2024-25 ROW Committee Decisions (updated 1/4/2025)

Year	Minute Ref	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
2024-25	ROW Comm 18/24	09/12/2024	Modification	ROW Committee	Lindale and Newton-in-Cartmel Parish	St Paul's Walk, Lindale	Modification Order to add to the Definitive Map and Statement a Bridleway (shown A-B-C-D-E-F on the plan) and Footpath (E-G), a route known locally as St Paul's Walk

Delegated Decisions 2024-25
(Updated 13/2/2025)

Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
DD.24.1	09/04/2024	TRN	Ranger Team Leader	Muncaster	Ravenglass Railway Footbridge	21-day Temporary Closure Notice over railway footbridge and approaches to enable replacement of decking
DD.24.2	26/04/2024	TTRO	Ranger Team Leader	Muncaster	Ravenglass Railway Footbridge	TTRO over railway footbridge and approaches to enable repair / replacement works on bridge structure and decking
DD.24.3	06/05/2024	Review of RoW Legal Work Cost	Head of Strategy & Ranger Service	N/A	N/A	Review of Rights of Way Legal Work Cost Recovery 2024/25
DD.24.4	14/06/2024	TTRO	Ranger Team Leader	Whinfell	Ashstead	TTRO prohibiting mechanically-propelled and animal-drawn vehicles on BOAT 584025 whilst repair works are undertaken
DD.24.5	20/06/2024	TTRO	Ranger Team Leader	Loweswater	Hudson Place	TTRO over part of footpath 243023 to enable bridge replacement
DD.24.6	19/07/2024	s147 Authorisation	Ranger Team Leader	Staveley-in-Cartmel	Chapel House Plantation	Authorisation of two self-closing wickets gates on Footpaths 573028 and 573029
DD.24.7	08/08/2024	Diversion Orders	Ranger Team Leader	Staveley-in-Cartmel	Field End Farm	Authorisation of two Diversion Orders - one for part of Footpath 573016 and one for parts of Footpaths 573017, 573018 and 573019
DD.24.8	21/08/2024	TTRO	Ranger Team Leader	Eskdale	Stanley Ghyll	TTRO over Footpaths 408087 and 408037 to enable felling and extraction of larch affected by *Phythophthora ramorum.*
DD.24.9	05/09/2024	TTRO	Ranger Team Leader	Ennerdale and Kinniside	Ling Mell Plantations	TTRO over Footpath 407042 and Bridleway 407028 to enable Forestry England to undertake felling and extraction of larch affected by *Phytophthora ramorum.*
DD.24.10	12/09/2024	TTRO	Ranger Team Leader	Ennerdale and Kinniside	Broadmoor Plantation	TTRO over Bridleway 407067 to enable Forestry England to undertake felling and extraction in response to *Phytophthora ramorum* SPHN

Delegated Decisions 2024-25
(Updated 13/2/2025)

DD.24.11	16/09/2024	TRN	Senior ROW Officer	Above Derwent	Braithwaite	5-Day Temporary Closure Notice over part of Footpath 201058 to enable Network Plus to carry out urgent works to remove rotten electricity poles and replace with an underground cable
DD.24.12	18/09/2024	Section 33 Consent	Ranger Team Leader	Various	Various	s33 Consent for Lakes Two-Day Trial off-road motorcycle event
DD.24.13	26/09/2024	TRN	Ranger Team Leader	Above Derwent	Braithwaite	21-Day Temporary Closure Notice over part of Footpath 201058 due to danger to the public from rotten electricity poles and open excacations on path surface
DD.24.14	26/09/2024	TTRO	Ranger Team Leader	Various	Wythop Woods, Grizedale Forest and Whinlatter Forest	TTRO - Temporary closures for public safety during motor rally events
DD.24.15	26/09/2024	Section 33 Consent	Ranger Team Leader	Various	Grizedale Forest	Section 33 Consent for Grizedale Stages Rally - December 2024
DD.24.16	26/09/2024	Section 33 Consent	Ranger Team Leader	Various	Wythop Woods, Grizedale Forest and Whinlatter Forest	Section 33 Consent for Malcolm Wilson Rally March 2025
DD.24.17	02/10/2024	TRN	Senior ROW Officer	Colton	St Paul's Church, Rusland	21-day Temporary Closure Notice over part ot Footpath 511063 due to danger of masonry falling from church tower
DD.24.18	21/10/2024	TTRO	Ranger Team Leader	Colton	St Paul's Church, Rusland	Conversion of Notice to a Temporary Closure Order for part of Footpath 511063 due to ongoing danger of masonry falling from church tower
DD.24.19	22/10/2024	Section 33 Consent	Ranger Team Leader	Buttermere and Brackenthwaite, Lorton and Wythop	Darling How / Wythop areas at Whinlatter Forest, Buttermere and Honister Slate Mine	Section 33 Consent for Vintage Sports Car Club Lakeland Trial November 2024
DD.24.20	15/08/2024	Concurent Creation and Extinguishment Orders	Ranger Team Leader	Buttermere and Brackenthwaite, and Borrowdale	Honister Old Toll Road	Concurrent Creation and Extinguishment Orders to create Bridleway along the Honister Old Toll Road, with various consequential changes (part of Coast to Coast National Trail)

Delegated Decisions 2024-25
(Updated 13/2/2025)

DD.24.21	15/08/2024	Creation Order	Ranger Team Leader	Buttermere and Brackenthwaite	Fleetwith Tramway	Creation of Public Footpath along Fleetwith Tramway (part of Coast to Coast National Trail)
DD.24.22	06/01/2025	s147 Authorisation	Ranger Team Leader	Above Derwent	Rowling End Farm	Authorisation of a wicket gate on Footpath 201035 to prevent ingress and egress of stock
DD.24.23	04/02/2025	TRN	Senior ROW Officer	Ennerdale and Kinniside	Memorial Bridge over River Liza	21-day Temporary Closure Notice over part of Footpath 407033 due to bridge blown over and damaged in storm.
DD.24.24	13/02/2025	Creation Agreement	Ranger Team Leader	Ennerdale and Kinniside	Nannycatch Beck and Scarny Brow	Creation of Public Bridleway 407069 from Nannycatch Gate to Scarny Brow and Creation of a short new section of Footpath 407055 to link with the new bridleway (part of Coast to Coast National Trail)

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 418009, RAVENGLASS RAILWAY BRIDGE, MUNCASTER 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 (and Notices 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 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	Network Rail have had plans to replace the railway footbridge in Ravenglass since June 2022. They have recently applied for a temporary closure order to enable them to do this work in May 2024. However, a recent inspection by Network Rail has revealed that the timber on the decking boards has deteriorated to the extent where it is considered that there is an immediate risk to the public using the bridge.
Details of Decision	***That we issue a Temporary Traffic Regulation Notice over part of footpath 418009 closing it to all traffic for safety reasons as shown on the attached plan, and extend this Notice if required.***
Details of alternative options considered and rejected.	• Not making the order
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	Nick Thorne, Senior Rights of Way Officer
Background Papers	Case file 1410.003 (266)
Date of Report	8 April 2024
Authorising officer	Ranger Team Leader

TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 418009, RAVELNGLASS RAILWAY BRIDGE, MUNCASTER PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over part of footpath 418009 because of the danger to the public resulting from weak/damaged bridge deck slats which require replacement.

Recommendation:	***That we issue a Temporary Traffic Regulation Notice over part of footpath 418009 closing it to all traffic for safety reasons as shown on the attached plan, and extend this Notice if required.***

2 Details of Request

2.1 Network Rail have had plans to replace the railway footbridge in Ravenglass since June 2022. They have recently applied for a temporary closure order to enable them to do this work in May 2024. However, a recent inspection by Network Rail has revealed that the supports for the decking boards has deteriorated further than they initially thought and to the extent where it is considered that there is an immediate risk to the public using the bridge.

2.3 It therefore considered necessary to close the bridge to the public on safety grounds. We have instructed Network Rail to make the bridge safe during the closure period (21 days, which can be extended to 42 if required). Network Rail have obtained emergency possession of the line, and are rescheduling their works to bring them forward, and will remove the bridge decking during the week beginning 15 April 2024. They then plan to replace the decking over nights during the week following. It is therefore hoped that this 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. 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 £320 + VAT which cover staff-time, stationery and postage. These costs will be met by Network Rail (or their agents), along with meeting the costs of the work we have already carried out in relation to the proposed temporary closure.

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 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.

9.2 The Team Leaders and 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 Cumberland Council. We also have these powers as a National Park Authority outside of the Agency Agreement.

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:

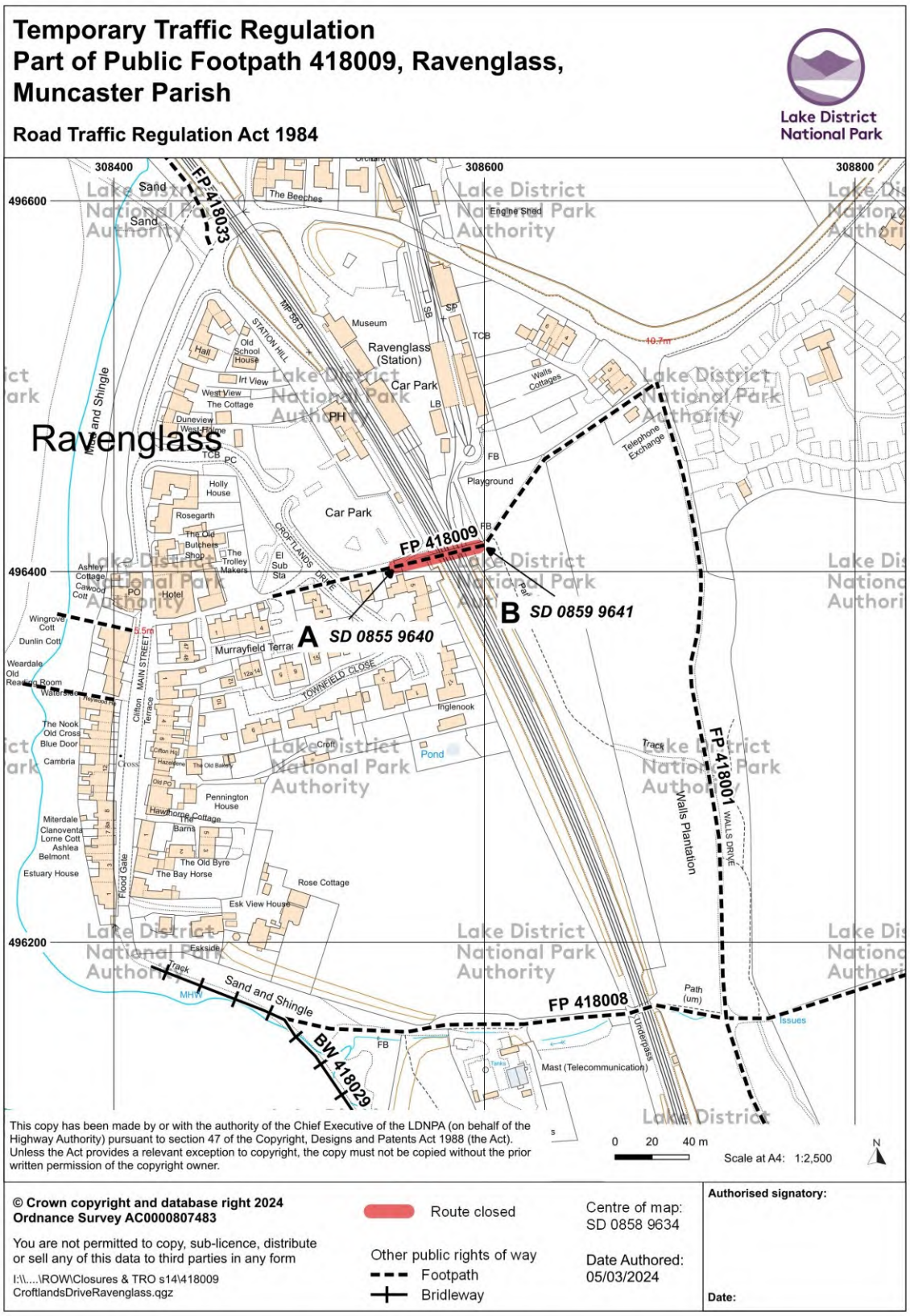
[redacted]

……
Western Ranger Team Leader

Date…8th April 2024…….

Background Papers	Case file 1410.003 (266)
Author:	Nick Thorne, Senior Rights of Way Officer
Date Written:	8 April 2024
Version	FINAL

Appendix A: Location Plan



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

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**CONVERSION OF TEMPORARY TRAFFIC REGULATION NOTICE TO AN ORDER, PART OF FOOTPATH 418009, RAVENGLASS RAILWAY BRIDGE, MUNCASTER PARISH**
Relevant section of Scheme of Delegation	**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 Cumberland 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	Network Rail discovered weaknesses on the decking on the bridge at Ravenglass, and we issued a 21-day closure Notice to enable them to make it safe (by repairing the decking). Unfortunately, when they removed the decking, they found that the steel underneath is badly corroded – and they are now going to have to carry out some significant works. They are not going to be able to do this quickly – and have requested that the notice is converted to a six-month Order to enable them to do this.
Details of Decision	***That we convert the Temporary Traffic Regulation Notice for the section of footpath 418009 affected into an Order.***
Details of alternative options considered and rejected.	• 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, Rights of Way Officer
Background Papers	Case file 1410.003 (266)
Date of Report	24 April 2024
Authorising officer	Ranger Team Leader

CONVERSION OF TEMPORARY TRAFFIC REGULATION NOTICE TO AN ORDER, PART OF FOOTPATH 418009, RAVENGLASS RAILWAY BRIDGE, MUNCASTER PARISH

1 Summary

1.1 This report recommends the conversion of a notice temporarily prohibiting all traffic over part of footpath 418009 into an order, due to the danger to the public resulting from the weak / out of repair railway footbridge, until the deck and corroded metalwork structure have been replaced.

Recommendation:	***That we convert the Temporary Traffic Regulation Notice issued on 9 April 2024 to an Order - for the section of footpath 418009 at the Ravenglass railway footbridge as shown on the Temporary Traffic Regulation plan (Annex A).***

2 Details of Request

2.1 Network Rail have had plans to replace the railway footbridge in Ravenglass since June 2022. In March 2024 UDP and CML (contractors working on behalf of Network Rail) contacted us to apply for a temporary closure order to enable them to carry out this work in May 2024. However, a subsequent inspection by Network Rail (following a report from a member of the public that the bridge surface was moving up and down significantly) revealed that the timber on the decking boards had deteriorated to the extent where it was considered that there is an immediate risk to the public using the bridge and we issued a 21-day Temporary Traffic Regulation Notice on 9 April 2024 due to the danger (Annex B).

2.2 The contractors have now begun work on the bridge and having removed the decking found that the metalwork beneath is significantly corroded and will also require repair/replacement. The contractor's Inspection for Assessment has indicated *'the presence of structurally significant loss of section'* with notches forming on the horizontal and vertical legs/flanges of the main bridge girders and section loss on the vertical leg. There is as much as 25mm loss of section on the horizontal leg/flange on both the internal and external sides. The contractors have looked at whether the addition of a flat bar could strengthen the existing structure, but found that the advanced state of corrosion is such that if existing bolts are taken out to enable this or new stiffeners to be installed it would likely be problematic as there wouldn't be any steel left on part of the bolt-holes once the current bolts were removed. Photos of the corrosion are included in Annex B. The contractors are undertaking further inspection in order to plan how best to proceed with the repairs.

2.3 Works to repair the bridge will take longer to address than those originally planned. Consequently, Network Rail and their contractors are seeking a TTRO closing the section of footpath over the bridge until it has been possible to undertake the required works to make it safe. The bridge does not currently have its decking and the metalwork structure beneath will not be safe until repaired or replaced. There therefore appears little option but to close the footpath over the bridge until the required works are complete. Network Rail's contractors estimate that these will not be complete until June. As the bridge is over the railway lines works must be undertaken during a 'possession' when trains are not running overnight. A second 21-day notice could be issued which would remain in effect until 21 May 2024, but as it's unlikely works will be complete by then it appears more logical to make an order.

2.4 Unfortunately, the possible alternative routes to the footpath over the bridge are quite limited. From the south end of Main Street it is possible to follow bridleway 418029 along the beach and then footpath 418008 through the rail underpass to join footpath 418001 north through Walls Plantation. However, it should be noted that this route is not as accessible and occasionally at high water this route may not be usable at all. To the north of the railway bridge Main Street (accessed via Croftlands Drive, Station Hill or Walls Drive) does pass through a short tunnel under the railway so this is a possible alternative at all times, however the road bends as it passes through the tunnel and has no footway so is not a particularly satisfactory option for footpath users given the lack of segregation from vehicles and poor visibility.

2.5 Following the initial consultation for a TTRO for works (see Section 6) we suggested to the applicants that Network Rail and the contractors consider contacting Cumberland Council's Highways team to seek authorisation to add some warning signage on Main Street regarding pedestrians using the road, and ask that they consider authorising some temporary barriers through the tunnel to segregate pedestrians from vehicle traffic (which may also require temporary traffic lights if it reduces the width such that only one vehicle can pass through the tunnel safely at a time). We also asked that they consider the possibility of a temporary rail crossing at the station (which may need to be supervised). If this order is made we would ask the applicants again to consider these options to mitigate the impact on footpath users.

2.6 If the order is authorised the contractors will erect site notices to inform the public of the TTRO (replacing the previous notices) at either end of the closed section of footpath and at appropriate nearby locations; the car parks in Ravenglass, the railway station and where the footpath leaves Croftlands Drive and Walls Drive. The bridge has also been fenced off during the works.

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. However, we had already undertaken a consultation with interested parties and user groups following the initial application for an order made by the contractors and the responses during this are included below for information. It should be noted that the consultation was regarding a closure order being made for works, whereas this order would be made due to a danger to the public.

6.2 Many of the responses received during the consultation related to the proposed timing of the order as the planned works had been scheduled over a school holiday period (including a bank holiday). We had responded to the applicants that we considered that they should look to re-schedule their works either before or after the holidays, but their subsequent inspection and assessment that the bridge posed a danger to the public necessitated its immediate closure via a Notice. It would not now be appropriate to re-open the bridge until it has been made safe and therefore unfortunately appears likely that the closure will have to remain in place during this busy period.

6.3

Consultee	Comment
Open Spaces Society	Know the bridge quite well - we re-used it a few months ago - the bridge didn't leap out and say I need TLC but then I am not an engineer. As you know it is a very well used structure and will be extremely busy from Easter onwards so the timing of the closure is very disappointing. The alternative from the south end of Main Street, also used by the ECP, is not useable at a few high tides and the other route via the road from the north end of Main Street is also problematic given the traffic issues on a road partially without a pavement. Indeed the bridge is part of the alternative high tide route for the ECP. I can assume, safely I think, that you have asked if the repairs cannot wait until November or so this year and that the answer was no? If this is not correct then we would hope you would ask them to delay the works for the summer/autumn period even if it means a tad of patching up. In short the timing is unfortunate and it appears if you little option other than to issue the TCO.
Muncaster Parish Councillor	But of all the dates to choose to start, 27th May Bank Holiday with the kids on half term. Obvious issues with pedestrians safety when walking under main line railway bridge during one of the busiest tourist weeks.
Ravenglass & Eskdale Railway	We are fully in support of the work on this bridge as it is in a critical state of disrepair. We raised concerns with Network Rail last year about its poor state. Whilst in the main it really only inconveniences dog walkers the impact that will

	happen, unless proper signage is put in place, is trespass on the mainline railway as people attempt to get from one side of the station to the other. That does need to be thought about. Whether some form of traffic management could be put in place under the other bridge to enable a temporary barriered walk way to be established? Whilst we fully support the work the w/c 27th May is not good. It is the national school holidays and figures from since 2021 tell us that that week is the busiest week of the year for our business. There will be a lot of people about.
Guesthouse based in Ravenglass	The footbridge is an essential right of way for Ravenglass residents and visitors to the village as they go about their activities. Any closure is undesirable but I understand the need for repairs to keep the bridge in a safe condition. However are we being presented with a fait accompli here? The condition of the bridge has been raised for years now. It is disappointing that whoever is responsible for it's condition has finally listened but not acted sooner. **Is there not anyway that this can be scheduled at a quieter time of the year rather than in peak season when seasonal footfall is high with visitors from the Caravan Site, Muncaster, and the Ratty railway into and out of the village?** If the condition is now so bad that postponing it until a quieter time is no longer an option they why has it been allowed to get so bad? If it can't be postponed due to safety concerns then I would suggest that the inspection and maintenance programme to date has been inadequate and improvements to this need to be made going forward.
Lake District National Park Authority Lead Strategy Advisor, Recreation and Sustainable Transport	This does raise concerns due to it being a very well used route particularly with families with young kids during the very busy May half-term time and being a link to the station and from our car park to the Ratty. I am also concerned that people will be tempted to cross the line illegally and cause other issues. Are we able to ask them to change the date and/or put in some mitigation such as a staffed line crossing or temp traffic lights and pedestrian way under the road bridge?
Lake District National Park Authority Commercial Services	No issues.

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. Cumberland 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** directly related to this order which is being made due to a danger to the public, but did undertake a consultation for a closure of this same section regarding a potential temporary closure order for works (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 the Decision and Order-Making stages for a TTRO are approximately £668.23 (which covers Ranger and Legal team staff-time, stationery and postage) plus the cost of a newspaper advert. The initial administration and consultation costs have already been covered in our invoice for the Notice. The bridge is the responsibility of Network Rail, I therefore consider it appropriate that they, or their contractors, meet the full costs of this Order.

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 using the bridge in its current condition. There is currently no deck on the bridge so it cannot be safely crossed, and it will only be safe once the corroded metalwork has been repaired or replaced.

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 Cumberland 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 Team. The work involved is part of our day-to-day duties, and the majority of it has already been undertaken.

12 Sustainability and Diversity Implications

12.1 I have not identified any significant environmental, economic, or social effects that will affect sustainability. I have not identified any diversity implications from the making of this Order.

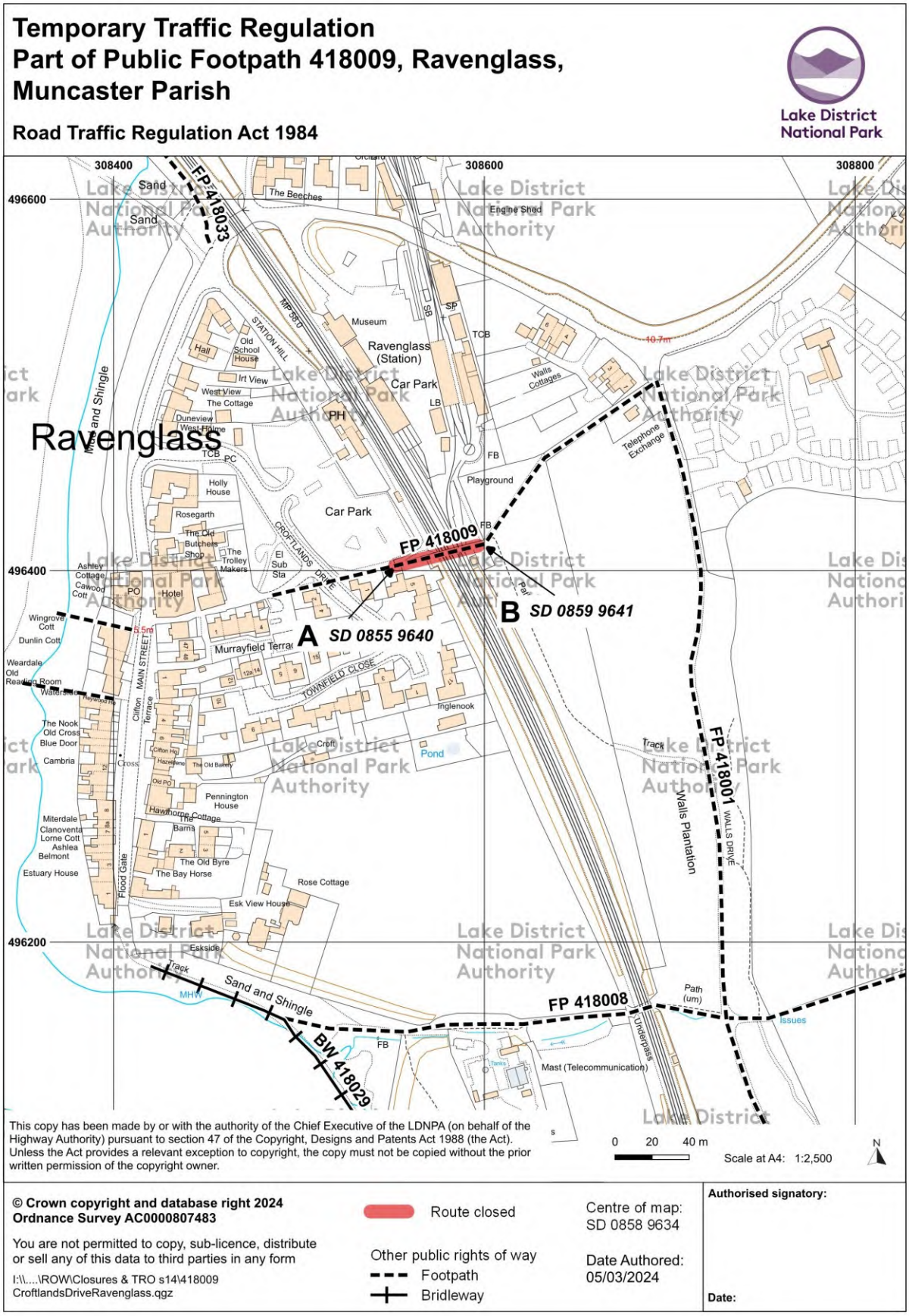
Authorised by:

[redacted]

Date: 26 April 2024
Steve Gaskell, Ranger Team Leader

Background Papers	Case file 1410.003 (266)
Author:	William Hinchliffe, Rights of Way Officer
Responsible Director	Steve Ratcliffe, Director of Sustainable Development
Date Written:	24 April 2024

Annex A – Temporary Traffic Regulation Plan



Annex B – Temporary Closure Notice issued 9 April 2024

BRIDGE CLOSED

Lake District National Park

SERIOUS NEW FAULTS HAVE BEEN IDENTIFIED WITH THE DECKING OF THIS BRIDGE – WHICH HAS BEEN CLOSED TO PROTECT THE PUBLIC.

