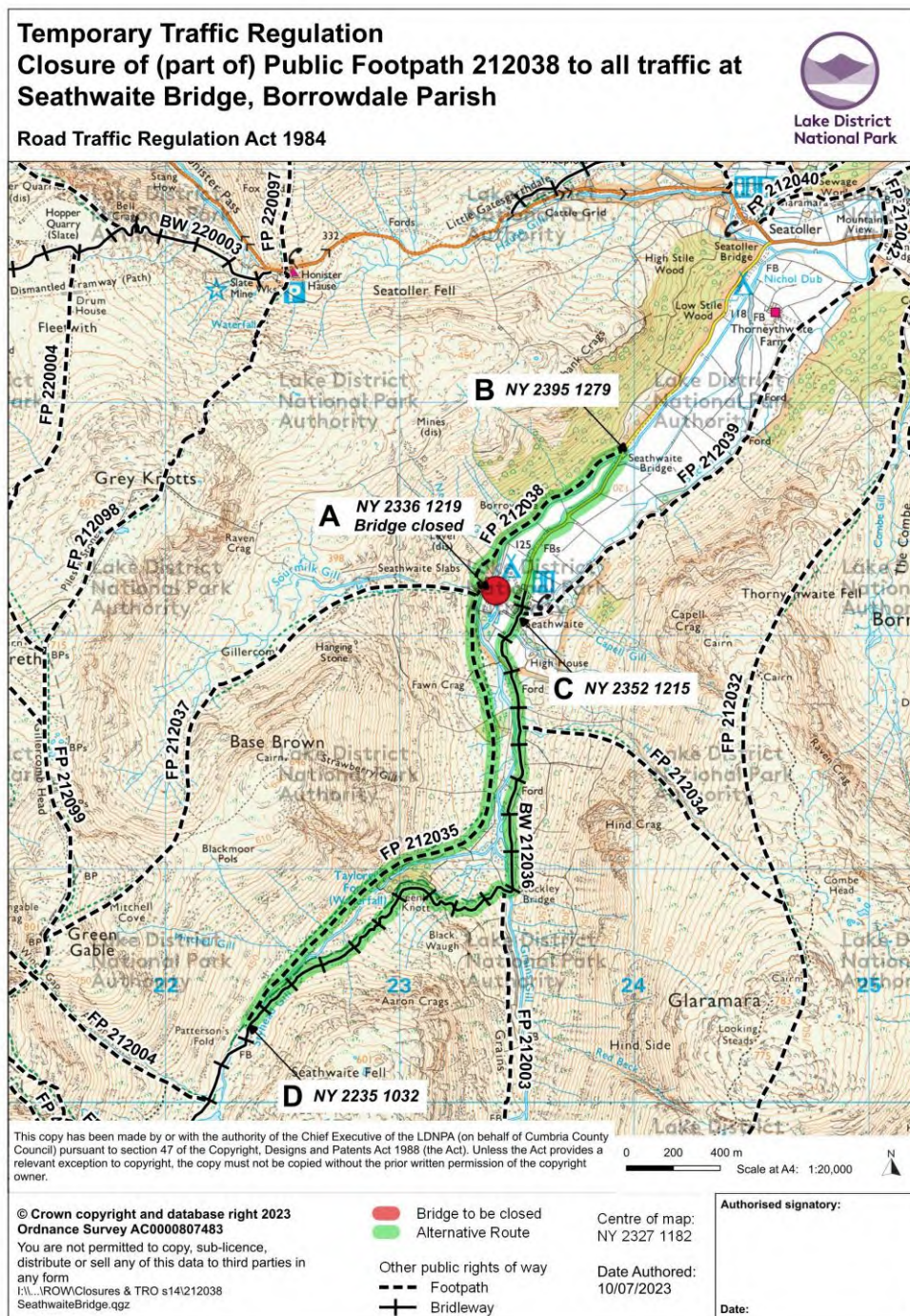
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 212038, SEATHWAITE BRIDGE, BORROWDALE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	The bridge across the River Derwent on footpath 212038 at Seathwaite Bridge is in poor condition, with rotting beams being a major concern and requiring a full replacement. Works cannot be undertaken safely and easily whilst maintaining public access. We therefore wish to close the bridge and approaches for the duration of the works.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order over part of Footpath 212038, namely the bridge and approaches shown at Point A on the plan within 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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	Case file 1410.003 (260)	
Date of Report	22 August 2023	
Authorising officer	Ranger Team Leaders Meeting – 24 August 2023	

TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 212038, SEATHWAITE BRIDGE, BORROWDALE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over a bridge and its approaches at Seathwaite Bridge, to enable us to replace it safely and easily.

Recommendation: *That we issue a Temporary Traffic Regulation Order over part of Footpath 212038, namely the bridge and approaches shown at Point A on the plan below*



Map 1: Location Plan

2 Details of Request

- 2.1 The bridge at 2336 1219 crossing the River Derwent at Seathwaite Bridge is in poor condition and requires full replacement. The bridge beams have begun to rot at an accelerating rate and if allowed to deteriorate further could render the bridge unsafe. The bridge is of wooden construction and is 11 metres long with wicket gates and stone steps at either end. In order to replace the bridge it will be necessary for machinery to access the bridge via the narrow lanning approach. Were this to remain open to the public whilst works were undertaken the movement of machinery could present a risk to the public. The proposed replacement of the bridge has been discussed with the landowner (National Trust) and tenant.
- 2.2 The option of a temporary bridge was considered but the wide span over the river here, and lack of a suitable location to place a temporary structure, mean this does not appear to be a viable alternative whilst the bridge is inaccessible.
- 2.3 We therefore think the only way of safely managing the replacement is to temporarily close the bridge and approaches whilst works are underway. Works are proposed to begin from 15 September 2023 and expected to take approximately four weeks – depending on the weather and any other issues encountered.
- 2.4 Alternative routes include crossing the River Derwent via the road bridge at Seathwaite Bridge to reach the start of footpath 212038, or, for fellwalkers using the rougher paths heading heading to or from Sty Head, bridleway 212036 can be used to cross further upstream over Styhead Gill and meets with footpath 212035 near Patterson’s Fold.
- 2.5 Photos of the bridge site are below:



3 Policy Context

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

4 Options

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

5 Proposal

- 5.1 I recommend option 4.1a. This will allow the replacement of the bridge to go ahead safely and efficiently. The disruption to the public will be reduced as much as possible by erection of site notices to inform them of the closure and alternative routes. We will also inform consultees, users groups, the landowner, tenant and local businesses of the 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 £965 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. As this work is to enable us to carry out maintenance on the rights of way network, it is appropriate that we meet all the costs from existing budgets and our own time.

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 bridge and approaches during works, in particular there would be concerns about the public using the narrow laning on approach whilst machinery movements are taking place. If the works were not undertaken now there would be an increasing risk of the bridge, which is already in poor condition, becoming unsafe and posing a hazard to users.

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 Strategy & Ranger 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. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The [legal] work involved in this proposal is approximately 15 hours from members of the Ranger 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 consultation with interested bodies and individuals including the Highway Authority, Cumberland Council. We received the following responses:

Consultee	Comment
Open Spaces Society	<p><i>The OSS supports the work to ensure that the bridge continues it's valuable role in linking the dale footpath network and accepts that it is wise to close the path over the bridge for a limited period.</i></p> <p><i>However, we must express a slight concern regarding the proposed alternative southern route, which will could direct low-level walkers, going north, into difficult terrain. We accept that the main path users are those going to and from Sty Head and for whom this southern diversion is wholly appropriate. We believe our concerns can be addressed by appropriate worded signing which, we hope we can assume, will be put in place.</i></p> <p><i>As a principle we find the closure of approach routes when users will only be inconvenienced for a very short time difficult to accept. However, given the nature of this site we raise no issues as to the temporary closure of the footpath along the lonning.</i></p> <p><i>We hope the NPA will make contact, prior to September, with accommodation providers and outdoors centres who use this area to alert them of the likely closure period.</i></p>
Borrowdale Parish Council	<p><i>Borrowdale Parish Council have looked at this and have no objection (in fact fully support) the repair of the bridge, but they would ask that even though you are applying for a 6month right of way closure that the right of way be kept shut for the barest minimum of time whilst the works are being done.</i></p>

13 Summary and Recommendations

- 13.1 Although we would rather maintenance was carried out with no interruption to public access, on some occasions it is unavoidable. This bridge is in poor condition and requires replacement to remain safe and as access for machinery to the bridge via a narrow laning is needed I feel that this internal closure request for both the bridge and its approaches whilst works are undertaken is reasonable and that we should make the required temporary closure order.

Authorised by: 
CATH JOHNSON
Ranger Team Leader (NORTH)
Date: 24 August 2023 .

Background Papers	Case file 1410.003 (260)
Author:	Will Hinchliffe, Trainee Rights of Way Officer
Date Written:	22 August 2023
Version	Final



**Lake District
National Park**

Nigel Birkett
Birkett Motor Sport UK Ltd
The Old Woodyard
Foxfield Road
Broughton-in-Furness
Cumbria
LA20 6EZ

3 October 2023

Dear Nigel

Our Reference: 1480.001

Lakes Two Day Trial – 7-8 October 2023: 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 7 & 8 October 2023 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.

Saturday 7 October 2023

A	BW 430016	Little Fell	Crossed by event
B	BW 430016	Butcher’s Breast	Event runs along for around 600m
C	FP 402015	Copycow	Event runs along for 675 metres
D	BOAT 402016	Copycow	Crossed by event

Sunday 8 October 2023

FP 520052	Bridge End	Crossed by event
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You have confirmed that wherever the route crosses or uses a public right of way, then marshals will be present. Signage would also be useful.

As ever, if you have any queries, please don’t hesitate to get in touch with Nick Thorne, Senior Rights of Way Officer. For future years please provide, well in advance (well over a month), clear maps showing the routes, the affected public rights of way, and the marshal locations for these rights of way. We are encouraged by the government to recover all costs for services such as issuing consents. We have always refrained from doing so for organisations / groups such as yourselves - but I am afraid that if the continued unnecessary work is created for staff every year, then we will have to start levying a charge for the service provided.

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 tables 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 Ray Millard, Ranger (07554 227489), 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.

Yours sincerely

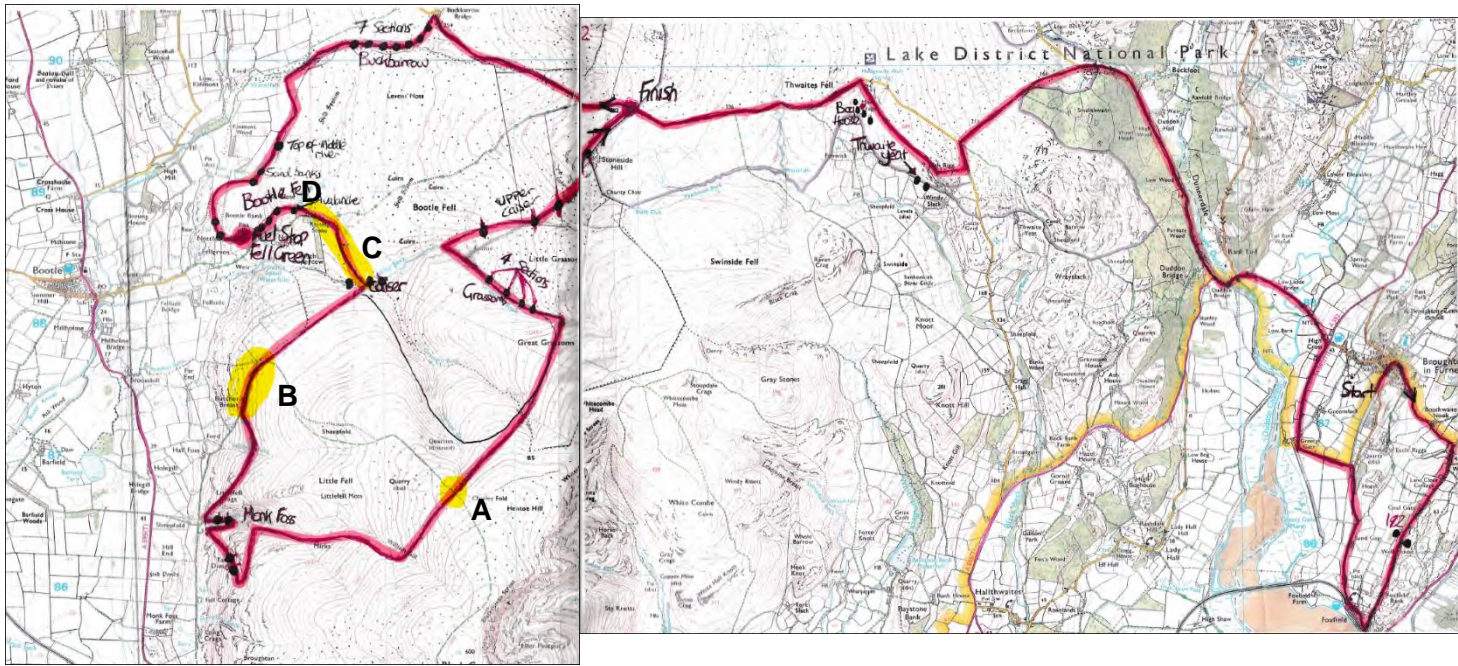


Ranger Team Leader (Western)

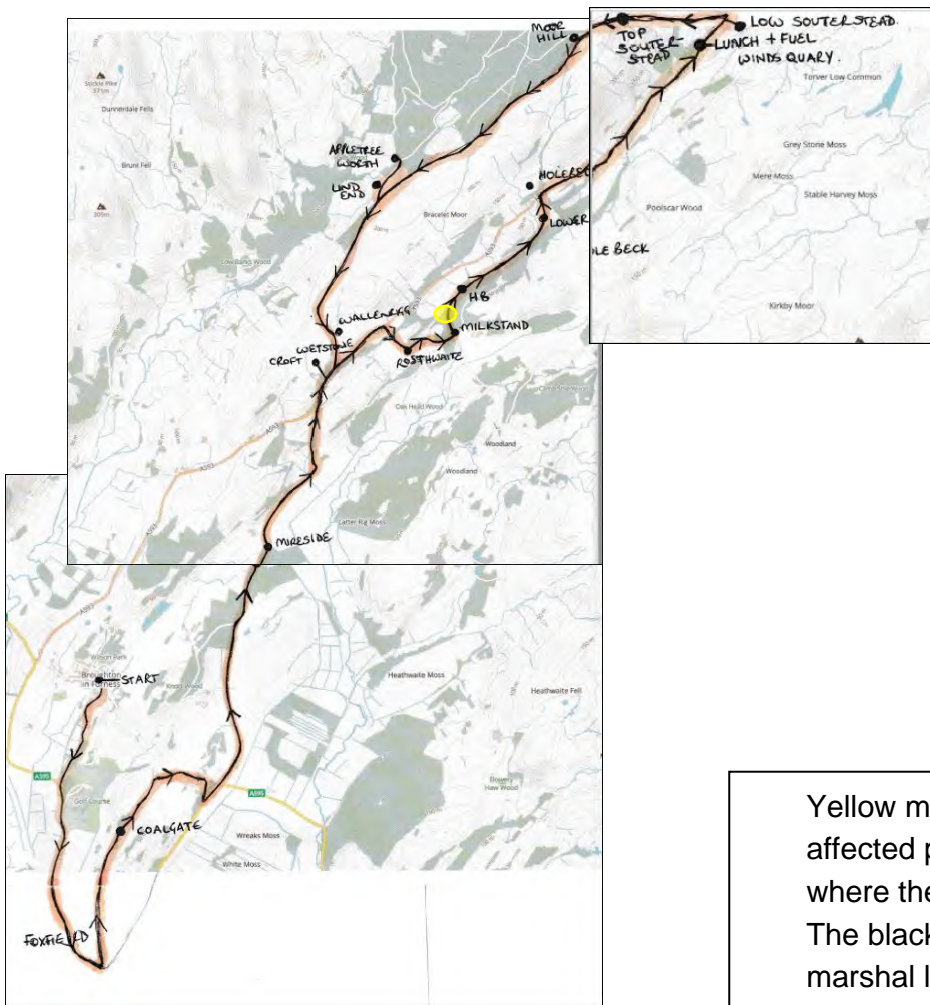
Direct: 07768977813

Email: steve.tatlock@lakedistrict.gov.uk

Saturday Route



Sunday Route



Yellow markers are the affected public rights of way where there will be marshals. The black dots are other marshal locations.

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – Vintage Sports Car Club – Lakeland Trial, 11 November 2023	
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. See explanation and discussion 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, Senior Rights of Way Officer	
Background Papers	File Reference 1480.013	
Date of Report (letter)	17 October 2023	
Authorising officer(s)	Ranger Team Leader Meeting	
Date	20 October 2023	

VINTAGE SPORTS CAR CLUB – LAKELAND TRIAL

This trial is for 110 pre-1941 road registered cars, and takes place in Wythop Woods, Honister and near Crummock Water. It is generally well-run and has run for many years without issue.

In 2021 we received a formal complaint (**COM/2021.286 - VSCC Lakeland Trail**) which was closed following the end of the formal process.

However we undertook to make improvements to the process in relation to the following claims made in the complaint;

- Insufficient signage
- Insufficient marshalling
- Environmental Damage
- Exceeding a safe speed
- Failure to remove signage post event
- Other safety concerns

Some of these issues fall to be dealt with by the landowners (Forestry England). Our final response was that “The section 33 consent will be more explicit in stating where both marshalls and signage will be located. We will work with FE and the organisers well before the event to agree these aspects.”

Following this, the s33 consent conditions have been reviewed by the Head of Strategy & Ranger Service, and revised. The letter attached contains the revised conditions and the relevant maps.

Comments from Ranger Team Leader Meeting in October 2022:

We appreciate the observations and concerns raised by the complainant and acknowledge that almost every event of any scale, whether motorised or otherwise has an impact on the environment.

We also acknowledge that as an organisation we lead and support others in our move to a carbon neutral Cumbria. However we are unsure that the use of a section 33 order to promote measures to reduce or offset the carbon footprint of such an event is appropriate.

With regards to the safety of the event, the organisers, they have been informed to adhere strictly to the conditions set and that they will be monitored by a member of the LDNPA staff who will report on their compliance and this will inform any future recommendations when considering future applications for this event.

We will also continue to liaise with Forestry England following their pending review of motor vehicle activities on their land holdings.

Staff attended the event in 2022 to check compliance and felt it did not require a member of staff present in future years. The signage was fine, there were plenty of Marshalls in correct locations and the vehicles were moving slowly. Team Leaders agree that a member of staff would not be present), we will check signage before the event and that we would ask a volunteer to monitor the event.

Given the above considerations and changes – I recommend approval / authorisation.

Nick Thorne, Senior Rights of Way Officer, 17 October 2023



**Lake District
National Park**

Andrew Tarring
The Vintage Sports Car Club
The Old Post Office
West Street
Chipping Norton
Oxfordshire
OX7 5EL

20 October 2023

Dear Mr Tarring

**Vintage Sports Car Club – Lakeland Trial, 11 November 2023
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 264002 / 264005 / 264012, Peel Wyke
- FP 242017/024, Darling How;

For the event planned for 11 November 2023, 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.

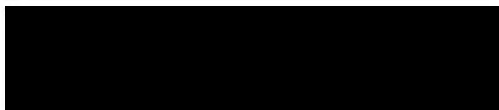
If you have any queries, please don't hesitate to get in touch with Nick Thorne, Senior Rights of Way Officer, whose email and phone number are below.

Conditions of Authorisation

You (the Rally organisers) shall:

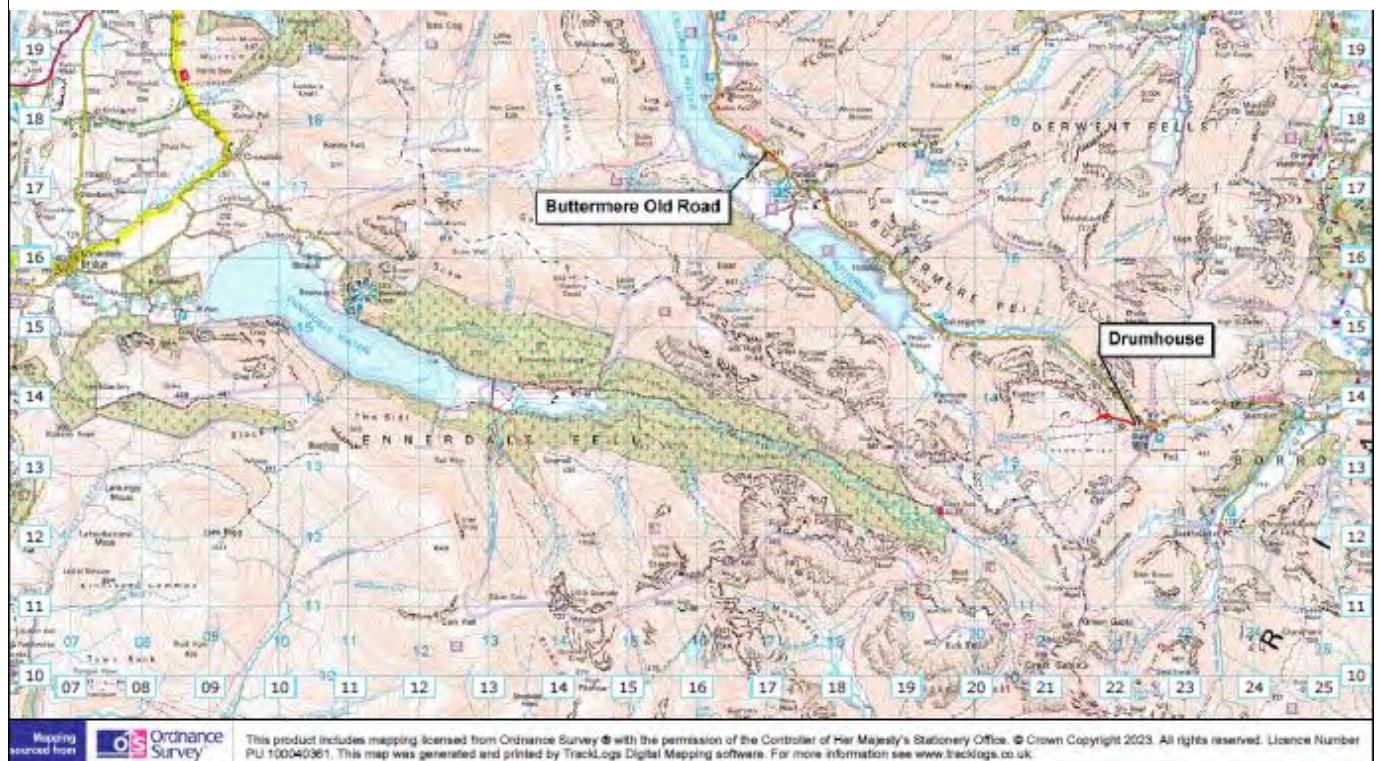
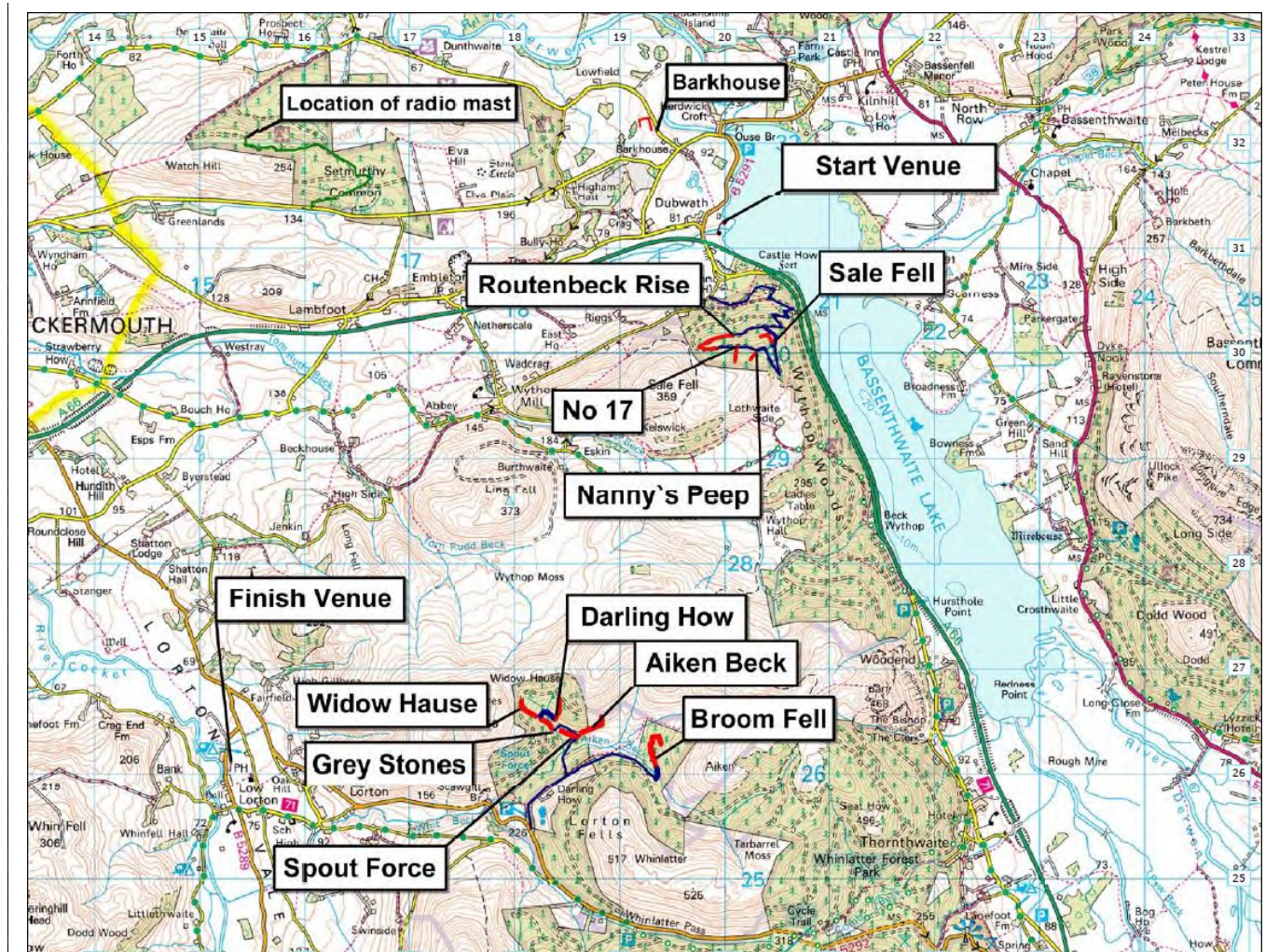
1. Repair any significant damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right 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 for Wythop and Darling How, and mass marshalling at Drumhouse.
4. Erect warning signs (or substantially to the like effect) at the locations shown on the attached maps, and elsewhere as considered useful.
5. Remove the signs 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.
8. Limit the number of entrants to 110 vehicles

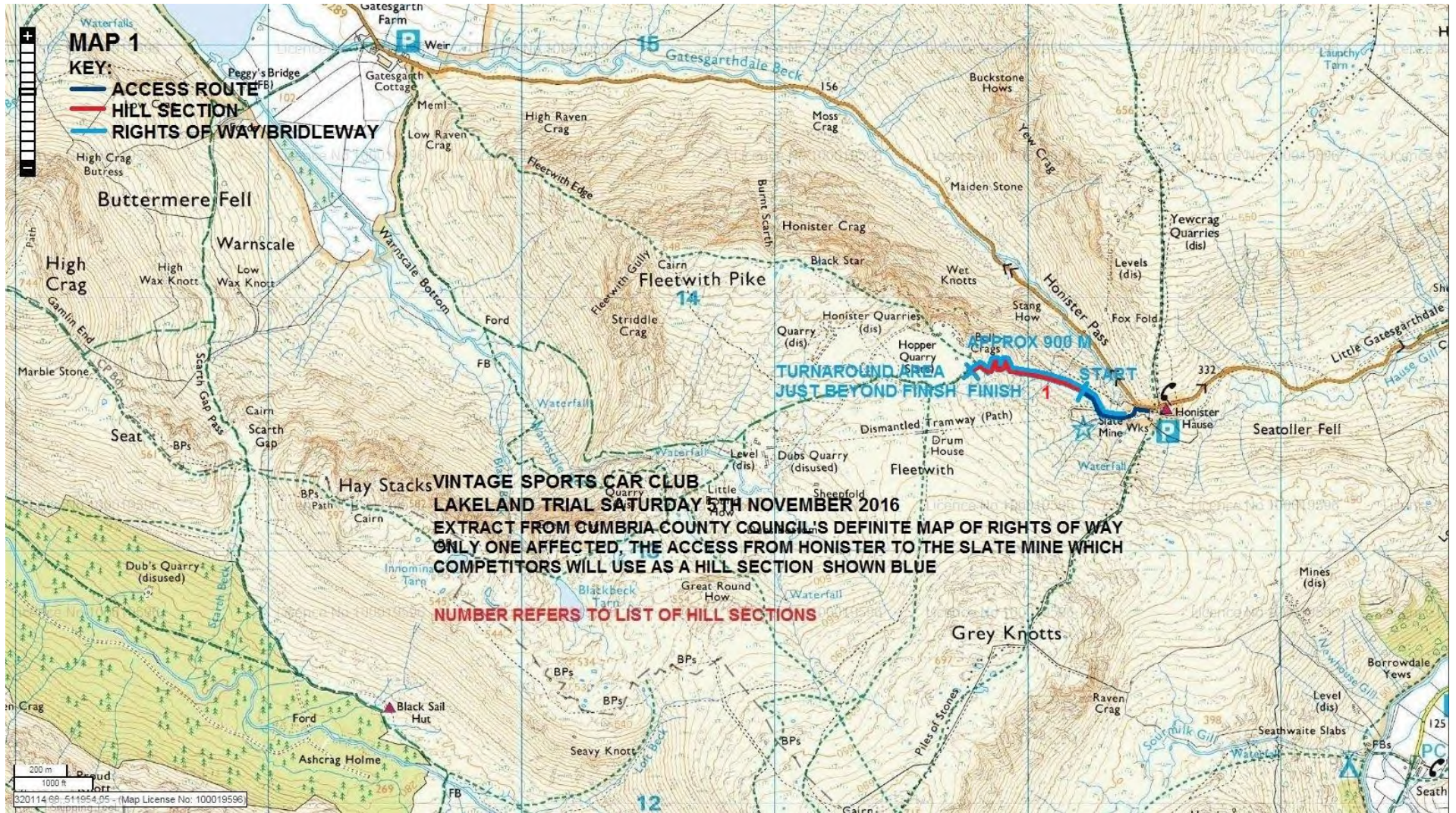
Yours sincerely



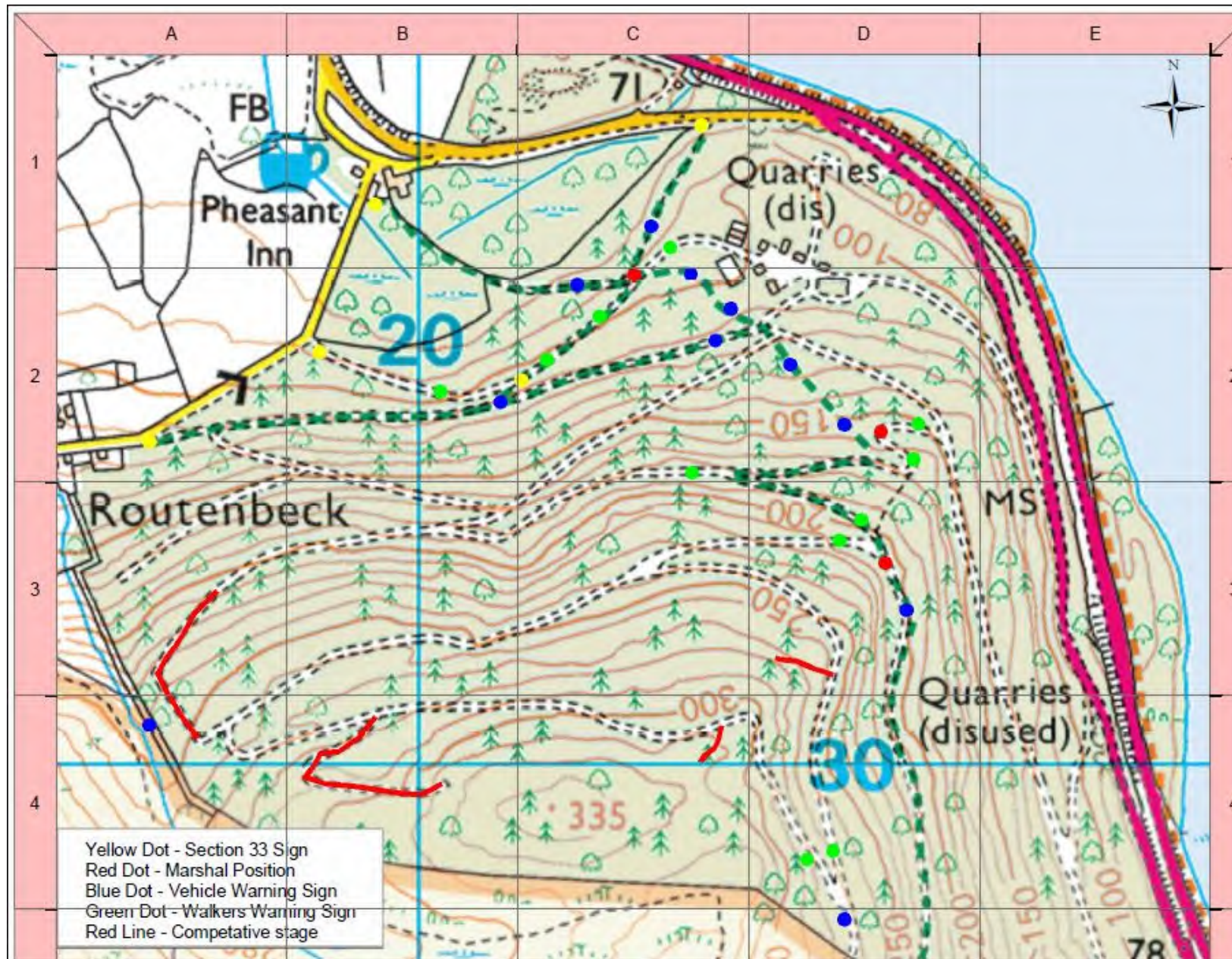
Cath Johnson, Ranger Team Leader (North)
Direct: 01768 871407
Email: cath.johnson@lakedistrict.gov.uk

Route Maps (blue = access, red = competitive stage)

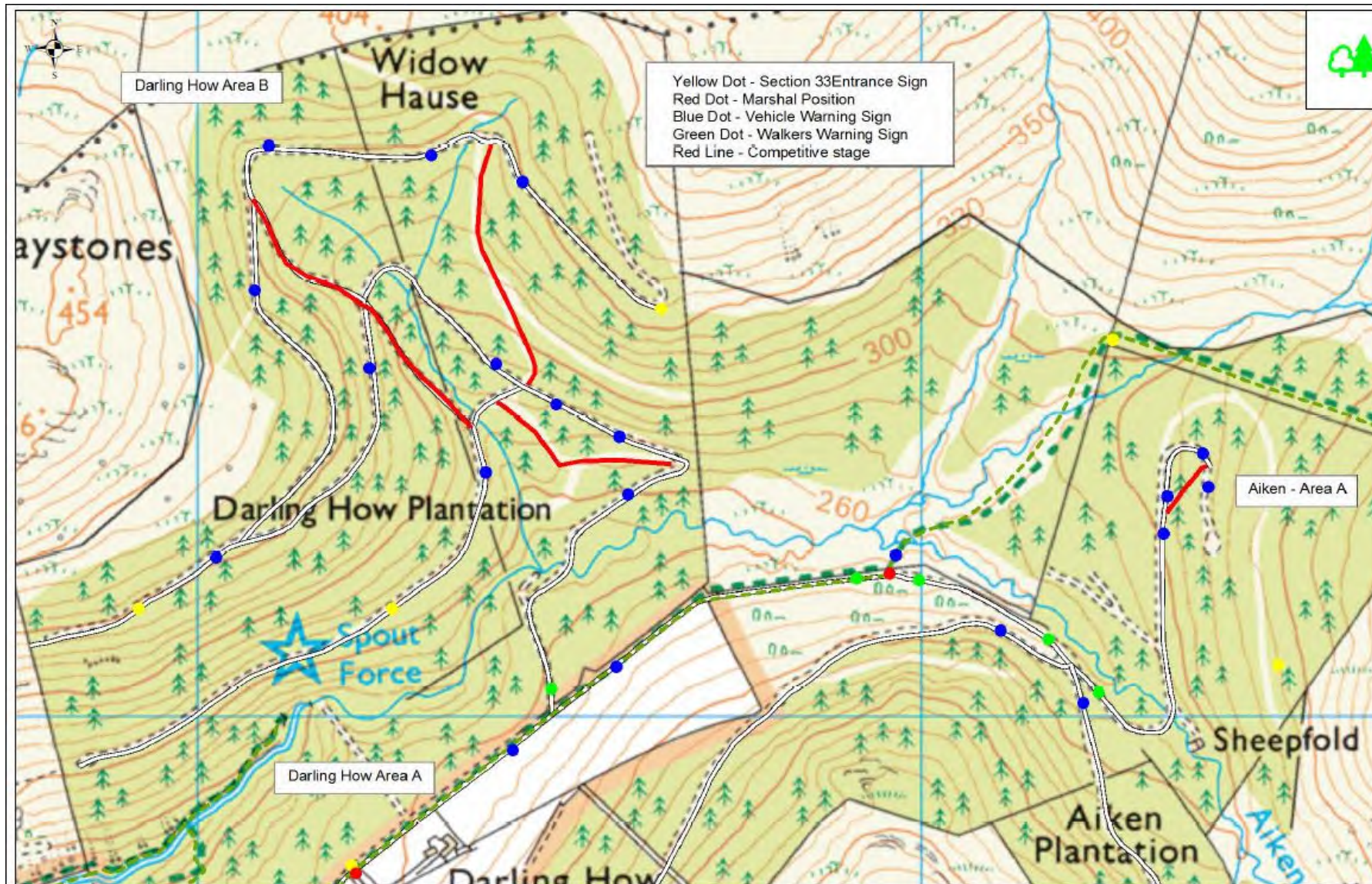




Signage and Marshal Location Maps for Wythop



Signage and Marshal Location Maps for Darling How



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 FOREST, BROUGHTON MOOR, WYTHOP WOODS AND WHINLATTER FOREST FOR MOTOR SPORT EVENTS	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service and Ranger Team Leaders 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 the Highways Authorities) 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 in 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 rights of way 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 four dates as specified in the report in section 2.2.	
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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	Case file: 1410.003 (262)	
Date of Report	24 October 2023	
Authorising officer	Ranger Team Leaders' Meeting	
Date	26 October 2023	

PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE FOREST, BROUGHTON MOOR, WYTHOP WOODS AND WHINLATTER FOREST 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 four dates as specified in the report at 2.2.

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 the evening of Friday 1 December 2023, on the eastern side of Grizedale Forest, and Saturday 2 December 2023 on the western side of Grizedale Forest and at Broughton Moor.
 - The Malcolm Wilson Rally (MWR) will take place on Friday 8 March 2024 and Saturday 9 March 2024. The stages at Whinlatter will be run on Friday evening for this edition of the event- the organisers have agreed this with Forestry England (FE) to minimise the impact on FE and their tenants. This will also mean the stages on Saturday (at Wythop Woods and Grizedale Forest) can start later, minimising disturbance early in the day. The Head of Service, relevant Area Rangers and Team Leaders have been contacted to check there were no issues from their perspective with this change of schedule compared to previous years- none of them reported any issues with this. The setting up for Grizedale takes place on Saturday, whereas in Wythop signs and tapes closing off the paths are done the evening before. Therefore we have agreed that it would be wise to extend the closure forwards to the afternoon of Friday 8 March 2024 at Wythop.

2.2 In summary:

<p>Grizedale Stages Rally Friday 1 December 2023 (from 00:01 for 24 hours)</p>	<p>Grizedale: all routes east of the Hawkshead to Satterthwaite road.</p>
<p>Grizedale Stages Rally Saturday 2 December 2023 (from 00:01 for 24 hours)</p>	<p>Grizedale: all routes west of the Hawkshead to Satterthwaite road. Broughton Moor: footpaths and bridleways in the southern part of the forest.</p>
<p>Malcolm Wilson Rally Friday 8 March 2024 (Whinlatter from 00:01 for 24 hours, Wythop from 12:00 for 30 hours)</p>	<p>Whinlatter Forest: Various footpaths and bridleways Wythop Woods: various footpaths and bridleways.</p>
<p>Malcolm Wilson Rally Saturday 9 March 2024 (Grizedale from 00:01 for 24 hours, Wythop continuation from 8 March until 18:00 on 9 March)</p>	<p>Grizedale: all routes west of the Hawkshead to Satterthwaite road. Wythop Woods: various footpaths and bridleways.</p>

- 2.3 The motor rally organisers (also in consultation with FE) have requested that we close the rights of way affected by the rallies (as shown on the maps attached at Annex 2). The closures 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, on these previous occasions.
- 2.4 To mitigate against any potential negative impact in Grizedale Forest during the GSR 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 closures will be clearly signed and FE will put information on their website to emphasise that the rallies are being held over weekends.
- 2.5 To ensure that we carry out the necessary closure work within the legal requirements and as efficiently as possible, we have agreed to make one order covering both rallies. This will save time and costs for both us and the organisers.
- 2.6 The order will be written so that it is clear that the paths are only closed during events and when the site notices are in place. The paths will be open and unaffected at all other times. A list of affected rights of way can be found in Annex 1 of this report.
- 2.7 There are no possible alternative routes for the public to use when the rallies are taking place. However, we will publicise the order by email to local bodies, such as parish councils, Ramblers, horse societies, tourist information centres, youth hostel association, outdoor education centres, and so on. The order will also be displayed on our website and notices published in local newspapers.

- 2.8 Forestry England as the relevant authority for woodland open access land are also working with the rally organisers and will be responsible for granting temporary open access restrictions (if they decide to do so) over the areas affected by the rallies. This will also be signed on the ground and shown on the Natural England Open Access website.

3 Policy Context

- 3.1 The Vision for the Lake District National Park sets out our aspirations for what we hope to achieve by 2030. To summarise, these are to have a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. A landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 The Partnership's Plan contains the policies and actions for achieving the aims of the Vision. The main delivery aim in the Partnership's Plan for access and rights of way is to make the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors from relaxing and tranquil to adventurous and exhilarating.
- 3.3 Our Business Plan states what actions will be taken as the National Park Authority plays its part, in partnership with others, in realising the Vision. It seeks an outcome that provides high-quality and unique experiences for visitors within a stunning and globally significant landscape: experiences that compete with the best in the international market to strengthen the tourism sectors across the National Park.
- 3.4 The 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 Demonstrating Best Value

- 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. As Highway Authorities Cumberland Council and Westmorland and Furness 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 relatively 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 £3100 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 (2 days total).
- 7.2 The two event organisers will meet the costs of the order equally between them- £1550 each excluding VAT.

8 Risk

- 8.1 The major risk associated with this is if a closure order was not made. The order will safeguard the public against potential incidents whilst using public rights of way when in use by fast-moving vehicles. It will also 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.
- 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. New Agency Agreements with each of the new councils delegating the same or similar powers are anticipated to be signed soon, in the meantime the existing agreement has remained in place. 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 has been sub-delegated to the Ranger Team Leaders' Meeting.
- 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 Ranger 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 FE.

12 Stakeholder Consultation

- 12.1 On previous occasions some user groups have raised concerns that Motor Sports are not an appropriate activity within the National Park. However, during consultation for this year's event, which included; user groups, all affected parish councils and the councils (Highway Authorities), no such comments have been received. If this were challenged this question would be more for consideration when giving Section 33 consent to use the route (which will be covered in a separate report), whereas the basis for this TTRO is ensuring the safety of users of the affected rights of way.

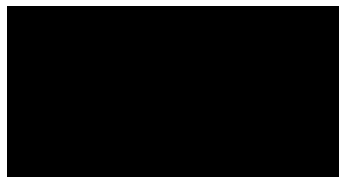
12.2 The only consultation response received (other than acknowledgement and ‘no comment’ from Westmorland and Furness Council) was from the Open Spaces Society (OSS) and related to a legal question as to whether TTROs apply to equestrian users. There has been no recent change in the law regarding this and the same query applies to all TTROs affecting equestrian traffic or all traffic. We have advised the OSS that they or another user group (e.g. the British Horse Society) might consider seeking a judicial decision or guidance on this matter to clarify the position for all parties. The wording of the TTRO will state that the closure applies to ‘all traffic’.

13 Recommendation

13.1 We make a temporary closure order to cover both motor rally events, in force only on the dates during which the events are taking place, as detailed in 2.2.

Background Papers:	Case file reference 1410.003 (262)
Author/Post:	William Hinchliffe, Trainee Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	24 October 2023

Authorised by:



.....
Ranger Team Leader

Date: 26 October 2023

Annex 1 - Route Descriptions

All the public footpaths and bridleways in the affected areas will be included in the order, as listed below. The affected areas are also shown on the relevant maps in Annex 2.

Grizedale East - Grizedale Stages Rally (Friday 1 December 2023) only

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

Broughton Moor – Grizedale Stages Rally (Saturday 2 December 2023) only

Parish	Right of Way	From (SD)	To (SD)
Broughton West	FP 520001	239 928	244 925
Broughton West	BW 520044	239 928	257 931
Broughton West	FP 520058	248 929	244 925
Broughton West	FP 520067	244 925	244 925

Grizedale West - Grizedale Stages Rally (Saturday 2 December 2023) & Malcolm Wilson Rally (Saturday 9 March 2024)

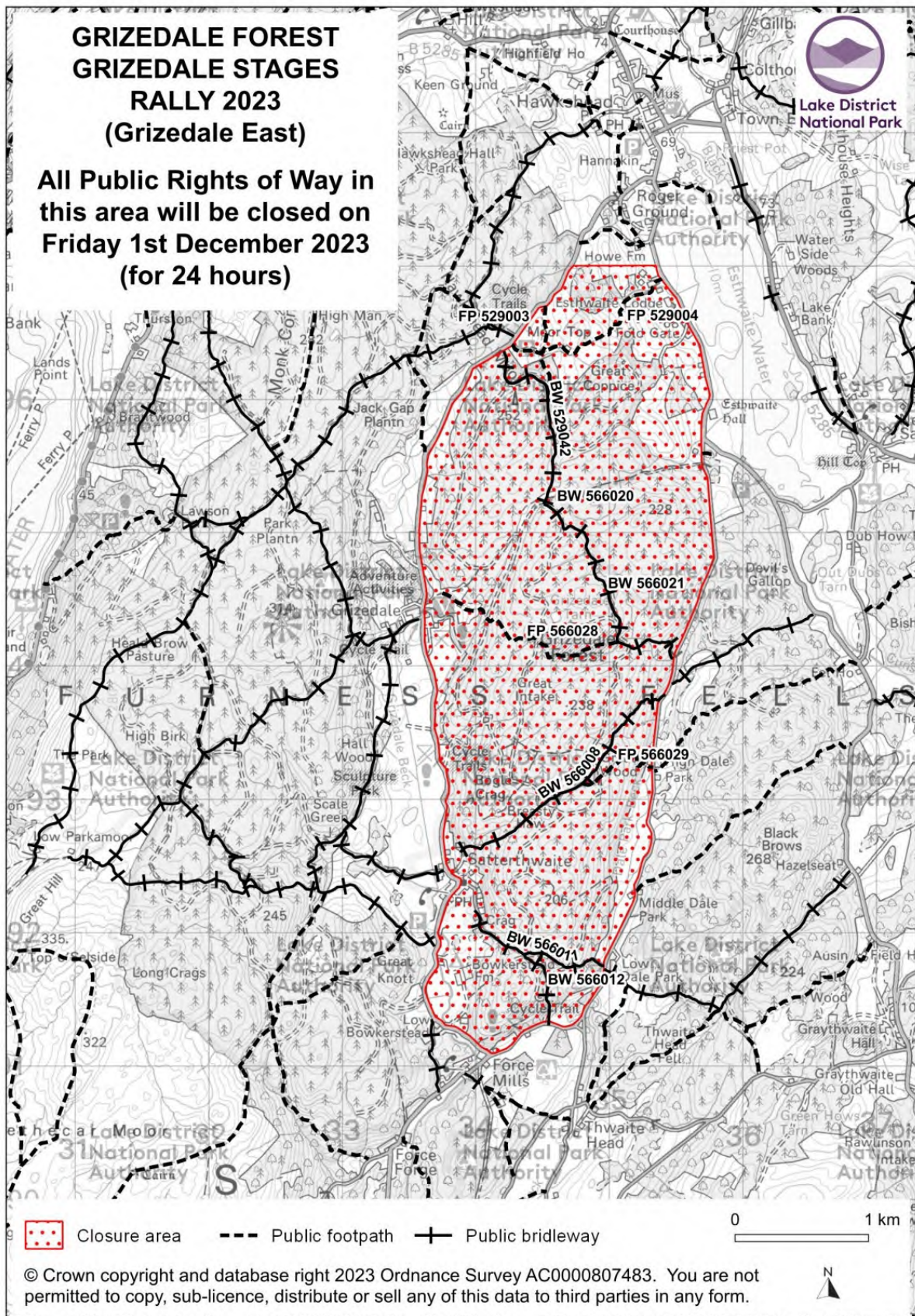
Parish	Right of Way		From (SD)	To (SD)
Colton	BW	511084	309 925	315 928
Colton	BW	511055	306 924	310 937
Colton	BW	511085	314 923	312 925
Coniston	FP	512002	318 970	324 971
Coniston	BW	512003	317 953	320 947
Coniston	FP	512004	312 949	317 951
Coniston	BW	512005	323 951	318 950
Coniston	BW	512006	318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

Wythop Woods and Whinlatter Forest - Malcolm Wilson Rally only (Whinlatter Forest Friday 8 March 2024, Wythop Woods from 12:00 on Friday 8 March 2024 until 18:00 on Saturday 9 March 2024)

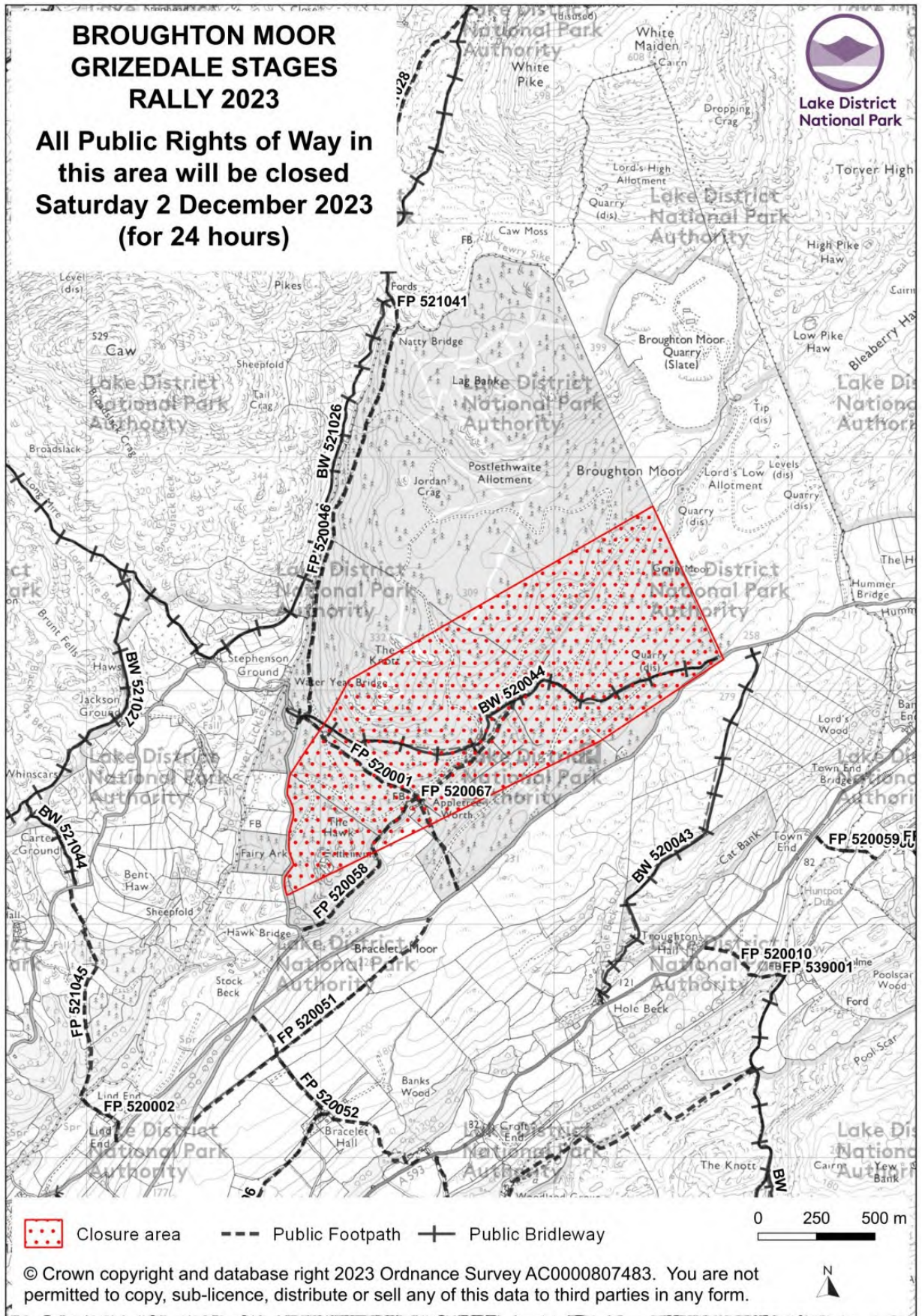
Parish	Right of Way		From (NY)	To (NY)
<i>Above Derwent</i>	<i>FP</i>	<i>201004</i>	<i>211 280</i>	<i>217 276</i>
Above Derwent	BW	201006	212 047	217 250
<i>Above Derwent</i>	<i>BW</i>	<i>201065</i>	<i>213 284</i>	<i>215 282</i>
Lorton	FP	242017	181 256	189 262
Lorton	FP	242023	181 255	181 256
Lorton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