NETWORK RAIL HAVE BROUGHT FORWARD THE REPAIR WORKS TO THE WEEK BEGINNING 15 APRIL 2024

PATH CLOSURE NOTICE - ROAD TRAFFIC REGULATION ACT 1984
THE LAKE DISTRICT NATIONAL PARK AUTHORITY
PART OF FOOTPATH 418009, RAVENGLASS RAILWAY BRIDGE, MUNCASTER PARISH
TEMPORARY PROHIBITION OF ALL TRAFFIC NOTICE 2024

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 public traffic from proceeding over the section of the right of way shown on the site map; namely:

- Footpath 418009 across the railway between SD 0855 9640 and SD 0859 9641.

The closed section of path is shown in red on the attached plan (A to B). The closure is required because serious new faults with the decking have been identified (the decking is now flexing up and down) – and this poses a high risk to people using the footpath.

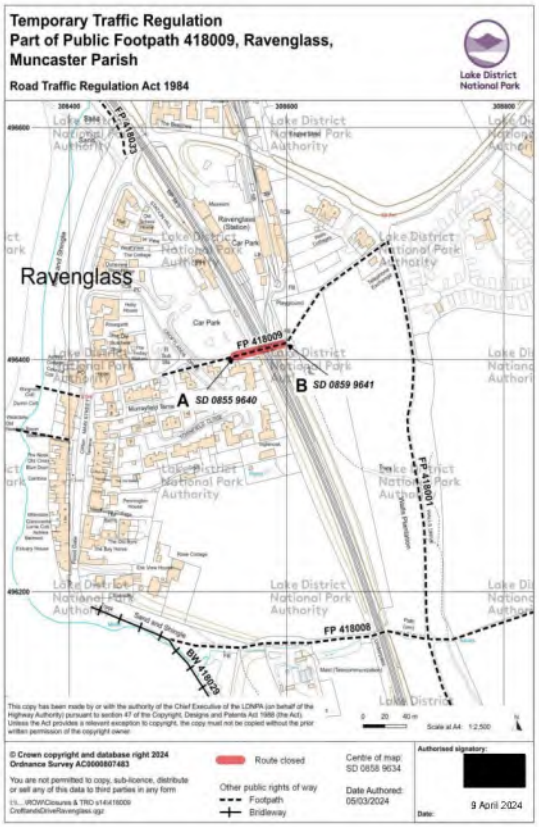
The notice is in effect from 9 April 2024 and continues in force for 21 days. Network Rail have brought forward their planned works to replace this decking – and it is anticipated that the bridge will be made safe and re-opened within this timespan. If required, the Notice may be extended for a further 21 days.

The only alternative route is via the public road network. Please take care when using this.

If you have any queries, please contact Nick Thorne, Senior Rights of Way Officer, on 01539 724555, or nick.thorne@lakedistrict.gov.uk

Dated 9 April 2024 [redacted]

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



Annex C – Photographs showing corrosion of bridge metalwork

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	**REVIEW OF RIGHTS OF WAY LEGAL WORK COST RECOVERY 2024/25 – AUTHORISATION REPORT**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions delegated to Head of Strategy & Ranger Service **Section 1 of Annex 1:** Power of general Competence
Background	We are encouraged by Government to recover costs when processing various orders and declarations for landowners and applicants, and we have done so for many decades. Some charges were last increased in 2022, others in c2018, and they require amending to reflect rising staff and other costs, along with changes to procedures and other efficiencies.
Details of Decision	To revise the standard charges for Public Path Orders, Traffic Regulation Orders / Notices and section 31(6) declarations / deposits.
Details of alternative options considered and rejected.	Not to amend current charges, or to amend to a different amount.
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	None, other than previous assessments.
Date of Report	3 June 2024
Authorising officer	Head of Strategy & Ranger Service
Date	6 June 2024

Review of Rights of Way Legal Work Cost Recovery (Charges) – Authorisation Report

1 Summary

1.1 This report recommends revising and amending where appropriate the amount charged for processing public path orders, temporary traffic regulation orders / notices, and s31(6) declarations / deposits.

Recommendation that	***a:***	***We revise our charges for public path orders, temporary traffic regulation work and s31(6) processing as set out in each annex (summarised below) for applications made after 1 June 2024.***
	b:	***That we review these charges every three years to adjust the charges in line with costs being incurred at that time.***

BRIEF SUMMARY OF REVISED CHARGES

Process	Current charges	Proposed charges	Change
Public Path Orders	£3,150 +VAT + advert cost	£3,150 + advert cost	Nil
Right to Apply breakdown of charges	£3,150 - c£16,000 +VAT + advert cost	£3,150 - c£15,000 + advert cost	Nil – unless Public Inquiry
Traffic Regulation Order	£965 +VAT	£1,060	**+10%**
Extension to TRO	£200 +VAT + advert cost	£220 + advert cost	**+10%**
Traffic Regulation Notice	£320 +VAT	£370	**+6%**
TRO for Rallies (inc. adverts)	£1,545 each +VAT	£1,665 each	**+7.5%**
s31(6) deposit	£170 +VAT	£135	-20%
s31(6) declaration	£108 +VAT	£80	-26%
s31(6) combined process	Not offered	£160	n/a

2 Background

2.1 We are encouraged by the Government to recover our costs when processing various applications / declarations relating to rights of way work from the applicants. These processes comprise Public Path Orders (diversions/extinguishments of rights of way), Temporary Traffic Regulation Orders (closures for works / safety), and section 31(6) Highways Act declarations / deposits (landowner statements of accepted rights of way over land). The work involved in each of these processes are different – and therefore this report sets out the situation for each type of cost recovery in separate annexes below.

2.3 When making charges, we are not allowed to exceed the actual costs incurred in the work involved (that is, we cannot charge more than our hourly rate plus on-costs), but we have discretion to charge for only part of the costs incurred, or not to charge at all.

2.4 Although the regulations enable us to charge the actual costs incurred, this is difficult to accurately record. For example, a number of staff (on different pay grades) are involved at various stages in the process, or varying periods of time, and application locations vary meaning travel and timeframe costs associated are different. Therefore keeping accurate time records can be challenging.

2.5 To overcome this in an equitable way and to ensure the charge rates are a fair reflection of cost, in 2006, Park Management Committee agreed to levy an average cost. This cost has been . The scale of charges has been reviewed on a number of occasions – and not always at the same time as each other. This report brings them all together, and should enable more uniform reviews in future.

2.6 For each process I have calculated, as accurately as possible, the work involved in processing the applications using salary and on-cost rates. For instance, for a Public Path Order the work includes (detailed figures are within each Annex):

- Initial enquiries, requests for application forms and information;
- Acknowledgement of application, preliminary assessment;
- Pre-decision consultations, negotiations and site visits;
- Report for decision maker(s);
- Decision whether or not to make the order;
- Drafting and making the order;
- Dealing with any objection and representations;
- Posting notices on site, and elsewhere and site inspections.

2.7 We have been informed by our tax advisers that as a 'section 33 body' acting in a public (non-business) capacity under a special local regime and without effective competition, then the provision of these services is a non-business supply – and consequently not subject to Value Added Tax (VAT). The charges outlined in these reports are therefore without VAT. Where we have to place adverts in newspapers we do pay VAT and this will be passed on to the applicant.

2.8 No pay rise has yet been agreed or offered for 2024-25. Our Finance Team have advised me to use 2023-24 salaries plus 3%.

2.9 The previous report was in November 2022, and the current charges for Public Path Orders and Traffic Regulation Orders came into effect on 1 January 2023. That report recommended reviewing the charges every three years. However, because the last two years have seen significant salary changes, we have had staff changes (a new Rights of Way Officer post), changes in processes and who deals with what, and the fact that s31(6) charges have not been reviewed for many years - I consider that it is timely to review the charges and bring them all together now.

2.10 I do not consider it appropriate to back-date the changes. That is – anyone who applied / made deposits under the current charges signed up to that amount – and we should honour it, whether it be slightly more or less than the new charges.

3 Policy Context

3.1 A key focus of the Vision for the Lake District National Park is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. It is a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.

3.2 Our Business Plan 2024-2027 says that we will *Deliver the 'improve, maintain, promote and integrate elements' of the 'Out There' strategy.* Under Priority theme 2 (Manage & maintain: rights of way and countryside access) this says we will *"Keep the definitive map up to date and work towards making this information available on the LDNPA website to ensure everyone has access to this information we hold".* There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network. Processing s31(6) matters is a statutory duty delegated to us under our Agency Agreements with the highway authorities.

3.3 We have a continual requirement to monitor costs, and we will increase our effective use of resources by recovering costs where possible and by keeping the charges up-to-date.

3.4 The decision on charging levels for orders rests with the Head of Strategy & Ranger Service under our delegated scheme of authority (power of general competence).

4 Options

4.1 There are various charging options and you need to decide whether to:
a. maintain the existing charges; or
b. modify the charges as recommended in each Annex; or
c. modify the charges to different amounts from those recommended.

5 Proposals

5.1 I propose option 4.1b. This would mean that we would recover the costs in as many cases as possible, without placing an undue financial burden on applicants. This is discussed further in the annexes.

6 Demonstrating Best Value/ Best Value

6.1 **Challenge:** We process public path orders and temporary closures as a standard part of managing the rights of way network. On many occasions the applicants are the main beneficiaries, rather than the public. It is therefore right that they meet all, or some, of our costs. S31(6) deposits are entirely for the benefit of landowners and therefore it is right that they meet all our costs.

Compare: I have briefly compared our charges with those of other local authorities, now and in the past. We are towards the higher end of the list and well above the median. However, this is partly because not all authorities have revised their costs recently. Basic costs levied by the Councils for whom we do this work vary:

	Cumberland Council and Westmorland & Furness Council	LDNPA proposed
Public Path Order	£2,420	£3,150
Traffic Regulation Order	£1,943	£1,060
Traffic Regulation Notice	£553	£370
S31(6) deposit	£100 for whole process	£135 & £80 (or £160 combined)

Compete: Both these Councils can also process orders/deposits within the National Park. We are not competing for the business of processing orders, but merely recovering our costs. We are also generally best placed to process these orders within the National Park. However, applicants will be free to choose the Councils as their preferred authority on a costs basis if they wish. It would be for the Councils to then decide whether they wished to take on the work.

Consult: I have informally consulted a few other local authorities to discuss their practices and charging regimes.

7 Finance Considerations

7.1 The overall impact will be to increase our income to reflect the costs incurred – but by how much depends upon the number of applications and deposits received. It is therefore hard to calculate, but it is likely to be in the hundreds rather than thousands.

8 Risk

8.1 The main risk would come from our relationships with applicants who may struggle to meet the additional charges; or with our main partners who apply for diversions and closures on their land (for instance, the National Trust, United Utilities, Forestry England and so on). However, our discretion to waive some of the public path order charges could be applied if appropriate as it is rare that our partners would be seeking orders that had no element of public benefit within them.

8.2 A secondary risk could be a reduction in applications (and therefore income) because of the cheaper costs if processed by the Councils. This would have an unintended consequence of creating staff capacity however, this is not our intended outcome.

9 Legal Considerations

9.1 Public Path Orders - The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993, as amended in 1996 (and to be amended by the Deregulation Act when in force) are applicable.

9.2 Traffic Regulation Orders / Notices - Under section 76 of the New Roads and Street Works Act 1991, an authority making an order or issuing a notice may recover the whole costs incurred by them.

9.3 s31(6) Highways Act deposits – section 2(d) of the The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013 permits us to charge a ‘reasonable fee’ for the processing of any applications received under section 31(6).

10 Human Resources

10.1 We are already processing, and charging for, these orders and deposits. This proposal is unlikely to affect workloads, with the proviso outlined in section 10 above.

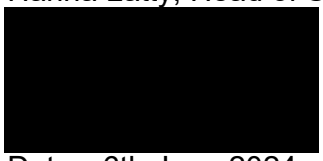
11 Summary

12.1 The charges are proposed to rise in line with local authority pay scales. I therefore recommend the suggested changes as set out in this report.

Author	Nick Thorne, Senior Rights of Way Officer
Responsible Director	Steve Ratcliffe, Sustainable Development
Date Written	3 June 2024

Authorised by:

Hanna Latty, Head of Strategy & Ranger Service



Date…6th June 2024

ANNEX 1 – PUBLIC PATH ORDERS

1 Background

1.1 Public path orders are permanent changes to the rights of way network. They comprise extinguishments, diversions, and creations.

1.2 Previous costs were based on the Senior Rights of Way Officer carrying out most of the work, with assistance from a number of other staff. As the bulk of this work has now passed to our new Rights of Way Officer, on a lower scale, the additional costs from pay rises in the last few years have been balanced out by the reduced costs of the staff involved. Therefore, although the detailed calculations have changed – the actual end cost is recommended to stay the same.

1.3 The 'Right to Apply' provisions are expected to come into force some time during this financial year. This will give landowners the right to apply for a diversion order, and we will have a duty to consider and determine such applications (at the moment, the whole process is discretionary). The regulations will require full breakdowns of charges to be published online, in order that applicants will know what every cost is at every stage of the process. The details are set out below.

2 Calculation of Current Actual Costs

2.1 The cost to the Authority for processing a basic order, with no objections or prolonged negotiations, is £3,150; the same as we are currently charging.

2.2 Because of our delegation scheme, it is more costly to determine an order which has received objections at the consultation stage. The extra cost involves preparation for, and attendance at, a Rights of Way Committee meeting. I consider that it would be unfair to levy this higher charge to some applicants purely because of our chosen internal processes, and therefore recommend that it is the lower charge that is adopted. This will alter for 'Right to Apply' applications – as this is meant to be wholly cost-neutral for the Authority.

2.3 If objections are received once an order is made, and we still wish to proceed with the order, we have to submit the matter to the Secretary of State for determination. This can cost the Authority further amounts depending upon the actual work required, which is determined by the level of objections, their nature, and when they are made. The total additional cost could be well over £5,000 if an inquiry is held (see latter sections of the breakdowns below).

2.4 Previously we had a choice of whether to continue with the order – and regulations restricted us to charging only up to the submission point. Under the Right to Apply provisions, this discretion will be more limited. I therefore propose that we agree the range of charges – but the actual amount charged in these instances is discussed with the applicants in each instance. For instance, it is often the case that objections are made not on the basis of the order, but because of technical issues or vexatious objectors. If this is the case, then it would not be appropriate to pass on all of the additional costs to the applicants – as the objections and costs may not be directly related to them or the specific proposal.

2.5 I also consider that in some instances it could be appropriate to pass on much of the work (and therefore cost) to the applicant. For example, if the applicant wishes to divert a path out of a garden, and objections are received – then the applicant may wish to present their case to the Secretary of State and have their own legal representation. Again, the actual fee would then be open to negotiation.

2.6 Advertising costs vary between newspapers and with the length of the advertisement. For convenience, we have calculated the average cost of a standard advertisement for each paper and charge that. This issue will become redundant once (if) the full provisions of the Deregulation Act are in force as the requirement to advertise in the paper will be replaced with merely a requirement to publish the Notice on our website. This could be some years away yet though.

2.7 In many cases, there will be no practical works needed on the ground. However, sometimes (for example) new furniture or the relocating of a signpost is necessary. It is standard practice for the cost of these works to be met by the applicant.

2.8 Taking all the above into account, I recommend that we adopt the standard scale of charges set out below.

Proposed Scale of Charges

Costs for:	*Standard charge*	*Notes*
ADMINISTRATION For an unopposed order: For an order which receives objections after being made:	 £3,150 Negotiated amount based on costs below.	 This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order. Stages of process as broken down below.
ADVERTISING (until no longer applicable)	£ variable *Average cost: £350+VAT per advert – (2024)*	Two advertisements must be placed in the local press: • When the order is made and; • When it is confirmed. Actual costs will be charged but these vary depending on the length of advert necessary and the newspaper's scale of charges. Opposed orders require a further advert if the matter goes to a Public Inquiry.
WORKS ON THE GROUND	£ variable	The cost of work necessary (if any) to bring the proposed new route to a standard suitable for public use will vary according to the site. An applicant may choose to do the work themselves (to the Authority's specification) or the Authority can carry out the work and reclaim the actual costs (labour and materials).

Set amounts to be published for Right-to-Apply applications (further details can be provided)

Stage of Process	**Cost**
PRE-APPLICATION ADVICE (No site visit)	**Varies**
ADMINISTRATION AND DEALING WITH APPLICATION	**£130**
EACH SITE VISIT (based on Senior RoW Officer & Ranger attending)	**£560**
CONSULTATION	**£170**
DECISION MAKING / AUTHORISATION (No objections)	**£470**
COMMITTEE DECISION (If objections)	**£2,215**
MAKING ORDER	**£940**
CONFIRMING ORDER	**£825**
FURTHER CONSULTATIONS / VISITS / NEGOTIATION DURING ABOVE - Maximum per hour	**£55**
SUBMITTING TO SECRETARY OF STATE FOR DETERMINATION	**£3,280**
WRITTEN REPRESENTATIONS PROCESS - ESTIMATE	**£1,680**
PUBLIC HEARING PROCESS (based on one day) - ESTIMATE	**£3,020**
PUBLIC HEARING - ADDITIONAL DAYS - ESTIMATE	**£660**
PUBLIC INQUIRY PROCESS (based on one day) - ESTIMATE	**£4,920**
PUBLIC INQUIRY - ADDITIONAL DAYS - ESTIMATE	**£2,560**
MINIMUM COSTS (One site visit, no objections)	**£3,150**
POTENTIAL COST (Two site visits, two day public inquiry) - ESTIMATE	**£16,210**
PLUS PRACTICAL WORKS REQUIRED (gates, surfacing, signs, etc)	**Variable and proportionate**

3 Waiving Charges

3.1 The regulations clearly say that the Secretary of State expects that authorities will seek to use their powers to recover costs, and this is re-enforced through the Localism Act 2011. But they also stress that authorities have a discretion not to charge, or to only charge part of the cost. They say that authorities may take account of factors such as potential benefit to rights of way users. For example; they mention that the creation of additional paths is likely to be a benefit to the public, as are some diversions.

3.2 But the regulations also state that authorities will need to judge each case on its merits in the light of local circumstances.

3.3 I have reviewed many local authorities' charging regimes, and a summary of the statements made by most would simply be that the 'charges may be waived if the diversion results in some public benefit, and fully waived if entirely in the public interest'.

3.5 We have developed our own guidance on this issue over the years, and in 2006 we adopted the following policy. I do not consider that there is any reason to deviate from this policy at the current time.

For orders under the Town and Country Planning Act 1990 the charges will apply in full.

For orders under the Highways Act 1980 that are wholly or partly in the public interest, the charges may be negotiable according to the extent to which the public will benefit from the proposal in relation to the benefit derived by the applicant – SEE BELOW.

- **The total cost of a diversion is the sum of the costs involved in administration, advertising and works on the ground.**
- **The exact amount to be waived will depend on the circumstances of each case, and will be negotiated with the landowner(s).**

1. Where an order is predominantly or wholly in the interests of the public, up to 100% of the total cost will be waived.
2. Where an order is partly in the landowner's interest, and partly in the public interest, up to 75% of the total cost will be waived. The higher the level of public interest, the greater the percentage that will be waived.
3. Where an order is predominantly in the interests of the landowner, but would result in some small public benefit then up to 25% of the total cost may be waived.
4. Where an order is wholly in the interests of the landowner - none of the total cost will be waived.

DETAILED CALCULATION OF COSTS

Task	*Officer(s)*	*Hourly charge out rate - charge out rate includes paper/stationery, etc*	*Units of Time (eg: hours [0.25=15 minutes])*	*Cost*	*Costs per block to nearest pound)*
Preliminary stage / Initial Administration					**£743**
Pre application admin – sending forms, guidance, discussions, charging regime, etc	RoW Officer	*55.84*	1.00	**£55.84**	
Acknowledgement & initial checks, registration	RoW Officer	55.84	0.50	**£27.92**	
Preparation of plan - checking DM, constraints check etc	RoW Officer	55.84	0.50	**£27.92**	
Preparation of plan	GIS Techs	*48.60*	1.50	**£72.90**	
Site visit & discussions with applicant / internal	RoW Officer	55.84	5.00	**£279.20**	
Site visit & discussions with applicant / internal	Ranger / Senior RoW	*55.84*	5.00	**£279.20**	
Consultation					**£168**
Consultation letter & scanning.	RoW Officer	55.84	1.00	**£55.84**	
Evaluation of comments	RoW Officer	55.84	2.00	**£111.68**	
Decision (no objections received)					**£469**
Authorisation Report	Senior RoW Officer	*74.66*	5.00	**£373.30**	
Head of Park Management proof reads, amends and determines	HoPM	*96.04*	1.00	**£96.04**	
Decision (objections received)					**£2,216**
Further consultation with applicant / objector	RoW Officer	55.84	4.00	**£223.36**	
Members' Site Visit - staff time	RoW Officer	55.84	4.00	**£223.36**	
Members' Site Visit - staff time	Senior RoW Officer	74.66	4.00	**£298.64**	
Members' Site Visit - setting-up	MS Co-ordinator	*55.84*	1.00	**£55.84**	
Report to Committee	Senior RoW Officer	74.66	12.50	**£933.25**	
Committee Papers - preparation	RoW Officer	55.84	1.00	**£55.84**	
Committee attendance and organisation	MS Co-ordinator	55.84	1.00	**£55.84**	
Committee Decision	RoW Officer	55.84	1.00	**£55.84**	
Committee Costs	Members	*300.00*	1.00	**£300.00**	
Forwarding to Solicitor or letter of refusal	RoW Officer	55.84	0.25	**£13.96**	
Order Making Stage					**£941**
GPS mapping and logging routes	RoW Officer	55.84	2.00	**£111.68**	
Post site visit revision of plan	GIS Techs	48.60	0.50	**£24.30**	
Order and paperwork drafted	RoW Officer	55.84	3.50	**£195.44**	
Order checked	Senior RoW Officer	74.66	0.75	**£56.00**	
Order sealed	Admin	*39.54*	0.30	**£11.86**	
Order sealed	Solicitor	*96.04*	0.30	**£28.81**	
Order printed, collated and posted / e-mailed	Admin	39.54	3.00	**£118.62**	
Notices and Order placed on website	Admin	39.54	0.25	**£9.89**	
Site notices prepared	Admin	39.54	0.25	**£9.89**	
Site notices erected	Ranger	55.84	2.50	**£139.60**	
Site notices checked	Ranger	55.84	1.50	**£83.76**	
Site notices removed	Ranger	55.84	2.50	**£139.60**	
Certification of notices	Ranger	55.84	0.20	**£11.17**	

Confirmation Stage (no objections or after SoS)					**£826**
Certification of works	Ranger	55.84	0.20	**£11.17**	
Order and paperwork drafted	RoW Officer	55.84	3.00	**£167.52**	
Order prepared and sealed	Admin	39.54	0.50	**£19.77**	
Order sealed	Solicitor	96.04	0.25	**£24.01**	
Order printed, collated and posted	Admin	13.89	2.00	**£27.78**	
Notices and Order placed on website	Admin	39.54	0.25	**£9.89**	
Site notices prepared	Admin	39.54	0.25	**£9.89**	
Site notices erected	Ranger	55.84	2.50	**£139.60**	
Site notices checked	Ranger	55.84	1.50	**£83.76**	
Site notices removed	Ranger	55.84	2.50	**£139.60**	
Certification of notices	Ranger	55.84	0.25	**£13.96**	
Invoicing & collection - time (includes bank charges)	Admin/Finance	39.54	1.00	**£39.54**	
Updating records GIS / RoWMANs / LEMO etc	RoW Officer	55.84	2.50	**£139.60**	
TOTAL COSTS (NO OBJECTIONS AT ANY STAGE) – the shaded boxes			**56.75**		**£3,147**

ANNEX 2 – TEMPORARY TRAFFIC REGULATION ORDERS & NOTICES

1 Background

1.1 Temporary traffic regulation orders and notices are used to enable short-term closures or diversions of rights of way, or for applying short-term restrictions. Orders can last up to six-months, Notices are issued for immediate closures lasting from 5 to 21 days.

1.2 Typically, applications for these orders come from:

- Forestry Commission when needing to carry out forestry operations on or close to rights of way – or after windblow events such as storm damage;
- Motor Sports bodies when needing to close rights of way for public safety reasons;
- Utility Companies when wishing to excavate rights of way;
- Ourselves when wishing to carry out repair works to the surface or bridges;
- Ourselves (or on behalf of a partner / third party) for safety when (for example) bridges are identified as being a risk to users;

1.3 We do not recharge internally for our own applications.

1.4 There are no specific regulations governing what authorities may or may not charge for, although we can only recover our costs – we cannot charge more than it costs us.

1.5 The work involved in processing a temporary traffic regulation order is generally far less complicated and involved than for a permanent diversion order. There is also little opportunity for objection. Costs and opportunities for objection are even lower for Notices

1.6 The costs are based on the Rights of Way Officer carrying out most of the work, with assistance from a number of other staff.

2 Calculation of Current Actual Costs

2.1 I have calculated, as accurately as possible, the work involved in processing applications, using our charge out rates. The work includes:

- Initial enquiries, requests for application forms and information;
- Acknowledgement of application;
- Pre-decision consultations, negotiations and site visits;
- Report for decision maker(s);
- Decision whether or not to make the order;
- Drafting and making the order;
- Posting notices on site, and elsewhere and site inspections.