Annex 2 – Closure Maps

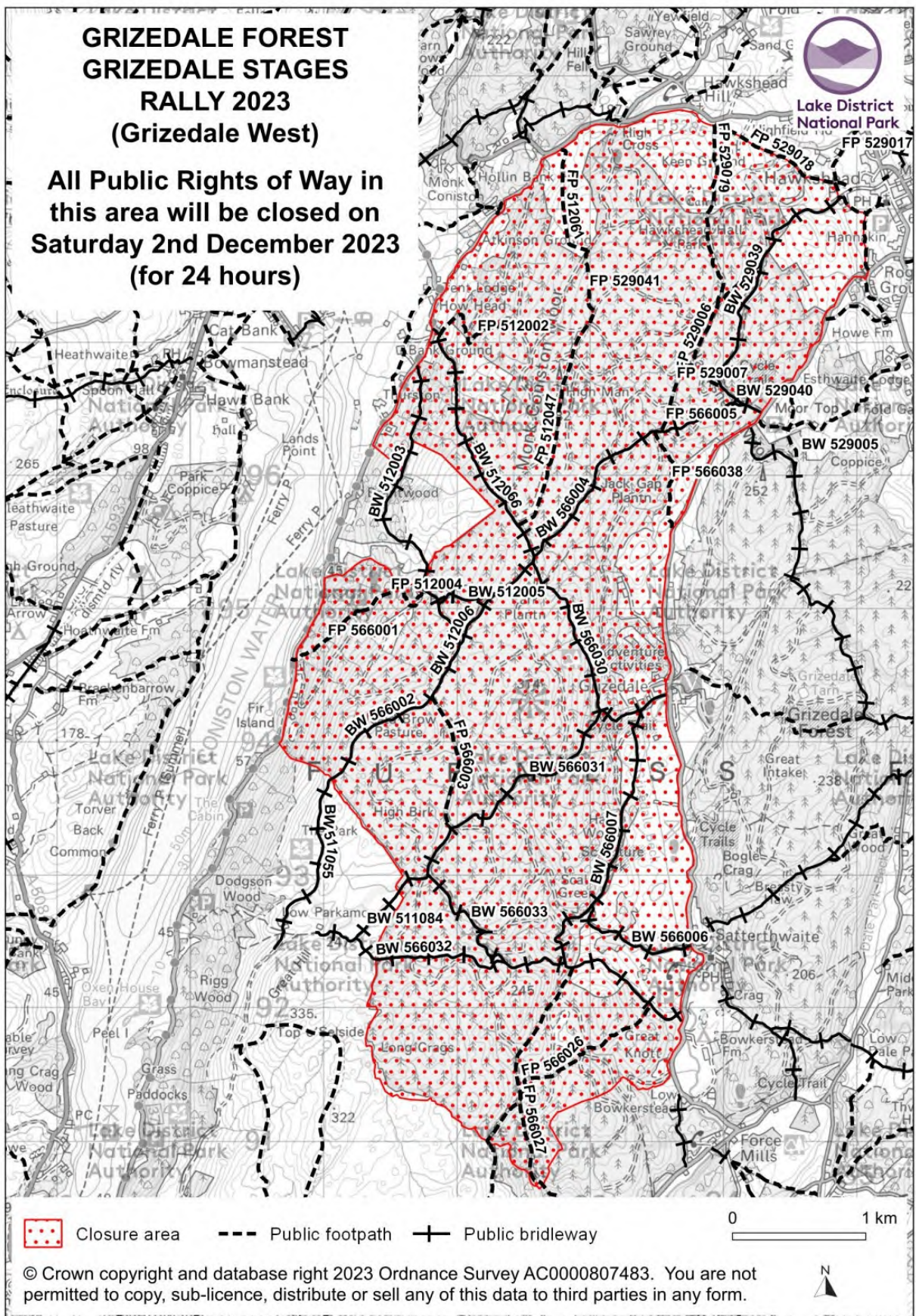
Map 1: Grizedale Forest East (Grizedale Stages Rally)



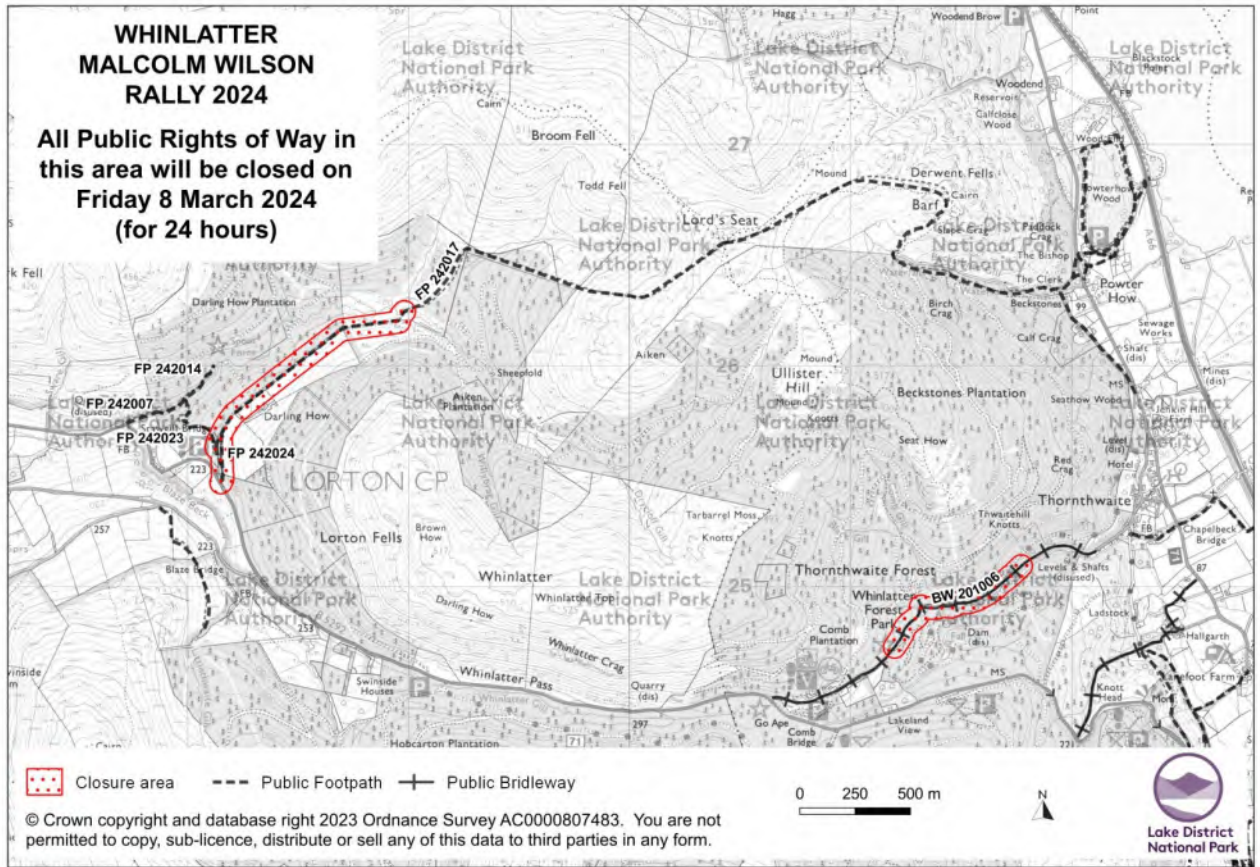
Map 2: Broughton Moor (Grizedale Stages Rally)



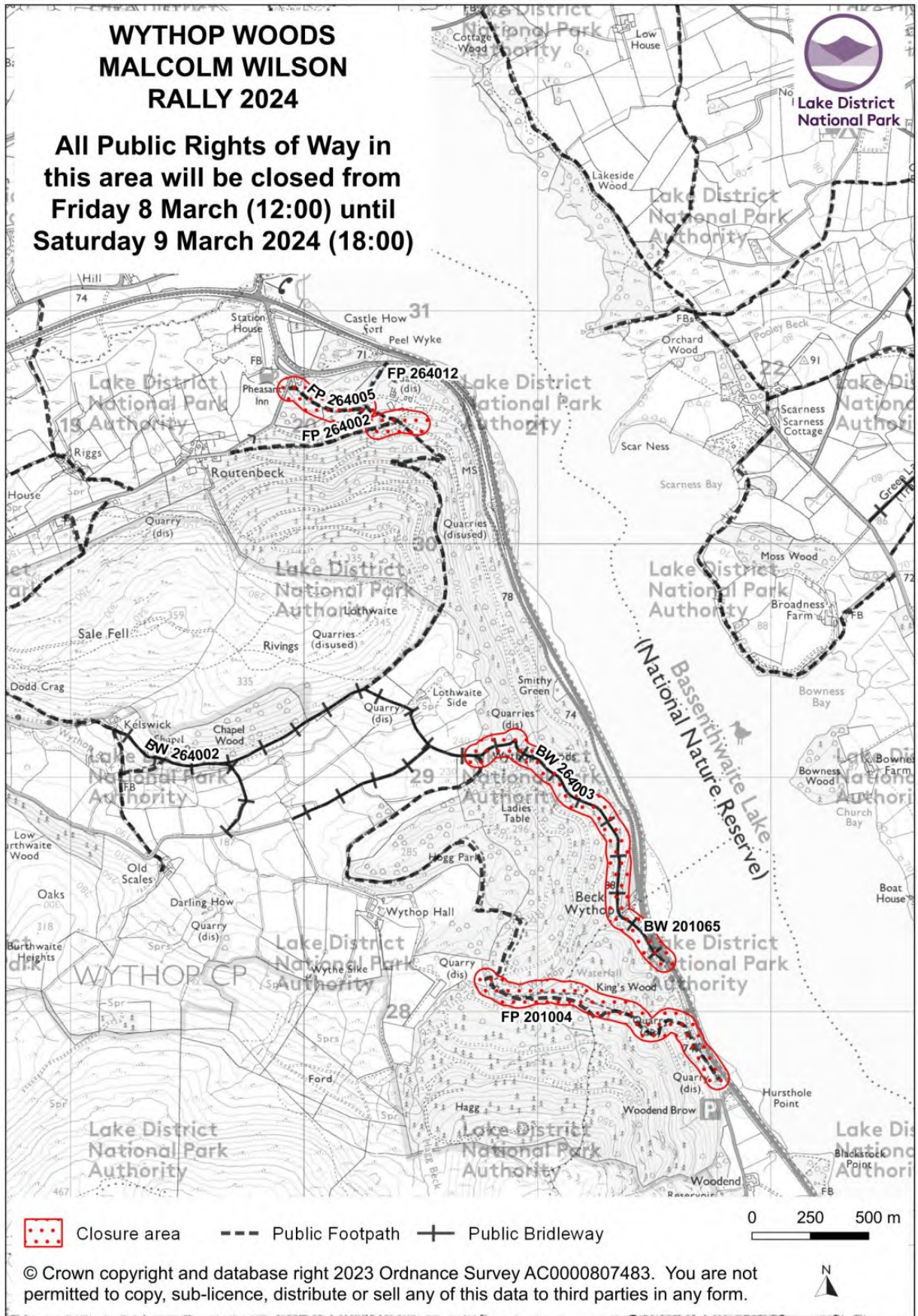
Map 3: Grizedale Forest West (Grizedale Stages & Malcolm Wilson Rallies – same closures in place for both events)



Map 4: Whinlatter Forest (Malcolm Wilson Rally)



Map 5: Wythop Woods (Malcolm Wilson Rally)

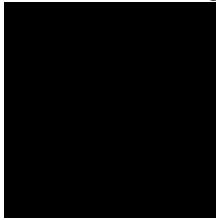


The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	SECTION 33 ROAD TRAFFIC ACT CONSENT – GRIZEDALE STAGES RALLY FRIDAY 1 DECEMBER AND SATURDAY 2 DECEMBER 2023	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management and sub-delegated to Ranger Team Leader Meeting 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 the Highway Authorities) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	<p>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, including land in Grizedale Forest and at Broughton Moor, all owned by Forestry England. Section 33 consent (Road Traffic Act, 1988) is required to authorise a motor vehicle trial to be held on public rights of way.</p>	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	<p>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. A temporary closure order over affected rights of way and open access restrictions will also be in effect during the event.</p>	
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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	File Reference 1480.006	
Date of Report (letter)	24 October 2023	
Authorising officer(s)	Ranger Team Leaders' Meeting	
Date	26 October 2023	

Graham Parker
Grizedale Stages Rally



**Lake District
National Park**

26 October 2023

Our Reference: WH/1480.006

Dear Graham

Section 33 Consent for Grizedale Stages Rally 2023

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, as listed in schedules 1-3 and shown on maps 1-3 below:

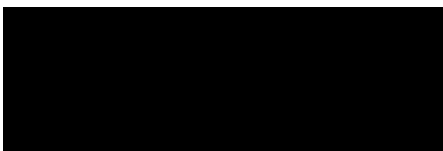
Friday 1 December 2023 - all routes in Grizedale East (east of the Hawkshead to Satterthwaite road)

Saturday 2 December 2023 – all routes in Grizedale West (west of the Hawkshead to Satterthwaite road) and on Broughton Moor (southern part of the forest) 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 2023 Grizedale Stages Rally subject to the conditions listed overleaf.

If you have any queries about this matter, please contact Will Hinchliffe, Trainee Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk).

Yours sincerely



Steve Gaskell

Ranger Team Leader

Direct: 01539 724555

Email: Steven.Gaskell@lakedistrict.gov.uk

You (the event 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, over 18 years of age, to be posted at the agreed locations. Marshals must be aware of radio locations for communication.
4. 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 (locations shown on signing maps provided). 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.
5. Remove the signs 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.
8. Take all reasonable safety precautions to protect members of the public using or intending to use any footpaths or bridleways irrespective of the formal closure of these routes to the public.

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

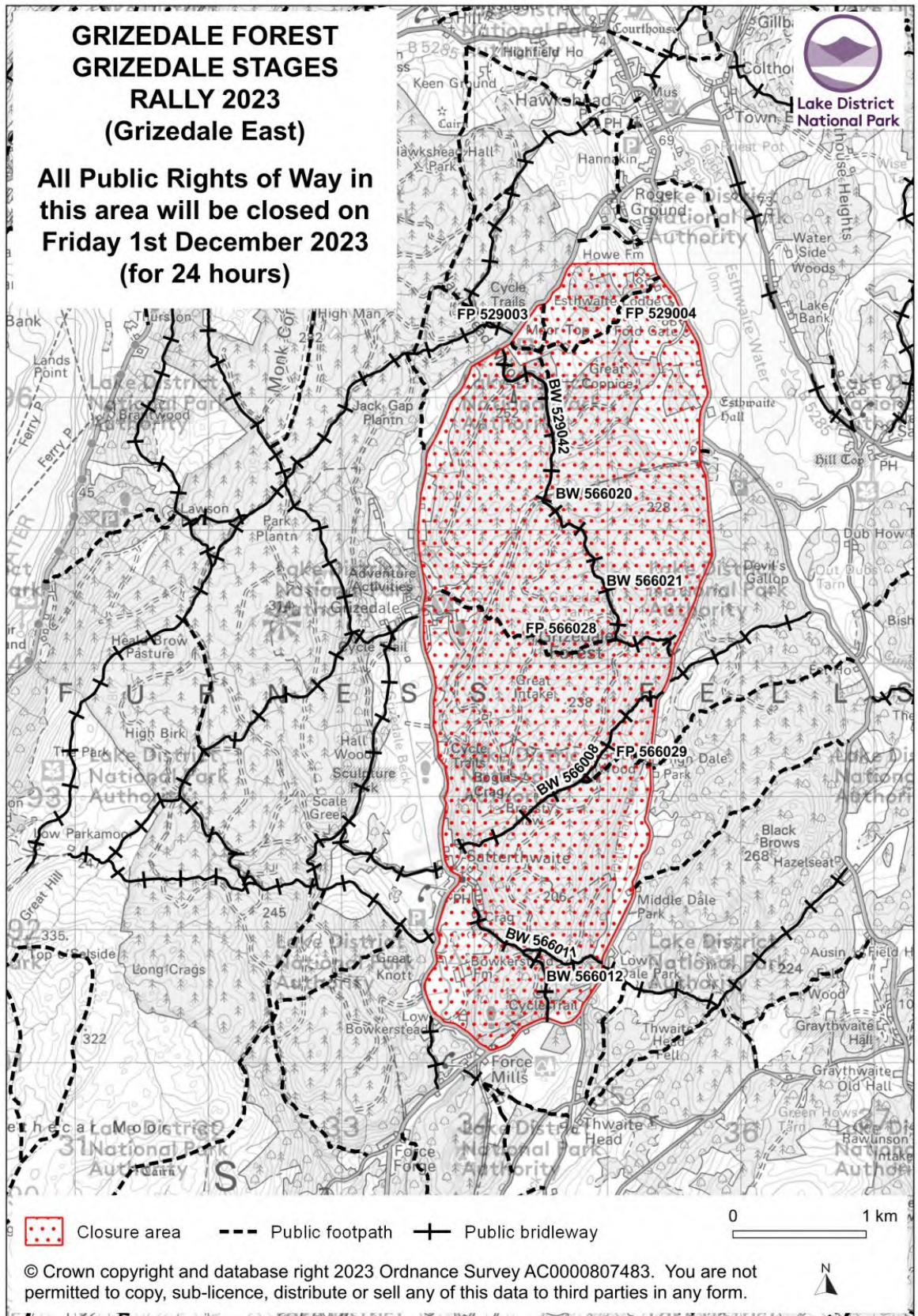
SCHEDULE 2 – Grizedale West

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

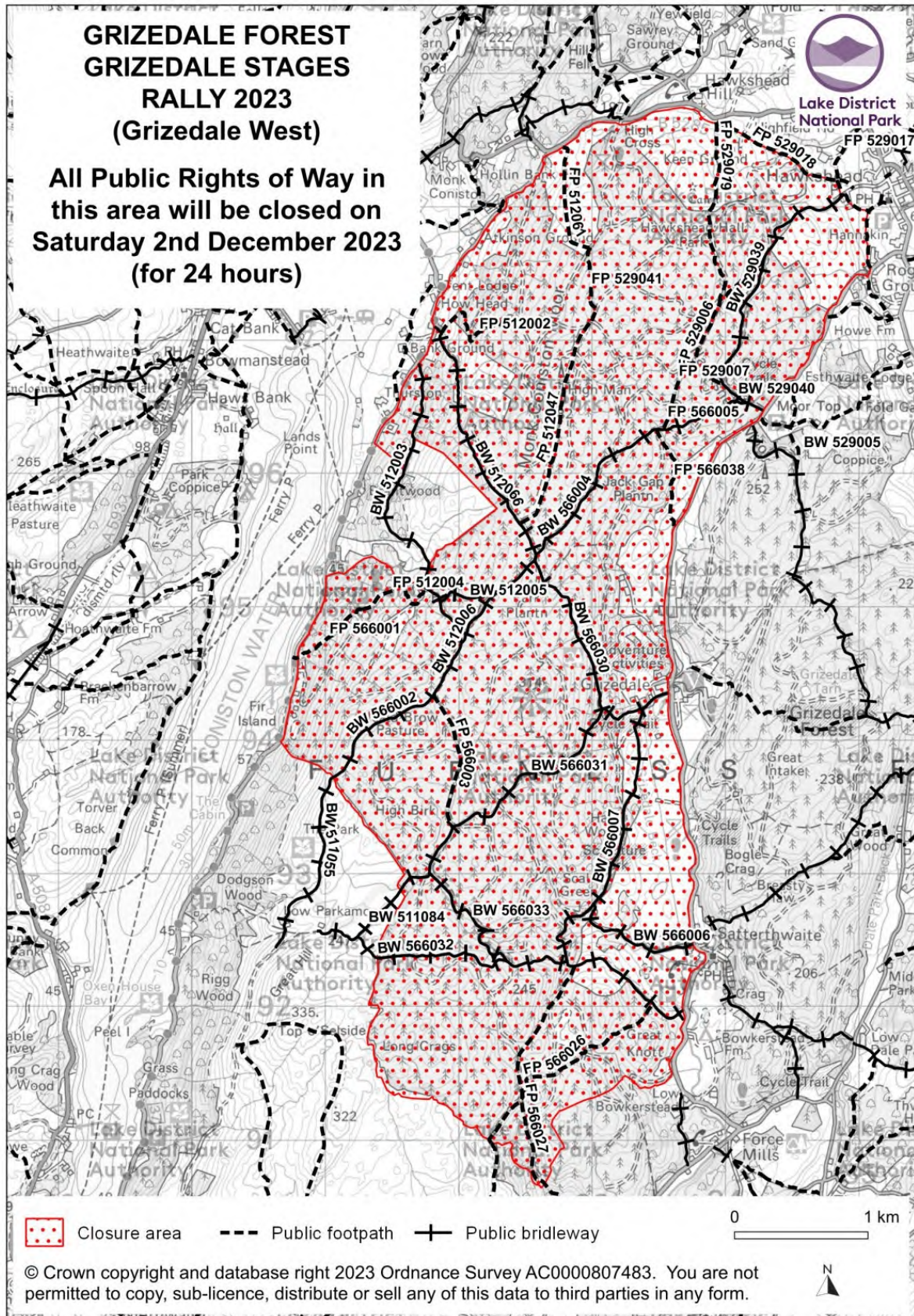
SCHEDULE 3 – Broughton Moor

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
Broughton West	FP 520067	244 925	244 925

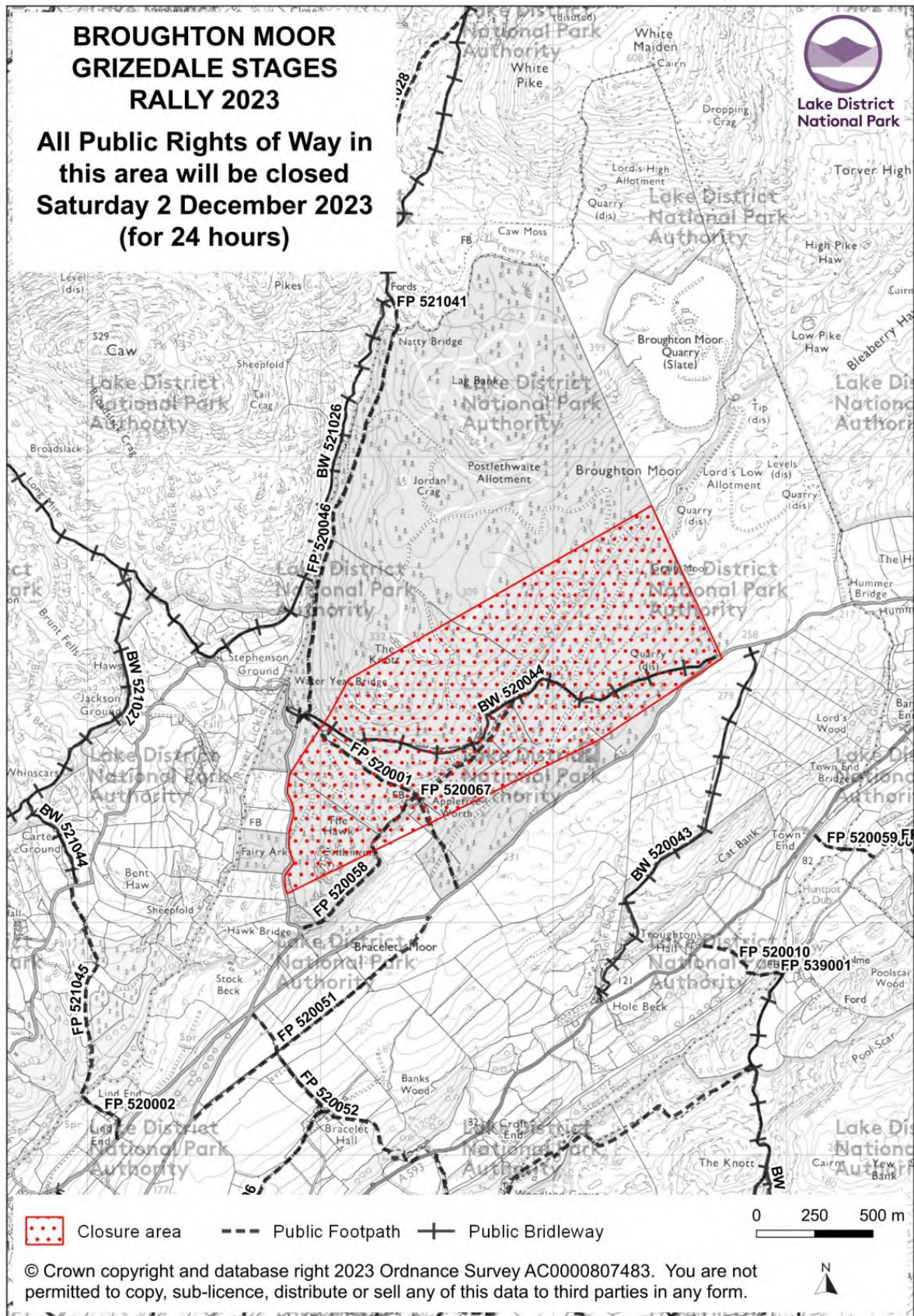
Map 1: Grizedale Forest East



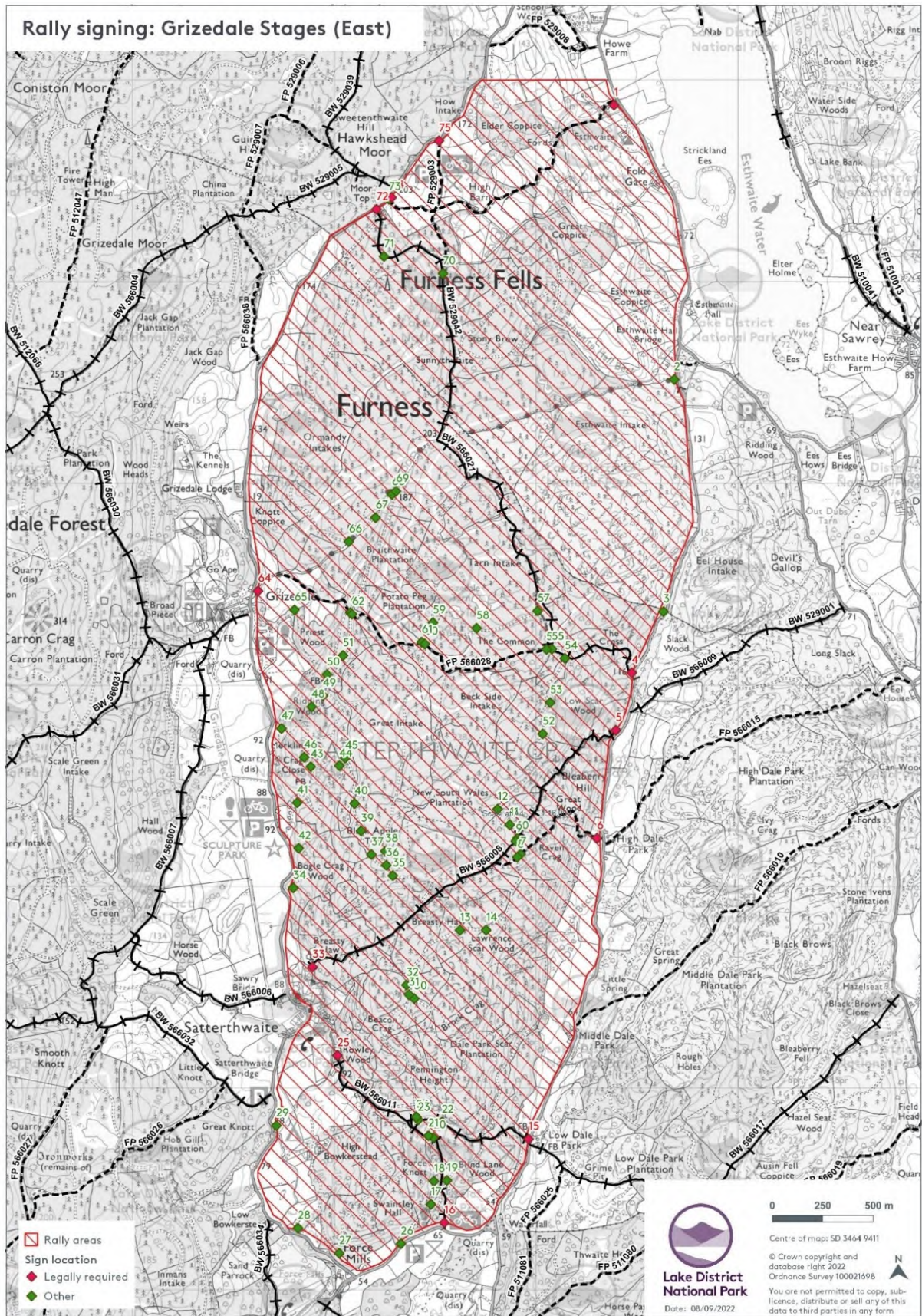
Map 2: Grizedale Forest West



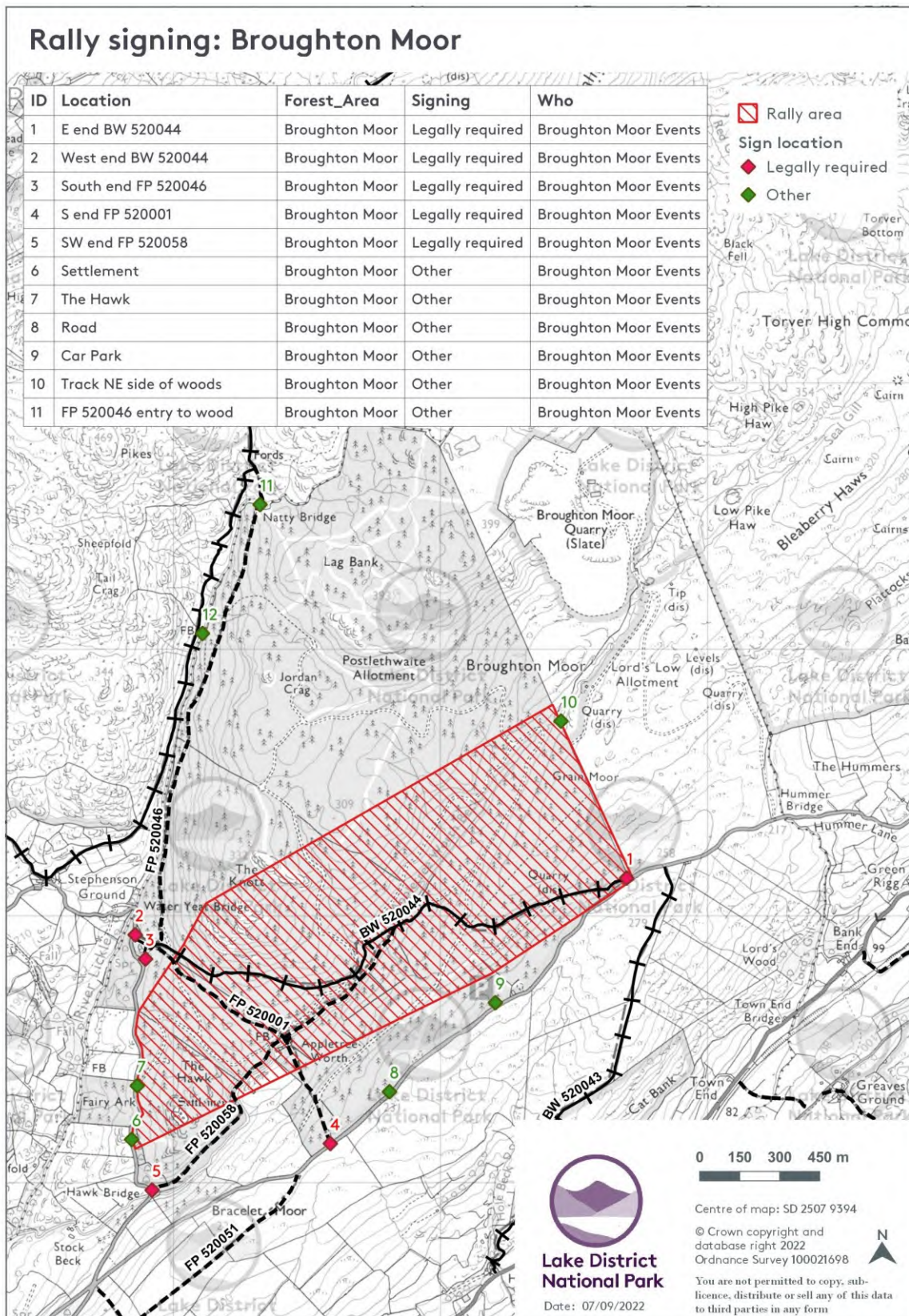
Map 3: Broughton Moor



Sign Locations (Grizedale East)



Sign Locations (Broughton Moor)



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

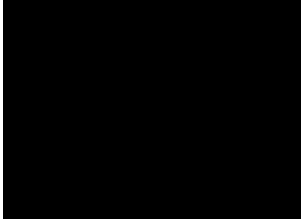
- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's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

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	SECTION 33 ROAD TRAFFIC ACT CONSENT – MALCOLM WILSON RALLY 8 AND 9 MARCH 2024	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Park Management and sub-delegated to Ranger Team Leader Meeting 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 the Highway Authorities) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	<p>The Malcolm Wilson Rally is an annual motor sports event which usually uses routes over Forestry England land in Grizedale Forest (west of the Hawkshead to Satterthwaite road), Whinlatter Forest and Wythop Woods. On some occasions routes at Broughton Moor have also been used but the organisers do not intend to use these in 2024. A number of public paths are crossed or used by the event, and therefore Section 33 consent (Road Traffic Act, 1988) is required to authorise a motor vehicle trial to be held on public rights of way.</p>	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	<p>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. A temporary closure order over affected rights of way and open access restrictions will also be in effect during the event.</p>	
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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	File Reference 1480.007	
Date of Report (letter)	24 October 2023	
Authorising officer(s)	Ranger Team Leaders' Meeting	
Date	26 October 2023	



**Lake District
National Park**

Ronnie Sandham
Secretary to the Malcolm Wilson Rally



26 October 2023

Our Reference: WH/1480.007

Dear Ronnie

Section 33 Consent for Malcolm Wilson Rally 2024

Thank you for supplying details of the proposed route of the next Malcolm Wilson rally.

The following sections of public footpaths and bridleways will be used by vehicles, as listed in schedules 1 & 2 and shown on maps 1-3 below:

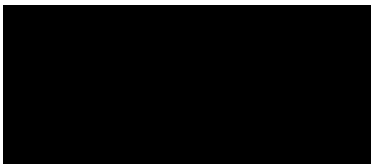
Friday 8 March 2024 – all routes in Whinlatter Forest

Saturday 9 March 2024 – all routes in Grizedale West and Wythop Woods

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 2024 Malcom Wilson Rally subject to the conditions listed overleaf.

If you have any queries about this matter, please contact Will Hinchliffe, Trainee Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk).

Yours sincerely



Steve Gaskell
Ranger Team Leader
Direct: 01539 724555
Email: Steve.Gaskell@lakedistrict.gov.uk

You (the event 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, over 18 years of age, to be posted at the agreed locations. Marshals must be aware of radio locations for communication.
4. 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 (locations shown on signing maps provided). 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.
5. Remove the signs 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.
8. Take all reasonable safety precautions to protect members of the public using or intending to use any footpaths or bridleways irrespective of the formal closure of these routes to the public.

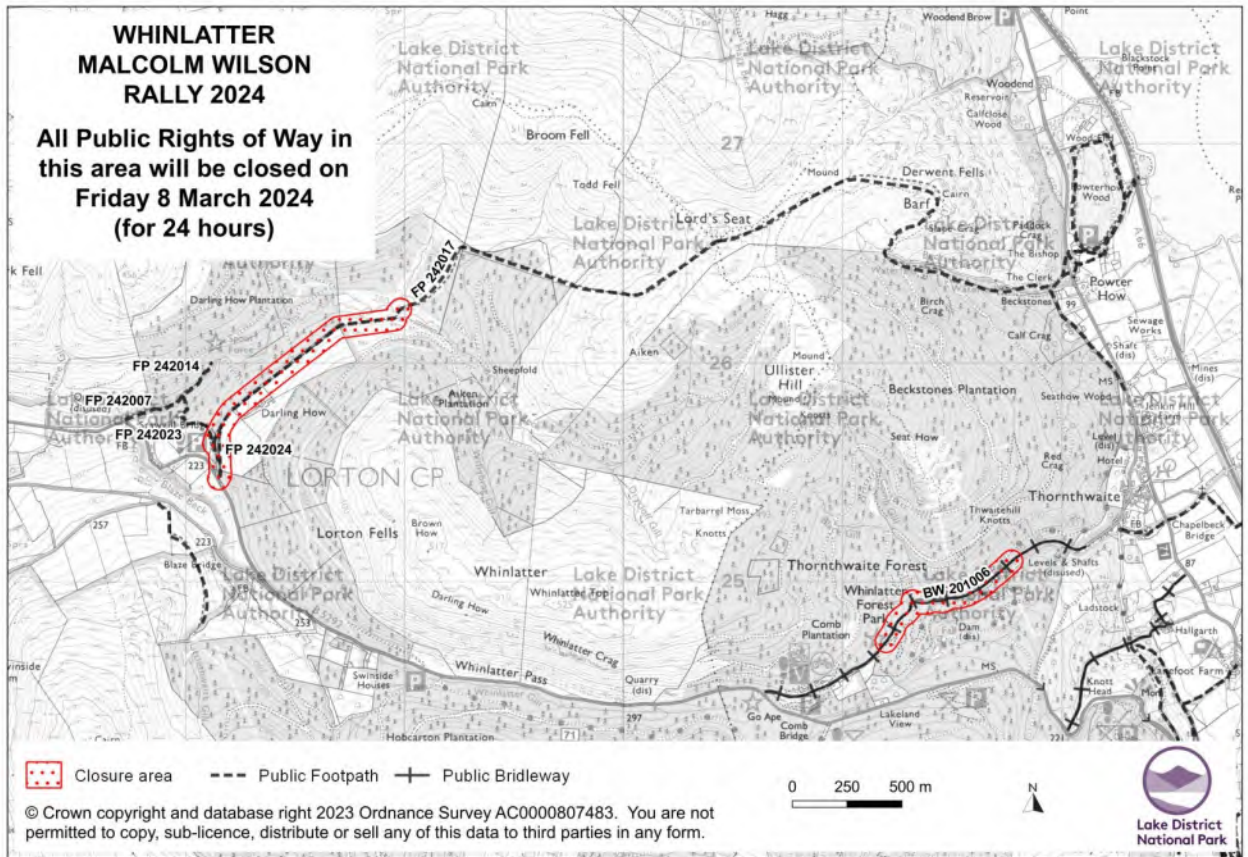
SCHEDULE 1 – Grizedale West (Saturday 9 March 2024)

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

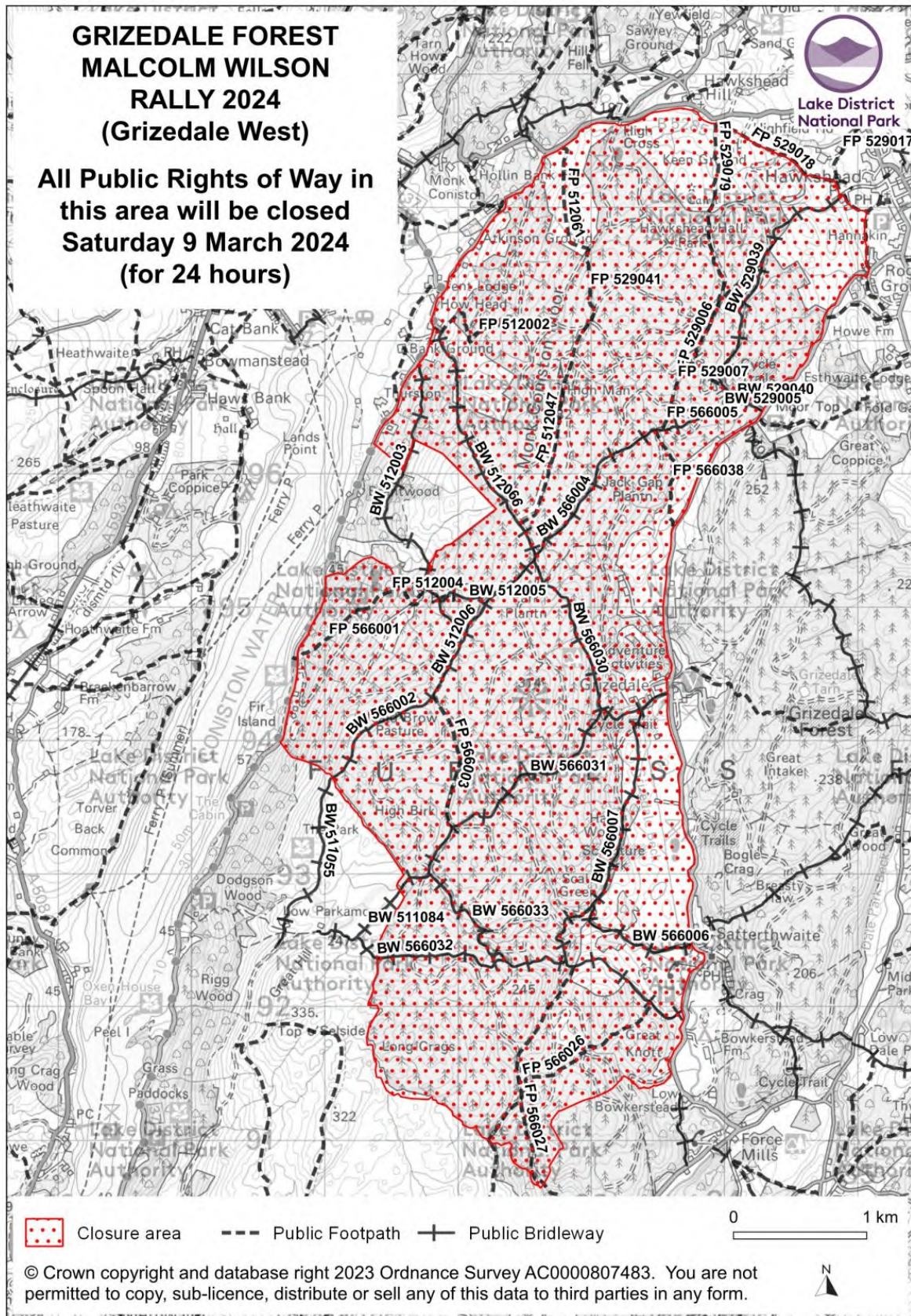
SCHEDULE 2 –Whinlatter Forest & Wythop Woods (Whinlatter Friday 8 March, Wythop Saturday 9 March)

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

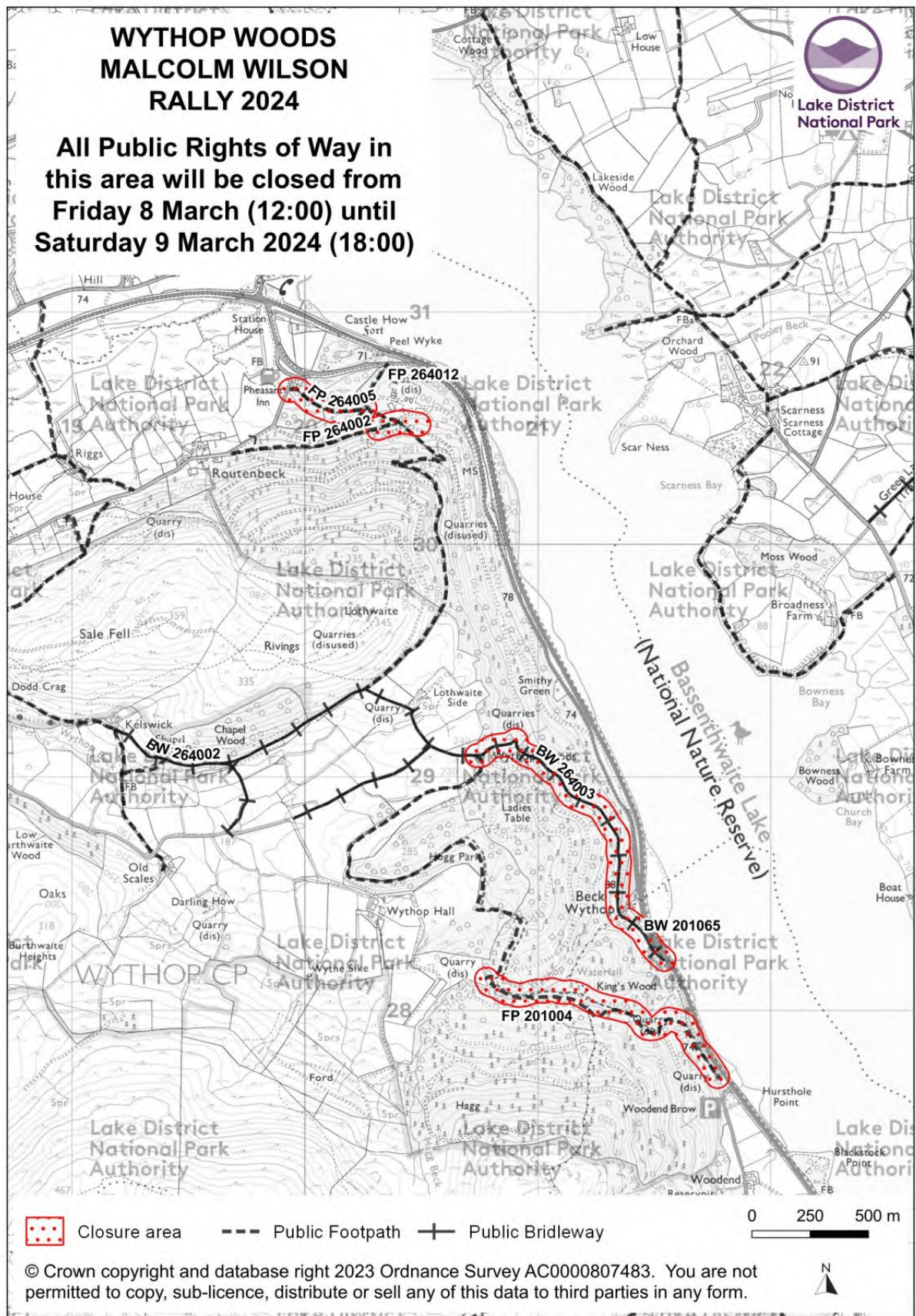
Map 1: Whinlatter Forest



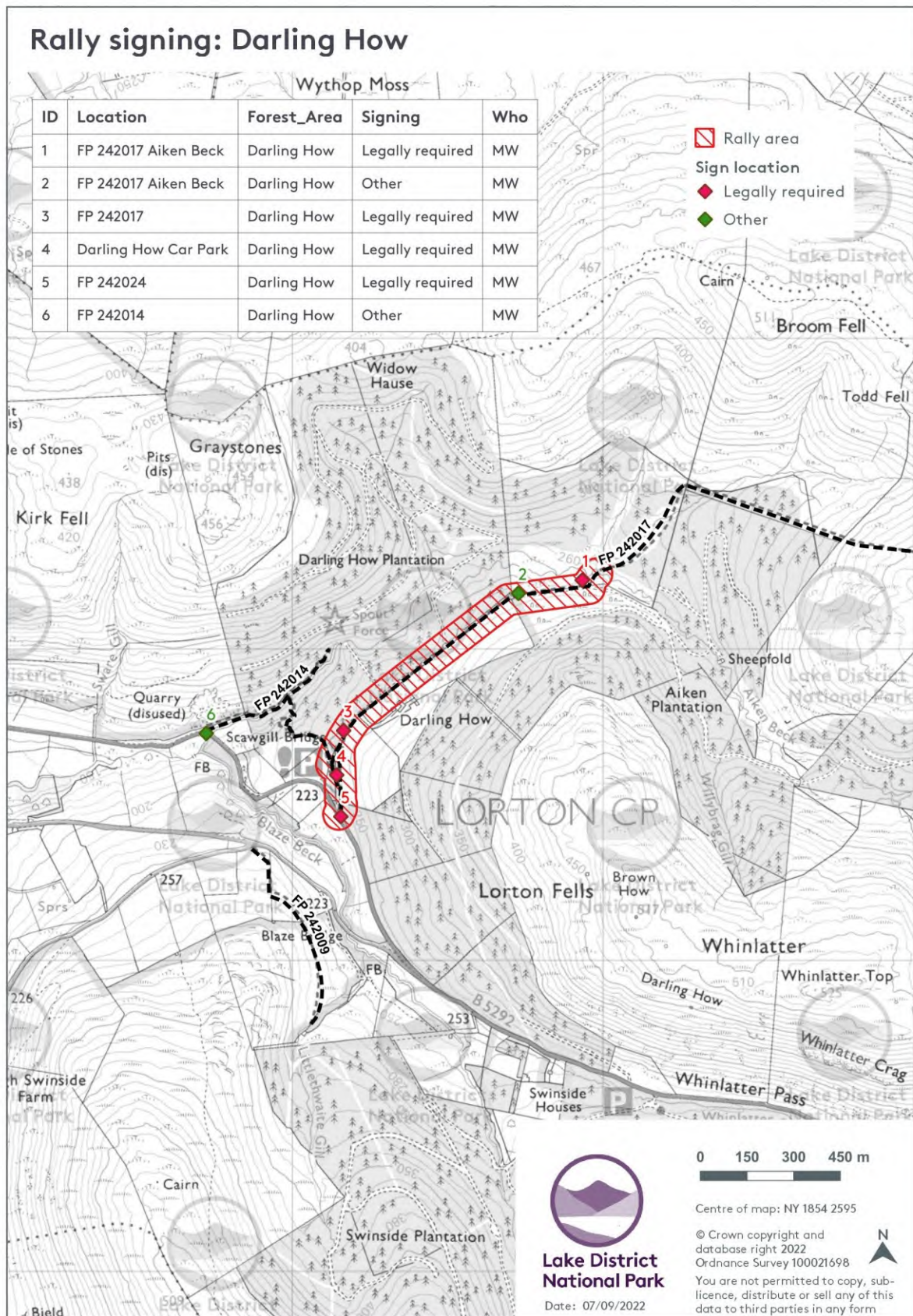
Map 2: Grizedale Forest West



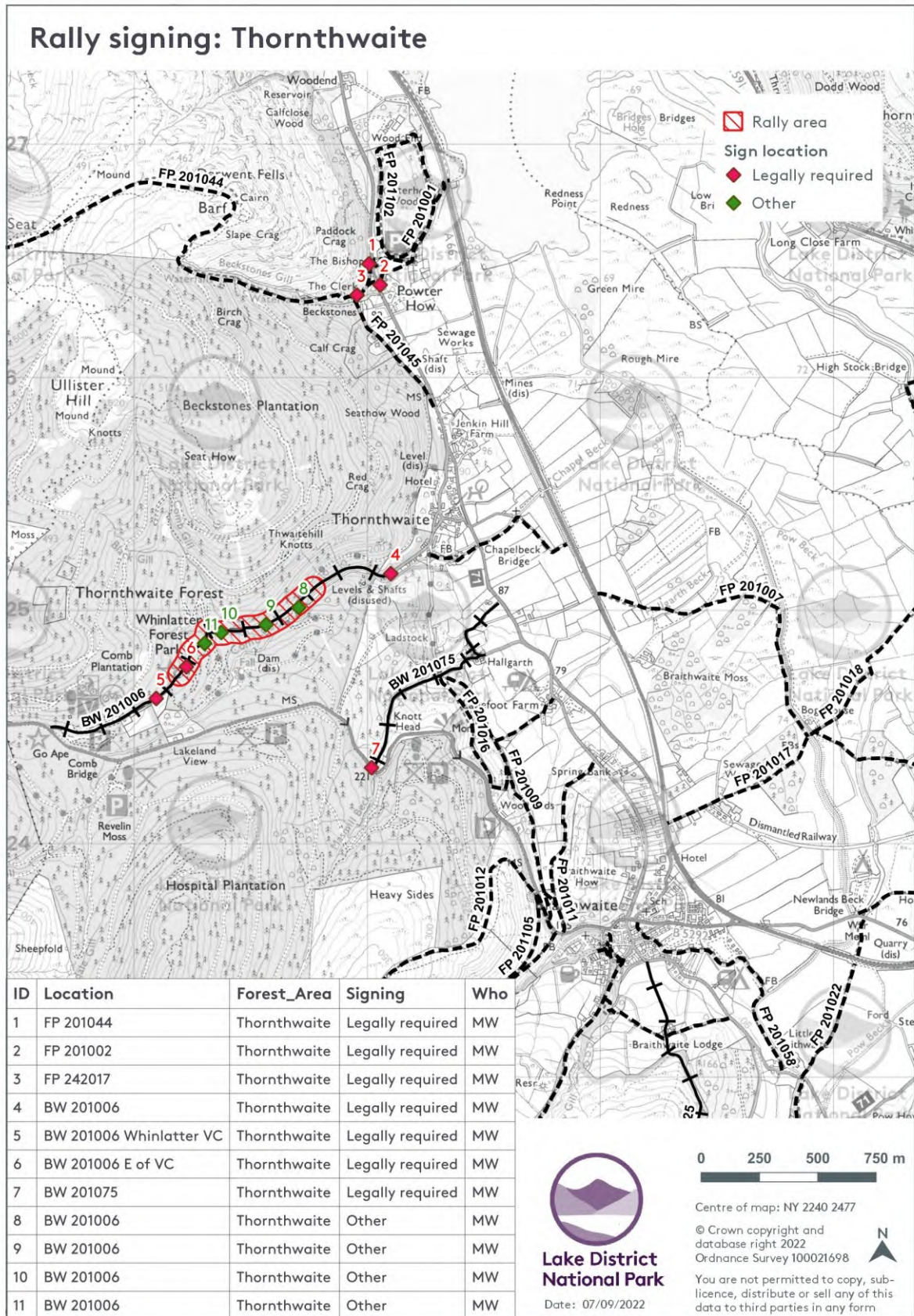
Map 3: Wythop Woods



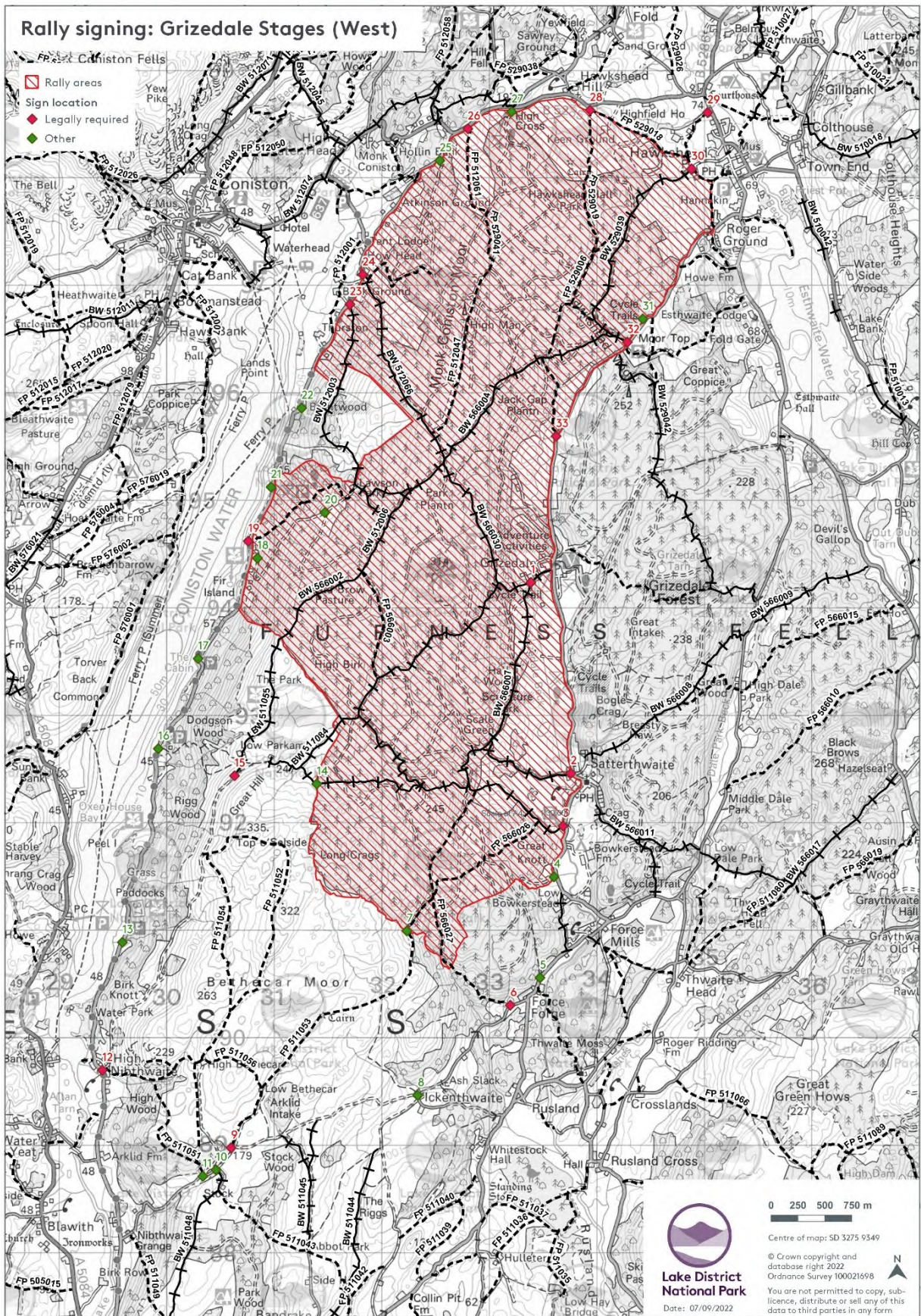
Sign Locations (Whinlatter- Darling How)



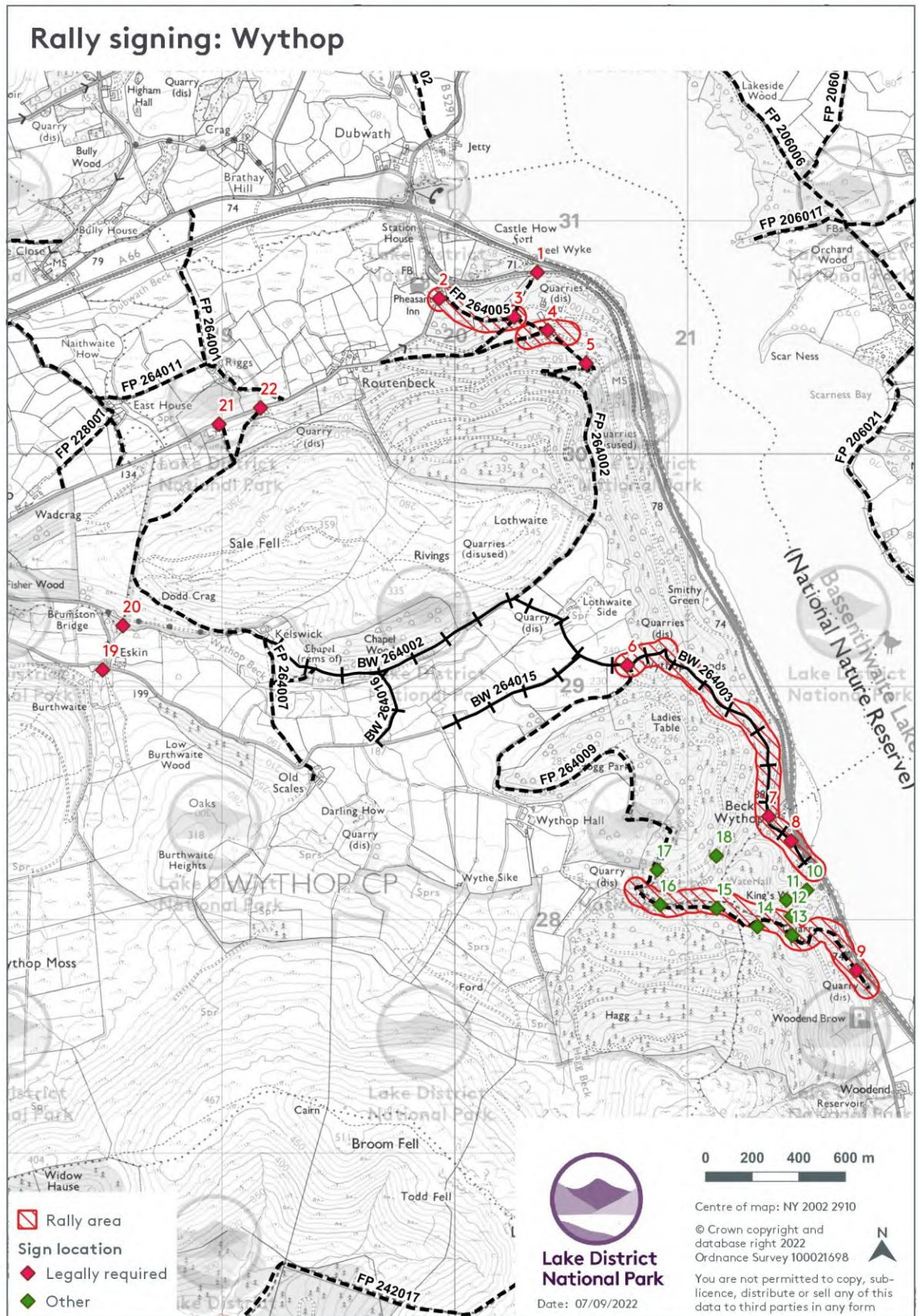
Sign Locations (Whinlatter- Thornthwaite)



Sign Locations (Grizedale West)



Sign Locations (Wythop)



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).