Detailed figures relating to each aspect are attached below.

2.2 Notices are for emergency closures. They do not involve consultation or postage, and the decision regarding these have been delegated to the Senior Rights of Way Officer. The process is much quicker – and consequently less costly.

2.3 Current charges are shown in the box overleaf, with suggested new charges. These are calculated in detail at A-C below.

2.4 For the two main motor rallies we are able to combine the work into one six-month order – however, there is more work involved than for a normal TRO. Therefore we have calculated all the work for the whole process and divided it between the two rallies (D below).

Type of Closure	Current Charges	Proposed Charges	Notes
Temporary Closure Order up to 6 months duration	**£965 + VAT** **Plus advertising costs (two adverts – around £300 each)**	**£1,060** **(↑10%)** **Plus advertising costs (two adverts – around £300 each)**	Temporary Traffic Regulation Order made under Section 14(1) of the Road Traffic Regulation Act 1984 We have to advertise the closure order with two notices in the local press (NB: actual costs vary between different publications, but on average this is approximately £300 plus VAT per advert)
Temporary Emergency Closure Notice lasting either 5 days (for works on or near the path) or 21 days (where there is a risk of danger to the public)	**£320 + VAT**	**£340** **(↑6%)**	Traffic Regulation Notice made under Section 14(2) of the Road Traffic Regulation Act 1984
Extensions to Temporary Closure Order	**£200 + VAT** **Plus advertising costs (one advert – around £300)**	**£220** **(↑10%)** **Plus advertising costs (one advert – around £300)**	The Secretary of State can authorise extensions to orders made under Section 14(1) of the Road Traffic Regulation Act 1984. We have to advertise the extension with a notice in the local press (NB: actual costs vary between different publications, but on average this is approximately £300 plus VAT per advert).
Rally Closures	**£1,545 each – including adverts**	**£1,665 each – including adverts** **(↑7.75%)**	We make a closure order for the forests, which incorporate both major rallies (December & March) – there is more work involved than for a normal closure, but we then split the costs between them. It includes the advertising.

DETAILED CHARGES CALCULATIONS

A: STANDARD ORDER

Task	*Officer(s)*	*Salary costs and on-costs*	*Units of Time (eg: hours [0.25=15 minutes]) or other (eg: sheets of paper, no. of trips. etc)*	*Costs*	*Costs per block*
Preliminary stage / Initial Administration					**£271.96**
Pre application admin – sending forms, guidance, discussions, charging regime, etc	RoW Officer	*55.84*	1.00	**£55.84**	
Acknowledgement & initial checks, filing list, files, etc	RoW Officer	55.84	0.50	**£27.92**	
Site visit, negotiation, and so on	Ranger	*55.84*	1.25	**£69.80**	
Preparation of plan - checking DM, etc	RoW Officer	55.84	1.25	**£69.80**	
Preparation of plan	GIS Techs	*48.60*	1.00	**£48.60**	
Consultation					**£55.84**
Constraints check, spreadsheet data, consultation	RoW Officer	55.84	1.00	**£55.84**	
Decision (no objections received)					**£159.70**
Report compiled for HoPM & checking	RoW Officer	55.84	2.00	**£111.68**	
Head of Park Management determines	HoPM	*96.04*	0.50	**£48.02**	
Order Making Stage					**£571.85**
Order plan finalised	GIS Techs	48.60	0.25	**£12.15**	
Order and paperwork drafted	RoW Officer	55.84	4.00	**£223.36**	
Order prepared and printed	Admin	*39.54*	0.50	**£19.77**	
Order sealed	Admin	39.54	0.25	**£9.89**	
Order sealed	Solicitor	*96.04*	0.25	**£24.01**	
Order printed, collated and posted	Admin	39.54	0.50	**£19.77**	
1st notice onto website	Admin	39.54	0.25	**£9.89**	
Site notices prepared	Admin	39.54	0.25	**£9.89**	
1st Site notices - erected	Ranger	55.84	2.00	**£111.68**	
Advert checking	Admin	39.54	0.25	**£9.89**	
Order onto website	Admin	39.54	0.25	**£9.89**	
Order site notices - erected	Ranger	55.84	2.00	**£111.68**	
TOTAL COSTS			**19.25**	£1059.35	**£1,059.35**

B: EXTENSION TO ORDER

Task	*Officer(s)*	*Salary costs and on-costs*	*Units of Time (eg: hours [0.25=15 minutes]) or other (eg: sheets of paper, no. of trips, etc)*	*Costs*	*Costs per block*
Application					**£83.76**
Receive request from applicant, and apply to Secretary of State	RoW Officer	*55.84*	1.50	**£83.76**	
Publication					**£137.26**
Order and paperwork drafted	RoW Officer	55.84	1.00	**£55.84**	
Printed, collated, posted	Admin	*39.54*	0.50	**£19.77**	
Advert checking, placing on website	Admin	39.54	0.50	**£19.77**	
Order site notices - erected	Ranger	*55.84*	0.75	**£41.88**	
TOTAL COSTS			**4.25**	£221.02	**£221.02**

C: (EMERGENCY) NOTICE

Task	*Officer(s)*	*Salary costs and on-costs*	*Units of Time (eg: hours [0.25=15 minutes]) or other (eg: sheets of paper, no. of*	*Costs*	*Costs per block*
Preliminary stage / Initial Administration					**£66.18**
Guidance, discussions, charging regime, plan preparation, etc	RoW Officer	*55.84*	0.75	**£41.88**	
Preparation of plan	GIS Techs	*48.60*	0.50	**£24.30**	
Decision (no objections received)					**£74.51**
Report compiled	RoW Officer	55.84	1.00	**£55.84**	
Authorisation	Senior RoW Officer	*74.66*	0.25	**£18.67**	
Notice Publication Stage					**£199.44**
Notice, letters, site notice drafted and sent out, put on website	RoW Officer	55.84	1.50	**£83.76**	
Site notices costs - plastic paper - 1st notice & order		*2.00*	2	**£4.00**	
Notice erection - time	Ranger	*55.84*	2.00	**£111.68**	
TOTAL COSTS				£340.13	**£340.13**

D: RALLIES ORDER

Task	*Officer(s)*	*Salary costs and on-costs*	*Units of Time (eg: hours [0.25=15 minutes]) or other (eg: sheets of paper, no. of trips, etc)*	*Costs*	*Costs per block*
Preliminary stage / Initial Administration					**£389.84**
Pre application admin – requesting dates, car numbers, estimated spectator no.s, charging regime, etc	RoW Officer	*55.84*	1.00	**£55.84**	
Acknowledgement & initial checks, filing list, files, etc	RoW Officer	55.84	0.50	**£27.92**	
Meetings and discussions regarding issues	Ranger	*55.84*	2.00	**£111.68**	
Preparation of plan - checking DM, etc	RoW Officer	55.84	0.75	**£97.20**	
Preparation of plan	GIS Techs	*48.60*	2.00	**£97.20**	
Consultation					**£139.60**
Constraints check, spreadsheet data, consultation	RoW Officer	55.84	2.50	**£139.60**	
Decision					**£131.78**
Report compiled for HoPM & checking	RoW Officer	55.84	1.50	**£83.76**	
Head of Park Management determines	HoPM	*96.04*	0.50	**£48.02**	
Notices and Order Making Stage					**£1,174.09**
Notice of Intention site notices & letters prepared	RoW Officer	55.84	1.50	**£83.76**	
1st notice sent out and onto website	Admin	39.54	1.50	**£59.31**	
Order drafted	RoW Officer	55.84	2.00	**£111.68**	
Order checked	Access Adviser	54.14	0.50	**£27.07**	
Order printed	Admin	*39.54*	1.00	**£39.54**	
Order sealed	Admin	39.54	1.00	**£39.54**	
Order sealed	Solicitor	*96.04*	0.50	**£48.02**	
Order and 2nd notice printed, collated, posted, emailed	Admin	39.54	1.50	**£59.31**	
Order onto website	Admin	39.54	0.50	**£19.77**	
Order site notices - erected	Rally volunteers	0.00	0.00		
Spectator site notices - checked (day before or morning of)	Rangers	55.84	12	**£656.12**	
Advert checking	Admin	39.54	0.76	**£29.97**	
Adverts (based on 2014-15 prices)					**£1,500.00**
1st notice - Notice of Intention	Westmorland Gazette	250	1.00	**£250.00**	
	Keswick Reminder	250	1.00	**£250.00**	
2nd notice - made order	Westmorland Gazette	250.00	1.00	**£250.00**	
	Keswick Reminder	250.00	1.00	**£250.00**	
3rd notice - reminder for Malcolm Wilson Rally	Westmorland Gazette	250.00	1.00	**£250.00**	
	Keswick Reminder	250.00	1.00	**£250.00**	
TOTAL COSTS - including advertising; not including VAT				£3335.31	**£3,335.31**
TOTAL COSTS per Rally - including advertising; not including VAT					**£1,667.66**

ANNEX 3 – SECTION 31(6) HIGHWAYS ACT DEPOSITS & DECLARATIONS

1 Background

1.1 Section 31(6) of the Highways Act 1980 enables landowners to deposit Maps, Statements and Declarations which prevent new rights of way being established through use. The landowner sends us (as Agents for the highway authorities - Westmorlad & Furness and Cumberland Councils) a Map and Statement describing the rights of way they admit exist over the land. Then within 20 years the landowner deposits a Declaration stating that they have not dedicated any further rights of way since the deposit of the Map/Statement (or since the deposit of a previous declaration).

1.2 We have not amended our fees for many years (since either 206 or 2018 it is unclear), and processes have changed either through legislation (we are no longer required to put notices out on site) or technology (easier redaction, uploading to websites, greater use of emails and so on). So, the cost increases due to pay rises are actually outweighed by the savings in time and effort.

1.3 Our current charges are £170 for processing deposits and £108 for declarations. I propose that these are altered to £135 and £80 respectively. Furthermore, many declarations are made within a few weeks of the initial deposit – and processing the two together means we can benefit from economies of scale in only carrying out some actions once instead of twice. I therefore propose that in instances where this happens we charge £160 instead of the two fees combined (a saving of £55).

DETAILED CHARGES CALCULATIONS

Task	*Officer(s)*	*Salary costs and on-costs*	*Units of Time (eg: hours [0.25=15 minutes]) or other (eg: sheets of paper, no. of trips, etc)*	*Costs*	*Costs per block*
Administration of Deposit of Highways Statement (excluding preliminary work)					**£135.98**
Pre application admin/advice – sending forms, guidance, discussions, charging regime, etc	RoW Officer	*55.84*	0.50	**£27.92**	
Acknowledgment of receipt of Statement	RoW Officer	55.84	0.25	**£13.96**	
Initial checking against DM & clarifying any areas of uncertainty	RoW Officer	55.84	0.50	**£27.92**	
Preparation of plan(s)	GIS Techs	*48.60*	0.50	**£24.30**	
Preparation of notification letter and attachments (inc preparation of redacted copy of deposit) and dealing with responses	RoW Officer	55.84	0.50	**£27.92**	
Updating s31(6) register & table & liaising with CCC	RoW Officer	55.84	0.75	**£41.88**	
Administration of Lodging of Highways Declaration					**£83.76**
Acknowledgment of receipt of Declaration	RoW Officer	55.84	0.25	**£13.96**	
Preparation of notification letter and attachments (inc preparation of redacted copy of deposit) and dealing with responses	RoW Officer	55.84	0.50	**£27.92**	
Updating s31(6) register table & emailing to CCC	RoW Officer	55.84	0.75	**£41.88**	

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).

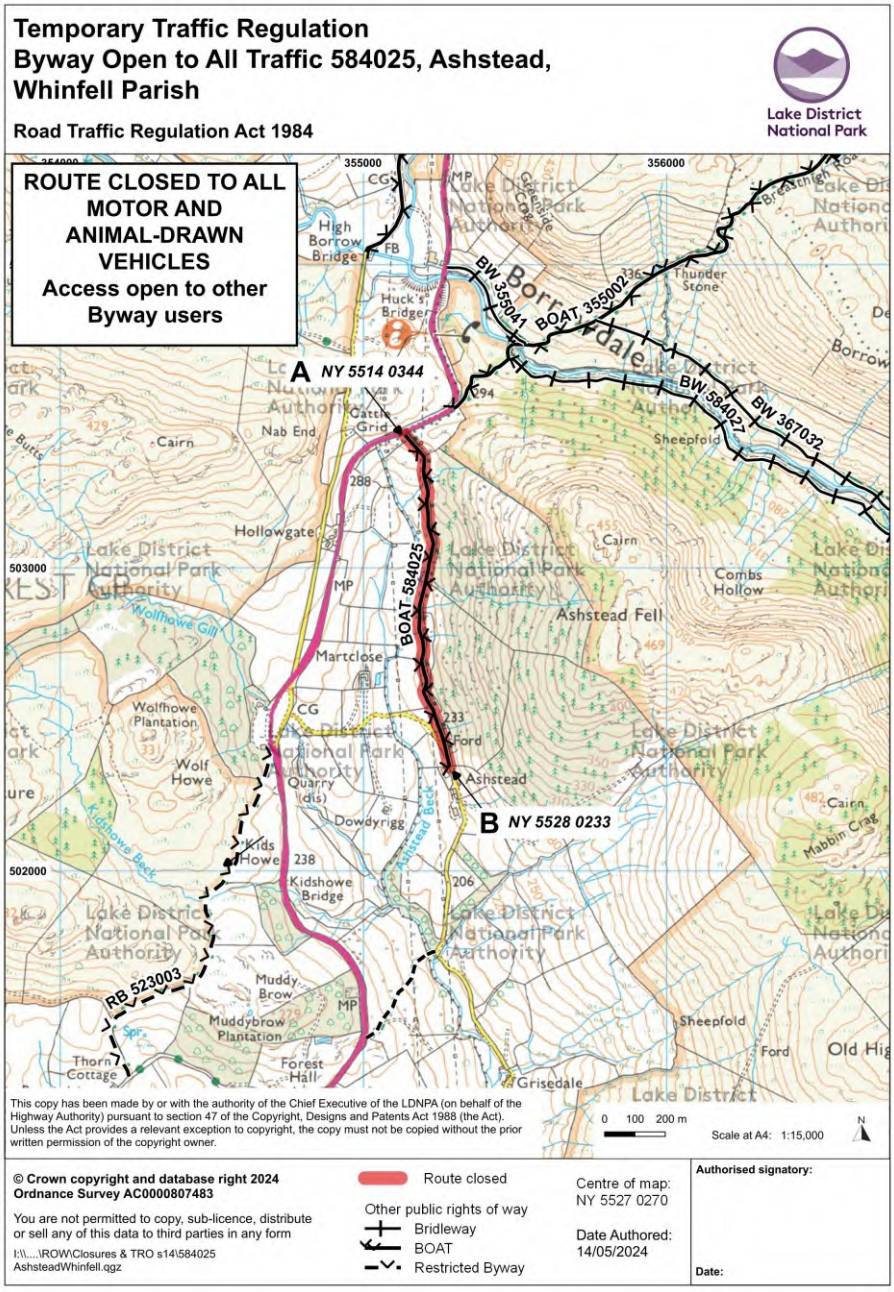
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION ORDER, BYWAY OPEN TO ALL TRAFFIC 584025, ASHSTEAD, WHINFELL PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	The surface of Byway Open to All Traffic (BOAT) 584025 between the A6 and Ashstead has become washed out and partially collapsed in places, due to the culverts and drains on the track becoming blocked. The Ranger team intend to carry out work on the track to replace several of the drains and repair the damaged surface. During the works the full width of the BOAT will be obstructed at times by open excavations and works vehicles. We therefore wish to make a temporary closure order closing the BOAT to mechanically-propelled vehicles (MPVs) and animal-drawn vehicles whilst the works are underway. The byway would remain open to all other users during the works.
Details of Decision	***That we issue a Temporary Traffic Regulation Order over BOAT 584025 prohibiting mechanically-propelled and animal-drawn vehicles.***
Details of alternative options considered and rejected.	• 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, Rights of Way Officer
Background Papers	Case file 1410.003 (267)
Date of Report	12 June 2024
Authorising officer	Ranger Team Leaders Meeting – 13 June 2024

TEMPORARY TRAFFIC REGULATION ORDER, BYWAY OPEN TO ALL TRAFFIC 584025, ASHSTEAD, WHINFELL PARISH

1 Summary

1.1 This report recommends the temporary prohibition of mechanically-propelled and animal-drawn vehicles on Byway Open to All Traffic (BOAT) 584025 at Ashstead whilst works are undertaken to replace drainage features and repair the damaged surface.

Recommendation:	***That we issue a Temporary Traffic Regulation Order over BOAT 584025 prohibiting mechanically-propelled and animal-drawn vehicles.***



Map 1: Location Plan

2 Details of Request

2.1 The surface of the BOAT between A6 and Ashstead has been affected by washouts and partial collapses of the track surface. This appears to have resulted from blocked culverts and drains – without these functioning severe weather has then damaged the surface. The impact is most noticeable on the steeper section at the byway's northern end (see section 2.7 photo).

2.2 To prevent the BOAT deteriorating further our Ranger team intend to carry out work to repair or replace several of the drains, improve drainage approaches and repair sections of the surface which have been damaged (using approximately 100 tonnes of local aggregate). This work is scheduled to be carried out during August or early September.

2.3 The works will require use of an excavator and three-tonne dumper for moving aggregate (which will be heaped at the northern end of the track). At times there will be a trench exposed across the full width of the track whilst new drains or culverts are installed. It will therefore be impractical for MPVs or animal-drawn vehicles to proceed along the byway as they will be obstructed and attempting to proceed could pose a risk for them or our team. This would also disrupt the team's work and may damage the new features or surface before they have been installed or bedded in.

2.4 It would not be practical or desirable for MPVs or animal-drawn vehicles to divert around the works immediately adjacent to the byway – there is a stock fence on one side and the terrain on the other is very boggy and rough. Even if some vehicles could navigate this it would cause erosion of the surface. As highlighted by the GLEAM representative during our consultation, MPV users may also be committing an offence under Section 34 of the Road Traffic Act (1988) by driving on land not part of the highway without lawful authority.

2.5 We therefore intend to make a temporary closure order prohibiting these users whilst works are underway. An order can last for six months but in this case it is anticipated that the closure will remain in effect for only two or three weeks (depending on weather and any other issues encountered) until work is complete. We anticipate that all other users will be able to use the verges within the byway to pass the works so a closure to these does not appear necessary.

2.6 For MPV and animal-drawn vehicle users the only possible alternative during the closure will be to use the surrounding road network, namely the A6 from the northern end of BOAT 584025 and the U5279 from the southern end.

2.7 A recent photo of the byway:

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. A closure to MPVs and animal-drawn vehicles will allow the Ranger team to carry out works to repair and improve the drainage of the byway, and repair the damaged surface, safely and efficiently, and without damage to the adjacent land, as detailed in section 2. There will be minimal disruption for all other users who will be able to continue to use the byway. The disruption to the public will be reduced as much as possible by erection of site notices to inform them of the closure and the order will remain in effect only whilst the works are underway. User group consultees have been supportive of the proposal and we will inform all interested parties 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. 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.

7 Finance Considerations

7.1 The cost of a temporary closure Order is approximately £1,060 (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 allow works to be undertaken safely and efficiently, as explained in Section 2. If a temporary closure order were not made vehicle users may continue to use the byway and attempt to get through or around the sections affected by works – this may pose a risk to them or our team, or damage the adjacent surface.

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 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 (not including the field team's practical work delivery) 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 – Westmorland and Furness Council. We received the following responses:

Consultee	Comment	LDNPA Comments (where applicable)
Green Lane Association (GLASS) Representative	We have noted the gradual and more recent acceleration of the degradation on this byway and appreciate the proposed work. If we can be of assistance at all, please let us know. We will also appreciate notification of the start date for the closure so that we can inform members.	
Green Lanes Environmental Action Movement (GLEAM) Representative	Thank you for consulting me about this temporary traffic regulation order, to which I have no objection. The only point I would make is that it would probably be illegal for motorised members of the public to get round the works by going onto the adjacent land, in addition to the points you make about it being impractical and damaging. Section 34 of the Road Traffic Act 1988 says it is an offence to drive a mechanically propelled vehicle on land which is not part of the BOAT, without lawful authority (e.g. landowner permission), except for parking. Could you tell me what LDNPA's budget for materials (e.g. replacement drains, approximately 100 tonnes of aggregate) is for this work, please?	*Thanked representative for highlighting the offence which could be committed by MPV users if they were to divert off the highway without permission to drive over owner's land.* *Second paragraph responded to and recorded as a Freedom of Information request – total estimated cost of materials (stone and pipes) for this work including VAT are £1,850.*
Local Access Forum (LAF)	**LAF Recommendation –** That the LAF has no objections to this proposal **Report -** There were no issues raised by LAF members regarding this proposal. I have also consulted with the MPV user groups, Cumbria Trail Riders Fellowship and the Green Lanes Association who are also happy with the proposal, and welcome it.	

Open Spaces Society	It must not be cheap to repair works caused by neglect. Whilst the OSS would not normally support the following comment I wonder if, given the close-by tarmac alternative and the steep and easily eroded nature of this ground, the NPA has given consideration to re-classifying this BOAT as a bridlepath [in the interest of future sustainability of the this route] ? If so what was the outcome of the discussion please.	*Informed that the only ways of changing the status or use of this route would be a TRO prohibiting MPVs or a Section 116 application to Magistrate's Court based on 'no need' for an MPV route – stopping up the highway to MPV but retaining other rights.* *The lack of need would likely be difficult to demonstrate as this BOAT provides a link (similar in experience) to Breast High Road from the south.* *Highlighted that the damage to this BOAT appears to have been caused by the lack of maintenance of drainage features and not MPV use.*

13 Summary and Recommendations

13.1 Although we would rather maintenance was possible with no interruption to public access, on some occasions it is unavoidable. The surface of this byway has become damaged due to drainage features becoming blocked and without work to address this, will deteriorate further. It would be impractical to carry out the works without a closure to MPVs and animal-drawn vehicle users, who will not be able to physically use the byway whilst works are underway. I therefore recommend that we make the required order to temporarily close the byway to these vehicles for the reasons discussed in section 2.

Authorised by:

[redacted]

……

Steve Gaskell
Ranger Team Leader

Date: 14 June 2024

Background Papers	Case file 1410.003 (267)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	12 June 2024
Version	Final

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

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

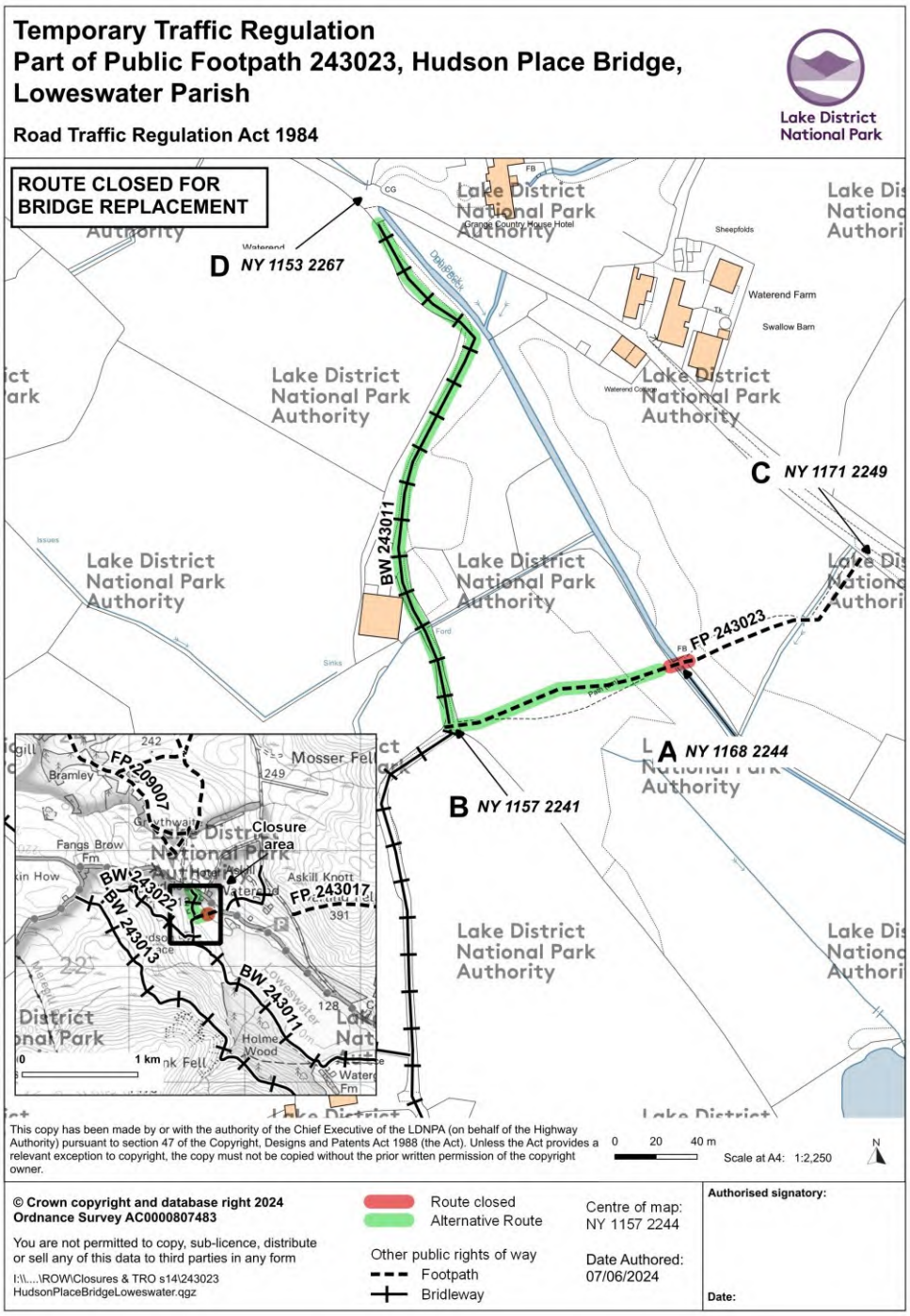
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 243023, HUDSON PLACE, LOWESWATER PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions delegated 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 Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	The deck and beams of the bridge across Dub Beck on Footpath 243023 near Hudson Place are rotting. The Ranger team intend to replace this as part of our 2024 bridge replacement programme to prevent the bridge becoming a significant risk to users if left to deteriorate further. Works cannot be undertaken safely or efficiently whilst maintaining public access and once the existing bridge is removed there will no safe way for the public to cross the beck until the replacement is complete. We therefore wish to make a closure order closing the bridge for the duration of the works.
Details of Decision	***That we issue a Temporary Traffic Regulation Order over part of Footpath 243023, namely the section over the bridge shown at Point A on the plan within the report.***
Details of alternative options considered and rejected.	• 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, Rights of Way Officer
Background Papers	Case file 1410.003 (269)
Date of Report	7 June 2024
Authorising officer	Ranger Team Leaders Meeting – 20 June 2024

TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 243023, HUDSON PLACE, LOWESWATER PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over a bridge at Hudson Place, on Footpath 243023 to enable us to replace it safely and efficiently.

Recommendation:	***That we issue a Temporary Traffic Regulation Order over part of Footpath 243023, namely the section over the bridge shown at Point A on the plan below***



Map 1: Location Plan

2 Details of Request

2.1 The deck and beams of the bridge over Dub Beck between Hudson Place and Waterend are rotting. Issues were first reported via a volunteer patrol in October 2022, since then there has been a series of jobs logged on our system to replace deckboards or identifying issues with the deck, beams and abutments. Several of the deckboards have deteriorated to the point that our Ranger team have had to replace them.

2.2 With the deck and beams rotting the team are of the view that the bridge will become unsafe for public use if left to deteriorate further. They therefore intend to replace this during the in-river working window this Summer as part of our bridge replacement programme.

2.3 The current timber footbridge will be replaced with a 3-beam timber bridge with handrails. The beck is an inflow of Loweswater and a bespoke permit will be required for the works from the Environment Agency as it is a Main River. We have also liaised with the landowner regarding the bridge replacement.

2.4 When works begin the existing bridge will be completely removed and from this point on there will be no safe way for path users to cross the beck - it is not fordable and there is no suitable point to site a temporary bridge. The team then plan to install a pipe at one end of the bridge where we have identified that the abutment is being undercut by water run-off from the adjacent field, a 1.9 tonne digger will be utilised for this task. The team intend to fully inspect both abutments and make any further repairs if needed (using local stone from Troutbeck) – it's anticipated that some beck walling may be needed where the riverbank has become washed out. A 5 tonne digger will then be used to lift the new bridge beams into place.

2.5 There will be plant and machinery operating adjacent to the bridge and vehicles including the diggers and 4x4s/quad bikes with trailers which would present a hazard to the public. Maintaining access would also disrupt the work of our team in carrying out the bridge replacement, particularly as there will be no way of physically crossing the beck. We therefore think the only way of safely and practically managing the replacement is to temporarily close the section of the footpath over the bridge and its immediate approaches whilst works are underway.

2.6 Works are provisionally scheduled to begin from 22 July 2024 and expected to take approximately two weeks – depending on the weather and any other issues encountered. The order would remain in effect only until the bridge replacement was complete and the path made safe for public use again.

2.7 The footpath goes between Bridleway 243011 and the C2030 road (points B and C on the plan). Whilst the closure is in effect the section of the bridleway between points B and D can be used as an alternative between the road (meeting it approximately 295 metres to the northwest of point C) and point B (and the continuation of the bridleway to Hudson Place and beyond).

2.8 Recent photos of the bridge and deck condition 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 the order will remain in effect only whilst the replacement is underway. We will also inform consultees, users groups, the landowner and other interested parties 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. 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 cost of a temporary closure Order is approximately £1,060 (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 allow works to replace the bridge to be undertaken safely and efficiently, as explained in Section 2. 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 Cumberland Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

10.1 The work involved in this proposal (not including the field team's practical work delivery) 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, the Parish Council and user groups. We received just the one following response:

Consultee	Comment	LDNPA Response
Open Spaces Society	*Many thanks for consulting the OSS on this tricky proposed TCO. The path is, as you will know, mostly used by people who park by the roadside and the taken the paths around the western and southern side of Loweswater. The extra distance to walk to achieve this is noted and, as we suspect the NPA is all too aware, the extra distance on the road is not inviting given the narrow nature of the carriageway..* *We note also the condition of the bridge which we are sure, despite the closure order, people will continue to use until the way is physically blocked by the contractors/rangers undertaking the repair work. Whilst we understand your concerns about the safety aspects we wonder if this is a case where warning notices regarding the condition of the bridge are displayed (by the roadside and the junction this path with the bw to the west) but only apply the Order from the date of the reconstruction works?*	*Confirmed that our intention is that the Order will come into effect only when the team's work begins in July and that the bridge / footpath would remain open until then barring any significant issues arising in the meantime.* *Confirmed that the decking boards which had deteriorated most have been replaced and that we envisage that the bridge will remain safe until work begins.* *Accepted that the only possible alternative using the bridleway and road without footway is not ideal – we will consider whether this can be described as a suitable alternative, and if so will consider signage necessary to make all users aware of potential increased pedestrian use of the road.*

13 Summary and Recommendations

13.1 Although we would rather maintenance was possible with no interruption to public access, on some occasions it is unavoidable. This bridge is in poor condition and requires replacement to remain safe for public use. As detailed in Section 2 it would be difficult to undertake the replacement safely or efficiently whilst maintaining public access. This internal request for a closure of part of the footpath whilst works are underway appears reasonable in my view and I recommend that we make the required order.

Authorised by:

[redacted]

……

Steve Gaskell
Ranger Team Leader

Date: 20 June 2024

Background Papers	Case file 1410.003 (269)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	7 June 2024
Version	Final

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**AUTHORISATION OF TWO NEW GATES, FOOTPATHS 573028 AND 573029, CHAPEL HOUSE PLANTATION, STAVELEY-IN-CARTMEL 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 Westmorland and Furness 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 new gates across two public footpaths for the purposes of preventing the ingress of stock into a forestry plantation which is undergoing re-planting.
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	Will Hinchliffe, Rights of Way Officer
Background Papers	1410.002 – includes application form and authorisation letter.
Date of Report	1 July 2024
Authorising officer	Ranger Team Leaders' Meeting
Date	19 July 2024

Brief Summary of reasoning

Forestry England (FE) have installed two metal kissing gates over Public Footpaths 573028 (at SD 3810 8531) and 573029 (at SD 3818 8518) within the Chapel House Plantation and are seeking authorisation for these. The gate on 573028 is adjacent to a vehicle access gate into the plantation. The gate on 573029 is located close to where the footpath leaves the road / access track into the car park (see Annex 2 photo). This area of the plantation is owned by United Utilities but managed by FE on a long-term lease. In addition to the commercial forestry operations at the plantation it is recognised by FE as an area of high conservation value. The plantation is not designated as open access land, but there has been a long-standing acceptance of public access within the plantation by FE (aside from the recorded public rights of way).

Plan showing location of gates (shown as red circles):

FE have installed extensive new fencing and gates within the plantation – though most of this does not affect the rights of way. A third gate was installed without authorisation in a new deer fence where Footpath 573030 meets Bridleway 573032, at approximately SD 3876 8565 – however, this was of a narrow kissing gate design and FE have stated that they will be removing this. A separate authorisation under Section 147 of the Highways Act (1980) will be required if they wish to install a gate there (of a more accessible design).

There has been recent *Phytophthora ramorum* infection of larch within the plantation which led to a Statutory Plant Health Notice requiring felling and removal of the infected trees. FE are now undertaking a substantial programme of re-planting of the affected areas with a more diverse range of species. Some of these species (e.g. Aspen) are particularly vulnerable to grazing by herbivores and therefore the aim of the new gates on the footpaths is to prevent the ingress of sheep whilst the newly planted trees become established. Previously, these paths had been unobstructed from the roadside and there have been multiple occasions of sheep ingress resulting from both stock movements and escapee sheep. FE have confirmed that in addition to the new gates and fencing, they intend to alter the existing vehicle barrier on the access track adjacent to footpath 573029 to make it stock-proof.

The current installed structures are metal kissing gates. We have highlighted that these are not the least restrictive option which would serve the purpose of preventing sheep ingress and would likely prevent some users from accessing the footpath. The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society website here: https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. We will therefore only authorise FE to install pedestrian wicket gates here to our specification (Annex 3) as these will provide the minimum possible hindrance to footpath users. FE have stated that they would accept this.

FE have highlighted concerns around illegal motorcycle use within the plantation – kissing gates may have been more preferable in deterring this, but under Section 147 new gates may only be authorised for the purpose of preventing ingress or egress of animals (see Annex 1). The position within our Structures Policy is that we will only authorise the least restrictive structure which achieves the required purpose (in this case ingress of sheep). We have highlighted that if sufficient evidence is provided that illegal motorcycle use is presenting a danger to users, the authority could consider installing more restrictive furniture for safety purposes if we reached a decision that the impact on accessibility was outweighed by the danger being posed to the public.

The gates will be necessary for their purpose only until the newly planted trees have become established. Therefore, this authorisation will be given only for a 10-year period (ending 19 July 2034). If FE wish to retain the gates beyond this period they will need to apply again for renewed authorisation in due course. The authorisation will also end if the use of the land changes and the gates are no longer necessary to prevent stock ingress.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for self-closing wicket gates at these two locations.

Will Hinchliffe, Rights of Way Officer, 1 July 2024

Annex 1 – Section 147, Highways Act (1980)

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 gudance 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.

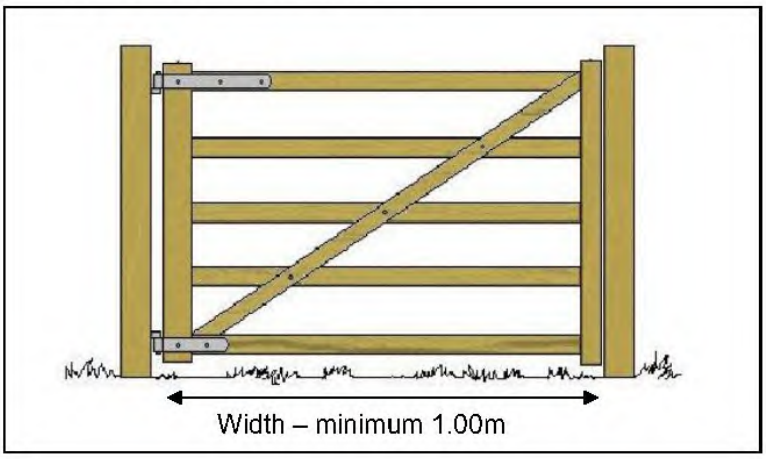
(6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

Annex 2 – Photo of kissing gate installed on Footpath 573029

Annex 3 – LDNPA Pedestrian Wicket Gate Standard (2011)

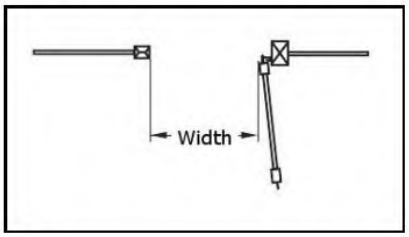
LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

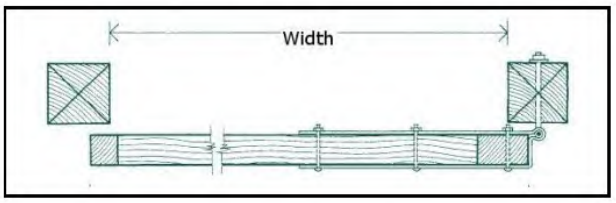


- **Usable width for all** pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the 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)



Lake District National Park

Mr Joe Daniels
Forestry England
Grizedale,
Hawkshead
LA22 0QJ

1 July 2024

Dear Joe,

Our Reference: 1410.002

Authorisation of two new gates across Public Footpaths 573028 and 573029
Chapel House Plantation, Staveley-in-Cartmel Parish

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

- Pedestrian wicket gate over Footpath 573028 at SD 3810 8531
- Pedestrian wicket gate over Footpath 573029 at SD 3818 8518

The authorised gates will prevent the ingress of stock into newly planted areas of the plantation until the trees have become established.

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

- The gates shall meet the LDNPA structures standard 2011 (included with this letter) for a pedestrian wicket gate, complying with the least restrictive option suitable for the purpose of preventing the ingress of sheep (the existing kissing gates must therefore be replaced).
- You will maintain the gates in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gates and recover the costs from you. These gates do not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for their safe maintenance lies with the landowner / lessee / occupier.
- The authorisation is granted for a period of ten years, so the gates must be removed by 19 July 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 19 July 2034 and the gates are no longer necessary to prevent animal ingress. 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 structures will remain an unauthorised obstruction.

If you have any queries please contact the Area Ranger, Matt Croney on 07920 086355 or Rights of Way Officer, Will Hinchliffe on 01539 792696.

Yours sincerely

[redacted]

Steve Gaskell

Ranger Team Leader
Direct: 01539 792640
Email: steven.gaskell@lakedistrict.gov.uk

Landowner Confirmation

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

- I agree to the above conditions

Print name ……

Signature …….. Date ……

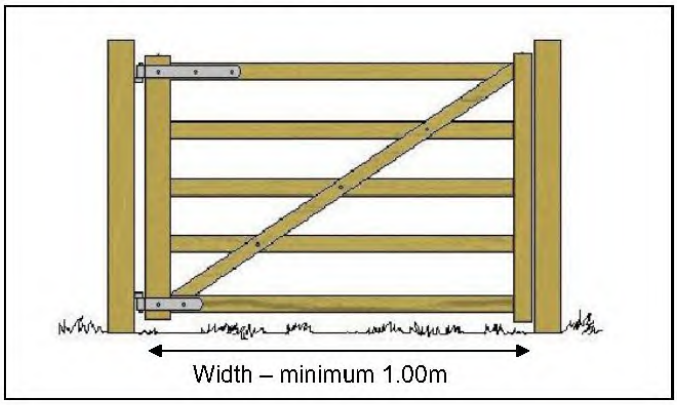
*Delete as appropriate

……

Annex A – LDNPA Pedestrian Wicket Gate Standard (2011)

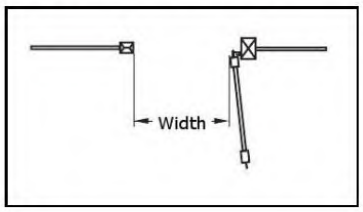
LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

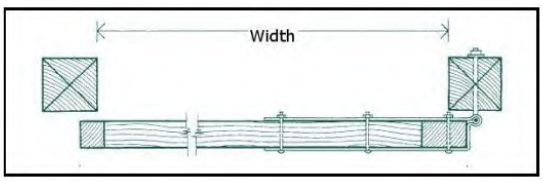


- **Usable width for all** pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the 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 B – Plan showing locations of the authorised gates

Annex C -

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 gudance 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.

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

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

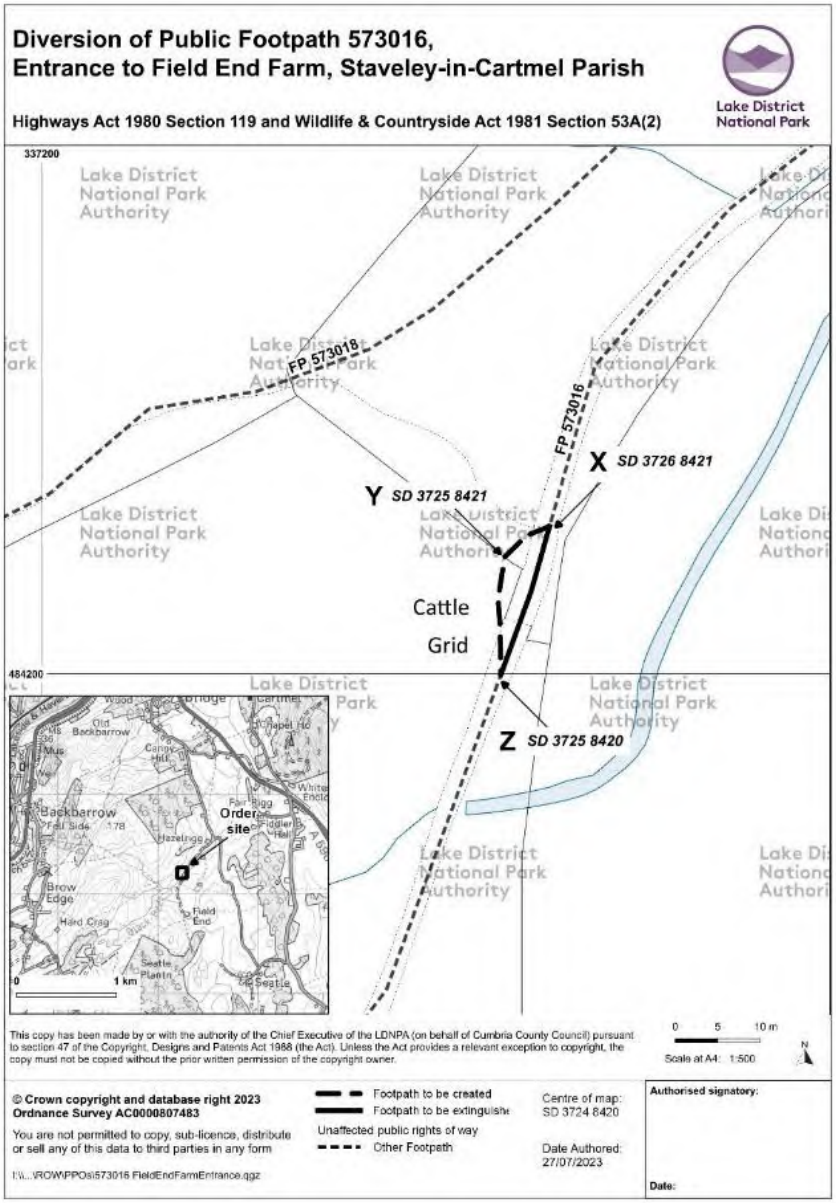
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**DIVERSION OF PART OF PUBLIC FOOTPATHS 573016, 573017, 573018 AND 573019, FIELD END FARM, STAVELEY-IN-CARTMEL PARISH**
Relevant section of Scheme of Delegation	**PART 4 – DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.
Background	The landowner of Field End Farm has applied to divert parts of footpaths 573016, 573017, 573018 and 573019 to improve the security and privacy of their property and benefit the conservation of a wetland area.
Details of Decision	Make two Diversion Orders; • To divert part of footpath 573016 replacing X–Z with X-Y-Z • To divert parts of footpath 573017 (replacing A-B-C with E-D-C), 573018 (replacing B-M-L with F-G-H) and 573019 (replacing K-J with K-H-J)
Details of alternative options considered and rejected.	• Not making diversion orders to divert part of footpaths 573016, 573017, 573018 or 573019 • Making concurrent creation and extinguishment orders to divert footpaths 573017, 573018 and 573019 • Making some/parts of the recommended orders
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	Will Hinchliffe, Rights of Way Officer
Background Papers	Case file 1412.573.06
Date of Report	7 August 2024
Authorising officer	Ranger Team Leaders' Meeting – Steve Tatlock / Steve Gaskell

DIVERSION OF PART OF PUBLIC FOOTPATH 573016 AND PARTS OF FOOTPATHS 573017, 573018 AND 573019, FIELD END FARM, STAVELEY-IN-CARTMEL PARISH

1 Summary

1.1 The landowners of Field End Farm, Staveley-in-Cartmel Parish, have applied to divert parts of footpaths 573016, 573017, 573018 and 573019. This report discusses whether it is expedient to approve the request. The proposed diversion plans are below. Photos of the existing footpaths and proposed routes are included in Annex 2.

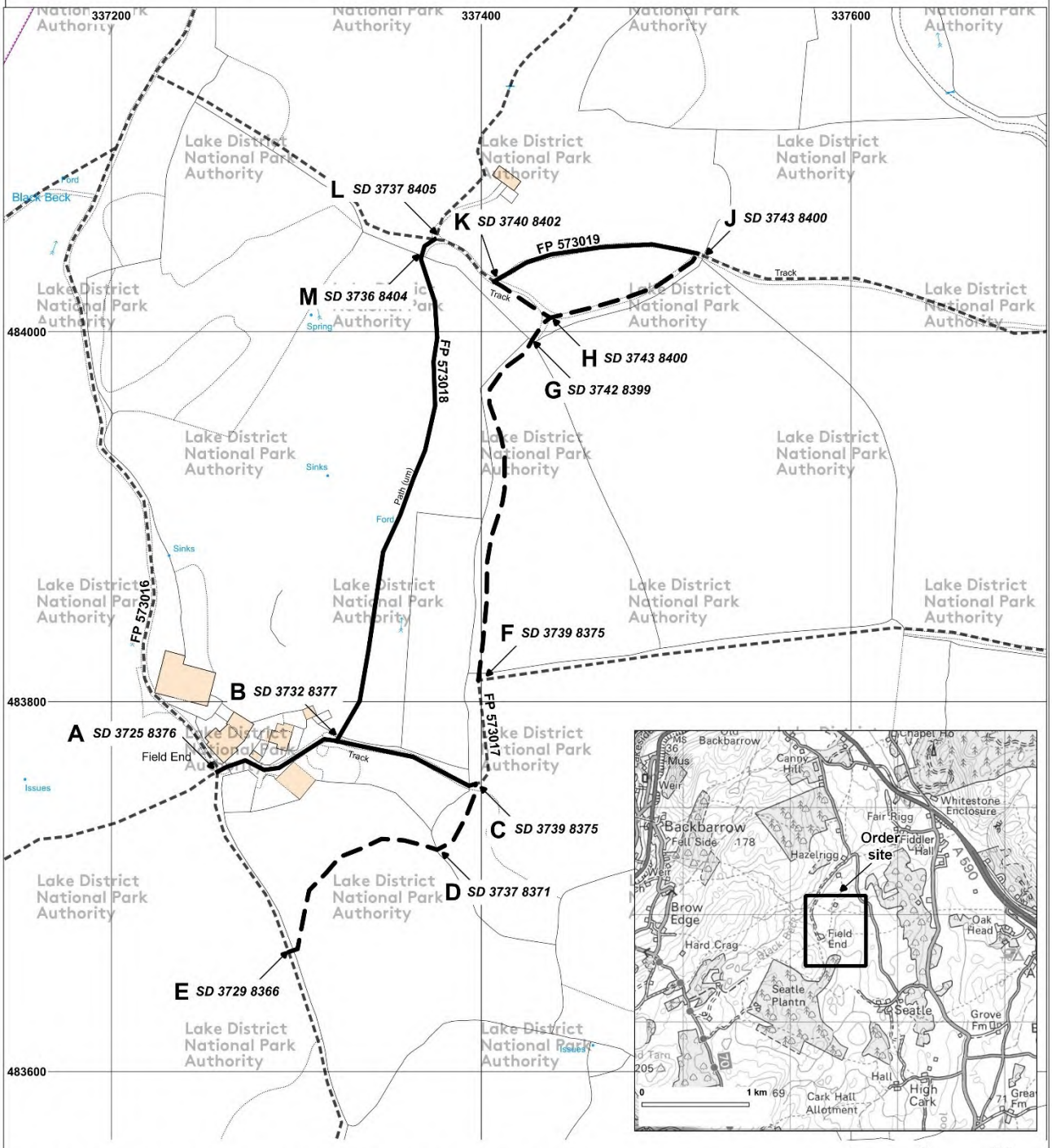
Recommendation that:	***a***	***We make a diversion order to replace a section of footpath 573016 replacing X–Z with X-Y-Z***
	b	***We make a diversion order to replace sections of footpaths 573017 (replacing A-B-C with E-D-C), 573018 (replacing B-M-L with F-G-H) and 573019 (replacing K-J with K-H-J).***
	c	***we confirm the orders if no objections are received or if any objections received are withdrawn.***



Diversion of Public Footpaths 573017, 573018, 573019
Field End Farm, Staveley-in-Cartmel Parish

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

Lake District National Park



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573017_018_019 FieldEndFarm.qgs\

Footpath to be created
Footpath to be extinguished
Unaffected public rights of way
Footpath

Centre of map:
SD 3742 8384

Date Authored:
30/05/2024

Authorised signatory:

Date:

2 Background

2.1 Following a site visit by the Rights of Way team, Area Ranger and Ranger, the owner of Field End Farm has applied to divert sections of footpaths 573016, 573017, 573018 and 573019.

2.2 During the site visit we discussed:

- Obstruction of footpath 573016 by a metal gate (which replaced a previous field gate) and the potential for a diversion. In April 2019 one of our Ranger team recorded a report that the field gate had been replaced with the larger metal gate, and that this was padlocked. An adjacent stone stile had been installed and the landowner stated that they were not willing to unlock the gate. We suggested to the owner that they could consider replacing the stone stile with a wicket gate, and applying to divert the footpath through it, enabling them to retain their locked vehicular gate.

- Potential for a diversion of footpaths 573017, 573018 and 573019 as the landowner wished to improve their privacy (573017 passes between the farm buildings and house) and the conservation of a wetland through which 573018 passes.

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 2024-2027 states what actions will be taken as the National Park Authority plays its part, in partnership with others, in realising the Vision. The Business Plan says that we will deliver the 'Improve, Maintain, Promote and Integrate elements' of the 'Out There' Access and Recreation strategy. Under Priority Theme 2 (Manage & maintain: rights of way and countryside access) this says we will '*Keep the definitive map up to date and work towards making this information available on the LDNPA website to ensure everyone has access to this information we hold'*.

3.4 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then (most recently in 2024).