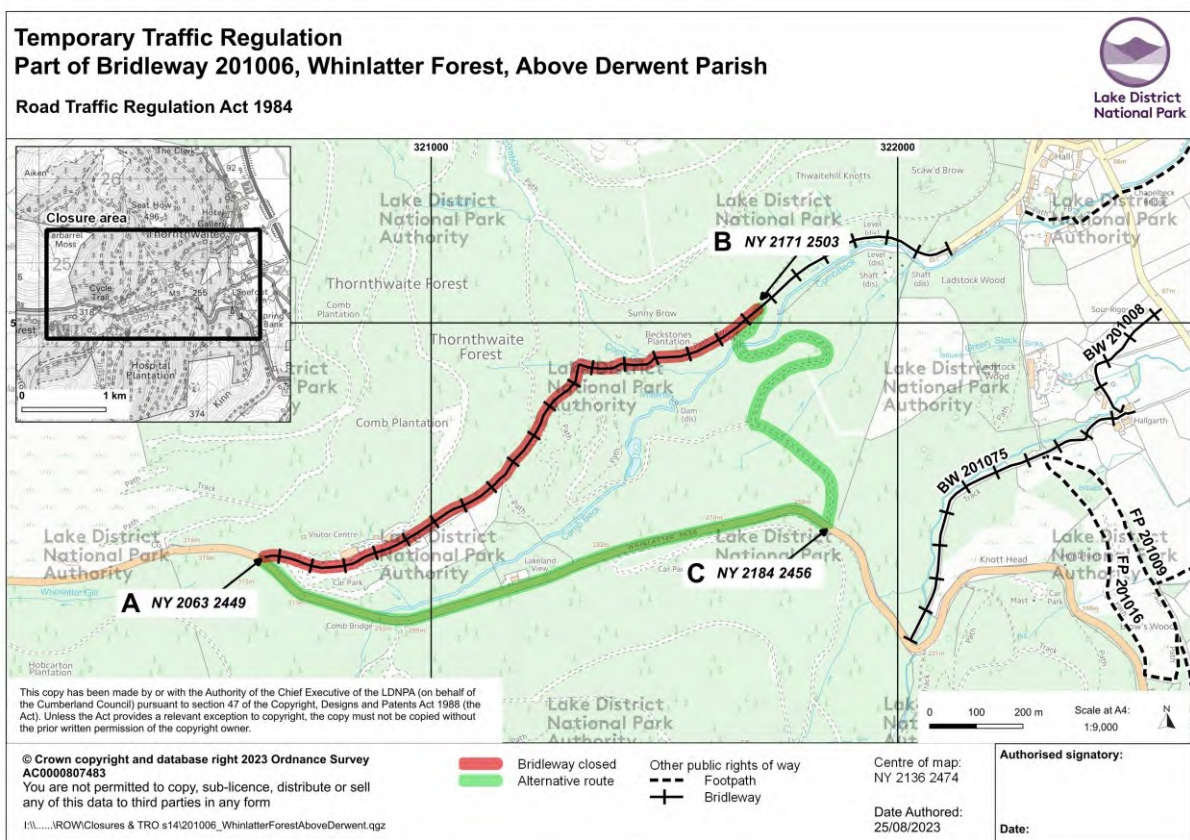
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PART OF BRIDLEWAY 201006, WHINLATTER FOREST, ABOVE DERWENT PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	Forestry England (FE) intend to carry out forestry harvesting operations at Whinlatter Forest from January to March 2024. In order to carry out this work safely they have requested a temporary closure of part of Bridleway 201006 between the Visitor Centre entrance and Sunny Brow (as shown on the plan below) whilst these works are underway. An alternative route will be available.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for the section of Bridleway 201006 affected as shown between Points A and B on the plan within 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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	Case file 1410.003 (261)	
Date of Report	13 October 2023	
Authorising officer	Ranger Team Leaders' Meeting – 16 October 2023	

TEMPORARY TRAFFIC REGULATION ORDER, PART OF BRIDLEWAY 201006. WHINLATTER FOREST, ABOVE DERWENT PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over a section of Bridleway 201006 in Whinlatter Forest to allow forestry harvesting operations to be undertaken safely.

Recommendation: *That we issue a Temporary Traffic Regulation Order for the section of Bridleway 201006 affected as shown between Points A and B on the plan within the report.*



Map 1: Location Plan

2 Details of Request

- 2.1 Forestry England (FE) have submitted an application for a Temporary Closure of part of Bridleway 201006 as they intend to carry out timber harvesting works in this area of Whinlatter Forest during January-March 2024 (commencing on or shortly after 2 January 2024). The works are anticipated to take 10-13 weeks, FE intend to complete the operations by the start of the Easter holidays at the latest as the area becomes busier over this period. The duration of a TRO is 6 months, but for works such as this the Order needs only remain in effect until the planned works are complete. The affected section of the bridleway will be from the road entrance to the Visitor Centre at NY 2063 2449 (Point A on the above plan) to Point B at NY 2171 2503 near Sunny Brow. FE are intending to keep the car park accessible to allow visitors to continue to access the trails and facilities not affected by the closure.
- 2.2 During these works FE will be felling, processing and extracting large trees alongside and on either side of the bridleway which would present a risk to users if the bridleway were to remain open. FE assert that it is not practical to manage the risk through the use of bankspersons.
- 2.3 FE propose a diversion route using the road (B5292) from the Visitor Centre entrance and then along the forest track from Hallgarth Entrance (Point C on the plan) to rejoin the bridleway at Point B.
- 2.4 Notices informing users of the closure and diversion route would be displayed at either end of the closed section of the bridleway. Information will also be made available at the Visitor Centre when open and via the FE website (in addition to the usual advertisement in a local newspaper and details on LDNPA website).
- 2.5 As 'Relevant Authority' for (CROW) Open Access Land FE also intend to temporarily restrict open access over the area to be harvested. There will also be closures and diversions in place on some of the FE created and maintained trails (which are not rights of way) at Whinlatter- details of these will be available at: www.forestryengland.uk/whinlatter.
- 2.6 Following points raised by the Open Spaces Society during consultation regarding whether there was a need for the Order to be in force at all times or only whilst works affecting the bridleway are ongoing, FE stated that they felt there was a need for the area to be closed to public access at all times once work has begun until complete,' *Given the tall height of the trees adjacent to the bridleway the two tree length risk zone for tree felling and machine risk zones mean that the bridleway users would be in the risk zone even when the route is not physically blocked. Once we start harvesting the area adjacent to the bridleway we will need to keep this closed until harvesting has moved sufficiently north that the bridleway is no longer in any risk zones*'.
- 2.7 FE highlighted that it is normal practice for them whilst undertaking harvesting to work during weekends, start early (pre-dawn) and work late into the night. Their experience is that it is better from a public safety perspective to keep an area closed until it can be fully re-opened. They also state that ad hoc opening and closure of the bridleway would not be practicable for them due to the regularity with which they would need to change the signs and highlighted their concern that this may lead to confusion for members of the public around whether the area remained closed or not.

3 Policy Context

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

4 Options

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

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 and 8. A closure of the affected section of this bridleway will allow works to be carried out 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. Cumberland 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 £965 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. These costs will be met by Forestry England.

8 Risk

- 8.1 The major risk associated with this is if we do not make the Order. There would be a significant risk of injury to bridleway users from falling timber or machinery if they attempt to use the path whilst harvesting operations are underway. There will also be times when the path surface is disturbed and obstructed which would also present risk to bridleway users. As discussed in section 2 FE will not find it practicable or efficient to manage access via bankpersons or the closure only being in place when works immediately on or adjacent to the bridleway are underway. They also reasonably highlight that this may lead to confusion for members of the public if the signage on site is regularly changing and could increase the risk. Even when the bridleway is not physically obstructed by the harvesting operations it will often be within the 'risk zone' for tree felling and machinery.
- 8.2 The diversion route makes use of the road (B5292) and then a forest road. Although the use of the public road without a footway pavement for pedestrian users as a diversion is not ideal, there is a grass verge along its whole length and the road is relatively straight along the section to be used, not having the sharper corners found further down the pass. The road is one where vehicle users could expect to meet pedestrians, equestrian users and a large number of cyclists in particular already. However, it seems expedient to ask FE to display 'Pedestrians in road' warning signs at either end of the section of road being used as a diversion to raise the awareness of road users that they may encounter more non-vehicular traffic than usual whilst the closure is in effect. The risk to bridleway users posed by machinery, falling timber and the disturbance of the bridleway surface whilst harvesting operations are underway if a temporary closure is not in effect appears greater than the risk of these users utilising a diversion via the road whilst harvesting is underway.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) of the Road Traffic Regulation Act 1984; namely because works are proposed works to be executed on or near the road (highway).
- 9.2 The Head of Strategy & Ranger 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 Cumberland Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. 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

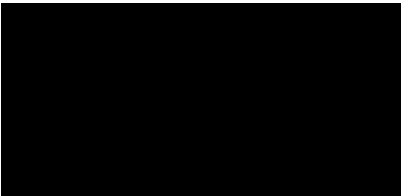
- 12.1 We carried out a public consultation with interested bodies and individuals including Cumberland Council (the Highway Authority), Parish Council, Local Access Forum and various user groups. We received the following response (details of FE's response to the points raised included in Section 2):

Consultee	Comment
Open Spaces Society	<p><i>I have previously walked the route and noted that it can be a popular way through Whinlatter especially by walkers and off-road cyclists.</i></p> <p><i>At one time FE were reluctant to use such temporary closures but, increasingly as staff cuts were made they started to use the TRO process. It would be possible to say that FE at one time tried to avoid closure of PROWs during forestry operations.</i></p> <p><i>The OSS are not convinced that such operations necessarily need such drastic closure Orders especially when the PROW may only be affected on a few days during the expected 10-13 week working window. Nor do we feel it appropriate to close a PROW for 7 days each week if workings are not a week-round continuous operation.</i></p> <p><i>The works could take place without a TRO provided users of the bridleway were warned that on some day forestry operations may affect their passage through the area of workings. We feel that a personal choice as to possible delays and to meeting working vehicles and chain-saw operations can co-exist alongside the felling operations as it did in previous years.</i></p> <p><i>It appears E - D of the alternative route (please note these Points were labelled on an earlier version of the proposed closure plan) is along the B5292 and this could readily prove hazardous to walkers and horse-riders in particular given the nature of vehicle use on that road. It is our view that should the LDNPA approve the use of a TRO then it should only be done after a comparative risk assessment for using the BW and the B road.</i></p> <p><i>We would hope that your NPA colleagues would seek to influence future Forest Design Plans promoted by the FE and private estates to ensure that future stocking or regrowth alongside a PROW will be effected so as to eliminate future operations affecting use of PROWs.</i></p>

13 Summary and Recommendations

- 13.1 I recommend that we make a TRO prohibiting all traffic from proceeding over the section of the bridleway affected by the harvesting operations (between Points A and B on the plan). Although we would rather harvesting work was carried out with no interruption to public access, on some occasions it is unavoidable and would pose a risk to public safety if no closure was in place. I therefore feel that this temporary closure request is reasonable and that we should make the required order.
- 13.2 The closure will allow works to be carried out safely and efficiently. The disruption to the public will be reduced as much as possible by the provision of a temporary diversion route. Although the diversion route does make use of a road the risk of using this appears less significant than if the bridleway were to remain open whilst harvesting works are underway. The TRO would remain in effect only from commencement of works and until the harvesting operations are complete, during this time site notices regarding the closure and diversion route will be displayed.

Authorised by:



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

Date 17 October 2023

Background Papers	Case file 1410.003 (261)
Author:	William Hinchliffe, Trainee Rights of Way Officer
Date Written:	13 October 2023
Version	Final

TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 345008, MATTERDALE PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over part of footpath 345008, because of the danger to the public resulting from trees which have partially fallen and currently overhang the footpath, presenting a significant risk of danger to the public should they fall onto the footpath whilst it is in use.

Recommendation: That we issue a Temporary Traffic Regulation Notice over part of footpath 345008, as shown on the attached plan.

2 Details of Request

- 2.1 We have received a report from a volunteer surveyor on 18 January 2024 that several trees have partially fallen in the woods at Swinburn's Park. These have become hung up and currently overhang the footpath.
- 2.2 There is a significant chance these may fall down on to the footpath and this would present a clear danger to members of the public if the footpath remained open. At this time of year severe weather events are frequent, including the forecast named Storm Isha for which there is currently an Amber weather warning in place in the area due to high winds on 21 and 22 January 2024. This makes the risk of these trees falling onto the footpath particularly likely.
- 2.3 Only closing the section of the footpath through the woods has been discussed, but the Ranger Team have concerns that, if this were the case, users heading towards Gowbarrow Park having got so far may attempt to continue on the footpath through the woods and place themselves in danger.
- 2.4 Suzy Hankin, Area Ranger, has contacted the landowner to inform them of the fallen trees and remind them of their responsibility to remove these as they overhang the public footpath. If the landowner has not removed the trees within the duration of the recommended Notice, they will need to either apply for the extension of the notice, a Temporary Traffic Regulation Order, or the National Park Authority may arrange a contractor to complete this work and the costs would be recovered from the landowner.
- 2.5 Unfortunately, no direct alternative public right of way exists between the C3038 and the Shooting Lodge within Gowbarrow Park. The nearby public roads C3038 and U3135 can be used to access the open access land and other rights of way (public footpath 345020 being the most easily accessible) within Gowbarrow Park.

3 Policy Context

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

4 Options

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

5 Proposal

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

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation notices is not a **competitive** procedure. Westmorland and Furness County Council can also process temporary closure notices, but we are the best placed organisation to make this notice.
 - c) We have not carried out a **consultation** as it is not possible to do so in respect of an emergency closure of this nature.
 - 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, stationery and postage. Given the circumstances that this is a natural event beyond the control of the landowner, the Senior Rights of Way Officer considers (in the absence of any Team Leader available to consult) that it is appropriate that we meet these costs. If the trees have not been removed by the landowner within the duration of the recommended Notice and an extension or Order is required, we would expect the landowner to pay the costs of these.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The closure will safeguard potential users of the footpath from danger as the trees could fall onto the path at any time, particularly during severe weather.

9 Legal Considerations


- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21 days, and can be renewed for a further 21 days – and then converted into a longer term order if necessary.
- 9.2 We have the power to do this under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness County Council. The Head of Strategy and Ranger Service, Ranger Team Leaders and Senior Rights of Way Officer have delegated powers to authorise the issuing of Notices for the temporary closure of paths.

10 Human Resources

- 10.1 The work involved in this proposal is approximately four hours from members of the Ranger Service (Area Ranger, Ranger and Trainee Rights of Way Officer) and 30 minutes from the GIS Officer. 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 due to this temporary closure.

Authorised by:


 Nick Thorne, Senior Rights of Way Officer
 Date...22 January 2024.....

Background Papers Case file 1410.003 (264)
 Author: Will Hinchliffe, Trainee Rights of Way Officer
 Date Written: 19 January 2024
 Version FINAL

Appendix A: Location Plan



Appendix B: Photos of some of the fallen trees taken 18 January 2024 by volunteer surveyor (a number of others have also fallen – but are more of an obstruction than a danger / likely to fall on someone).



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	Coast to Coast National Trail – Creation of Public Footpath 306036 at Bowderthwaite and Band End, and Diversion of Public Footpath 306003 at Haweswater Lakeshore, Bampton Parish	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service and sub-delegated to Ranger Team Leader Meeting. Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	This is one of the Public Path Orders needed to ensure that Wainwright's Coast to Coast National Trail follows a legal Right of Way for its entire length. Natural England have identified that a new section of footpath is needed at Band End, and the current lakeshore path along the north shore of Haweswater is not on the definitive line of Footpath 306003 and should be diverted onto the used route.	
Details of Decision	Recommendation that we make a creation order for Footpath 306036 between A and B at Band End and we make a diversion order for two sections of footpath 306003 at Haweswater Lakeshore; and that we confirm the orders if no objections are received or if those objections received are withdrawn.	
Details of alternative options considered and rejected.	The alternative is to not make the orders and re-open the definitive line, which would cost a substantial sum of money and would not be funded by Natural England.	
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	Charlotte Kimber, Coast to Coast Public Paths Officer	
Background Papers	Case file 1412.306.05/06	
Date of Report	16 January 2024	
Authorising officer	Ranger Team Leader Meeting	
Date		

Coast to Coast National Trail – Creation of Public Footpath 306036 at Bowderthwaite and Band End, and Diversion of Public Footpath 306003 at Haweswater Lakeshore, Bampton Parish

1 Summary

- 1.1 A new section of footpath is needed at Band End, and the current lakeshore path along the north shore of Haweswater is not on the definitive line of Footpath 306003 and should be diverted onto the used route.

Recommendation that:

- a we make a creation order for Footpath 306036 between A and B at Band End as shown on the Map in Annex 1***
- b we make a diversion order for following sections of footpath at Haweswater Lakeshore: as shown on the maps in Annex 2***
 - 306003 between C-F; and***
 - 306003 between G-H;***
- c we confirm the orders if no objections are received or if those objections received are withdrawn.***

2. Background

- 2.1. The 197 mile Coast to Coast is considered one of Britain's greatest walks, originally described by Alfred Wainwright in his 1973 book 'A Coast to Coast Walk', the path runs from St Bees on the west coast, Robin Hood's Bay on the east coast.
- 2.2. In recognition of its 50-year existence, in the Summer of 2022 the Government asked Natural England (NE) to work with the relevant highway authority partners along the route (Cumberland Council, ourselves Westmorland and Furness Council, Yorkshire Dales NPA, North York Moors NPA and North Yorkshire CC) to assist in the process of upgrading the route to National Trail status.
- 2.3. There are number of Public Path Orders (PPO) needed to ensure that is the trail follows a legal Right of Way for the entire length of the route through our geographic area. Undertaking these will ensure public access for the future, and enable grants to be awarded toward its ongoing maintenance. Aside from the PPO work there will be some physical works, and installation of new waymarking. The path is expected to be formally designated and recognised as a National Trail in October 2025.
- 2.4. Two of these PPO sections are at Haweswater and are covered in this report. The first is a short stretch of Footpath Creation where a short length of pitching will take place, thereby protecting a wet area from erosion. The new path will be approximately 150m long and is a 1.8m wide grassy trod. Photos of the existing and proposed routes are included in Annex 3.
- 2.5. The second is the diversion of the existing lakeshore path onto the walked/used line (in the sections where it diverges from the legal/definitive line). The definitive line is currently blocked by a fence and wall then passes across rocky, craggy bracken covered slope. Under Castle Crag the definitive line crosses a boulder field with no indication of the definitive line on the ground.

- 2.6. There is no trace of the current legal line on the ground, being higher up the steep fellside from the walked line.
- 2.7. The proposed diversion would move the legal route of the public footpath on to the current walked line, crossing the bridge at Point C, passing through a pair of gates (P6 – Annex 3) and then winds its way through the walls of a historic farmstead. The route then follows the line of a wall and through a 1.45 metre wide wicket gate and narrows as it gains height. The used route continues along the marked trod and re-joins the definitive line just after a stepover ford at the end of the wall.
- 2.8. The second section to be diverted starts at Point G where again there is a used trod but no trace of the definitive line. The route follows a fence line and there are several step over fords on this section but they have been maintained as if it were a public bridleway already.
- 2.9. There is a presumption in favour of restoring the original route before considering a legal diversion. This was considered during the site visit when a colleague walked the definitive line in the limited places that it was physically possible. There is no indication that it has ever been used and it would cost hundreds of thousands to reinstate it. This would not be value for money.

3. Policy Context

- 3.1. This order is a crucial part of the establishment of the Coast to Coast National Trail and associated external funding will contribute to achieving the Vision, Partnership Plan and our Business Plan.
- 3.2. 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.
- 3.3. 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.
- 3.4. 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.
- 3.5. Key Action No 14 states that we will continue to facilitate, plan and deliver the Coast to Coast National Trail.
- 3.6. 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 and includes an element relating to the Coast to Coast.

3.7. 'Out There', our Access and Recreation Strategy (approved March 2023), contains our vision for countryside access and recreation in the Lake District, which is: A well connected network fit for purpose in the 21st Century with high quality infrastructure, facilities and services meeting the needs of all visitors and residents. We have identified four priority themes of work, and under each of these are a series of strategic actions that will contribute to the achievement of our goal and our strategic aims. The four priority themes are:

- Improve: rights of way and countryside access.
- Manage and maintain: rights of way, countryside access and recreational activities.
- Promote and engage: connect more people to nature and the special qualities of the Lake District.
- Integrate: with health and wellbeing, sustainable transport and the economy.

3.8. Key Action 3 commits to the delivery of the Coast to Coast National Trail.

3.9. Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are listed at Annex 4.

4 Demonstrating Best Value

4.1 Work Programme and Relevance to This Case: we are committed to delivering the Coast to Coast as a National Trail to be completed by 2025, justifying its place in our Business Plan and Work Programme

The recommendation delivers value for money in the following ways

- a) Challenged – this work needs to be undertaken to ensure that that entirety of the National Trail is on Public Rights of Way, protecting its status in perpetuity. The work is being externally funded by Natural England at no cost to the Authority. This funding is only accessible due to the National Trail project and would not exist without it.
- b) Compared – the proposed approach has been identified by Natural England and is the same as being undertaken by the other Local Authorities involved in the National Trail Project along the Coast to Coast route.
- c) Consulted – key customers, stakeholders and partners have been consulted regarding making the recommendation. There are currently no outstanding objections
- d) Compete – 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.

5. Options

- a: make the recommended creation and diversion orders
- b: do not make the orders and re-open the definitive line

6. Proposals

- 6.1. I recommend option 5.1a. Undertaking these creation and diversion orders will enable us to ensure that the Coast to Coast National Trail follows a legal right of way throughout its length, and draw down funding for future maintenance. The costs of making these orders are met by external funding if they are made as part of the National Trail upgrade process.
- 6.2. The future maintenance and management implications of the proposed footpath creation has been assessed, and the small amount of pitching needed will be funded from the Coast to Coast project. This pitching will ensure that any ongoing maintenance requirements are kept to a minimum, reducing costs to the Authority.
- 6.3. If the orders are not made at this point in time, the existing footpath will fail the Ease of Use Survey and the costs of making the orders in the future will have to be funded by the Authority.

7. Grounds and Tests for a Creation Order

- 7.1. 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.
- a) Is there a need for the new path?
- b) Is it a good idea to create the new path taking account of;
- how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
 - how it will affect the rights of those with an interest in the land?
- 7.2 *Is there a need for the new path?*
- 7.2.1 The proposed path provides a corner cutting link for walkers descending from Kidsty Pike and heading east along the north shore of Haweswater. It will allow a section to be surfaced ensuring that the surface condition remains suitable for use, and protecting the surrounding landscape from desire lines springing up as walkers attempt to divert around a wet area.
- 7.2.2 In addition the route of the creation order is designated to be part of Wainwright's Coast-to-Coast path and Natural England have also stated that it is important to protect the integrity of the entire trail by ensuring it all runs on statutorily recorded rights of way (ie: to ensure no part of it can 'disappear').
- 7.3 *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*
- 7.3.1 Many walkers already cut the corner if heading downhill from Kidsty Pike to continue along Haweswater, however the ground is wet and is susceptible to damage. By creating a legal right of way over this section, we will be able to pitch a short stretch of path ensuring that a sustainable surface is provided.
- 7.4 *How will it affect the rights of those with an interest in the land?*
- 7.4.1 The landowner is United Utilities. They have been consulted and are supportive of the proposals.

8. Grounds and Tests for Diversion

- 8.1. 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.
- 8.2. 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.
- 8.3. I consider that it is expedient in the interests of the public that the order is made.

9. Tests to be Considered – Diversion Order

- 9.1. 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.
- 9.2. *Will the new path be substantially less convenient to the public?*
- 9.2.1 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.
- 9.2.2 Taking these considerations into account the proposed route is not substantially less convenient to the public. It is the route which is already well used by the public and there is no sign of the definitive line being used. Even if the definitive line were to be reopened, the proposed route remains more convenient – the proposed route follows a natural ledge/path along the lakeshore. The definitive line runs higher up the steep hillside and there are no signs of it in the natural landscape.
- 9.2.3 The difference in length between the two routes is minimal.