4 Demonstrating Best Value

4.1 **Work Programme and Relevance to This Case:** Our processes and priorities are designed to deal with applications for diversions in as timely a fashion as possible and these are a core element of the Rights of Way team's work. Although making changes to rights of way is a power rather than a duty of order-making authorities, it is expected that at some stage 'Right to Apply' regulations will come into effect which will require authorities to consider and make decisions on applications to change rights of way in a prompt manner.

4.2 Considering applications for changes to the network which appear to be in the interests of the landowner or the public (or both) is part of effective management of a rights of way network, which is a role delegated to us under our agency agreement with Westmorland and Furness Council. The potential diversion of footpath 573016 would resolve an obstruction in a way which would appear to benefit both the landowner and public.

4.3 The best value implications are:

a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversions will aid our effective management and promotion of the rights of way network and is a pragmatic method of resolving a number of issues in the area in a timely and cost-neutral way.

b) Processing public path orders is not a **competitive** procedure. Westmorland and Furness Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.

c) We have **consulted** user bodies, the Unitary Authority, parish council, Local Access Forum, and other interested parties as part of the process, their responses and our comments are shown in section 10.

d) We have **compared** our casework completion rates with other authorities, and with regard to staffing levels, we have similar resolution rates. The diversion is likely to improve our 'ease-of-use' performance indicator if the path is selected for survey in the future.

5 Options

5.1 a) make the recommended Diversion orders

b) do not make either Diversion order,

c) to make a Diversion order for one, or part of one or both the proposals

d) to make concurrent Creation and Extinguishment orders for Footpaths 573017, 573018 and 573019

6 Proposals

6.1 I recommend option 5.1a. In my view there are valid grounds for the proposed diversions and they meet the legislative tests, as detailed in sections 7 and 8, and our consultees have not indicated that they would object to an order if made. As discussed in section 9.5 DEFRA guidance suggests we should be pre-disposed to make and confirm diversion orders where rights of way pass domestic properties and farmyards where the relevant tests are satisfied. It may also have been possible to achieve these diversions via concurrent Creation and Extinguishment Orders, however, where possible to apply the tests for diversion I consider that this is the more judicious option, as this is the real effect of these orders – further consideration of this can be found in section 13.2.

7 Grounds and Tests for Diversion

7.1 The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to make an order whilst ignoring something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network which are set out in Annex 1.

7.2 There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:

a) in the interests of the owner, lessee or occupier of the land crossed by the path,

OR b) in the interests of the public.

7.3 I consider that the diversion of part of footpath 573016 would be expedient in the interests of the landowner. The diversion will improve the security of the landowner's property by allowing them to retain the large (and usually locked) metal gate they have installed to prevent vehicular access to the property. They have experienced issues with theft at the property and poaching (with vehicles used) at night and this would decrease the likelihood of future instances of this. The proposed diversion also avoids a cattle grid to the south of the gate which is an additional obstruction of the footpath. It also appears there would be a small benefit to the public as the diverted footpath would pass through a wicket gate of a more accessible design rather than the pre-existing field gate (where the metal gate is now situated).

7.4 In my view a diversion of sections of footpaths 573017, 573018 and 573019 would be expedient in the interests of the landowner, with some benefits also to the public:

- Diversion of the part of footpath 573017 through the farmyard and past the farmhouse will improve the privacy of the occupiers. It will also enable them to manage the agricultural elements of the farmyard more efficiently by excluding the public. It will also have some benefit to the public as the current definitive line is often impassable due to flooding.

- The proposed diversion of the section of footpath 573018 would be in the landowner's interest and also bring benefits to public convenience – this wetland area is a species rich habitat which the landowner wishes to conserve, and they are exploring options for entering this into a stewardship scheme through which funding would be available. This may include it being designated as a Nature Reserve. Much of the time due to its boggy nature this section of the footpath becomes impassable to walkers.

- Diversion of the proposed section of footpath 573019 would be expedient in the interests of the public – this proposed diversion would move the footpath onto a trod used on the ground linking with the proposed diversion of 573018 in a more logical fashion, the current definitive line does not follow a visible trod and passes through reedy patches.

8 Tests to be Considered

8.1 These are:

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

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

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

8.2.2 I consider that there would be a small improvement to the convenience of footpath 573016 if this diversion proceeds. There would be a minimal increase in the length of the footpath – the diversion route is approximately 20 metres, compared to the approximate 18 metre length of the existing definitive line which would be replaced. The surface of the diversion route is currently grassy but we discussed during the site visit that we would require the landowner to undertake some surfacing of this section with aggregate before confirmation of an order to avoid the surface becoming eroded. The primary effect on convenience would be the proposed route passing through a wicket gate in place of a field gate on the current definitive line.

8.2.3 In my view the proposed diversion of footpaths 573017, 573018 and 573019 would not result in rights of way substantially less convenient to the public, and there would be some overall benefit to public convenience:

8.2.3.1 *Route length*

- The overall length of routes utilising these paths will vary depending on the user's start point and destination, but comparisons could be made utilising all three for routes starting at point A and point E and heading to point J. From point A the overall length via the existing definitive line of these paths (A-B-M-L-K-J) is approximately 512 metres. Via the proposed diversion routes to get between the same points (A-E-D-C-F-G-H-J) would be approximately 628 metres. Starting from point E the length via the existing rights of way (E-A-B-M-L-K-J) is approximately 616 metres whereas via the proposed routes it would be approximately 520 metres.

- Taken individually (all figures measured in our GIS system, but should be treated as approximate) the existing line (A-B-C) of footpath 573017 is 150 metres, whereas the proposed route (E-D-C) is 160 metres. For footpath 573018 the existing line (B-M-L) is 285 metres and would be replaced with a route (FGH) which is 210 metres long (though users heading to or from footpath 573016 to the west will then need to use the longer 221 metre section of 573017 between point F and E). Footpath 573019 is 115 metres via points K-J, this would be replaced by a route of 125 metres (K-H-J).

- It appears that taking into consideration all of the possible routes those on the existing definitive lines would generally be a little longer as a result of this diversion, but I also think that in the context of these by necessity being part of longer journeys these relatively small increases in overall distance are of little significance. As discussed below I consider the increase in distance is more than made up for by the easier surface of the proposed routes.

8.2.3.2 *Furniture*

- The existing route of footpath 573017 features two metal field gates. The proposed route for the diversion is already signed as a permitted path – currently there is one step stile and one ladder stile (points D and E). Both of these would be replaced with pedestrian wicket gates (work to be undertaken by applicant) before any order was confirmed. There is currently a gap at point F, but there has been a field gate at this location in the past (the stone stoop remains), and a gate may be required at this point again in future – so it would be included as a limitation in the order.

- On the existing route of the affected section of footpath 573018 users encounter wooden field gates at either end (points B and M). The proposed route would pass through a wooden field gate at point G – this gate is currently difficult to use as it drops and is difficult to latch, it will require replacement or repair by the applicant before any order made is confirmed.

- There is no furniture on the current or proposed route of footpath 573019.

- Overall, users would encounter similar furniture on the proposed routes and these would be of a more accessible standard – four field gates on the current definitive lines compared with two pedestrian wicket gates, and two field gates on the proposed diversion routes.

8.2.3.3 *Surface*

- The proposed changes would bring about an improvement of the path surfaces encountered.

- The current line of footpath 573017 passes through the farmyard on a concrete surface and then down onto a grass surface. There is a low point here (there was in the past a pond adjacent to the footpath) which often floods (see photo in Annex 2). The proposed route for footpath 573017 is on grass with a well-used trod. There is a steady slope to the northeast of point E and the Open Spaces Society highlighted the extra distance of the diversion route and the additional ascent/descent as disadvantages of this proposal. They believe that with suitable works the periodic flooding on the definitive line could be avoided. The Local Access Forum offered a differing view that although longer, the proposed change to 573017 was a distinct improvement being drier and having better views. The Ramblers noted that when they first visited the site after heavy rain the current definitive line was impassable and that on their second visit following dry weather they still felt that the proposed routes were more desirable. I consider that the regular flooding of the current definitive line at a permanent lowpoint renders it less convenient overall than the proposed route. Even if the flooding issue on the current line were addressed, in my view the proposed diversion route is not substantially less convenient than the current route when passable.

- Footpath 573018 currently passes through a wetland area with high vegetation and a boggy surface. At the time of our site visit in July 2023 the path was difficult to use, being wet underfoot and the vegetation (reeds, nettles and thistles – see photo in Annex 2) being a significant obstacle in places. The applicant has stated that the area is often waterlogged and this is backed up by volunteer reports on this path from 2017, 2018 and 2022 all referring to the path being impassable in places and the 2017 report referred to one patch being dangerous for users. To make the existing route of this footpath easy to use it is likely we would need to either undertake drainage works on the wetland area (which would have a negative impact on the habitat) or install a boardwalk, which may itself have a negative impact and also an ongoing maintenance cost to the public. The proposed route would take users on firmer, drier ground close to the boundary of the field to the east of the wetland. The proposed line has been brought in a minimum of 2 metres from the field edge to avoid the hedge overhanging the path and causing any future obstruction. There is a badger sett between points F and G which was highlighted by several of our consultees as a potential hazard, we have proposed that the diversion would come a little further into the field around this to avoid any risk here or any disturbance of the sett and asked that the applicant erect some basic fencing to protect both users and the sett from one another.

- The proposed route of Footpath 573019 would follow an existing trod on the ground which is easier to use and follow than the current definitive line which has no visible trod and is obstructed by vegetation (reeds) in places. The Open Spaces Society state in their consultation response in relation to this path that the,‘ minor extension of length is more than compensated by the easier walking surface’.

8.2.3.4 *Summary on convenience for footpaths 573017, 573018 and 573019*

- Overall, I conclude that the proposed changes would bring about a benefit to public convenience. Although the proposals in general result in longer routes for users, they are not significantly so in the context of the longer walks which users would be making to have accessed these paths. Similar path furniture would be encountered but it would be of a more accessible standard. Surface conditions are the most significant factor affecting convenience here – both 573017 and 573018 are rendered impassable (and potentially hazardous) at times due to wet weather and it would be difficult, prohibitively costly, and likely undesirable (given the ecological value of the area) to add drainage features to the wetland. The proposed changes would offer routes which should remain usable at all times therefore bringing a benefit to convenience.

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

8.3.1 There would be no impact on public enjoyment resulting from a diversion of footpath 573016.

8.3.2 In my view the proposed diversion of footpaths 573017, 573018 and 573019 would have a fairly minor impact on public enjoyment. I consider that even if one considers the proposals less enjoyable, this is not to the degree that the expedience of the order, given the benefits to the landowner, and improvements to public convenience, are outweighed. The impact on the individual paths is considered below:

- A diversion of 573017 would change the character of this path somewhat as it would no longer proceed through the farmyard and past the house and other buildings. Some users enjoy the opportunity to pass through farmyards, whereas for others this can be a source of apprehension or feeling that they are encroaching on spaces they perceive as private. In this case a loss of the opportunity for close inspection of the buildings is unlikely to be of great detriment to public enjoyment – they are unlikely (in my view) to be particularly valued as examples of vernacular architecture, being more functional in appearance. The proposed alternative is via more open land, with better views, and I feel that in this case the proposed route would provide more enjoyment.

- One point noted by the Open Spaces Society in their response to the consultation was that the opportunity to view two traditional stone gate posts at point B would be lost. The opportunities for the public to view historic gate stoops would not be completely lost however, as there is also one at point F, where the proposed route of 573018 leaves 573017.

- As previously discussed, the current route of footpath 573018 is through a wetland area which provides habitat of high value for flora and fauna, it's stated to be particularly suited to a range of butterfly species. This obviously offers some interest to the public in passing through. On the other hand, as discussed in section 8.2.3, the current definitive line is often impassable and likely to be difficult to use at most times – this may present a frustrating experience for many users in navigating their way through, particularly if not appropriately shod. The proposed route for 573018 could be generalised as having less features of unique interest, though good views over the wetland (and any birdlife in the area) would still be possible. On balance, I consider that the current definitive line of 573018 can offer more enjoyment to the user (when passable), but not to the extent that the benefits resulting from a diversion to the landowner, or the improvement to the convenience of the public are outweighed.

- There would be little or no impact on enjoyment resulting from the proposed diversion of footpath 573019 – the two routes are not far apart so there would be minimal change to the experience, both offer excellent views of the nearby stone barn.

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

8.4.1 The diversion of footpath 573016 would have no impact on other land served by the existing right of way as it is a very minor change and does not significantly impact on the overall footpath route.

8.4.2 A diversion of footpaths 573017, 573018 and 573019 would not appear to affect other land served by the existing rights of way, other than potentially some increased traffic over the sections of footpath 573016 between points A and E and footpath 573017 between C and F (both already with established trods) as these would provide connections for the diverted paths. It does not appear that there would be any impact on the wider surrounding ROW network or land.

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

8.5.1 There may be a very slight impact on the land over which the proposed diversion of footpath 573016 passes. The proposed route is on grass which already has a good scattering of gravel and stone. We have asked the landowner that they undertake some very minimal surface work to prevent any future erosion resulting from a diversion. This will be as simple as a little extra aggregate being added to better protect the surface from erosion.

8.5.2 There would be minimal impact on the land over which the proposed diversion of footpaths 573017, 573018 and 573019 would be created. These routes are already in use (currently signed as a permitted path) with visible trods throughout. As discussed in section 8.2.3 there is a badger sett between points F and G on 573018 and having discussed this with the landowner it was agreed that the route, if diverted, would stay away from this to avoid any disturbance of the sett.

8.5.3 I have not identified any effect of the order on any existing private rights or easements.

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

8.6.1 In the context of the footpaths here being used primarily for leisure ('meandering walks' as the Open Spaces Society described them in their consultation response), it is difficult to conceive of walks in the area short enough that the relatively small changes to termination points and junctions are not rendered of little consequence to convenience. It is really 'junctions' of the footpaths that would be affected, rather than 'termination points' – but for completeness the changes are discussed below.

8.6.2 For the proposed diversion of footpath 573016 there will be no change of termination points.

8.6.3 The proposed diversion of footpath 573017 would not affect the end points of the full numbered path but would (bearing in mind that the path numbers are primarily an administrative convenience) affect a junction of this footpath with 573016, replacing point A with point E. For users heading to or from the south of point E this change would be more convenient, for those heading to or from the west of point A (the continuation of 573017) it would be less convenient. For those heading to or from the north of point A on 573016 the proposed route would again be less convenient – however, these users could make use of the diverted routes of 573018 and 573019 to reach point L (and beyond) via a shorter route, if proceeding in this direction via the most convenient way was their aim – so I attach less weight to this. Overall, there are various possible permutations, but I do not find that the change in termination points can be considered significantly more or less convenient given the necessary length of walks in the area, and points A and E being only approximately 108 metres apart via an easy to use section of 573016. I therefore conclude that the termination (point E) of the proposed diversion of footpath 573017 is substantially as convenient as that of the existing definitive line at point A.

8.6.4 A diversion of footpath 573018 from BML to FGH would change the point where it meets 573017 from point B to point F. At the northern end the junction with footpath 573019 would also be moved from point L to point H. A connecting section of 573019 then links with the continuation of 573018 from point L northwards. As with 573017 I do not consider that this change can be considered significant, even for those users for whom it is less convenient, as the distance between points H and L is approximately 75 metres and between F and B 138 metres and must be considered in the context of routes which by necessity are going to be a good deal longer. As with 573017 there are many possible route permutations and in general this change would provide greater convenience for those heading to or from Palace Lane but less convenience for those heading to or from Field End Farm. However, I do note that footpath 573016 provides a shorter (and easier to use) alternative (approximately 737 metres) compared to using 573018 (approximately 750 metres) when heading between the farm (point A) and the two paths' other junction (SD 3741 8439) – therefore I consider the impact on convenience resulting from the diversion of these routes could not be significant given the availability of a more convenient alternative. I therefore conclude that the change of termination points on 573018 resulting from this diversion would be substantially as convenient.

8.6.5 The proposed diversion of footpath 573019 would make no change to its termination points.

9 Other Considerations Required by Legislation

9.1 Rights of Way Improvement Plan

9.1.1 Before confirming a public path creation or diversion order we are required to have regard to any material provision of a Rights of Way Improvement Plan (ROWIP). 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 then the highway authority, we acted as their agents – the current highway authority is now Westmorland & Furness Council). The 2007 ROWIP was since withdrawn by CCC and replaced with a Strategy. We have developed our own Access & Recreation Strategy to run alongside this, and are discussing the status of the various documents with the Unitary Authorities.

9.1.2 The Cumbria Countryside Access Strategy does not contain specific route proposals, but is a more generic document. It does recognise the need of access providers *to balance the needs of countryside users with those of local communities, landowners and managers*. Consideration of this diversion proposal fits with Action 1a under the Managing ROW and Countryside Access Key Strategic Action to '*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'*. The diversion of footpath 573016 would result in the definitive line passing through a wicket gate, a more accessible option than the field gate through which the current route passes – this fits with Action 1b of the Improving ROW and Countryside Access Key Strategic Action for the LDNPA – '*to implement barrier reduction where opportunities arise'*.

9.1.3 The full 2007 ROWIP is still available online at: sd19_cumbria_rights_of_way_improvement_plan.pdf (allerdale.gov.uk). The Cumbria Countryside Access Strategy is also available: Cumbria County Council Countryside Strategy 2019-2024 (cumberland.gov.uk).

9.2 *Limited Mobility*

9.2.1 We have a duty to audit proposals with regard to limited mobility. The proposed routes offer easier to use and drier surfaces, particularly the proposed diversion of footpath 573018. They do however feature steeper slopes, mainly the proposed diversion route of footpath 573017. The diversion of footpath 573016 will improve access for some users obstructed by the cattle grid. The wicket gate (to be installed by the Ranger team in place of the existing stone stile) would be more accessible than the field gate which was replaced with the large metal gate. The nature of these footpaths means that they would be challenging for users with limited mobility, however, it's my view that overall the proposed changes would offer a slight improvement in this regard – predominantly due to the current section of footpath 573018 through the wetland being very challenging for users with limited mobility.

9.3 *Impact on the needs of agriculture and forestry*

9.3.1 Assessment of the impact on the needs of agriculture and forestry is required under schedule 6, of the Countryside & Rights of Way Act 2000. There would be minimal impact of these diversions on agriculture and there would be no forestry impact (as there is no forestry). The proposed diversions may bring about a small benefit to agricultural efficiency as footpath 573017 would be moved away from farm buildings so there would be a reduced need for the landowner to be cautious about maintaining public safety and access when moving vehicles or stock through the farmyard. The proposed diversion of footpath 573018 between F and G would be into a field used for grazing sheep – but the landowner does not appear to consider that there would be any significant agricultural impact from the footpath passing through this field, it is already utilised as a permitted path and the level of use is likely to remain relatively low and therefore have a minimal effect.

9.4 *Landscape Impact, Biodiversity, Archaeological and Conservation Interests*

9.4.1 We must 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 must have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. As discussed above, one of the primary potential benefits of these diversions in the view of the landowner is that it would allow them to improve the conservation of the wetland area through which footpath 573018 passes, excluding the public would avoid disturbance of wildlife or trampling of vegetation. The area is stated to be particularly favourable for butterflies. The landowner is exploring options for entering this land into an environmental stewardship scheme and potentially for it to be designated as a Nature Reserve. It is likely therefore that these diversions could bring some benefit to biodiversity and the conservation of flora and fauna. There would be no significant physical works needed in connection with the diversion of these footpaths (other than the replacement gates and minor surfacing work already mentioned) and therefore no significant impact on the landscape or archaeological features.

9.4.2 It was highlighted during the consultation (see section 10) that there was evidence of a badger sett on the field edge between points F and G on the plan, on the proposed diversion route of footpath 573018. The landowner has agreed that they will erect some fencing around the sett, to avoid any disturbance of this or any risk to users from trips and falls.

9.5 *DEFRA Presumptions Guidance*

9.5.1 DEFRA published a guidance note for order-making Authorities in August 2023 on diversion of Rights of Way which pass through private dwellings, their curtilages and gardens and farmyards. This is to some extent in opposition to a pre-existing LDNPA policy of a presumption in favour of preserving the historical integrity of the network. Following the publication of the DEFRA guidance we have taken the view that this takes precedence and overrides the LDNPA policy. Key points from the DEFRA guidance relating to this order include:

- *In all cases where the guidance applies, the order-making and confirming authority should weigh the interests of the owner and/or occupier against the overall impact of the proposal on the public as a whole. They should note that reducing or eliminating the impact of the current route of the right of way on the owner and/or occupier, in terms of privacy, security and safety, are important considerations to which due weight should be given.*

- *The order-making authority should therefore be predisposed to make, and the confirming authority will be similarly predisposed to confirm, an order if it satisfies the respective relevant legislative tests.*

- *In determining an application to which this guidance applies, it is for the authority to consider the case on all its merits taking into account all the statutory requirements and available guidance. In making its decision as to whether the existing path should be diverted or extinguished, an authority should consider in particular the impact of the existing path on the property owner and/or occupier against the benefit that having the right of way through the land brings to the public, taking account of this guidance.*

9.5.2 I have attempted to give due consideration and weight to the benefits (including improved privacy) to the landowner which would result from these diversions against the impact of the proposal on the public as a whole. This accords with the LDNPA policy of recognising the concerns of those managing the land where legitimate operations may affect the public's enjoyment of or safety in using rights of way. It should be noted that the legal tests for making and confirming a diversion under section 119 of the Highways Act remain unchanged and it is still these the proposed diversion has been assessed against. As the legislative tests have been satisfied in my view, it follows that particularly with regard to footpath 573017 we should be predisposed to make and confirm a diversion order as this path passes through the farmyard and domestic property at Field End Farm.

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

9.6.1 There are several LDNPA policies relating to changes to the rights of way network which are not addressed elsewhere in this report. 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.

- *There will be a presumption against re-alignment of cross-field paths onto routes following field edge boundaries.*
  The diversion of footpath 573018 would move the footpath to follow a field edge boundary. However, the existing alignment cannot really be considered to be cross-field, as the wetland area it passes through is not agricultural and would probably not be best defined as a field. It is also a different field, and the principle really applies to not moving cross-field paths to circuitous routes round the edge of the same field.

- *There will be a presumption against any reduction in the amount of public access in the National Park.*
  There would be no significant reduction in public access, the diversions would be of comparable overall lengths and afford similar access to the area.

9.7 *Impacts on the Lake District's World Heritage Outstanding Universal Values*

9.7.1 The Lake District's Outstanding Universal Value is comprised of three interrelated themes:

- Identity – it is a landscape shaped by people
- Inspiration – that the landscape has in turn shaped us, how we look at and relate to landscapes

- Conservation – the Lake District is the birthplace of global landscape conservation movement

9.7.2 No major impacts on the Lake District's Outstanding Universal Values have been identified. The World Heritage Site Coordinator has been consulted and raised no issues.

10 Stakeholder Consultation

10.1 We have consulted our usual extensive list of consultees including statutory consultees (the parish council and unitary authority), the Local Access Forum, user groups and statutory undertakers.

10.2 We received the following responses:

Name of Stakeholder	Consultation Response
The Ramblers	I made 2 visits to the site. On December 14th after several days of heavy rain , the right of way (ABC) was impassible due to flooding. Looking at AEDCF and FP573018 it seemed that the new routes were better under foot and generally more desirable than the original routes. Other changes also seemed satisfactory. So I decided, therefore, that I had no objection to the proposed changes so I took no further action. I went for another look today (*14 January 2024*). The whole route was passable after a spell of dry weather, but I still felt the alternative routes were better under foot and more desirable despite being slightly longer than the original route so I still support the listed diversions. I am a little concerned that the badger setts on FH could be a trip hazard in bad conditions. The whole route will require clear signing when the changes are made.
Cumbria and Lakes Local Access Forum	**Recommendation** That the diversions 1), 2), 3) at Field End Farm should be approved by the LAF. That no opinion be given on diversion 4). **Report** 1) FP573016:- Replacement of stile with a self-closing pedestrian wicket gate:- currently there is a large metal gate (intended to be locked for security reasons) and cattle grid across the track which is F573016. The replacement can only be an improvement. 2) Diversion of FP573017:- the current proposed to be extinguished route goes through what was a farm yard in front of Field End Farm house which appears to be being upgraded for alternative users, and then across low-lying land to meet up with the proposed diversion. The diversion initially follows the continuation of FP573016 then left as FP573017 over 2 stiles (which it is specified must be replaced with gates). It is longer but a distinct improvement being drier and with better views. It rejoins the current FP573017 for a short distance until it reaches the proposed new alignment of FP573018. 3) Realignment of FP573018:- we did not attempt to walk the current route which was clearly very boggy. The proposed new line is straightforward and good walking with better views. Only query is that there appears to be a badger sett part way along, at approx. SD 3739 8398 which may or may not be in use. 4) FP573019:- Whether this diversion is good or bad depends upon where one is walking. If west/east or vice versa it appears pointless, but if north/south or vice versa a small improvement though the surface between H and L would benefit from some improvement to keep off water. The LAF's consultant remained ambivalent.