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

9.3.1 The diversion will improve public enjoyment of the path as a whole. It is the natural path to follow and would likely remain the route of choice even if the definitive line were reopened.

9.3.2 The proposed route also crosses a disused farmstead providing some historic context to Haweswater and the route.

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

9.4.1 There would be no impact on the land served by the existing right of way. Both the existing path and the proposed route are in the same ownership.

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

9.5.1 There is no impact on the land over which the right of way is to be created. It already carries the walked line and therefore if the order were to be confirmed there would be no change on the ground.

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

9.6.1 The diversion is 'mid-path' and therefore the termination points are unaffected.

10. **Other Considerations Required by Legislation**

10.1. *Rights of Way Improvement Plan*

10.1.1 Before confirming a public path creation or diversion order we are required to have regard to any material provision of a Rights of Way Improvement Plan (ROWIP). Unfortunately, it is not certain whether we have a current, valid RoWIP at present. We developed the Cumbria ROWIP in 2007 with Cumbria County Council (CCC) – and this was fully adopted (CCC were the highway authority, we acted as their agents – the current highway authority is Westmorland & Furness / Cumberland Council). This 2007 ROWIP has since been withdrawn by The Council and replaced with a Strategy. However, the latter has never been formally ratified by us, or formally consulted upon - although it includes actions from a draft LDNPA access strategy that has not yet been completed. Nonetheless, we are assured by WFC/CC that it is indeed the current Cumbria ROWIP. We have developed our own Access & Recreation Strategy to run alongside this.

10.1.2 The Cumbria Access Strategy does not contain specific route proposals, but is a more generic document. *Action 1a states "Review and make legal orders to ensure a safe network, limit obstructions and support priority access development initiatives where required on the rights of way network."* This diversion and creation helps fulfil this aim.

10.1.3 The proposals meet the general aims within the Access & Recreation Strategy.

- 10.2. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. This section of the route is not particularly usable by all – but it is difficult to see how this could be reasonably adjusted. An accessibility audit of the entire Coast to Coast is currently being undertaken by David Burgess, who is a wheelchair and handbike user. There are no physical changes currently proposed along the route, however any improvements might be accompanied by funding.
- 10.3. Impact on the needs of agriculture and forestry – an assessment is required under schedule 6, of the Countryside & Rights of Way Act 2000. We consider that there is no impact on the needs of agriculture and forestry. The short stretch of footpath to be created will be pitched for a short length, however this will help keep walkers on its definitive line and prevent further damage to agricultural land. The proposed Diversions are purely to move the legal right of way onto the walked path, and therefore there is also no impact on agriculture or forestry.
- 10.4. We consider landscape impact, biodiversity and archaeological interests and have to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. And under section 11 of the Countryside Act 1968 we have to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. The proposals do not appear to have any effects on these aspects as the creation of the Public Footpath is designed to protect the landscape, and the proposed diversion will be simply moving the legal line onto the used route, requiring no landscape changes.
- 10.5. Natural England, Cumbria Wildlife Trust, the Authority's Archaeology and Cumbria Geoconservation have been consulted about the proposals and have not raised any objections.

11 Relationship with our other policies on changes to the rights of way network.

- 11.1 *There will be a presumption in favour of preserving the historical integrity of the network.* - The proposed diversion will not detract from the historical integrity of the network. The currently used route would have been artificially created at the time the reservoir was built, and the Diversion Order will not alter this.
- 11.2 *There will be a presumption against any reduction in the amount of public access in the National Park.* Neither of these proposals will result in any reduction in access.
- 11.3 *The future maintenance and management implications of any proposed change to the network will be considered.* - The route of the proposed diversion has been maintained as if it were a public right of way for many years therefore making the order will not create any additional maintenance burden. Furthermore, both sections of footpath will be on the Coast to Coast National Trail and therefore will be eligible for future funding opportunities for maintenance.
- 11.4 *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 or features of the National Park.* - Neither of the proposed changes will detract from the enjoyment of the cultural landscape and nature conservation. Both changes will enhance the ability of the public to discover the special qualities and features of the National Park
- 11.5 *Impacts on Outstanding Universal Values* - None have been identified. The World Heritage Site Co-ordinator has been consulted and has raised no issues.

12 Stakeholder Consultation

We have consulted our usual consultees as listed below.

- *Westmorland and Furness Councillor*
- *Natural England*
- *Archaeologist, Ecologist, Area Ranger, Ranger – LDNPA*
- *Local Access Forum*
- *British Horse Society*
- *CTC – Cycling England*
- *Cumbria Bridleways Society*
- *Lake District Mountain Bikers Association*
- *British Driving Society*
- *Cumbria Commoners*
- *Land and Access Recreation Association*
- *North East Laners*
- *Bampton Parish Council*
- *Westmorland and Furness Council*

Responses were received from the following stakeholders:

Name of Stakeholder	Consultation Response
Neil Hughes, Westmorland and Furness Councillor	Initially requested additional information but is happy with the proposal
Cumbria Bridleways Society	Initially objected to the proposal as they wanted the proposed routes to be bridleways but after further discussions regarding the potential for future upgrades, withdrew their objection and agreed to the order
Glenn Telford	Initially objected to the proposal as they wanted the proposed routes to be bridleways but after further discussions regarding the potential for future upgrades, withdrew their objection and agreed to the order
Lancashire Bridleways Society	Would always like to see LDNPA being more ambitious in their aims to advocate for the creation of multi user trails, however understand in this instance that the Footpath Creations/Diversions will not preclude further upgrades in the future
Local Access Forum	Feels that the Footpath creation is entirely sensible and that the proposed route of the diversion is already used
Cumbria Geoconservation	No comments to make as no Local Geological Sites on the route
Open Spaces Society	No objections to proposal in principle, hope that no additional fencing is planned as part of the works and would like to see existing unnecessary fencing removed.
Cycling UK	Would prefer to see the route as a bridleway, reflecting the higher rights on the surrounding s.15 land, however is willing to support the footpath creation/diversion so long as any future furniture installations reflect higher rights.

13. Finance Considerations

- 13.1. These orders are fully funded externally by the Coast to Coast National Trail project.

14. Risk

- 14.1. 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.
- 14.2. There may be the likelihood of a 'technical' objection from one user group which objects to the proposal on the basis that the orders concern public footpaths and are not upgrading routes to bridleways.
- 14.3. We have offered to record the fact that they would like to see a bridleway along the shore of Haweswater however have explained that it would not currently be feasible to upgrade the physical route for bridleway users due to the extent to works required and prohibitively expensive.
- 14.4. We have further explained that such an objection might not actually be considered in the current processes. As the tests for a diversion order (s119 Highways Act 1980) are whether the proposal is in the public interest, whether the new route is not substantially less convenient, and the impact on enjoyment
- 14.5. Any objection to a diversion order would have to relate to, or address, one or other of the relevant tests and we cannot see that an objection that the route should of a higher status actually relates to any of these tests.
- 14.6. We have explained that the Secretary of State would most likely reject such an objection as being unreasonable.

15. Legal Considerations

- 15.1 The Creation order will be made under section 26 of the Highways Act 1980, and the Diversion order under s119 - we are able to make orders under these sections by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Cumbria County Council. The action strikes a reasonable balance between private and public rights.

16. Human Resources

- 16.1. The legal work involved in these orders is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. Due to the Order being part of the Coast to Coast Project, this is being funded through a Natural England grant and an external contractor has been appointed to undertake the work associated with these as part of the Project. As such, there is not a substantial impact on the Authority's staffing resources.

17 Diversity Implications

17.1 I have not identified any significant diversity issues

17. Sustainability

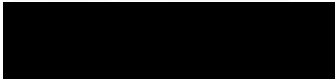
17.1. I have not identified any significant environmental, economic or social.

18. Summary

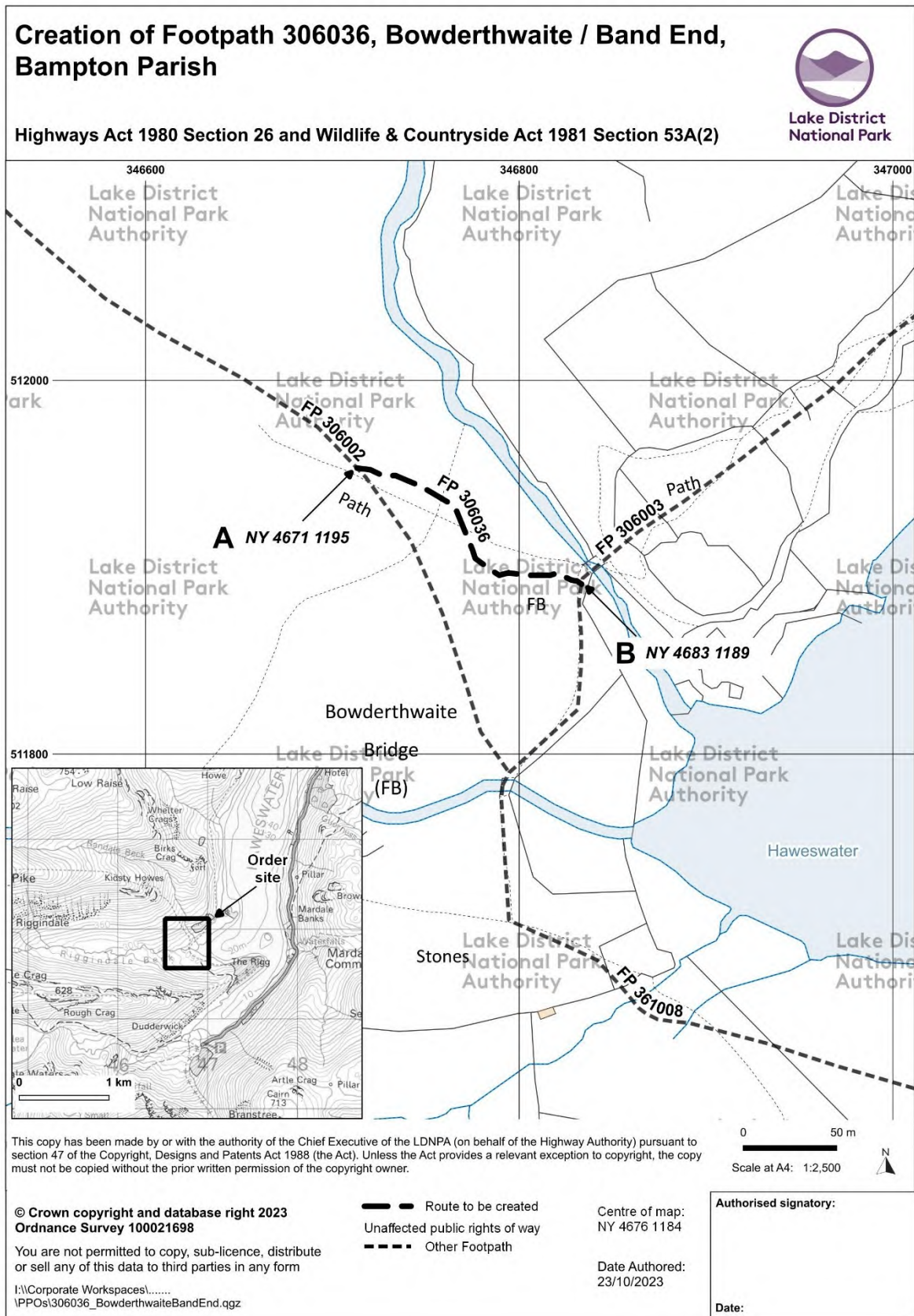
18.1. The proposals will benefit the public, and have come about through successful partnership working. All of those who responded to the consultation are in agreement with the proposals.

18.2. I recommend that we make the necessary diversion and creation orders to bring this into effect.

Background Papers:	Case file reference 1412.306.05/06
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	16 January 2024

<p>Authorised by:</p>  <p>Steve Tatlock.....</p> <p>Ranger Team Leaders' Meeting</p> <p>Date...24 January 2024.....</p>

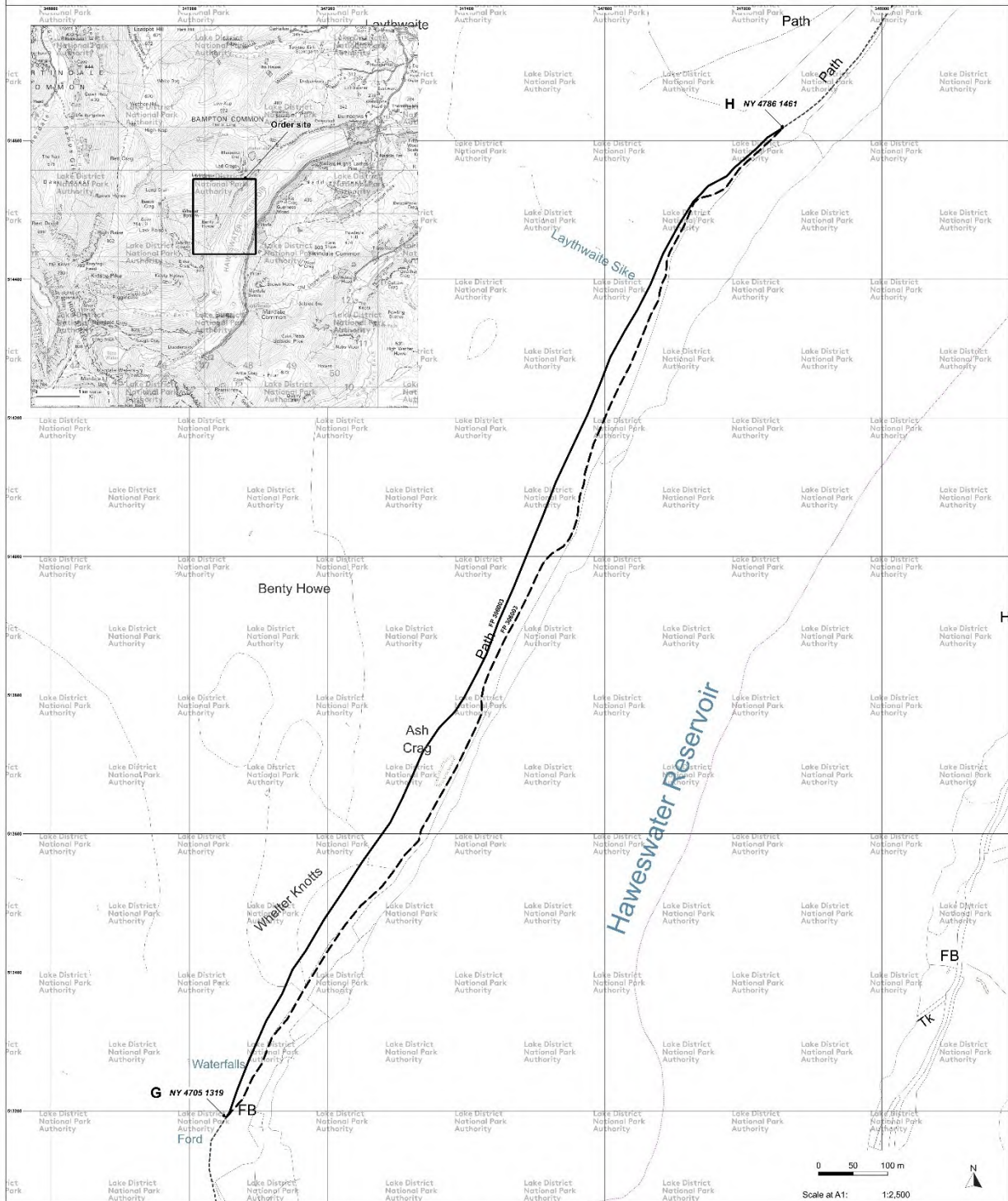
Annex 1



**Diversion of Footpath 306003, Haweswater Lakeshore, Bampton Parish
MAP B (north)**



Highways Act 1980 Section 119 and Wildlife & Countryside Act 1981 Section 53A(2)



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- Route to be created
- Route to be extinguished
- Unaffected public rights of way
- Other PPO

Centre of map: NY 4745 1392
Date Authored: 23/10/2023

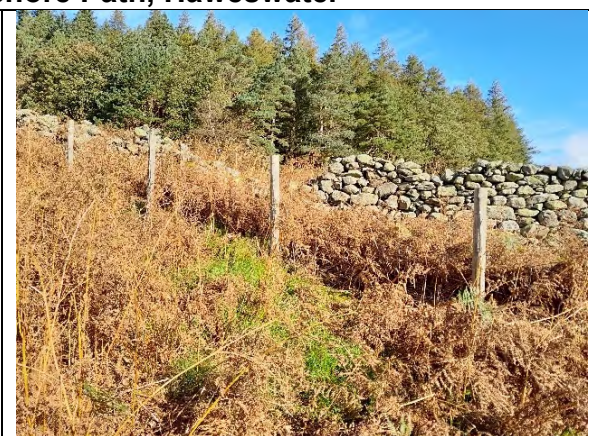


Authorised signatory:




Date:



Annex 3
Photos - Band End, Haweswater





P1		Photo showing the route of the new pitched path section
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Lakeshore Path, Haweswater

P2		Definitive line of FP 306003 blocked by a fence and wall just after point C
P3		Definitive line of FP 306003 unmarked through bracken
P4		Definitive line of FP 306003 crossing bracken and rocky outcrops

P5		<p>Photo looking northward showing the walked line used as FP306003 and no trace of the definitive line which runs approximately 20m to the west.</p>
P6		<p>Point C on FP 306003 looking northwards across the footbridge and through the pair of gates</p>
P7		<p>Wet ground where drainage is planned.</p>

P8	 A photograph of a wooden wicket gate on a path. The gate is made of weathered wood with a diagonal crossbar. It is set in a grassy area with a stone wall in the background.	Wicket gate on used route
P9	 A photograph of a path running higher along the lake shore. The path is made of dirt and stones, surrounded by brown, dry vegetation and green grass. In the background, there are hills and a valley.	Used route running higher along the lake shore
P10	 A photograph of a section of the path identified as potentially needing works. The path is rocky and uneven, with large stones and debris. It is surrounded by green grass and ferns.	Section of used route identified as potentially needing works.

P11		Photo taken on the Definitive line near Castle Crag and Point E.
P12		Section of definitive line crossing boulder field below Castle Crag near Point E.
P13		General photo of the route being used towards Point F
P14		General photo looking north showing used route north of G with no indication of definitive line being used through bracken

<p>P15</p>		<p>Used route between G and H running adjacent to fence line</p>
<p>P16</p>		<p>Gabioned ford on proposed diversion route between G and H.</p>

Annex 4

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	Coast to Coast National Trail – Diversion of Public Bridleway 407001 at Black Sail Hut and Creation of Public Footpath 407068 between Black Sail Hut and Loft Beck, Ennerdale and Kinniside Parish	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service and sub-delegated to Ranger Team Leader Meeting. Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.</p>	
Background	These are two of the Public Path Orders needed to ensure that Wainwright’s Coast to Coast National Trail follows a legal Public Right of Way for its entire length. Natural England have identified the sections of the Coast to Coast where PPOs are needed, two of which are these alterations near Black Sail Hut – the Diversion of Public Bridleway 407001 onto the used route, and the Creation of Wainwright’s ‘Sheep trod’ as public footpath 407068.	
Details of Decision	Recommendation that we make a diversion order for Public Bridleway 407001 and enter into a Creation Agreement for Footpath 407068, or make a Creation Order for Footpath 407068 if a Creation Agreement is not possible. That we confirm the Orders if no objections are received, or we send the Orders to the Planning Inspectorate if objections are received.	
Details of alternative options considered and rejected.	The alternative is to not make the Orders and re-open the definitive line, which would cost a substantial sum of money and would not be funded by Natural England.	
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	Charlotte Kimber, Coast to Coast Public Paths Officer	
Background Papers	Case file: 1412.407.12	
Date of Report	6 February 2024	
Authorising officer	Ranger Team Leader Meeting	
Date	22 February 2024	

Coast to Coast National Trail – Diversion of Public Bridleway 407001 at Black Sail Hut and Creation of Public Footpath 407068 between Black Sail Hut and Loft Beck, Ennerdale and Kinniside Parish

1 Summary

- 1.1 A Diversion Order is needed to move Public Bridleway 407001 onto the used line, and a Creation is needed to record Wainwright's 'Sheep Trod' as Public Footpath 407068.

Recommendation that:

- a we make a Diversion Order for Public Bridleway 407001 as shown on the maps in Annex 1***
- b we enter into a Creation Agreement for Footpath 407068 between A and B as shown on the Map in Annex 2***
- c we make a Creation Order for Footpath 407068 if a Creation Agreement is not possible***
- c we confirm the Order(s) if no objections are received or if those objections received are withdrawn. If objections are received, we forward the Order(s) to the Planning Inspectorate***

2. Background

- 2.1. The 197-mile Coast to Coast is considered one of Britain's greatest walks, originally described by Alfred Wainwright in his 1973 book 'A Coast to Coast Walk', the path runs from St Bees on the west coast, Robin Hood's Bay on the east coast.
- 2.2. In recognition of its 50-year existence, in the Summer of 2022 the Government asked Natural England (NE) to work with the relevant highway authority partners along the route (Cumberland Council, ourselves, Westmorland and Furness Council, Yorkshire Dales NPA, North York Moors NPA and North Yorkshire CC) to assist in the process of upgrading the route to National Trail status.
- 2.3. There are number of Public Path Orders (PPO) needed to ensure that is the trail follows a legal Public Right of Way for the entire length of the route through our geographic area. Undertaking these will ensure public access for the future, and enable grants to be awarded toward its ongoing maintenance. Aside from the PPO work there will be some physical works, and installation of new waymarking. The path is expected to be formally designated and recognised as a National Trail in October 2025.
- 2.4. Two of these PPO sections are at Black Sail Hut and are covered in this report. The first is the diversion of Bridleway 407001. The proposed diversion would move the legal route of the public bridleway on to the current track which carries the Coast to Coast route, through a splash through ford. At Black Sail hut the metalled track ends, and the proposed route turns south, following the used trod, crossing undulating ground before re-joining Bridleway 407001.
- 2.5. There is no trace of the current definitive line of this section of Bridleway 407001 on the ground. The definitive line was previously blocked by an old fence line (now cleared), there are signs of felling on the route, and there is little trace of the route being used on the ground. It was noted during site visits that the OS1:25000 maps do not show the current definitive line correctly.

- 2.6. There is little difference in the length of the two paths. The definitive line is approximately 380m whilst the proposed route is 400m.
- 2.7. There is a presumption in favour of restoring the original route before considering a legal diversion. This was considered during the site visit when a colleague walked the definitive line in the limited places that it was physically possible. There is no indication that it has ever been used and it would cost a considerable sum to reinstate it. This would not be value for money.
- 2.8. The Footpath to be created will be numbered 407068 and is described by Wainwright as a sheep trod and is one of the options used taken by those following the Coast to Coast when leaving Black Sail Hut. It leaves Black Sail Hut and heads east, joining FP 407037 just before the crossing of Loft Beck. We feel that this is the best route for the Coast to Coast to follow. It was identified by Natural England as the preferred route after their initial survey work, it has the easiest ascent towards Loft Beck and is the original route as set out by Wainwright. The Forestry Commission have indicated that they are willing to create this path by Agreement.
- 2.9. Annex 3 includes an extract from Google aerial photos showing the sheep trod as a used route on the ground. The path is not particularly distinct as it leaves Black Sail Hut, potentially due to the confusion over which direction the Coast to Coast path takes from Black Sail but it becomes more obvious towards Loft Beck. There are sections that are narrow, but still passable.

3. Policy Context

- 3.1. These Agreements/Orders are a crucial part of the establishment of the Coast to Coast National Trail and associated external funding will contribute to achieving the Vision, Partnership Plan and our Business Plan.
- 3.2. 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.
- 3.3. 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.
- 3.4. 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.
- 3.5. Key Action No 14 states that we will continue to facilitate, plan and deliver the Coast to Coast National Trail.

- 3.6. 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 and includes an element relating to the Coast to Coast.
- 3.7. 'Out There', our Access and Recreation Strategy (approved March 2023), contains our vision for countryside access and recreation in the Lake District, which is: A well connected network fit for purpose in the 21st Century with high quality infrastructure, facilities and services meeting the needs of all visitors and residents. We have identified four priority themes of work, and under each of these are a series of strategic actions that will contribute to the achievement of our goal and our strategic aims. The four priority themes are:
- Improve: rights of way and countryside access.
 - Manage and maintain: rights of way, countryside access and recreational activities.
 - Promote and engage: connect more people to nature and the special qualities of the Lake District.
 - Integrate: with health and wellbeing, sustainable transport and the economy.
- 3.8. Key Action 3 commits to the delivery of the Coast to Coast National Trail.
- 3.9. Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are listed at Annex 4.

4 Demonstrating Best Value

- 4.1 Work Programme and Relevance to This Case: we are committed to delivering the Coast to Coast as a National Trail to be completed by 2025, justifying its place in our Business Plan and Work Programme

The recommendation delivers value for money in the following ways

- a) Challenge – this work needs to be undertaken to ensure that that entirety of the National Trail is on Public Rights of Way, protecting its status in perpetuity. The work is being externally funded by Natural England at no cost to the Authority. This funding is only accessible due to the National Trail project and would not exist without it.
- b) Compare – the proposed approach has been identified by Natural England and is the same as being undertaken by the other Local Authorities involved in the National Trail Project along the Coast to Coast route.
- c) Consult – key customers, stakeholders and partners have been consulted regarding making the recommendation. There are currently no outstanding objections.
- d) Compete – processing Public Path Orders is not a **competitive** procedure. Cumberland 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.

5. Options

- a: enter into the recommended Creation Agreement (or Creation Order if an Agreement is not possible) and make the recommended Diversion Order
- b: do not make the Diversion Order, re-open the definitive line and extend the Creation Agreement to point X on the maps
- c: do nothing

6. Proposals

- 6.1. I recommend option 5.1a. Undertaking this Creation and Diversion Order will enable us to ensure that the Coast to Coast National Trail follows a legal right of way throughout its length, and draw down funding for future maintenance. The costs of making these Orders are met by external funding if they are made as part of the National Trail upgrade process.
- 6.2. The future maintenance and management implications of the proposed footpath creation has been assessed, and this will be funded from the Coast to Coast project. This pitching will ensure that any ongoing maintenance requirements are kept to a minimum, reducing costs to the Authority.
- 6.3. If the Diversion Order is not made at this point in time, the existing bridleway will continue to fail the Ease of Use Survey and the costs of making Orders in the future will have to be funded by the Authority.

7. Grounds and Tests for a Creation Agreement (dedication)

- 7.1. A dedication is the preferable, and most amicable way, of achieving a permanent creation. In general it is to be favoured over a Creation Order particularly in areas where there can be issues with objections to made Orders.
- 7.2. Such an Agreement can include an agreed level of compensation and division of responsibilities for maintenance.
- 7.3. Compensation (if required) could be calculated by a District Valuation Officer, or by mutual agreement, and would be agreed before any dedication was made. The costs are, as yet, unknown. However, with most dedications there is no compensation involved and there is no indication from Forestry England / The Forestry Commission that they will claim compensation.
- 7.4. We would have to take on all the responsibilities for a definitive footpath (that is; surface and vegetation). Often this would be built into the yearly programme and would not unduly add to our costs. Many landowners ask us to meet the costs of having their Solicitor check and approve the Agreement – this can often be as expensive as the advertising for a Creation order (usually about £400). This has not, to date, been requested by the landowner, but is likely given past experiences.
- 7.5. A significant benefit of a Creation Agreement in this particular location is the likelihood that any order will receive objections and require determination by the Planning Inspectorate. A Creation Agreement cannot be objected to, and therefore can be finalised with the path legalised in a much more timely manner.

8. Grounds and Tests for a Creation Order – Black Sail to Loft Beck Path

8.1. If a Creation Agreement is not possible, then I recommend making a Creation Order instead. 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.

- a) Is there a need for the new path?
- b) 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.

8.2. *Is there a need for the new path?*

8.2.1. The proposed path is described by Wainwright as a sheep trod and is one of the options used taken by those following the Coast to Coast when leaving Black Sail Hut. It leaves Black Sail Hut and heads east, joining FP 407037 just before the crossing of Loft Beck.

8.2.2. The route is designated to be part of Wainwright's Coast-to-Coast path and Natural England have also stated that it is important to protect the integrity of the entire trail by ensuring it all runs on statutorily recorded rights of way (ie: to ensure no part of it can 'disappear').

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

8.3.1. Many walkers already use the route as part of the Coast to Coast however the path is not particularly distinct as it leaves Black Sail Hut, potentially due to the confusion over which direction the Coast to Coast path takes from Black Sail but it becomes more obvious towards Loft Beck. There are sections that are narrow, but still passable. By recording the route as a public right of way it will be shown on maps and mobile navigation devices. This, along with some discreet signage at Black Sail Hut will remove this confusion – thereby enhancing convenience and enjoyment as walkers will not get lost.

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

8.4.1. The landowner is the Forestry Commission (Forestry England), and their tenant is the National Trust. They have both been consulted and are willing to enter into a Creation Agreement so there is no reason to suppose they would not support a Creation Order.

9. Grounds and Tests for Diversion – Black Sail

- 9.1. 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 4.
- 9.2. 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.
- 9.3. I consider that it is expedient in the interests of the public that the Order is made.

10. Tests to be Considered – Diversion Order

- 10.1. 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.
- 10.2. *Will the new path be substantially less convenient to the public?*
- 10.2.1. 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.
- 10.2.2. The proposed route is already well used by the public and there is no sign of the definitive line being used. The proposed route follows a clear well-made track on the approach to Black Sail Hut and, after turning southwards remains well defined before it re-joins the legal line of Bridleway 407001.
- 10.2.3. It has a sustainable, firm surface, compared with the boggy wet surface of the legal line and is more suitable for users, especially horse riders and cyclists.
- 10.2.4. The proposed Diversion crosses water courses with splash through fords which are passable in all weathers and the depth is easily determined. In contrast the definitive line has no defined crossing points or firm banks and it is far more difficult to determine the depth of the water. The water courses are ill-defined and the legal route also crosses a large boggy area which was impassable during a site visit in November 2023.

- 10.2.5. Taking these considerations into account the proposed route is not substantially less convenient to the public.
- 10.2.6. In addition, the difference in length between the two routes is minimal (20 metres).
- 10.3. *What is the effect of the diversion on public enjoyment of the path or way as a whole?*
- 10.3.1. The Diversion will improve public enjoyment of the path as a whole. It is the natural path to follow and brings the public directly to Black Sail Hut which is a natural attractant and its iconic status makes it of interest to most walkers and riders passing by. This means that it would most likely remain the route of choice even if the definitive line were reopened.
- 10.4. *Would the order affect other land served by the existing right of way?*
- 10.4.1. There would be no impact on the land served by the existing right of way. Both the existing path and the proposed route are in the same ownership.
- 10.5. *Is there any effect of the new right of way on land over which it is created?*
- 10.5.1. There is no impact on the land over which the right of way is to be created. It already carries the walked line and therefore if the order were to be confirmed there would be no change on the ground.
- 10.6. *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?*
- 10.6.1. The diversion is 'mid-path' and therefore the termination points are unaffected.

11. Other Considerations Required by Legislation

11.1. Rights of Way Improvement Plan

- 11.1.1. 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). Unfortunately, it is not certain whether we have a current, valid RoWIP at present. We developed the Cumbria ROWIP in 2007 with Cumbria County Council (CCC) – and this was fully adopted (CCC were the highway authority, we acted as their agents – the current highway authority is Cumberland Council). This 2007 ROWIP has since been withdrawn by The Council and replaced with a Strategy. However, the latter has never been formally ratified by us, or formally consulted upon - although it includes actions from a draft LDNPA access strategy that has not yet been completed. Nonetheless, we are assured by WFC/CC that it is indeed the current Cumbria ROWIP. We have developed our own Access & Recreation Strategy to run alongside this.
- 11.1.2. The Cumbria Access Strategy does not contain specific route proposals, but is a more generic document. *Action 1a states "Review and make legal orders to ensure a safe network, limit obstructions and support priority access development initiatives where required on the rights of way network."* This Diversion and Creation helps fulfil this aim.
- 11.1.3. The proposals meet the general aims within the Access & Recreation Strategy

- 11.2. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The proposed route between section X-Y is distinctly better than the definitive line for limited mobility users, allowing access to Black Sail Hut. It is difficult to see how the definitive line could be reasonably adjusted to make it suitable for more users. It would involve large scale and expensive engineering.
- 11.3. An accessibility audit of the entire Coast to Coast is currently being undertaken by David Burgess, who is a wheelchair and handbike user. There are no physical changes currently proposed along the route, however any improvements might be accompanied by funding.
- 11.4. Impact on the needs of agriculture and forestry – an assessment is required under schedule 6, of the Countryside & Rights of Way Act 2000. We consider that there is no impact on the needs of agriculture and forestry. The proposed diversion is purely to move the legal right of way onto the walked path, and therefore there could be a beneficial impact on agriculture or forestry as the current definitive line can continue to be used for either purpose. The path to be created is already used by the public and there is a clear trod on the ground.
- 11.5. 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 as the creation of the Public Footpath is designed to protect the landscape, and the proposed diversion will be simply moving the legal line onto the used route, requiring no landscape changes. If we re-opened the definitive line, it would create a new trod in the landscape, and engineering works would be required to cross the beck. This would merely replicate what is already there (which would remain) – and would therefore double the visible impact on the landscape.
- 11.6. Natural England, Cumbria Wildlife Trust, the Authority's Archaeology and Cumbria Geoconservation have been consulted about the proposals and have not raised any objections (although Cumbria Geoconservation would like to be kept informed of any improvement works).
- 12. Relationship with our other policies on changes to the rights of way network.**
- 12.1. *There will be a presumption in favour of preserving the historical integrity of the network.* - The proposed diversion will not detract from the historical integrity of the network.
- 12.2. *There will be a presumption against any reduction in the amount of public access in the National Park.* Neither of these proposals will result in any reduction in access.
- 12.3. *The future maintenance and management implications of any proposed change to the network will be considered.* - The route of the proposed diversion has been maintained as if it were a public right of way for many years therefore making the order will not create any additional maintenance burden. Furthermore, of the footpath and half the section of diverted bridleway will be on the Coast to Coast National Trail and therefore will be eligible for future funding opportunities for maintenance.

- 12.4. *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 or features of the National Park.* - Neither of the proposed changes will detract from the enjoyment of the cultural landscape and nature conservation. Both changes will enhance the ability of the public to discover the special qualities and features of the National Park
- 12.5. *Impacts on Outstanding Universal Values* - None have been identified. The World Heritage Site Co-ordinator has been consulted and has raised no issues.

13. Stakeholder Consultation

We have consulted our usual consultees as listed below.

- *Cumberland Councillor*
- *Natural England*
- *Archaeologist, Ecologist, Area Ranger, Ranger – LDNPA*
- *Local Access Forum*
- *British Horse Society*
- *CTC – Cycling England*
- *Cumbria Bridleways Society*
- *Lake District Mountain Bikers Association*
- *British Driving Society*
- *Cumbria Commoners*
- *Land and Access Recreation Association*
- *North East Laners*
- *Ennerdale Parish Council*
- *Cumberland Council*

Responses were received from the following stakeholders:

Name of Stakeholder	Consultation Response
David Gibson, Rights of Way Officer, Cumberland Council	Queried the difference in character between the sections before and after the hostel but has not raised any objections.
Wild Ennerdale	Is happy with the proposals
YHA	Is supportive of the proposals and excited by the confirmation of the track past the hostel becoming a National Trail.
Ian Brodie, Open Spaces Society	Proposals benefit walkers, cyclists and horse riders reaching Black Sail Hut as well as those following the Coast to Coast. The proposals are fully supportable.
Local Access Forum	The Bridleway diversion has the LAF's support, and the Footpath creation is welcomed to remove confusion, and potential for additional signage to assist with this.
Cumbria Geoconservation	The route crosses the Black Sail Geological Site which consists of four areas of moraines, regarded as the best in England. Has some concerns about proposed improvement works and would like to be kept informed, however also supports the orders to reduce confusion and would welcome the opportunity for additional interpretation if possible.

14. Finance Considerations

- 14.1. These orders are fully funded externally by the Coast to Coast National Trail project.

15. Risk

- 15.1. There is a significant risk that the Diversion Order will be objected to on non-substantive grounds. Whilst this risk has been mitigated as far as possible through consultation, it is normal for orders in this locality to receive objections.
- 15.2. Any objection to a Diversion Order would have to relate to, or address, one or other of the relevant tests and we would assess the objection in light of this. If any objection is substantive, we will be required to take the matter to our Rights of Way Committee in due course.
- 15.3. Making a Creation Agreement for the 'sheep trod' path is a way of mitigating the risk of objections as such Agreements cannot be objected to. In contrast, a Creation Order could be objected to. Completing the Creation Agreement would mean that this link in the Coast to Coast National Trail could be secured whilst the Order(s) is held up through delays at the Planning Inspectorate.

16. Legal Considerations

- 16.1. The Creation Agreement will be entered into under Section 25 of the Highways Act 1980 (and any Creation Order under Section 26), and the Diversion Order under s119 - we are able to make orders under these sections by virtue of Schedule 9, paragraph 11 of the Environment Act 1995. The modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to make such orders through our Agency Agreement with Cumberland Council. The action strikes a reasonable balance between private and public rights.

17. Human Resources

- 17.1. The legal work involved in these orders is approximately 80 hours from members of the Ranger teams, and one hour from a member of Legal Services. Due to the Orders being part of the Coast to Coast Project, this is being funded through a Natural England grant and an external contractor has been appointed to undertake the work associated with these as part of the Project. As such, there is not a substantial impact on the Authority's staffing resources.

18. Diversity Implications

- 18.1. I have not identified any significant diversity issues.

19. Sustainability

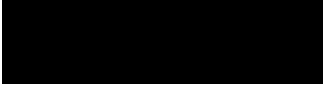
- 19.1. I have not identified any significant environmental, economic or social issues.

20. Summary

- 20.1. 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.

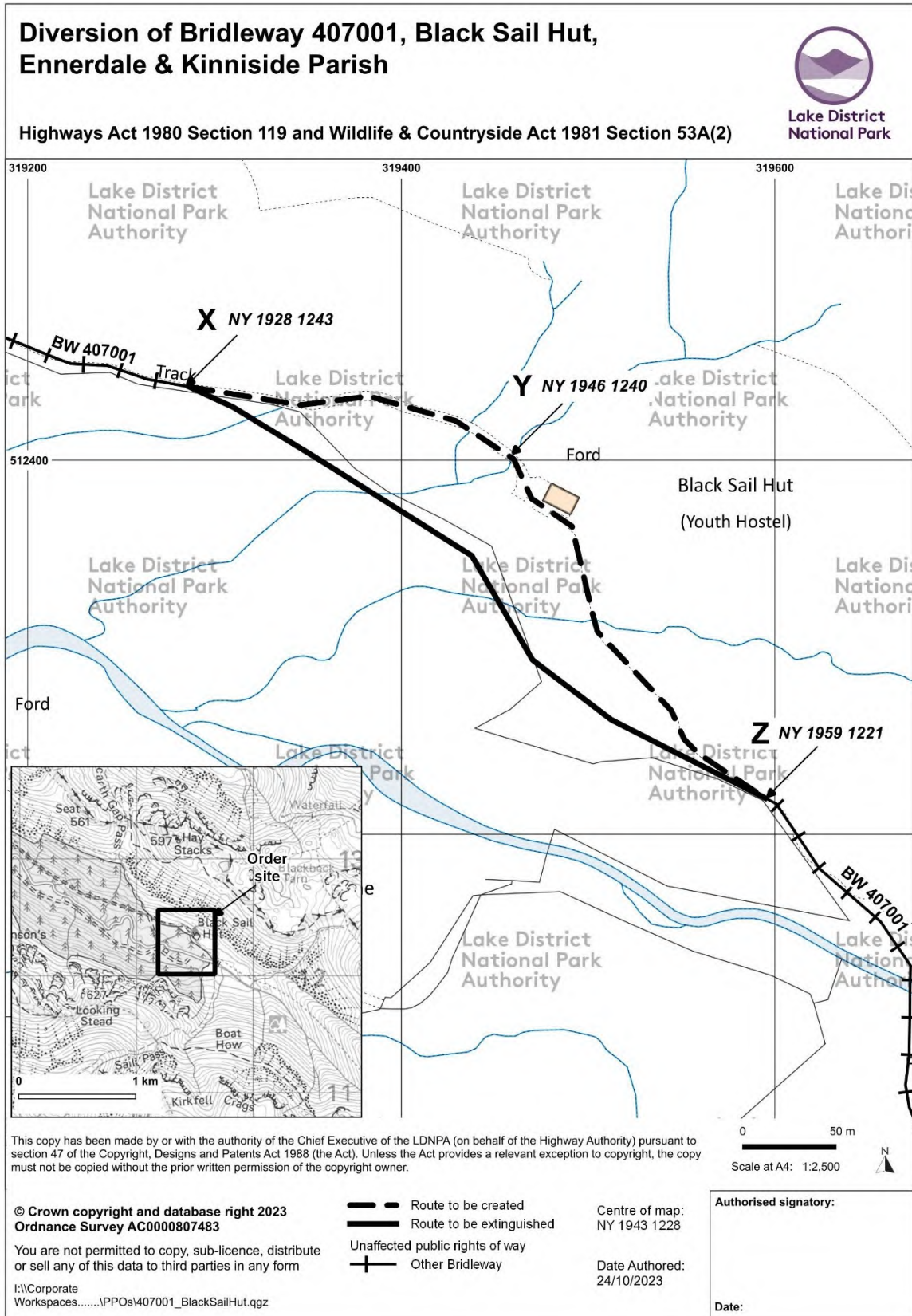
- 20.2. I recommend that we make the necessary Diversion Order and Creation Agreement to bring this into effect.

Background Papers:	Case file reference 1412.407.12
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	6 February 2024

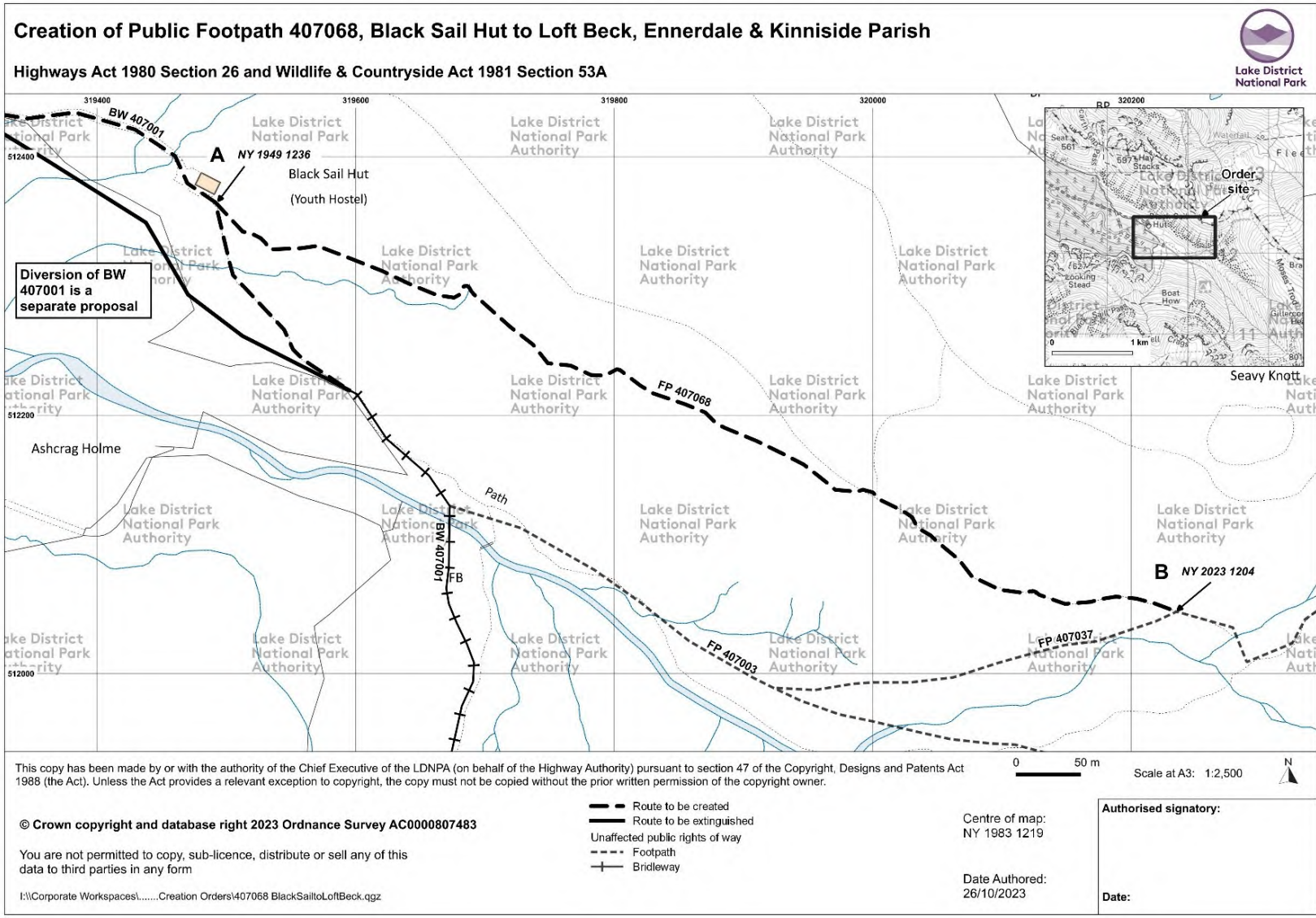
Authorised by:

.....
Ranger Team Leaders' Meeting

Date...22 February 2024.....

Annex 1 map











Annex 2 - map








Annex 3 Photos -

Site visit photos – Diversion of Bridleway 407001 at Black Sail Hut

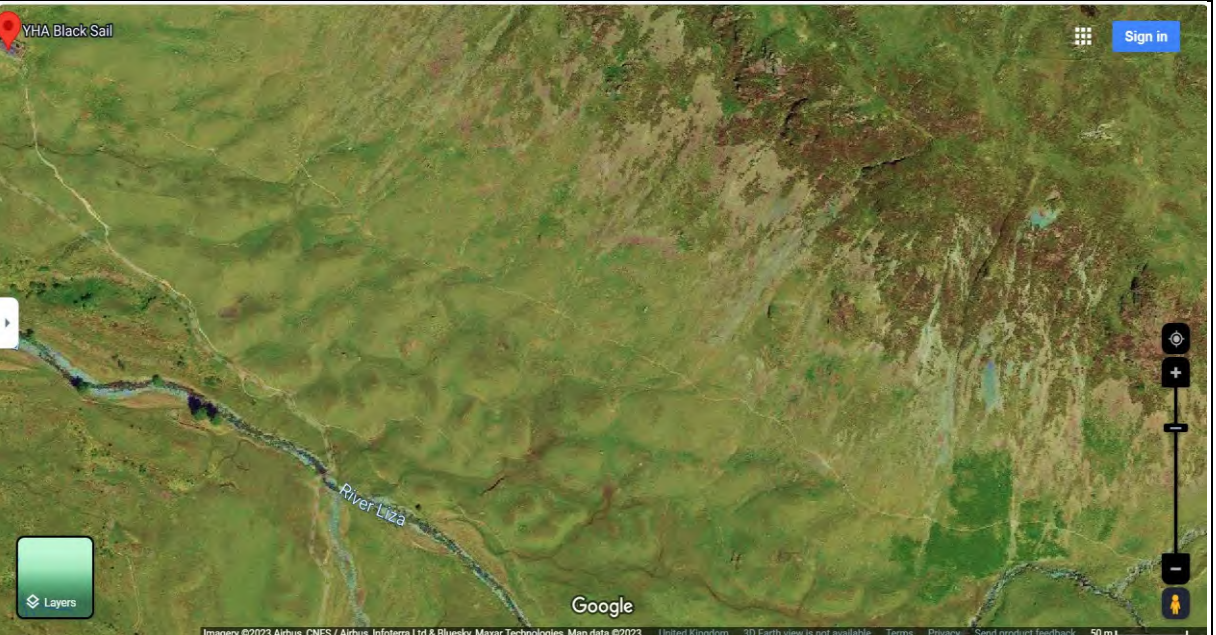
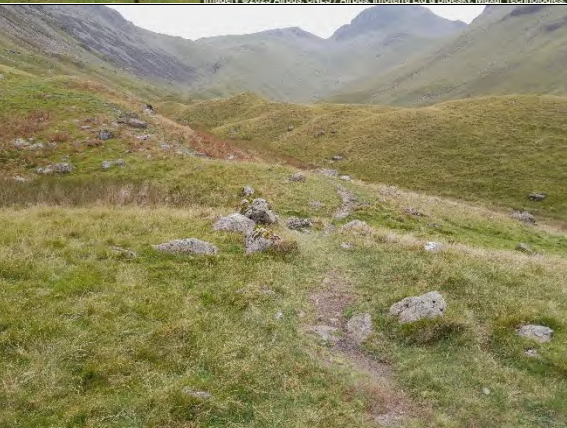
P1		Metalled track carrying Bridleway 407001
P2		First splash through ford on the proposed route of Bridleway 407001 following the metalled track on the approach to Black Sail Hut
P3		Second splash through ford on the proposed route
P4		Splash through ford in wetter weather


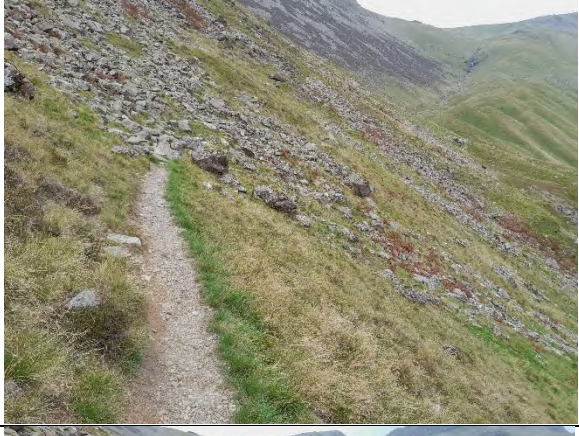

P5		<p>Proposed route of Bridleway 407001 heading south from Black Sail Hut (looking back to Black Sail Hut) to re-join definitive line.</p>
P6		<p>Definitive line of Bridleway 407001 to the left of the metalled track at Point X – no indications of use on the ground (the gloved finger is pointing along the definitive line)</p>
P7		<p>Definitive line showing the removed fence toward the left of the photo and the new fence to the right.</p>
P8		<p>Please note that the footpath shown on OS 1:25,000 map does not follow the definitive line. The OS line, which mostly followed the old fence line, was visible in places as a faint trod</p>

P9		<p>Definitive line crossing watercourse (please note that this photo is taken facing NW, whereas the direction used for the rest of the description is of the path heading SE). Boggy surrounds make constructing a sustainable bridleway crossing difficult.</p>
P10		<p>The definitive line crosses a very boggy area which was impassable when surveying (please note that this photo is taken facing NW, whereas the direction used for the rest of the description is of the path heading SE).</p>
P11		<p>Definitive line of Public Bridleway crossing area of felling and replanting – no signs of usage on definitive line</p>
P12		<p>Water course crossed by definitive line (please note that this photo is taken facing NW, whereas the direction used for the rest of the description is of the path heading SE) looking back towards point X. Boggy surrounds mean that it would be difficult to construct a sustainable bridleway crossing.</p>

P13		Proposed line (marked by ridge) and definitive line converging at point Z.
P14		

Creation of Public Footpath 407068 between Black Sail Hut and Loft Beck

P11	<p>Extract from Google maps aerial photos showing the sheep trod as a walked line on the ground.</p> 
P12	 <p>Wainwright's "Sheep Trod" as it leaves Black Sail Hut.</p>

P13		<p>The trod is narrow in places but is clearly regularly used as part of the Coast to Coast trail.</p>
P14		<p>The route of the proposed footpath becomes more defined as it approaches Loft Beck</p>
P15		<p>The proposed route crosses an area of scree before it re-joins FP 407037</p>

Annex 4


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	AUTHORISATION OF TWO NEW GATES, PUBLIC FOOTPATHS 511052 AND 511053, BETHECAR MOOR, COLTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders' Meeting. 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 pedestrian kissing gates across public footpaths 511052 and 511053 on Bethacar Moor for the purposes of preventing the ingress and egress of animals, specifically to exclude sheep from areas to be fenced on the common as part of a Higher Tier Countryside Stewardship project to increase biodiversity and nature conservation by creating and protecting upland wood pasture and heathland, benefits of which will include habitat for nationally threatened species of butterflies and moths.	
Details of Decision	To grant authorisation for a period of ten years	
Details of alternative options considered and rejected.	Not 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	William Hinchliffe, Trainee Rights of Way Officer Will.hinchliffe@lakedistrict.gov.uk , 01539 792696	
Background Papers	1410.002 – includes application form and authorisation letter.	
Date of Report	26 February 2024	
Authorising officer	 - Ranger Team Leaders' Meeting	
Date	07.03.2024	

Brief summary of reasoning

The Bethecar Commoners' Association have previously entered the common into schemes which included measures to reduce sheep grazing and bring about improved habitat suitable for nationally threatened species of butterflies and moths. They are now seeking to enter the common into a Higher Tier Countryside Stewardship Scheme and exclude sheep from the eastern and western parts of the common to allow the development of upland wood pasture and further promote the restoration of habitat for threatened species. The western part of the common is a SSSI (Dodgson Wood).

In order to achieve the goals of this scheme the Commoners intend to install fencing to prevent sheep grazing the areas where they hope to protect and develop the habitat. An application under Section 38 of the Commons Act 2006 was made for consent to carry out works to install fencing on the common land (Application Ref: COM/3323563). This was submitted to the Planning Inspectorate as objections were received and it was concluded that consent for the works should be granted (subject to conditions).

The proposed fencing crosses two rights of way; public footpaths 511052 and 511053, we have therefore received two complete applications for Section 147 authorisation on behalf of the Commoners' Association to install rectangular pedestrian kissing gates at the locations where the fencing will cross the rights of way – at SD 3034 9169 on FP 511052 and SD 3184 9030 on FP 511053 (Points A and B on location plan - Annex A). The Inspector did consider the impact of the scheme on public rights of access and agreed with the assessment of Natural England that, provided that all standards/conditions are adhered to, the proposed scheme would ensure public access is maintained. As the common is also Open Access Land – the Commoners intend to install a total of 10 gates and 8 stiles along the western fence, and 5 gates and 1 stile on the 2 eastern fences.

We may grant authorisation under Section 147 of the Highways Act, 1980 (Annex B), to authorise the erection of furniture over public footpaths where necessary to prevent the ingress or egress of animals on land used, or being brought into use, for agriculture or forestry. Whether land entered into conservation and nature stewardship schemes fits within the Act's definition of agriculture and forestry could benefit from further guidance from the relevant government department(s). Planning Inspectorate consideration and advice on this matter was specifically requested by the Ranger team during the consultation but is not addressed in the Application Decision report. However, it appears here that there is both woodland management and management of grazing being undertaken on the common and I therefore consider that these applications are within scope to be authorised under this section. The intention of the fencing is very clearly to prevent the ingress and egress of sheep from areas of the common which the Commoners wish to graze, improving their agricultural efficiency, whilst protecting areas over which they want to prevent grazing to achieve the scheme's goals.

Although the proposed gates do add an additional item of furniture for footpath users, as stated by the inspector I don't think these will create a significant impediment for the typical users of these paths. It is unlikely that these footpaths would be used by those with mobility problems using wheeled equipment due to their rough nature, and therefore it does not appear that the addition of these gates will restrict use for anyone who would otherwise have been able to use the paths. Approximately 350 metres to the east-northeast of the proposed gate on FP 511053 there is an existing box kissing gate where the footpath crosses the boundary of the common. This footpath is also one of the LDNPA's promoted Greenwood Trails routes. The inspector has specified that the furniture installed should be to the British Standard (BS) 5709 (2018) specification which sets out guidelines as to selecting the least restrictive design for the land management needs with consideration for manoeuvring space and the visibility of handles and latches. The application form mentions the gates having springs and catches, however, this should not be necessary for a kissing gate as the design should ensure they are stock proof and the addition of these makes their operation more inconvenient for users.