Open Spaces Society	We managed to walk the area of the proposed footpath diversion this afternoon (*19 December 2023*). Whilst the day was largely bright the underfoot conditions were probably median for this time of year. We have previously used the path network in the area around Field End on a number of occasions over the last few decades. We assume the land holding has changed since the land owner we knew in the late 1990s farmed in this location. It appears that there farmhouse is now a residential property and we suspected that grazing is rented off by the owner. Please do correct us if our impression on this is incorrect. The area sits south of the Windermere basin on Windermere Super-group rocks [Silurian]. It is characterised by low fells, many small crags in the rougher grazing areas and poor drainage in the intervening hollows. Where the are drumlins the land has been “improved" with a greater input of fertilisers and drainage. Because of the nature of the terrain the land encompassing the PRsOW in these potential orders has had few attempts at “improvement” and the vegetation is more natural. Consequently the area has a wilder more intimate character with a potential for being richer in wildlife. For example, with the nearby extensive native woodlands, there is a residual population of Red squirrel. This is a much quieter area for walkers until you approach the vicinity of Back Redding Tarn and consequently the area is valued for quiet enjoyment and meandering walks. The Canny Hill caravan site to the north possibly provides the greater volume of users of this network although the site does not issue specific walk leaflets for this area. The site do however provide print-offs from the internet of walks for their clients but we have not been able to check if these include walks in this area. Previous guidebooks, long out of print, did contain walks from the Ayside area, through Field End, towards Back Redding tarn and Bigland Tarn, returning via the Seatle area. The land adjacent to the PRsOW in hereabouts has several areas of s1 CROW access land - for your records we believe this area was under-recorded when mapped for such access rights. That said we are greatly concerned about the serious cover of Bracken on the mapped areas and the detrimental affect it has on the enjoyment of PROW users who also use the paths being consider for diversion. The Individual Proposals: FP: 573016: The gate was gain locked and, for us oldies the stile was a challenge. The gate is an awful visual intrusion and we suspect that anyone wishing to raid the buildings would have little problems in dealing with the obstacle. We are not convinced that the gate should be locked and were disappointed to find it so. However, we would not raise an objection of this proposed diversion subject to your undertakings of an appropriate pedestrian gate and some limited works to make the ground surface more sustainable for users. FP: 573018: Whilst we have no problems with the principle of the diversion of this path from your points L & M to B we do have some reservations about the proposed route H - G - F. We accept that the existing route is more

	difficult to walk and the proposed new route is more convenient for walkers. You have already noted some of our concerns: a) The gate at point G is not fit for purpose as it is badly hung and difficult to close. Whilst a new gate and correct hanging may solve the problem we would appreciate is you could discuss with the owner whether or not a small section of wall to the west of the gate G could be removed and a pedestrian gate inserted adjacent to this field gate? b) We note you intend for the new line G - F to be situated 2/3 metres away from the field boundary. Obviously we are aware of the nature of the top strand of barbed wire along the adjacent field boundary and the overhanging hawthorn trees and the need to so route the proposed path away from the boundary. The new path is on grass on the edge of a drumlin. Should the field be used by anything other than grazing and with no ploughing then the walking surface will be acceptable. Should the field management change then there will be potential problems. c) There is one further issue which may cause the path, for a very short length, be moved even further from the field edge and this is a series of entrances to a badger sett. In inclement weather, especially snow, these could be a serious trip hazard. d) Whilst we therefore accept your case for the proposed alignment of G - F we suspect the proposed walking line could be made clearer and less hazardous if the landowner could be encouraged to replant the hedgerow on a line between the existing fence and the proposed new path line. Given the apparent interest of the owner in conservation such a proposal should prove in their interest and in that of walkers. We accept this would be a matter for negotiation and not part of an Order. FP 573019: We have no objection to the diversion of this path to your proposed route K - H - J. There is no change in the ability to view this superb, if somewhat neglected, bank barn. Views north into the southern basin of Windermere are slightly enhanced as you walk up towards point J. The minor extension of length is more than compensated by the easier walking surface. FP: 573017: We note the arguments for the proposed diversion from A - B - C to A - E - D - C. We accept that the creation of a path from C - D - E with appropriate pedestrian gates (the stile at C was too unsafe to use - a small person could not manage the step up onto a greasy cross-member of the stile) will benefit walkers approaching from or moving towards, Seatle. However, it is our experience that path 573017 is relatively more used by walkers coming from the east and going towards Beck Redding and Bigland tarns. The extra distance involved [in the order of 60m] and the need to climb and descend a small rise to reconnect with the PROW network to reach the western area is a material disadvantage of this proposal. We note your comments about the former pond. This pond was adjacent to the original route and not over the route. Neglect of this feature has led to the water-logging of the current PROW. With suitable pond restoration,

	surface drainage and infill [we note the adjacent and intrusive large pile of what appears to be surplus stone] this path could be returned to its former usable state. It is our view that the landowner should appropriate restore the track to a sustainable walking surface and not proceed with the diversion. That said we would have no problems with an additional creation of a path along C - D - E with suitable pedestrian gates. Additionally this proposed diversion will reduce the amenity of walkers by no longer allowing them to view the two traditional stone gate posts, an important part of the character of the landscape, situated by your point B. Conclusion: The OSS expresses it gratitude in being offered the opportunity to comment on these proposed footpath diversions. Should you require any further information or clarification then please do not hesitate to contact us.
Westmorland and Furness Council	No Comment.
United Utilities	Based upon the information provided in your recent enquiry, we have attached a copy of our records, which is marked with the approximate positions of our existing water mains within the vicinity of your proposals. Any necessary disconnection or diversion requires as a result of the development will be carried out at the developers expense. Under the Water Industry Act 1991, Sections 158 & 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. The mains are usually laid with an average cover of 0.9 metres, however be aware that any service pipes from the mains to individual properties are not normally recorded or shown here. Please note United Utilities network is not directly affected by your works, as we have no water mains located in the area of the proposed works therefore we have no objection to your proposals. If our mains are damaged as a result of your proposals, the cost of repair/replacement of the mains network/surface boxes will be fully rechargeable to yourselves. Any works must be done with the utmost care ensuring that any excavation near any water mains is done by hand as this will help establish the exact position of any mains or equipment thus avoiding damage or disturbance.
Cadent Gas	Based on the information you provided, we have carried out an investigation and identified that there is no record of gas apparatus in the immediate vicinity of your enquiry. Therefore, we have **no objection** to the proposed application.

11 Finance Considerations

11.1 Our charging policy is below.

For orders under the Highways Act 1980 that are wholly or partly in the public interest, the charges may be negotiable according to the extent to which the public will benefit from the proposal in relation to the benefit derived by the applicant – see below.

- **The total cost of a diversion is the sum of the costs involved in administration, advertising and works on the ground.**
- **The exact amount to be waived will depend on the circumstances of each case, and will be negotiated with the landowner(s).**

1. Where an order is predominantly or wholly in the interests of the public, up to 100% of the total cost will be waived.
2. Where an order is partly in the landowner's interest, and partly in the public interest, up to 75% of the total cost will be waived. The higher the level of public interest, the greater the percentage that will be waived.
3. Where an order is predominantly in the interests of the landowner, but would result in some small public benefit then up to 25% of the total cost may be waived.
4. Where an order is wholly in the interests of the landowner - none of the total cost will be waived.

11.2 These proposals would divert four public footpaths. The diversion of footpath 573019 would be predominantly in the public interest (category 1), moving the definitive line onto an easier to use route (but this is only required because of the other proposals). The diversion of the other three footpaths appears to fall within category 2. The main stimulus for the diversion is in the landowner's interest. But we have recognised that there will be some benefit to the public in terms of an access improvement on footpath 573016 and a benefit to convenience in diverting footpath 573018 (and 573017, to a lesser degree) onto a drier route. The total cost of these three diversions for landowner benefit would be £9,450, plus the cost of six adverts in the Westmorland Gazette, likely a total of around £1,800, producing a total cost of £11,250.

11.3 As it is proposed that the diversion of footpaths 573017, 573018 and 573019 be made as one order, there would be some efficiency benefits in processing these changes together, we have therefore proposed that the landowner meets a third of these potential total costs, £3,750, and they have agreed to this. The Ranger team have agreed to provide and install a wicket gate to replace the stone stile on the proposed route of footpath 573016. The landowner will meet the costs of all other works and materials required (gates, surfacing and so on).

12 Risk

12.1 There is a risk that the orders may be objected to. This risk has been mitigated as far as possible through consultation – none of the consultees have indicated an intention to object. The Open Spaces Society did note some concerns in their response to the consultation, in particular relating to the diversion of footpath 573017, but have not stated that they intend to object to the order if made. If objections are received, then we can reconsider the matter.

12.2 As noted in section 13 below – it may have been possible to progress these proposals as concurrent creation and extinguishment orders. However, I consider that where it is feasible that a diversion order under section 119 of the Highways Act 1980 could be made, then it is this process and the associated tests which should be used. This may make the orders more open to objection on the basis of their impact on convenience or enjoyment, though as detailed in section 8 my assessment is that the tests are satisfied.

12.3 However, the proposal to make two diversion orders would avoid making orders which could be dependent on the success of others, or the potential with making concurrent creation and extinguishment orders that the creation order is confirmed and the extinguishment not, leaving additional rights of way over the landowner's property, despite the orders being made primarily with a view to them being in the landowner's interest.

12.4 With the proposed two diversion orders, there is no risk of this – the diversion of footpaths 573017, 573018 and 573019 will be confirmed (or not) altogether, and if a decision is made by the Authority, or Planning Inspectorate, that the section 119 tests are not met and that the orders should not be confirmed, then we can be satisfied that the correct process has been followed and outcome reached.

13 Legal Considerations

13.1 The orders will be made under section 119 of the Highways Act 1980. 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 make such orders under our Agency Agreement with Westmorland and Furness Council. The action strikes a reasonable balance between private and public rights.

13.2 This application did give us cause to consider under which section of the Highways Act any orders should be made. In particular with regard to the diversion of footpaths 573017 and 573018, as the proposals for these would change termination points of the paths at either end. When making orders diverting both termination points of a right of way it has been the practice of the National Park Authority, under the guidance of the Highway Authority, to make concurrent creation and extinguishment orders to achieve this. Whilst there is nothing necessarily preventing this here, there also appears nothing within section 119 which prevents a diversion order moving both termination points of a right of way. Further, the actual effect of a diversion order is to add and extinguish equivalent sections of a right (or several rights) of way. The tests under section 119 differ to those under section 26 (for creation) and section 118 (for extinguishment). Where it appears possible that a diversion could be judged against the section 119 tests, I consider it prudent that it should be, rather than using the section 26 and 118 tests as a way of circumventing the section 119 tests where it's envisaged that a proposal may fail. In order to consider using concurrent creation and extinguishment orders, we should be able to demonstrate that we could not make a diversion under section 119. Section 5.55 of DEFRA Rights of Way Circular 1/09 makes this point explicitly, '*Concurrent creation and extinguishment orders should only be made to effect a diversion of a public right of way in circumstances where section 119 cannot be used, for example where the new route is of a different status, or where one end is not on a public highway. Otherwise section 119 should be used in every case'.* The effect of these proposals is to divert the footpaths, therefore I consider that it is the section 119 tests they should be assessed against.

13.3 The possibility that the diversion of footpaths 573017, 573018 and 573019 could be made with separate orders was also considered. However, this is problematic as the connections between their proposed new termination points would mean that they were effectively dependent on one another. If one order were confirmed and another not there is the possibility of creating a cul-de-sac. In the *Stanton Long* case (1998) the Planning Inspectorate expressed a view that neither section 26 or 118 enable conditions to be attached to an order and that they couldn't be made dependent on each other. It therefore appears that the only sensible option would be to include the diversion of all three of these footpaths in the same order and that either all or none of the proposed changes to these footpaths be made.

13.4 When considering the effect which the proposed diversion of 573017, 573018 and 573019 would have on the convenience of termination points I have noted a comment made *obiter dicta* by Mr Justice Crane in *Connaughton vs West Dorset District Council* (2002, EWHC 794 (Admin)) that, '*in my view, the purpose of sub-section (2) is to ensure that a walker between two points of termination is not left wholly unable to reach his destination'*. All the changes to termination points discussed here would meet this interpretation, but I consider that we should have greater regard to the effect of any changes to termination points when deciding whether they are substantially as convenient, as this wording appears to imply a greater degree of convenience is needed where diversions affect termination points, beyond just rendering users unable to reach their destination.

14 Human Resources

14.1 The work involved in this proposal is approximately 70 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 much of it has already been undertaken.

15 Diversity and Sustainability Implications

15.1 I have not identified any significant diversity implications.

15.2 I have not identified any significant negative environmental, economic or social effects resulting from this proposal. It appears likely that the maintenance required to keep these footpaths easy to use, safe and unobstructed would be reduced as an effect of these proposed diversions.

16 Summary

16.1 The diversion of these footpaths appears to be in the interests of the landowner, and I have also identified benefits to the public, particularly in terms of convenience, relating to these changes. The legislative tests for diversion under section 119 appear to have been met and we have not received any indication from our consultees that they would object to the proposals.

16.2 I therefore recommend that we make the necessary diversion orders to bring these changes into effect.

Background Papers:	Case file reference 1412.573.06
Author/Post:	William Hinchliffe Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	7 August 2024

Authorised by:

[redacted]

……

Ranger Team Leader

Date: 8 August 2024

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.

- 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 – Site Photos

Footpath 573016 – Facing northward from approximate location of point Z

Current definitive line of Footpath 573017

Metal gate approaching farm buildings, close to Point A

Low point between points B and C, facing west

Proposed route of footpath 573017

View southwest up slope towards point E

Grassy surface between points D and C

Current route of footpath 573018

Long vegetation and boggy surface between points B and M

Facing south from point M

Proposed route of footpath 573018

Between points F and G, facing south

Footpath 573019

Facing west from point J, the proposed route follows grassy surface from here, the existing route heads through the reedy area

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).

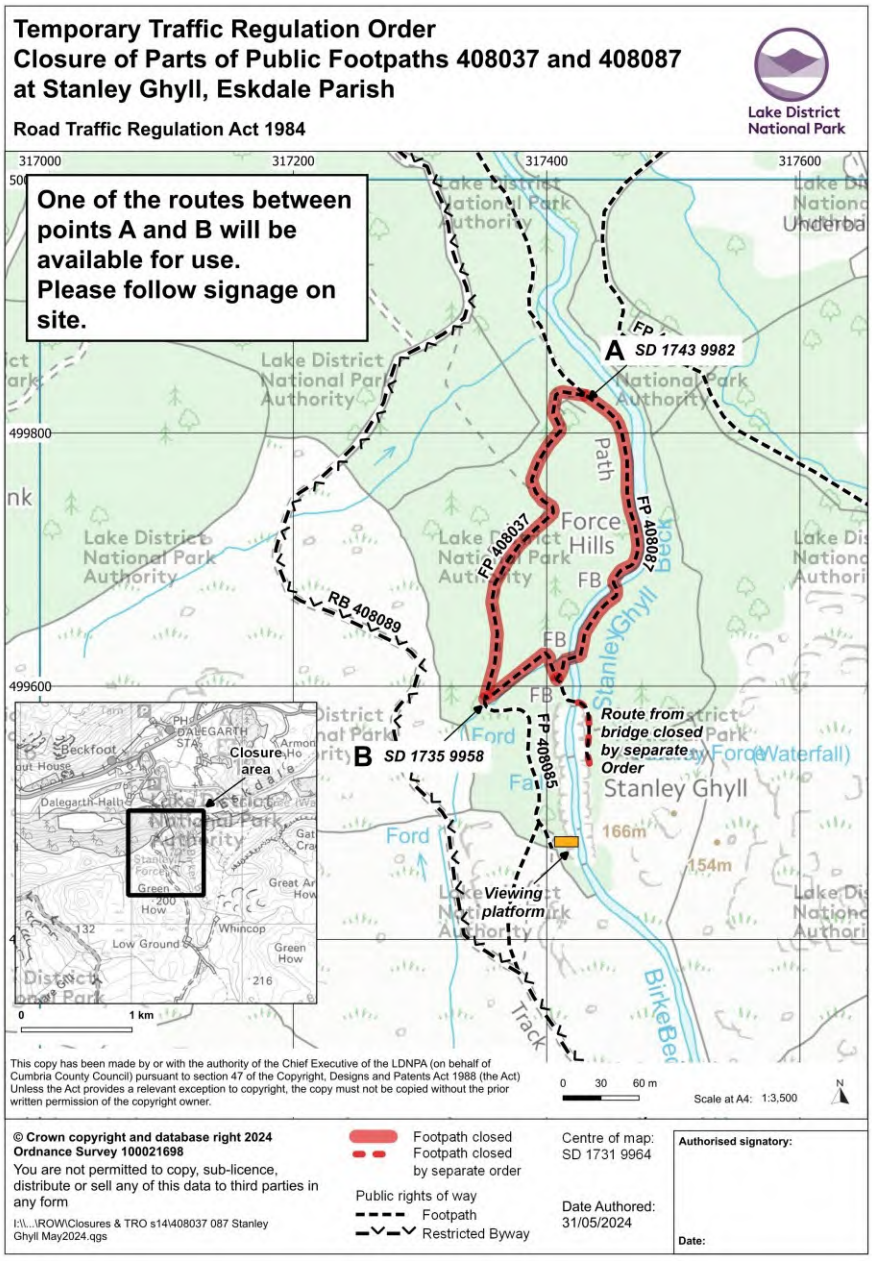
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION ORDER, PUBLIC FOOTPATH 408087 AND PART OF PUBLIC FOOTPATH 408037, STANLEY GHYLL, ESKDALE PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions delegated to Head of 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 Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	A Statutory Plant Health Notice (SPHN) has been issued requiring the Lake District National Park Authority (LDNPA) to fell and remove larch trees to control the spread of *Phytophthora ramorum* in woodland at Stanley Ghyll owned by the LDNPA. The affected trees are directly adjacent or upslope of footpaths 408037 and 408087 and it will be necessary for contractors to work from, and fell trees onto, the footpaths. The works are intended to take place in September and are likely to take several weeks to complete.
Details of Decision	***That we issue a Temporary Traffic Regulation Order over footpath 408087 and the affected section of footpath 408037, as shown on the plan. Only one of the two possible routes between Points A and B will be closed at any one time.***
Details of alternative options considered and rejected.	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, Rights of Way Officer
Background Papers	Case file 1410.003 (270)
Date of Report	9 August 2024
Authorising officer	Ranger Team Leaders Meeting – 21 August 2024

TEMPORARY TRAFFIC REGULATION ORDER, PUBLIC FOOTPATH 408087 AND PART OF PUBLIC FOOTPATH 408037, STANLEY GHYLL, ESKDALE PARISH

1 Summary

1.1 This report recommends we make an order temporarily closing footpath 408087 and part of footpath 408037 at Stanley Ghyll whilst felling and extraction works are undertaken on and adjacent to the paths to control the spread of *Phytophthora ramorum*.

Recommendation:	***That we make a Temporary Traffic Regulation Order over footpath 408087 and the affected section of footpath 408037, as shown on the plan. Only one of the two possible routes between Points A and B will be closed at any one time.***



Map 1: Location Plan

2 Details of Request

2.1 The Forestry Commission have issued a SPHN requiring the LDNPA (as landowner) to undertake crown removal, dismantling and felling of around 50 larch trees to control the spread of *Phytophthora ramorum* in woodland at Stanley Ghyll.

2.2 The affected trees are directly adjacent to or upslope of footpaths 408037 and 408087. In addition to trees being felled onto the rights of way (ROW), contractors will need to use chainsaws, winches and brash chippers on the footpaths - the only suitable, safe location at the site for much of the work to be carried out. The paths are narrow and adjacent to rock faces and very steep, rough terrain. The surrounding ground flora would be very sensitive to trampling if footpath users were to be briefly diverted off the ROW – Stanley Ghyll is a Site of Special Scientific Interest. In addition to the trees immediately beside the paths being felled onto them, previous experience of work at Stanley Ghyll tells us that due to the steep slopes it is highly likely that trees felled further upslope may slide down across the rights of way. There is also a chance of works upslope causing rockfall over the footpaths. It would therefore not be safe or desirable for members of the public to continue using the affected sections of the footpaths through the work sites or diverting immediately adjacent to the ROW to get around whilst works are underway.

2.3 Our Property team have therefore applied for a temporary closure of the affected footpaths whilst the required felling and extraction works are undertaken by contractors. It is intended that the works will commence in September – the order will only come into effect when works begin. An order may last up to six months, however it is not expected that the work will take this long – more likely a matter of several weeks (depending on weather and any other complicating factors). The order will cease to be in effect once works are complete and the paths made safe.

2.4 In order to mitigate the impact we intend that work will be carried out on just one of the two routes shown on the order map between points A and B at any time, with the other route remaining open, and signage on site indicating which is closed and which can be used. This will mean access between Beckfoot, the viewing platform and beyond towards Birker Fell is maintained throughout. Fencing will also be used to prevent path users from using the closed sections when unsafe.

2.5 Below are photos of the terrain, trees and footpaths for context:

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 detailed in Section 2. A closure of the sections of footpath affected by the necessary tree felling and extraction will allow the works to be carried out in a safe and efficient manner – this would not appear possible if the footpaths remained open to the public. The intention to have a route available at all times between points A and B should minimise the inconvenience to the public resulting from the closure and our consultees have raised no major concerns regarding the proposals.

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 cost of a temporary closure Order is approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. The adverts will be paid from the Property team's budget. The SPHN requires that the LDNPA undertakes the felling works on our land. As this order is to enable us to carry out these necessary works efficiently and safely 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 allow works to be undertaken safely and efficiently, as detailed in Section 2. If a temporary closure order were not made members of the public would be making their way through a site with active felling of trees taking place and in the vicinity of chainsaws, chippers and other machinery in use by contractors. Due to the rough, steep ground it would not be safe for users to attempt to get around the affected sections of footpath using the land immediately adjacent.

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 Cumberland Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

10.1 The work involved in this proposal (not including the Property team's work in arranging the felling works) 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 consultation with interested bodies and individuals including the Highway Authority – Cumberland Council. We received the following response:

Consultee	Comment	LDNPA Comments
Open Spaces Society	*What a challenge for the contractors in such difficult terrain. The OSS fully understand the reasons for the Order being made and hope the contractors can work expeditiously to re-open these popular walked routes..* *A few questions:* *a) why did you not include the northern part of fp408085 - from opposite the access to the viewing platform? I am sure a few people will descend this route even if notices are displayed.* *b) The npa has undertaken a great deal of work within the SSSI. I understand there may be the need for more work especially in connection with the rhododendron problem. Will the npa use the closure period to ensure any other required works are undertaken to avoid any future closures?* *From a personal point of view I have to put on record that had the LDPB listened to advice given several decades ago to consider a gradual but large scale removal of all non-native species from the SSSI then such drastic works and closures of PRsOW would probably not be needed.*	Highlighted that we intend to keep the northern part of footpath 408085 open because it should still be possible to utilise this path, the viewing platform and one of the two routes between A and B at any given time. Confirmed that the LDNPA have no other major felling works planned at Stanley Ghyll at this time, but that the dedicated work of our volunteer group removing rhododendron continues – this is generally of a far lower impact (if any) on path users and would not warrant a closure in itself (or extension of this order). Rhododendron clearance work in the affected areas will not be possible whilst the larch felling is undertaken.

13 Summary and Recommendations

13.1 The Authority must take action in response to the SPHN and given the terrain at Stanley Ghyll it does not appear feasible to carry out the tree felling and extraction works safely on and around the footpaths whilst maintaining public access. The intention to have one of the two possible routes between points A and B open at any one time minimises the impact on public convenience as much as possible. I therefore recommend that we make the required order to temporarily close the affected ROW for the reasons discussed in section 2.

Authorised by:

[redacted]

……

Ranger Team Leader

Date: 21 August 2024

Background Papers	Case file 1410.003 (270)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	9 August 2024
Version	Final

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

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

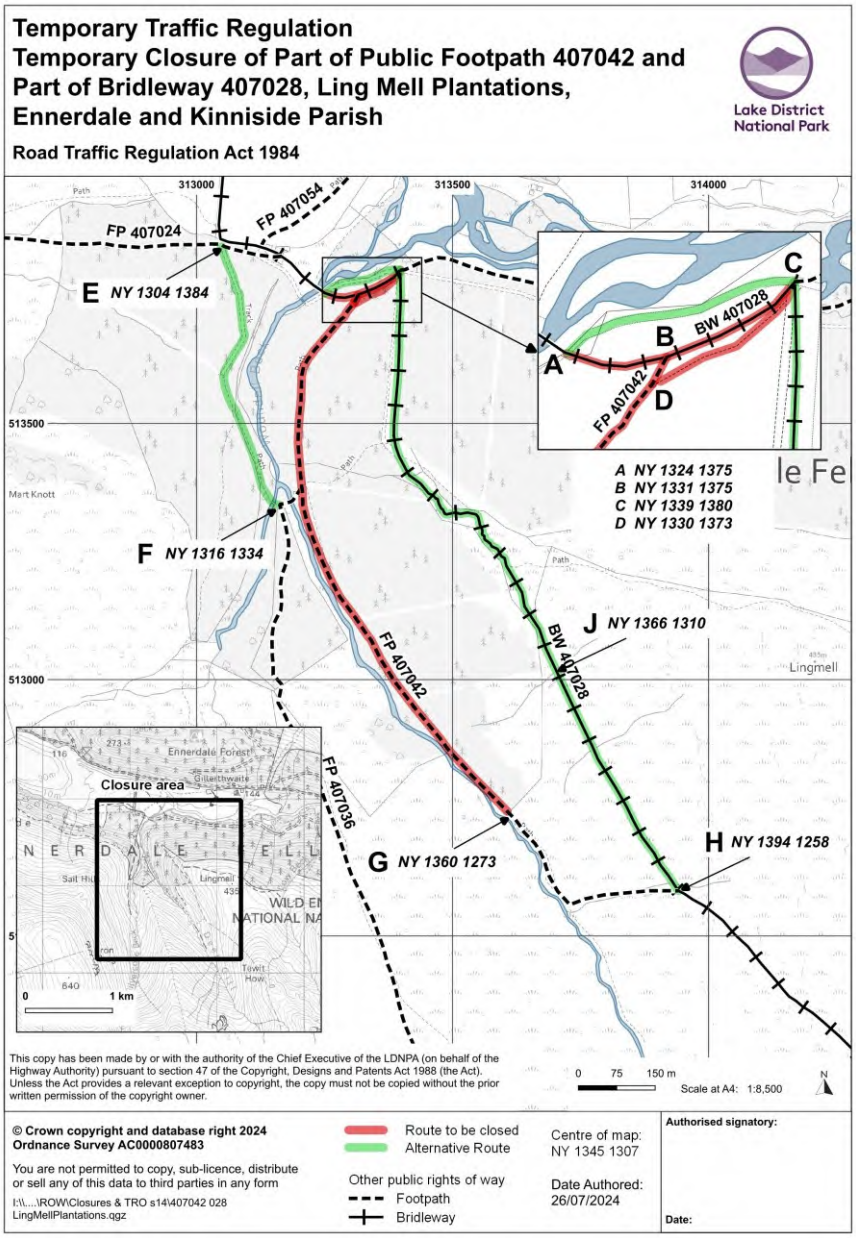
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION ORDER, PARTS OF PUBLIC FOOTPATH 407042 AND BRIDLEWAY 407028, LING MELL PLANTATIONS, ENNERDALE AND KINNISIDE PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF 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 Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	A Statutory Plant Health Notice (SPHN) has been issued requiring Forestry England (FE) to carry out felling and extraction of larch in the Ling Mell Plantations / Silver Cove area of Ennerdale due to the presence of *Phythophthora ramorum.* In order to carry out this work safely FE have requested a temporary closure of parts of footpath 407042 and the definitive line of bridleway 407028 as it will be necessary to fell trees in the vicinity of 407042 and use both as timber extraction routes. Alternative routes will be available.
Details of Decision	***That we issue a Temporary Traffic Regulation Order for the affected sections of Footpaths 407042 and Bridleway 407028 shown between Points B-G, A-C, and D-C on the plan within the report.***
Details of alternative options considered and rejected.	• 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, Rights of Way Officer
Background Papers	Case file 1410.003 (273)
Date of Report	4 September 2024
Authorising officer	Ranger Team Leaders' Meeting – 5 September 2024

TEMPORARY TRAFFIC REGULATION ORDER, PART OF PUBLIC FOOTPATH 407042 AND PART OF BRIDLEWAY 407028, LING MELL PLANTATIONS, ENNERDALE AND KINNISIDE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over sections of footpath 407042 and bridleway 407028 within the Ling Mell forestry plantations to allow forestry harvesting operations to be undertaken safely and efficiently.

Recommendation:	***That we issue a Temporary Traffic Regulation Order for the affected sections of Footpaths 407042 and Bridleway 407028 shown between Points B-G, A-C, and D-C on the plan within this report.***



Map 1: Location Plan

2 Details of Request

2.1 Forestry England (FE) have submitted an application for a temporary closure of sections of footpath 407042 and the definitive line of bridleway 4070028 within the Ling Mell / Silver Cove forestry plantations in Ennerdale having been issued an SPHN due to the presence of *Phytophthora ramorum* and must therefore undertake felling and extraction of affected larch. FE intend to carry out the necessary works over a six month window, commencing at some point between September and December 2024, once started work will be ongoing daily until complete. The order may last for six months, although it would cease to remain in effect once the works are complete and paths surfaces reinstated. An order may also be extended with the authorisation of the Secretary of State.

2.2 Felling will be taking place on either side of footpath 407042. In addition to this FE will need to use the footpath as an extraction route, crossing the definitive line of bridleway 407028. The used route of the bridleway will not be affected (see 2.7). Extraction will create mud and debris making walking (or riding on the bridleway) impractical on the affected sections. Vehicles and machinery in use to fell, process and extract the affected trees will be working on and in the vicinity of the rights of way (ROW), this would present hazards to users and make it difficult to carry out the works efficiently if a closure were not in effect. FE will be required to reinstate the surfaces affected by the felling and extraction operations once works are complete.

2.3 FE will also be working in the vicinity of the section of bridleway 407028 as shown between points C and J, but here intend to use banks persons to safely manage continued public access as this appears manageable at this location.

2.4 Notices informing users of the closures and diversion routes would be displayed at the ends of the closed sections and alternative routes.

2.5 As the Relevant Access Authority FE also intend to temporarily restrict open access over the area affected by the works.

2.6 An alternative route for footpath users will be available via a forest track between points E and F (continuing on to or from footpath 407036). Alternatively (or for equestrian users and cyclists), for routes heading to or from Tewit How, it will be possible to use the bridleway between points C-J-H (with banks persons operating between points C and J on the section affected by works). These users could then make use of a track (the used route of bridleway 407028 between points A and C).

2.7 In 2022 we made an order, which if confirmed, will divert the definitive lines of footpath 407042 and bridleway 407028 (the order and plan can be viewed on our website here: Changes to the Rights of Way Network : Lake District National Park). This diversion order has been submitted to the Secretary of State for determination, it is possible that the order will have been confirmed by the time a TTRO is made. The diversion order would divert the section of bridleway 407028 to be closed (A-B-C) onto the line (A-C) shown on the plan as an alternative - meaning none of the bridleway would be closed by the TTRO, if the diversion order is confirmed. The section between points C and D shown red on the plan would be the new definitive line of footpath 407042 if the order is confirmed and will be included within the TTRO.

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 the footpath and bridleway will allow FE to carry out necessary works to control the spread of *Phytophthora ramorum* safely and efficiently. Alternative routes will be available for all users and continued access will be managed with banks persons where it is feasible to do so.

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 £1,060 (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 an order. There would be risks to users of the affected ROW due to the presence and movements of vehicles and machinery associated with the felling and extraction works, both directly and due to the significant disturbance of the surface which could result in slips, trips and falls. There will also be felling taking place adjacent to footpath 407042 on either side within the 'risk zone' for tree felling and FE state that it would be difficult to manage continued public access here with banks persons (as they will be doing on the section of the bridleway between points C and J.

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:

Consultee	Comment	LDNPA Response
Open Spaces Society	*The OSS think, in the current circumstances and this steep ground location, your proposal is, regretfully, the only way forward. I say regretfully because there was a time when FE did not seek such orders and allowed access but, with staffing cuts, such practices are they claim no longer available to them. Based on past practice we normally have a natural reluctance to give favourable consideration to such proposals.* *I am sure you will be abreast of the s16 CROW designation and the implications for access over this area during the felling.* *I think there are a couple of matters, with regard to managed woodland and forests in the LDNP, which your colleagues in the npa and kindred bodies might consider when the are consulted by FE and private owners on Forest Plans and planting proposals which affect the PROW network in these areas.* *a) In Forest Plans we should ensure that future plantings and restocking near PRsOW are such that the FE will both leave a wide enough corridor to enable light and air movements to ensure the PROW is drier and has a more sustainable surface; and a belt of trees each side of the path corridor are native species which would not have a future need for extraction.* *b) not to allow any future realignments of PRsOW onto forest roads (and forest road onto PRsOW).*	Confirmed that FE intend to issue a direction restricting open access whilst the works are undertaken. Confirmed that we have guidance for LDNPA staff responding to woodland creation schemes / forest plans, this includes advice on leaving an adequate corridor around ROW. In this case FE have confirmed that they intend to plant 5 to 10 metres back from the rights of way – which should allow more light to reach the ROW surfaces. FE also confirmed that the intention is to re-plant with native species, and given the extraction challenges their plan is to move away from managing this area of woodland for significant timber production. With regard to future orders, agreed that there may be challenges around the convenience of diversions of ROW onto forest roads due to the likelihood of future felling, but highlighted that in some cases smaller woodland trods may be as significantly affected by forestry works as wider forest roads, as in this case where it will be possible to manage continued access on the bridleway with banks persons whereas it will not be possible to manage safe access on the footpath (the narrower trod) during the works. Therefore each particular case will need to be considered on its own merits.

13 Summary and Recommendations

13.1 I recommend that we make a TTRO prohibiting all traffic from proceeding over the sections of footpath 407042 and definitive line of bridleway 407028 shown in red on the plan, including the section C-D which will become part of the definitive line of footpath 407042 if the 2022 diversion order is confirmed. The used route of bridleway 407028 will not be affected. FE must comply with the SPHN and undertake felling in this area, and the only feasible extraction routes will be via the ROW. There will therefore be significant disturbance of the surface, along with the hazards presented by forestry vehicles and equipment. A closure will allow FE to carry out these works as efficiently as possible and the alternative routes available will maintain access for all users between the valley bottom and fells.

Authorised by:

[redacted]

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Ranger Team Leader

Date: 5 September 2024

Background Papers	Case file 1410.003 (273)
Author:	William Hinchliffe, Rights of Way Officer
Date Written:	4 September 2024
Version	Final

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

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

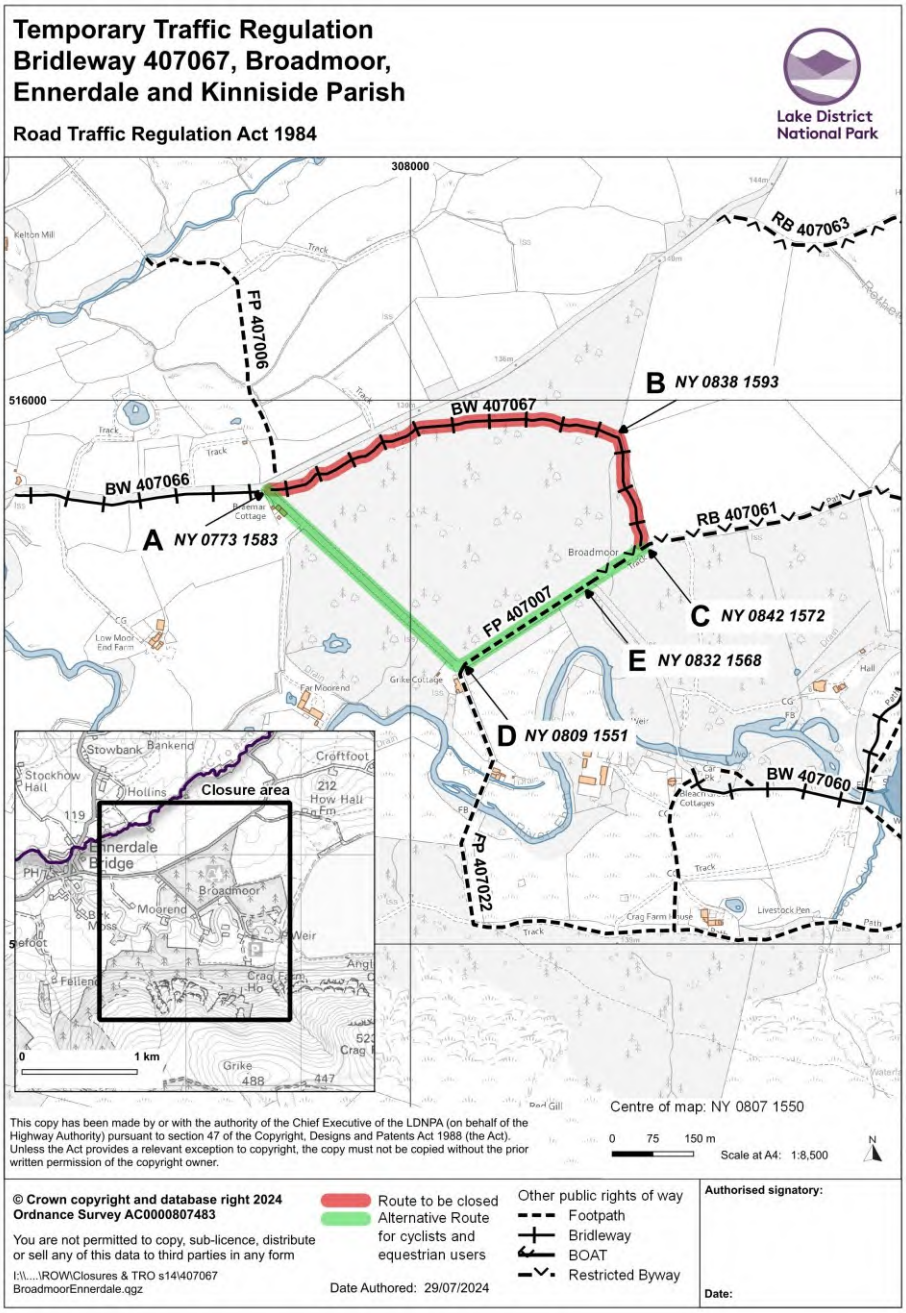
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION ORDER, BRIDLEWAY 407067, BROADMOOR, ENNERDALE AND KINNISIDE PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions 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 Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	A Statutory Plant Health Notice (SPHN) has been issued requiring Forestry England (FE) to carry out felling and extraction of larch in the Broadmoor Plantation due to the presence of *Phythophthora ramorum.* In order to carry out this work safely FE have requested a temporary closure of Bridleway 407067 as it will be within the risk zone during tree felling and extraction and FE don't consider public access could be managed effectively with banks persons. A suitable alternative route would be available for cyclists and horse riders, but not pedestrians.
Details of Decision	***That we issue a Temporary Traffic Regulation Order for Bridleway 407067 shown between Points A-B-C on the plan within the report.***
Details of alternative options considered and rejected.	• 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, Rights of Way Officer
Background Papers	Case file 1410.003 (272)
Date of Report	11 September 2024
Authorising officer	Ranger Team Leaders' Meeting – 12 September 2024

TEMPORARY TRAFFIC REGULATION ORDER, BRIDLEWAY 407067, BROADMOOR PLANTATION, ENNERDALE AND KINNISIDE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over bridleway 407067 within the Broadmoor forestry plantation to allow forestry harvesting operations in response to a SPHN (Statutory Plant Health Notice) to be undertaken safely and efficiently.

Recommendation:	***That we issue a Temporary Traffic Regulation Order for Bridleway 407067 as shown between Points A-B-C on the plan within this report.***



Map 1: Location Plan

2 Details of Request

2.1 Forestry England (FE) have submitted an application for a temporary closure of bridleway 407067 through the Broadmoor forestry plantation having been issued an SPHN due to the presence of *Phytophthora ramorum* and must therefore undertake felling and extraction of affected larch. FE expect the necessary works to take up to 12 weeks, and intend to start between early October 2024 and May 2025. The order may last for six months, although it would cease to remain in effect once the works are complete. An order may also be extended with the authorisation of the Secretary of State, though it appears unlikely this will be necessary.

2.2 Felling and extraction will be taking place close to the bridleway, and it will be in the 'risk zone' during the works for falling trees, in addition to the presence of vehicles and machinery in use to fell, process and extract the affected trees. FE consider the works too hazardous, and the route along which they will be undertaken too long, to be managed safely with banks persons. Works will be continuing after dark and this is as an additional factor rendering banks persons managing access effectively a challenge.

2.3 FE plan to avoid machinery crossing the right of way during the works as it would be very vulnerable to surface damage. In order to do so they intend to have an additional temporary access point on the road which will enable them to create a temporary timber transfer point on the northern boundary of the plantation. This will mean timber felled to the north and east of the bridleway can be extracted without having to cross the bridleway and allow some of the timber stacking and other operations to be conducted away from the bridleway. If any disturbance is caused to the surface of the bridleway, FE will need to re-instate it to a condition the same or better than when works began.

2.4 FE intend to ensure that the bridleway route is made safe prior to weekends and bank holidays meaning it will be available to the public when practicable during the works period. It is a popular route being part of Wainwright's Coast to Coast route.

2.5 Notices informing users of the closures and diversion routes would be displayed at the ends of the closed bridleway showing the alternative route for cyclists and equestrians, with additional signage and fencing to make it clear to users when the bridleway is available.

2.6 An alternative route for cyclists and equestrian users will be available via the sealed U-road (U4277), footpath 407007 (Sawdust Lonning - which is also tarmacked and used as a vehicular road) and a short section of restricted byway 407061 (shown on the plan between points A-D-E-C). There is no suitable alternative for pedestrians – the U4277 has no footway and Cumberland Council have asked us to follow their policy that (motor) vehicular roads without a footway are not a suitable alternative for pedestrians.

2.7 We have submitted evidence to Cumberland Council's legal team regarding the status of footpath 407007 – it is described in the enclosure award for this land as a public carriageway and in our view the evidence suggests it should be added to the list of streets.

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 bridleway will allow FE to carry out necessary works to control the spread of *Phytophthora ramorum* safely and efficiently. It is unfortunate that an alternative route will only be available for cyclists and equestrian users during the works, but the right of way will be made available during weekends and bank holidays.

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 £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. This bridleway was dedicated by Forestry England in 2022. Due to the recent dedication of this right of way for the benefit of the public the Ranger Team Leaders have agreed that we will split the costs of this Order – with the LDNPA meeting the legal and administrative costs and FE meeting the costs of the adverts.

8 Risk

8.1 The major risk associated with this is if we do not make an order. There would be risks to users on the bridleway during the felling and extraction works, it is within the risk zone for felling with a possibility that trees could unexpectedly fall onto the bridleway. FE consider that it would be difficult to manage continued public access here with banks persons due to the length of the route and works ongoing after dark and this appears a reasonable assessment.

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:

Consultee	Comment	LDNPA Response
Open Spaces Society	*Walked the route 407067 earlier this year. Not a pleasant walk and glad to see the back of, at least, some of these conifers.* *The OSS will not raise problems about the proposed TTRO but do foresee future felling needed in Broadmoor. I re-iterate my earlier comments to you that any replacement planting should be of native species (at least within 100 of the PROW) and FE create a wider open corridor, especially between A to B on your map where sunlight rarely gets to the path surface. Could you also ask FE that the alternative route between A and D be made a public PROW and, although I am sure you are ahead of me on this, the surface of fp 407007 [and all D-E-C] is made sustainable for walkers once the felling works are completed.* *Always happy to talk to FE if they want to communicate.*	Confirmed that A-D is a U-road and D-E a footpath. Confirmed we would follow up with FE to ensure that any disturbance of the bridleway surface should be addressed promptly. Confirmed that we have guidance for LDNPA staff responding to woodland creation schemes / forest plans, this includes advice on leaving an adequate corridor around ROW and encouraging landowners / occupiers not to plant trees intended for felling in the vicinity of rights of way. In this case FE have confirmed that they intend to re-plant at least five to ten metres back from the rights of way and that the re-planting in Broadmoor will be with native species. Given the proximity of the River Ehen Special Area of Conservation they intend to move away from managing this woodland for significant timber production.

13 Summary and Recommendations

13.1 I recommend that we make a TTRO prohibiting all traffic from proceeding over bridleway 407067 during the works period, except during weekends and bank holidays when signage will indicate that the bridleway is open when practicable. FE must comply with the SPHN and undertake felling in this area with the risk of trees falling onto the bridleway. A closure will allow FE to carry out these works efficiently and without causing a danger to the public.

Authorised by:

[redacted]

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Ranger Team Leader

Date: 13 September 2024

Background Papers	Case file 1410.003 (272)
Author:	William Hinchliffe, Rights of Way Officer
Date Written:	11 September 2024
Version	Final

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 201058, BRAITHWAITE, ABOVE DERWENT PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions delegated to Head of Park Management **Rights of Way and Access Matters** All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumberland 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	Network Plus have found that two electricity poles carrying live overhead wires on Footpath 201058 are rotten and have applied for a temporary closure notice to enable them to remove the rotten poles (and an electrical conductor affixed to one of them) and install a new underground cable.
Details of Decision	***That we issue a Temporary Traffic Regulation Notice for the section of Footpath 201058 between the B5292 and U2354***
Details of alternative options considered and rejected.	• Not issuing a Notice

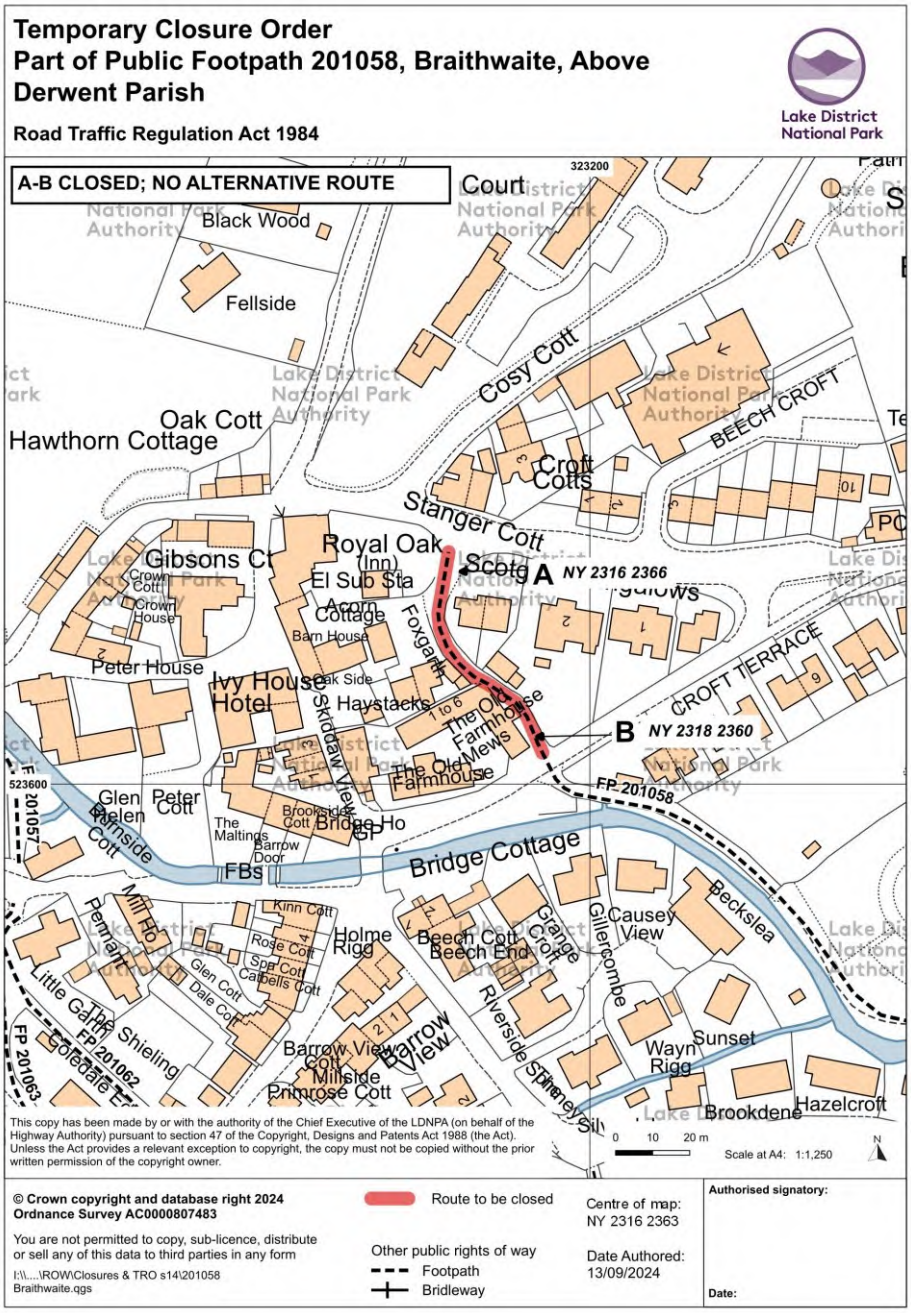
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	Will Hinchliffe, Rights of Way Officer
Background Papers	Case file 1410.003 (275)
Date of Report	13 September 2024
Authorising officer	Nick Thorne, Senior Rights of Way Officer
Date	16 September 2024

TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 201058, BRAITHWAITE, ABOVE DERWENT PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over part of Footpath 201058 to enable works to remove electricity poles and live overhead wires, and an electrical conductor, as the poles are rotten and at risk of falling.

Recommendation:	***That we issue a Temporary Traffic Regulation Notice over part of Footpath 201058, between the B5292 and U2354 roads, as shown on the plan below.***



2 Details of Request

2.1 Network Plus (NP) have identified that two electricity poles on Footpath 201058 bearing faulty overhead cables and an electrical conductor are rotten and require urgent works to remove the poles, following which a new underground cable will be installed.

2.2 NP were in contact with Cumberland Council in June about the need for new electrical infrastructure in Braithwaite and associated highway closures. At that time Cumberland Council highlighted that if works on the footpath required a closure Network Plus should contact the Lake District National Park Authority (LDNPA) to apply for a temporary closure. We responded confirming the need to apply for a closure in good time if necessary and provided our application form.

2.3 Unfortunately NP failed to apply for a closure in advance, they have now visited the site in advance of works beginning and identified that the poles on Footpath 201058 are rotten and require urgent replacement to remove the risk of them falling and potentially causing severe injury to the public.

2.4 NP now intend to remove the rotten poles during the week commencing 16 September 2024 and anticipate that a 5-day closure notice should suffice for them to get the poles removed. During the works there is a risk that the poles could fall (carrying cables and an electrical conductor) and due to the significant possibility of severe injury if this were to occur NP assert that it will not be safe for public access to be maintained during the works. Once the poles have been removed a new underground cable will be installed – during which there will be equipment obstructing the footpath.

2.5 A temporary closure notice would close the footpath to public access for a 5-day period whilst works are undertaken. NP have been informed that they will need to maintain any private access to the properties along the footpath (and emergency vehicle access) during the works and plan for how this will be managed. The residents will need to be made aware of the works before they begin.

2.5 We act as agents of Cumberland Council in maintaining the rights of way network. They have adopted a policy that roads without footways do not constitute suitable alternatives for pedestrians. There is therefore no suitable alternative route.

2.6 Site notices will be displayed at either end of the closure (Points A and B on the plan), at the footpath's junctions with the B5292 and U2354 roads.

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. It is unfortunate that NP have not applied for the closure in good time, but due to the potential risk identified to the public resulting from the condition of the electricity poles, there appears no other reasonable option than issuing a temporary closure notice to enable the works to remove the poles to be carried out, and for the footpath to be closed to the public whilst these works are undertaken to allow them to be conducted efficiently and safely.

6 Best Value Implications

6.1 The Best Value implications are:
a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
b) Processing temporary traffic regulation 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 £340 which covers staff-time, stationery and postage. The costs will be met by the applicant.