Conclusion

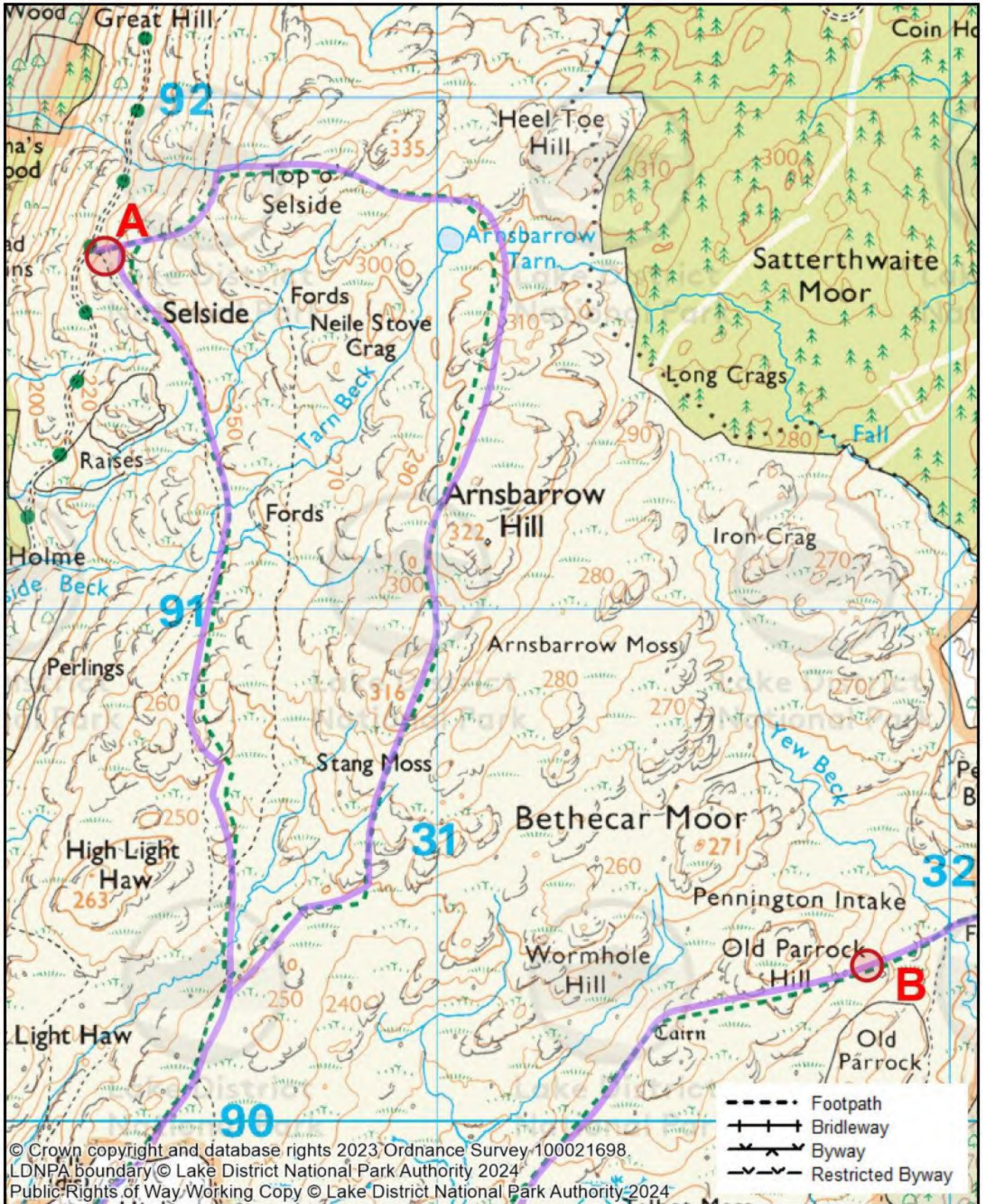
For the reasons given above and in the application form, I consider that it is appropriate to issue authorisation for these two gates under Section 147 of the Highways Act 1980 (see Annex B).

In giving authorisation under Section 147 the Authority may impose conditions to ensure the rights of way can be exercised without undue inconvenience to the public. The box kissing gates should be constructed to the BS 5709 (2018) standard as stipulated by the PINS inspector and should not have springs or catches. In this instance the gates are only necessary whilst the fencing approved for the stewardship scheme is in place. Consent has been granted for 10 years for the fencing. This authorisation will therefore also be given for a 10-year period (ending 28 February 2034) and the gates must be removed by this date. If the Commoners' Association wish to seek consent for the gates to remain beyond this duration a further application for s147 authorisation will be required. They have stated in their Section 38 application that they hope that the development of GPS technology and virtual fences may be an option which can replace the physical fences (and gates) by the end of the current consent. This information will be added to ROWMANS to ensure the gates are removed at the end of the authorisation period. The authorisation will also end if the use of the land changes and the gates are no longer necessary to control animal movement. The applicants will be responsible for the maintenance of the gates and must ensure they remain easy to use for footpath users.

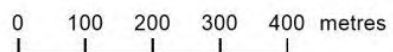
Will Hinchliffe, Trainee Rights of Way Officer, 26 February 2024

Extract from the Definitive Map for Cumbria
(relevant date: 1 January 1976)

Location Map - Bethecar Moor s147



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Annex B

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.

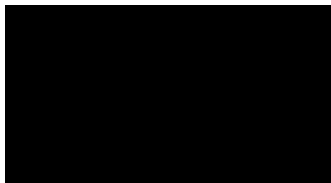
(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

- (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**

Jim Dobson



29 February 2024

Dear Mr Dobson

Our Reference: 1410.002

Authorisation of two new gates over Public Footpaths 511052 and 511053, Bethacar Moor, Colton Parish

Thank you for your application to erect two new gates across the above public footpaths. On behalf of the Lake District National Park Authority, I authorise the installation of the following gates:

- Pedestrian Box Kissing Gate at SD 3034 9169 on FP 511052 (Point A on the Location Plan)
- Pedestrian Box Kissing Gate at SD 3184 9030 on FP 511053 (Point B on the Location Plan)

The authorised gates will prevent the ingress and egress of sheep as part of a Higher Tier Countryside Stewardship Scheme to increase biodiversity and restore habitat.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of the users of the Public Rights of Way and the authorisation is therefore subject to the conditions below:

- The authorisation is granted for a period of ten years, so the gates must be removed by 28 February 2034. If you wish to retain the gates beyond this period you will need to apply for a new period of authorisation for the gates from us.
- The authorisation will also end if the land use changes before 28 February 2034 and the gates are no longer necessary to control animal movement. If the authorisation ends, you must remove the gates to restore uninterrupted passage.
- The gates shall meet the British Standard BS 5709 (2018), complying with the least restrictive option suitable for the purposes of the scheme. The gates should not be sprung or have catches as these are an unnecessary inconvenience to the public and the design of kissing gates should ensure that they are stock-proof without the need for these. BS5709 does not require that gates are fitted with springs or catches.

- Liability for the safe maintenance of the gates lies with the landowner / occupier.
- You or the Commoners' Association 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 repair or improve the gates and recover the costs from you. The gates will be exempt from a claim for a contribution from the Highway Authority under s146(4) of the Highways Act 1980.

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 Area Ranger, Sara Spicer, on 07788 658566 or Will Hinchliffe, Trainee Rights of Way Officer, on 01539 792696.

Yours sincerely



Steve Tatlock

Ranger Team Leader

Direct: 07768977813

Email: steve.tatlock@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

Signature

Date

*Delete as appropriate

.....

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;
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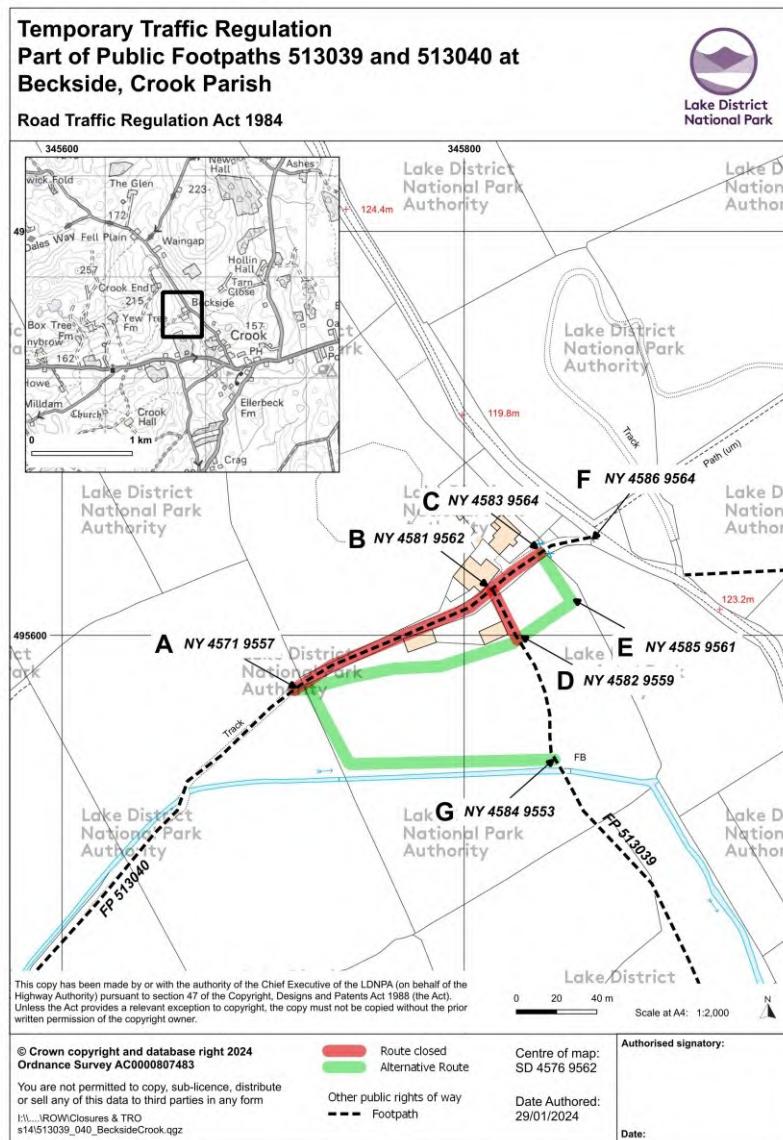
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, OVER PART OF FOOTPATHS 513039 AND 513040, BECKSIDE, CROOK PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders 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 the Unitary Authorities) 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 landowner at Becksides, Crook is in the process of renovating the buildings at the property. In order to carry this out safely and efficiently they have applied for a temporary closure of part of footpaths 513039 and 513040 whilst works are underway. Alternative routes will be available during the closure.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for the sections of Footpaths 513039 and 513040 as shown between Points A and C and Points B and D on the plan within 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	William Hinchliffe, Trainee Rights of Way Officer	
Background Papers	Case file 1410.003 (263)	
Date of Report	5 March 2024	
Authorising officer	Ranger Team Leaders' Meeting – 7 March 2024	

TEMPORARY TRAFFIC REGULATION ORDER, OVER PART OF FOOTPATHS 513039 AND 513040, BECKSIDE, CROOK PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over sections of footpaths 513039 and 513040 at Beckside, Crook Parish, to allow the landowner (the applicant for the order) to carry out construction and renovation works on several buildings adjacent to the footpaths efficiently and without causing a danger to the public.

Recommendation: *That we issue a Temporary Traffic Regulation Order for the sections of Footpaths 513039 and 513040 affected by the works as shown in red on the location plan between points A to C and points B to D*



2 Details of Request

- 2.1 The landowner at Beckside has submitted an application for a temporary closure of parts of Public Footpaths 513039 and 513040 as they are undertaking construction and renovation works on several of the buildings and do not feel they can carry out some aspects of this efficiently and safely with the rights of way (ROW) remaining open. The order, if authorised, would come into effect in late March or early April 2024, and its duration would be 6 months. The applicant has been advised of the need to apply for an extension of the temporary closure in good time if it appears their work will not have progressed enough in order for access to be re-instated after 6 months and that the need for this would have to be clearly justified.
- 2.2 Works at the property have already begun and some of this will be manageable without a closure using appropriate signage and the contractors following safe working practices. However, the applicant is concerned that during some of their planned works, and in particular during the replacement of the roof of the westerly barn adjacent to footpath 513040 maintaining public access would be difficult to manage safely as contractors will be working on the unstable masonry and roof and there is a potential for structural collapse. They will be erecting scaffolding beside this barn which will also partially obstruct the lane. At times there will also be hot mixed lime dust present and the potential that footpath users would be exposed to this if the paths remain open.
- 2.3 There will be frequent movement of construction equipment and materials along the lane, further obstructing the footpaths. Multiple vehicles involved with the works will be coming and going from the lane and it is likely that the path surface will be cut up or otherwise disturbed by this traffic.
- 2.4 The section of footpath 513039 between points B and D has been obstructed for many years (pre-dating the ownership of the property by the applicant) with a wire fence in place between points D and E and users have utilised a gap in the fence at point E and a stone stile through the wall at point C on the plan as an alternative. It is worth noting that Ordnance Survey 1:25,000 maps do not show the line of this footpath correctly and show a route closer to the stile. Some of the wire fence has now been removed but the definitive line of this path currently remains obstructed by building materials and equipment and the area nearby is being used by turning vehicles. The landowner has been informed that the definitive line of this path must be made clear once any temporary closure order ends. They have also been reminded that any disturbance of the path surface must be re-instated to a condition the same, or better, than when the works began. They have been provided with guidance that they should complete an application for a Public Path Order if they wish us to consider permanently diverting this footpath.

- 2.5 Alternate routes through the field to the south of the buildings would be available for the duration of the proposed temporary closure. The applicant is generally amenable to users selecting their own route through the field, which has a grass surface throughout. It appears likely that during the works the alternatives may be more convenient to the public given the disturbance of the surface and obstructions on the footpaths. Suggested alternatives are shown on the order plan; points A – D – E – C for those proceeding along footpath 513040, and points A – G or points D – E – C (using the alternative which has already been in long-term use) if using both paths, depending on origin point and destination. The landowner has recently cut back some small, low-hanging branches (at head-level) close to the stile noted on my site visit in January which were a potential hazard for users.
- 2.6 We have undertaken a consultation and received responses (see 12.1) from Westmorland and Furness Council (no objection to making an order), the Local Access Forum (LAF) and the Open Spaces Society (OSS). The LAF feel that the proposal is reasonable. They did highlight that a permanent closure or diversion of the ROW may be something the LAF were less supportive of due to the potential loss of views of the historic buildings. The OSS noted concerns about the obstruction of footpath 513039 – I responded to confirm that the obstruction of this path pre-dated the current ownership of the property. They also noted that egress from the stile at point C close to the road may be a potential safety concern. I confirmed that the stile comes out onto the lane rather than the road itself so we do not assess this to be a significant hazard – although those using the lane in vehicles should ensure to be mindful of users coming over the stile. The OSS also state that they would have to consider the merits of the vernacular buildings when responding to any future permanent diversion, if applied for.
- 2.7 Notices informing users of the temporary closure and possible alternative routes would be displayed at points A, C, D and G.

3 Policy Context

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

4 Options

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

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 and 8. A closure of the affected sections of these footpaths will allow works to be carried out safely and efficiently. The alternative routes available are likely to be more convenient and enjoyable for the public whilst works are underway given the obstructions likely to be present.

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. Cumberland 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 £965 + VAT (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. These costs will be met by the applicant and they have confirmed their acceptance of these costs in their application form.

8 Risk

- 8.1 The major risk associated with this is if we do not make the order. In addition to the benefits for the applicant in being able to carry out their works efficiently, there would be some potential risks to the public if no order were made. During the works there will frequently be vehicles, materials and equipment being moved up and down and turning in the lane. Whilst work is underway on the barn roof there will be scaffolding in place and a chance of falling masonry or roofing materials with workers above the footpath. The current barn structure is unstable and there is a (hopefully low) chance that it could collapse during the work. At times during the work the contractors will also be using hazardous substances including hot mixed lime dust which can cause skin, eye or respiratory irritation without appropriate PPE.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) of the Road Traffic Regulation Act 1984; namely because works are being or are proposed to be executed on or near the road (highway).
- 9.2 The Head of Strategy and Ranger 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 Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. 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.

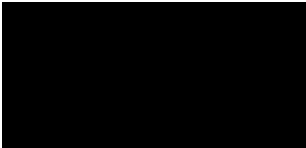
12 Consultation Responses

- 12.1 We carried out a public consultation with interested bodies and individuals including Westmorland Council (the Highway Authority), Crook Parish Council, the Local Access Forum and various user groups. We received the following responses:

Consultee	Comment
Local Access Forum	<p>I've been to have a look at this one. It looks entirely reasonable and the site foreman I spoke to was well aware of what they were asking for. There are narrow stiles to negotiate but they are no more challenging than elsewhere in the Park; the land the diversion crosses is easy and dry underfoot.</p> <p>Were they to ask for a long term / permanent closure the LAF might be less happy as the current definitive routing passes interesting historical buildings.</p>
Westmorland and Furness Council	No objection.
Open Spaces Society	<p>This is part of an area with a complex series of short PRsOW which have a valued local use.</p> <p>We are somewhat disturbed to note that the applicant appeared to have caused obstructions to the existing PROW 513039 which does not give us confidence about how the future reinstatement of the surface of the PROW and the re-opening of the routes will be effected. Being away from home I have not being able to check how the egress from stile C onto the road appears in respect of safety matters. Some path users may find this stile a little awkward.</p> <p>We would need to consider if, at the relevant time, the application may seek a Diversion Order as to whether or not there are merits in any vernacular appearance of the buildings currently seen from the PROW 513040. From your pictures it appears we may not be supportive of a future DO. Obviously we would not wish to see a future diversion without the current network being fully useable.</p> <p>If the LDNPA feels able to fully affect control over the conditions it would impose on the applicant and to ensure that all the PRsOW within the control of the applicant are readily usable then we will note the TCO.</p>

13 Summary and Recommendations

- 13.1 I recommend that we make a TRO prohibiting all traffic from proceeding over the sections of the footpaths affected by the applicant's works as shown between points A and C and points B and D on the plan. Although some of the work may be managed along the footpaths whilst maintaining access there are likely to be numerous obstructions of the ROW during the work and disturbance of the path surfaces. There may also be some risks to the public due to the renovation works, including the movement of materials and vehicles and hazards from the work itself, specifically the risk of falling masonry or roof materials and the presence of hazardous substances. A temporary closure would ensure that the applicant and their contractors can carry out their works safely and efficiently. It also appears likely that during the works the amenity of the footpaths will be significantly impacted, and so the alternatives available in the field to the south will likely be more convenient and enjoyable for footpath users than following the rights of way. I therefore feel that this temporary closure request is reasonable and that we should make an order.
- 13.2 The TRO would remain in effect for 6 months, or until works which may endanger or obstruct the public are complete, during this time site notices regarding the closure and diversion route will be displayed.

Authorised by:

.....
Steve Gaskell
Ranger Team Leader

Date: 7 March 2024

Background Papers Case file 1410.003 (263)
Author: William Hinchliffe, Trainee Rights of Way Officer
Date Written: 5 March 2024
Version Final

Annex 1 – Photos taken during site visit 11 January 2024



View east-northeast along lane (footpath 513040) from close to point A – part of the section to be closed



Barn which will have roof replaced and work done to stabilise the masonry. Scaffolding will be erected during this work



Facing approximately east from southwest corner of field on proposed alternative route



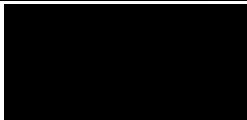
View west-southwest from point E, definitive line of footpath 513039 runs across this photo, approximately between the caravan and barn



Stone stile at point C – applicant has now cut back a couple of the low-hanging branches

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, UNRECORDED WAY GENERALLY USED AS PART OF BRIDLEWAY 212008, BORROWDALE 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	Works are being undertaken to repair a revetment and stone culvert under the track generally used as part of Bridleway 212008, to bring it into repair as part of the Coast to Coast project. Following initial excavations, it has been identified that the culvert will need to be fully rebuilt across the full width of the way before the revetment can be reinstated.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the section of the unrecorded way generally used as part of Bridleway 212008, between the B5289 and Footpath 212043</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	Will Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (268)	
Date of Report	22 March 2024	
Signature of authorising officer	 Nick Thorne, Senior Rights of Way Officer	
Date	25 March 2024	

TEMPORARY TRAFFIC REGULATION NOTICE OVER UNRECORDED WAY GENERALLY USED AS PART OF BRIDLEWAY 212008, BORROWDALE PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of traffic over an unrecorded way which is generally used as part of the route of bridleway 212008, to enable works to repair a collapsed revetment and culvert to be carried out safely and efficiently.

Recommendation: *That we issue a Temporary Traffic Regulation Notice over the unrecorded way generally used as part of Bridleway 212008, as shown on the plan (Appendix A).*

2 Details of Request

- 2.1 During a survey undertaken as part of the Coast to Coast National Trail project in August 2023 to look at a proposed diversion of Bridleway 212008 onto a route which is in general use instead of the definitive line, a collapsed revetment on this way was identified as requiring work (photos from the site visit in Appendix B).
- 2.2 Since the 2023 site visit the revetment has continued to deteriorate. Work has now begun to repair the revetment and stone culvert which runs under the path, and restore the surface. It was hoped that this would be possible whilst maintaining public access without the need for a closure. However, as excavation has begun it has been identified that the whole culvert requires rebuilding across the full width of the way.
- 2.3 The works to repair the culvert and revetment will require equipment and large machinery (including a digger) to work across the full width of the path and there is no safe way to maintain public access along the path or immediately beside it during the works. The closure will allow the works to be carried out as efficiently as possible.
- 2.4 There is no nearby alternative using only rights of way. The most convenient alternative is via the road (B5289) and connecting rights of way. The area over which the way passes is open access land and walkers may take other routes, though these (including the definitive line of Bridleway 212008) may be inconvenient due to vegetation and rough ground.
- 2.5 The land over which the way passes is open access and no restriction on this has been issued – so the contractors carrying out the work will need to be aware that members of the public may still choose to exercise their open access rights to follow the way despite the obstruction due to the works. They must plan for how they will manage this safely – ceasing work and attempting to guide anyone who does so as safely as possible through the work site.
- 2.6 Site notices will be displayed at either end of the closure (Points A and B on the plan), at the junction of Footpath 212044 and Bridleway 212008, where Bridleway 212008 leaves the road at Grange, and at the Honister Hause and Seatoller car parks.

3 Policy Context

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

4 Options

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

5 Proposal

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

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation notices is not a **competitive** procedure. Cumberland Council can also process temporary closure notices, but we are the best placed organisation to make this notice.
 - 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, stationery and postage. Given the circumstances that these works are being undertaken as part of the Lake District National Park Authority's work on the Coast to Coast National Trail project I consider it appropriate that we meet these costs. The costs of LDNPA staff time spent on the Coast to Coast project can be claimed from Natural England.

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. The way has been undermined due to the collapse of the revetment and stone culvert under the path. The culvert needs to be rebuilt across the full width of the way and during works large machinery (digger) and equipment will be used to carry this out. The whole width will be obstructed and there will be no way to maintain safe access during the works.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(2) of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path. Such a Notice can last for 5 days.

- 9.2 Although this closure is not over a recorded right of way, Section 142(1) of the Road Traffic Regulation Act 1984 states that, for England and Wales, the meaning of a 'road' within this act is, '*any length of highway or of any other road to which the public has access*'. As this is a way with public access we consider that we may issue a closure notice.

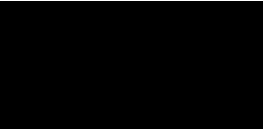
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the issuing of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumberland Council. These have been sub-delegated to the Ranger Team Leaders and for Notices the Senior Rights of Way Officer.

10 Human Resources

- 10.1 The work involved in this proposal is approximately five hours from members of the Ranger Service (Casual Ranger and Rights of Way Officer), and 30 minutes from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

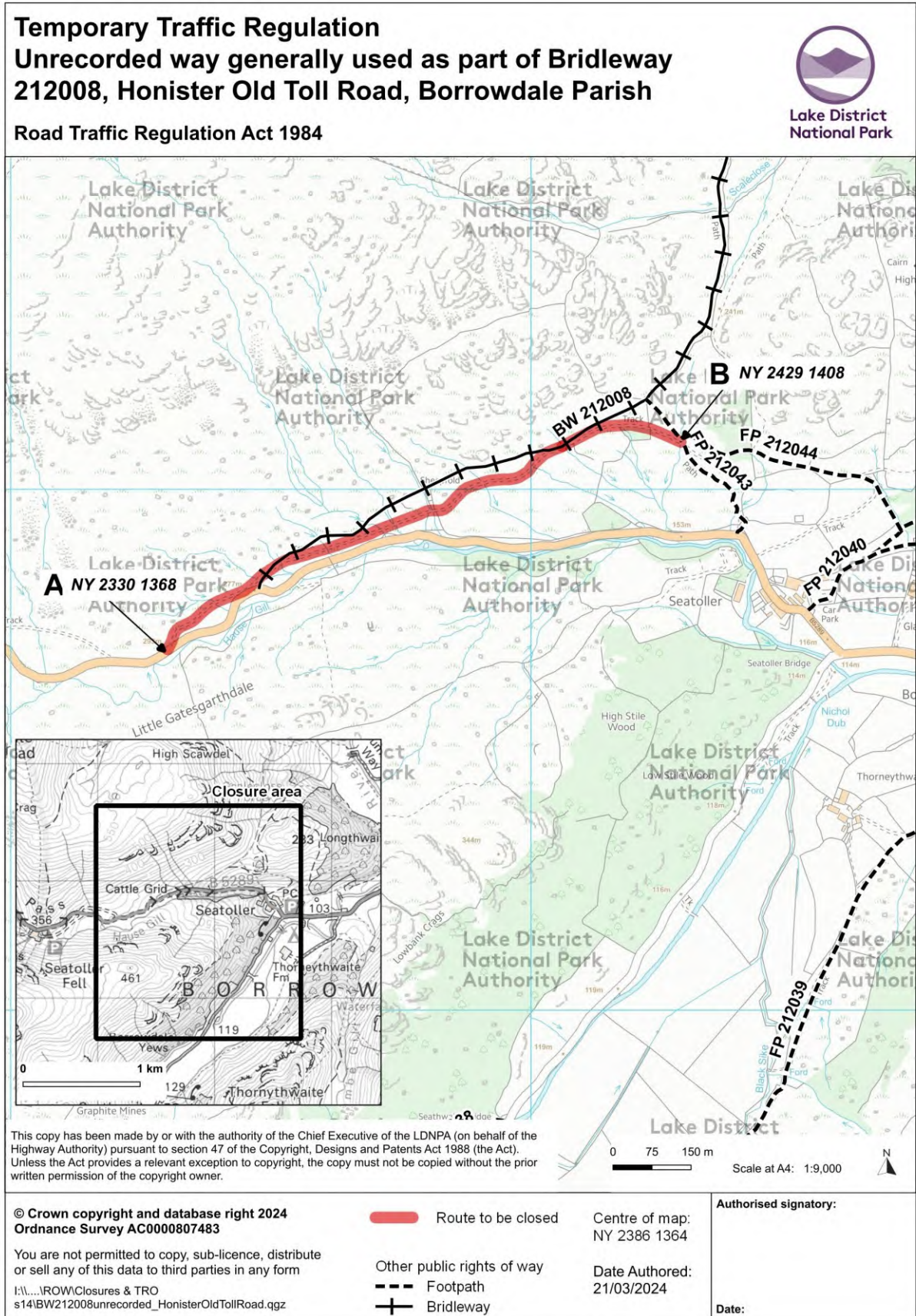
11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability due to this temporary closure.

Authorised by:  Date...25 March 2024.....
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Background Papers	Case file 1410.003 (268)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	22 March 2024
Version	FINAL

Appendix A: Location Plan



Appendix B: Photos from site visit 23 August 2023