8 Risk

8.1 The major risk associated with this is if we do not issue the Notice. The electricity poles have become rotten and if left *in situ* there is a chance they could fall and cause severe injury. During the works the poles will be taken down and there could again be some risk that they fall. There will be vehicles and equipment in the lane during the works to remove the poles and install a new underground cable. Given the constricted width of the footpath it would be difficult to safely maintain 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 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 also to 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, 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:

[redacted]

Nick Thorne, Senior Rights of Way Officer

Date…16 September 2024…….

Background Papers	Case file 1410.003 (275)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	16 September 2024
Version	FINAL

Appendix A: Images (from Google Streetview) of closed section of footpath

Northern end of footpath to be closed (from close to point A)

Southern end of section of footpath to be closed (from close to point B)

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – LAKES TWO DAY TRIAL, OCTOBER 2024**
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 (and sub-delegated to Ranger Team Leaders Meeting) All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.
Background	The Lakes Two Day Trial is an off-road motorbike trial held in the Duddon and Bootle areas over a weekend every October. It has been running for many years. A number of public paths are crossed or used, and section 33 consent is required for this to happen.
Details of Decision	Consent is granted subject to the usual conditions.
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is generally well run, and popular. The landowners are happy to host the event, and the public paths will be marshalled.
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	Will Hinchliffe, Rights of Way Officer
Background Papers	Case File 1480.019
Date of Report	4 September 2024
Authorising officer(s)	Steve Gaskell, Ranger Team Leader
Date	18 September 2024

Lake District National Park

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

5 September 2024

Dear Nigel

Our Reference: 1480.001
Lakes Two Day Trial – 5 - 6 October 2024: 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 5 & 6 October 2024 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 5 October 2024

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 6 October 2024

FP 520052	Bridge End	Crossed by event

You have confirmed that marshalls will be present wherever the route crosses or uses a public right of way. Signage to make the public and participants aware on approach to where the event route crosses or uses a public right of way should also be in place.

If you have any queries, please don't hesitate to get in touch with Will Hinchliffe, Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk). As mentioned in previous years, for future editions of this event please provide a detailed route map showing the route to be used, with sections where the route crosses or uses rights of way marked, and marshall / signage locations also clearly shown.

Conditions of Authorisation.

You (the event organisers) shall:

1. Repair any damage to the surface of the rights of way, 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.

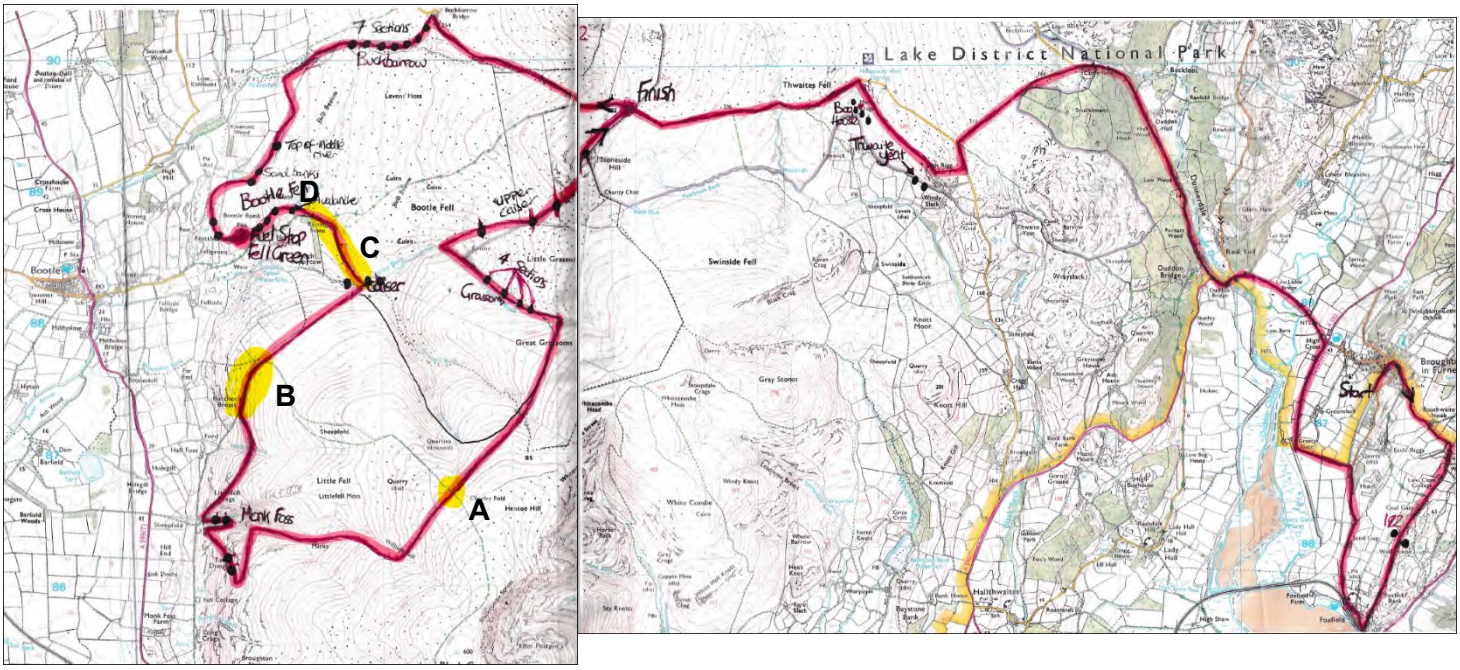
11. Take photographs before and after the event and pass to the LDNPA so that any damage to the ground can be monitored.

Yours sincerely

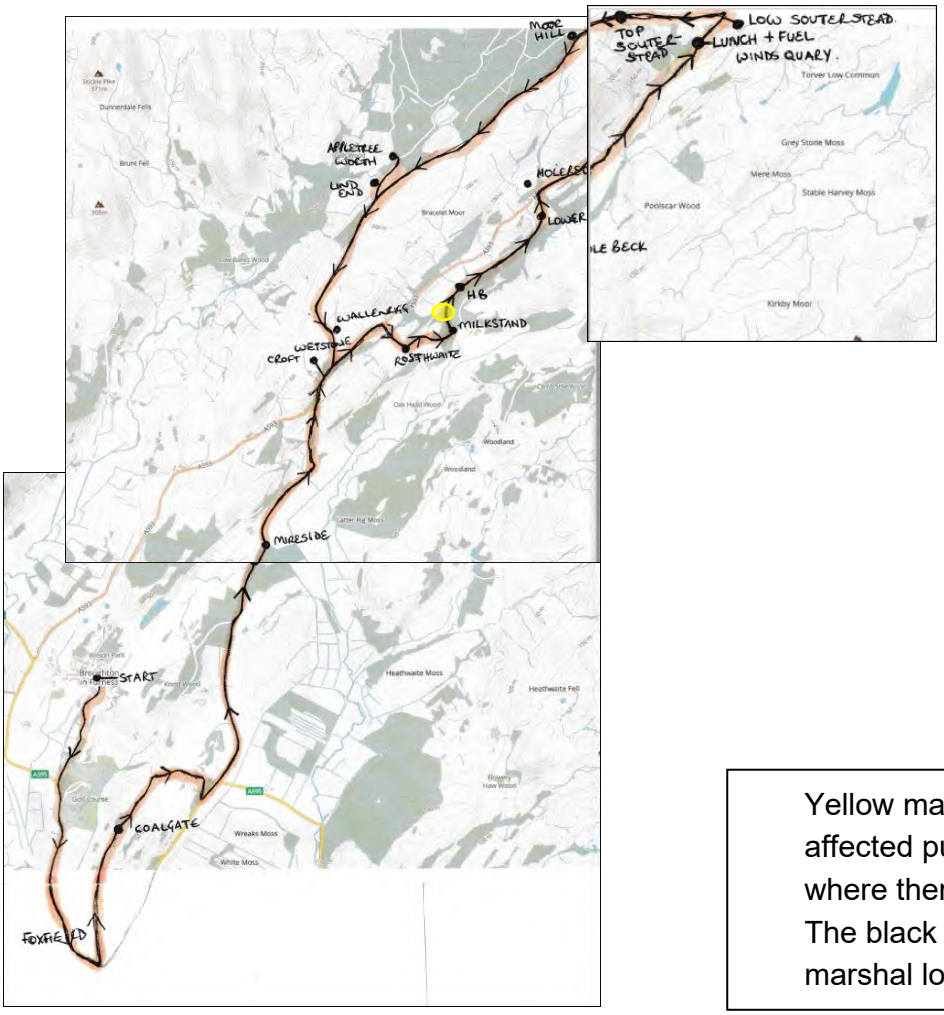
[redacted]

Steve Gaskell, Ranger Team Leader
Direct: 01539 792604
Email: steven.gaskell@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	**TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 201058, BRAITHWAITE, ABOVE DERWENT PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions delegated to Head of Park Management **Rights of Way and Access Matters** All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumberland 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	Network Plus contacted us on 13 September 2024 due to two electricity poles carrying live overhead wires on Footpath 201058 being rotten and applied for a temporary closure notice to enable them to undertake works to remove the rotten poles (and an electrical conductor affixed to one of them) and install a new underground cable. This previous notice has expired and the works are not yet complete (unfortunately Network Plus did not notify us of a need for a continued closure) – the electricity poles are still *in situ* and are rotten. On inspection by the Ranger team at least one of the poles is visibly leaning over. In addition the path surface has been dug up so that the new cable can be installed. There therefore appears to be a significant ongoing danger to the public on this footpath and little option but to issue a further notice whilst this remains.
Details of Decision	***That we issue a Temporary Traffic Regulation Notice because of the likelihood of danger to the public for the section of Footpath 201058 between the B5292 and U2354***
Details of alternative options considered and rejected.	• 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 (276)
Date of Report	25 September 2024
Authorising officer	Ranger Team Leader
Date	26 September 2024

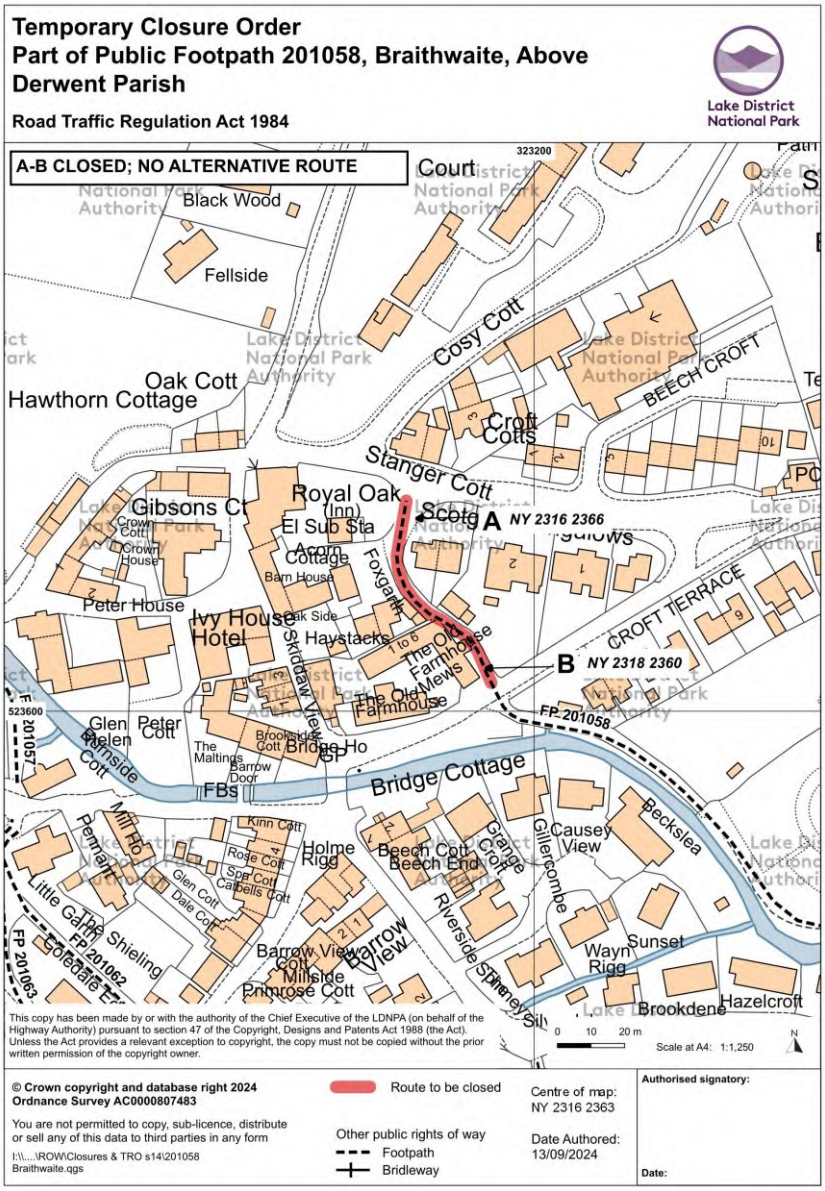
TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 201058, BRAITHWAITE, ABOVE DERWENT PARISH

1 Summary

1.1.1 This report recommends the temporary prohibition of traffic over part of Footpath 201058 due to the likelihood of danger to the public posed by rotten electricity poles, and an electrical conductor, situated on the footpath. Our Area Ranger has inspected the site and at least one of the poles is visibly leaning over. The surface also has open excavations which present a further hazard due to the works being undertaken by Network Plus.

1.2

Recommendation:	***That we issue a Temporary Traffic Regulation Notice due to the likelihood of danger to the public, over part of Footpath 201058, between the B5292 and U2354 roads, as shown on the plan below.***



2 Details of Request

2.1 On 16 September 2024 we issued a five-day closure notice to enable works by Network Plus (NP) to remove two electricity poles on Footpath 201058 bearing faulty overhead cables and an electrical conductor as they had become rotten, following which a new underground cable was to be installed.

2.2 NP were in contact with Cumberland Council in June about the need for new electrical infrastructure in Braithwaite and associated highway closures. At that time Cumberland Council highlighted that if works on the footpath required a closure Network Plus should contact the Lake District National Park Authority (LDNPA) to apply for a temporary closure. We responded confirming the need to apply for a closure in good time if necessary and provided our application form.

2.3 Unfortunately NP failed to apply for a closure in advance. After visiting the site in advance of works beginning and identifying that the poles on Footpath 201058 were rotten they contacted us on 13 September 2024 to request the temporary closure of the footpath as soon as possible to enable them to carry out these works.

2.4 Since the expiry of this notice we were contacted by the Cumberland Council Highways team who notified us that this footpath remained obstructed over the weekend (21 and 22 September). Our North Area Ranger has inspected the footpath and found that works obstructing the footpath are ongoing (see photos in Appendix A). It is also apparent that the rot of the poles is advanced, and at least one of them has a pronounced lean.

2.5 We have therefore contacted NP to seek an update on the situation and when they expect the works to be complete and the danger removed. They state that due to the narrow roads and restricted working area their digging works have been slower than anticipated. There is currently a joint bay open on the footpath which will be jointed over the 26 and 27 September. They then expect to be able to complete the re-instatement of the path on Monday.

2.6 Presently it appears there would be a significant danger if the footpath were publicly accessible due to the ongoing risk that the poles could fall (carrying cables and an electrical conductor) and due to much of the footpath having now been excavated (including open trenches) by NP to enable them to install the new underground cable. Due to the remaining danger to the public there appears little option but to issue another closure notice.

2.7 A temporary closure notice due to the likelihood of danger to the public may close the footpath to public access for a period of up to 21 days (or until the danger has been removed, whichever is the earlier). As mentioned in 2.5 it is anticipated that the works will be complete on Monday 30 September. The previous five-day notice was issued to enable works, this new notice due to the danger does not follow on directly from that. NP have been informed that as far as is practicable they will need to maintain any private access to the properties along the footpath (and emergency vehicle access) and plan for how this will be managed. It appears that it has been possible to maintain access to the Royal Oak pub car park and properties closest to the B5292 from the footpath.

2.8 We act as agents of Cumberland Council in maintaining the rights of way network. They have adopted a policy that roads without footways do not constitute suitable alternatives for pedestrians. There is therefore no suitable alternative route.

2.9 Site notices will be displayed at either end of the closure (Points A and B on the plan), at the footpath's junctions with the B5292 and U2354 roads.

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. It was disappointing that NP did not notify us that the works would not be complete within the timeframe of the previous notice and that they needed longer to complete the works. I consider that a significant danger to the public would be present if the footpath were accessible in its current state. It therefore appears that there is little option but to issue another notice based on the likelihood of danger, rather than enabling NP's works, due to the condition of the electricity poles and open excavations on the footpath.

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 £340 which covers staff-time, stationery and postage. The costs will be met by the applicant.

8 Risk

8.1 The major risk associated with this is if we do not issue the Notice. The electricity poles have become rotten and if left *in situ* there is a chance they could fall and cause severe injury. Inspection by the Area Ranger has shown that at least one of the poles is leaning over. In addition NP have dug up the path surface to enable to them to install underground infrastructure – there are currently open trenches on the footpath (along with spoil around these) which would be a significant hazard to the public if access were continued before the works are complete. There are also vehicles and equipment in use in the lane and given the constricted width of the footpath it would be difficult to safely maintain access.

9 Legal Considerations

9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(2)(b) 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.

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 also to 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, 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:

[redacted]

Ranger Team Leader

Date…26 September 2024…….

Background Papers	Case file 1410.003 (276)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	25 September 2024
Version	FINAL

Appendix A: Photographs from Area Ranger's inspection of the footpath

Northern end of footpath to be closed (from close to point A)

Southern end of section of footpath to be closed (from close to point B)

Excavation of path surface and rotten electricity pole leaning

Path surface excavations

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, 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, Wythop Woods and Whinlatter Forest, to be in force for six months, but operative only on the three dates as specified in section 2.2 of this report.
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, Rights of Way Officer
Background Papers	Case file: 1410.003 (274)
Date of Report	23 September 2024
Authorising officer	Ranger Team Leaders' Meeting
Date	26 September 2024

PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE FOREST, 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, Wythop Woods, and Whinlatter Forest – to be in force for six months, but to be operative only on three dates as specified in section 2.2 of this report.***

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 Rally (GSR) will take place this year on Saturday 7 December 2024 on both the eastern and western sides of Grizedale Forest (in previous years the event has generally been run over two days)
- The Malcolm Wilson Rally (MWR) will take place on Saturday 8 March 2025. The setting up for Grizedale and Whinlatter will take place on the Saturday, whereas in Wythop Woods signs and tapes closing off the paths will be done the evening before. Therefore we have agreed that it would be wise to extend the closure to the afternoon of Friday 7 March 2025 at Wythop.

2.2 In summary:

Grizedale Stages Rally Saturday 7 December 2024 (from 00:01 for 24 hours)	**Grizedale**: all routes west of the Hawkshead to Satterthwaite road and all routes east of the Hawkshead to Satterthwaite road (and south of the U5050)
Malcolm Wilson Rally Friday 7 March 2025 (Wythop from 12:00 for 36 hours)	**Wythop Woods**: various footpaths and bridleways.
Malcolm Wilson Rally Saturday 8 March 2025 (Grizedale and Whinlatter Forest from 00:01 for 24 hours, Wythop continuation from 7 March until 23:59 on 8 March)	**Grizedale:** all routes west of the Hawkshead to Satterthwaite road. **Whinlatter Forest**: Various footpaths and bridleways **Wythop Woods**: various footpaths and bridleways.

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 the danger from fast-moving vehicles taking part in the rallies. 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 The closures will be clearly signed and FE will put information on their website to highlight the dates on which the rallies will be held. This year the Grizedale Stages Rally will be held over one day (in previous years it has been over two days, with closures for one side of the forest on each day). The organiser has indicated that they hope this will provide a clearer situation for the public with just one date on which rights of way within the forest will be unavailable.

2.5 As in previous years, 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 the 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, user groups, tourist information centres, the 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 landowner and Relevant Authority for open access land in woodland and forestry areas 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. The organisers have confirmed that they have requested an open access direction.

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 as it involves closures in both Authority areas.
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 £3,330 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 ahead of MWR)
- 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- £1665 each.

8 Risk

8.1 The major risk associated with this is if a closure order were not made. The order will safeguard the public against potential incidents whilst public rights of way are 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 Agreements with Cumberland and Westmorland and Furness Councils. 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 As with previous years, consultation for this year's events included; user groups, all affected parish councils and the councils (Highway Authorities). A full table of responses received (and our comments on them) is included in 12.4.

12.2 On previous occasions some user groups have raised concerns that motorsports are not an appropriate activity within the National Park. The Open Spaces Society have noted their concerns in this regard this year – and their comments have been passed to the Ranger Team Leaders to discuss further as they think necessary.

12.3 The GLEAM (Green Lanes Environmental Action) representative queried whether use would be made of the U5050 road between the Grizedale Forest visitor centre and Esthwaite Hall during the Grizedale Stages Rally. We confirmed with the organiser that this and the rights of way to the north of it (to the C5022 Satterthwaite to Hawkshead road) would not be used as part of the route for this year's event, although the forest roads in this area will be used by event spectators (including use of vehicles). The organiser would have liked this area to be included within the TTRO as it may allow them to communicate clearer messages about the forest area being closed on the day of the event. However, the basis on which the TTRO would be made is the danger to the public which would otherwise be present due to the fast-moving vehicles participating in the event. As we cannot identify anything taking place within this area during this year's event which could not be managed effectively with signage and / or marshalling we have made the decision that it should not be included in the TTRO. Signage in this area may still be used to make the public aware of the rally event taking place on 7 December 2024, and any open access restrictions issued by FE. Event marshalls should also be able to explain to users where the ROW closures (and open access restrictions) apply.

12.4

Consultee	Comment	LDNPA Response
Open Spaces Society	*You may recall that we have previously asked the NPA to re-consider their policy on consenting to such activities, not least where they hugely affect the appropriate use of the PROW network (and especially so at weekends in winter). We have had no feed back from the NPA to our request.* *So our view is unchanged in that the OSS will oppose activities which have a disproportionate effect of legitimate users of the PROW network and access land. If you add the potential effects of disturbance to wildlife at a time of year when fauna is under stress such discordant activities are not compatible with national park principles.*	The TTRO is made on the basis of the danger which having the rights of way open would present to users if the motor rally events were to take place without a closure in effect, so isn't a decision on whether we give consent for or 'authorise' the events to take place as such. A decision on our policy towards these events and whether they should continue taking place over PRoW, based on the impacts on the PRoW network and disturbance to wildlife, would be a more strategic decision. Ranger Team Leaders included in response to OSS for further consideration as to whether discussion needed with Head of Service, Access and Recreation Board and / or one of the Park's committees.
Councillor Suzanne Pender, Westmorland and Furness Council	*There were a lot of issues last year due to the snow storm that occurred during the rally.* *The community ended up supporting huge numbers of people.* *Has an improved emergency plan been put in place?*	Confirmed that we would support the position that event organisers should have adequate emergency plans in place. In terms of the decision as to whether to make a TTRO, this point is probably of limited weight for us in deciding whether to make an order. The TTRO is made on the grounds of public safety – on the basis that if the rallies are taking place then there would be a danger to the public unless the rights of way are closed. Before authorising a motor vehicle trial to be held on a PRoW (under Section 33 of the Road Traffic Act, 1988) we may seek reassurance from the event organiser that adequate emergency plans are in place. The GSR organiser was contacted and provided a copy of their event Safety and Incident Management Plan. A section on the event's Severe Weather Protocol is included in this. They highlighted that the issues in 2023 were in

		their view primarily due to access on public roads being affected and that other events on that weekend such as Hawkshead Christmas Fair were also affected.
GLEAM representative	*I wonder if the TTRO closing public rights of way in Grizedale East for the motorsport event on 7 December 2024 could also include public use of the unsealed unclassified road U5050. When I have walked U5050 I have seen other users on foot, cycle and with motor vehicles, and note that FP 566028 terminates on it and BW 566020 crosses it; so it seems to me that the reason of public safety, avoiding danger from fast moving rally cars on the forest roads, applies to protecting the public using U5050 as much as it does to the public using these and the other public footpaths and bridleways included in the TTRO for Grizedale East.* -- *National Park Authorities were given the power to make TTROs and other TROs on unsealed unclassified roads by section 22BB of the Road Traffic Regulation Act 1984. This section applies to "a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material", as well as to footpaths, bridleways, restricted byways and BOATs.* *I attach Defra's guidance on using this TRO power and the statutory instrument to which the guidance refers, and which brought this power into effect in England on 1 October 2007. This power means you do not have to use delegated powers to make a temporary or other TRO.* *You think that the rally organisers avoid using the central section of U5050, where it coincides with a forest road, for the race, so they don't need a Motor Race order from Westmorland and Furness*	As U-roads are managed and maintained by the Councils, although the LDNPA can make orders under Section 22BB of the Road Traffic Regulation Act, if the closure request included a U-road it's likely we would advise the organiser to apply for the TTRO via the Council instead as we would not generally consider ourselves the authority best placed to make such an order. If the U-road were to be used for one of the raced 'special stages' of the event then the organisers would also need to apply to the council for a Motor Race Order (having first obtained a permit from the motorsport governing body to do so). Use of U-roads during rally event 'liaison' stages is within the legal use of road (as long as participants abide by all the usual road laws). Use of U-roads for the non-raced parts of the rally, or spectator movements, should be managed effectively with signage and marshalling and should not present a significant danger to the public as with the raced sections, which are the basis for the TTRO. In previous years the area of the forest to the north of the U5050 has been used by the event, but this year it is not (other than by event spectators). Therefore, as it does not appear that there will be a danger to the public in using the ROW in this area to the north of the U5050 a decision has been made that they will not be included within the TTRO for this year's event.

	council for this section of U5050. But the eastern and western sections of U5050 will still be open to walkers and cyclists, under your current plan, so they may use these sections to gain access to the central section and then continue along other sections of forest roads which are in use by the rally. It seems to me that this risk is what you are seeking to prevent by closing all the footpaths and bridleways which provide access to or are coincident with the forest roads, so why not do the same for the eastern and western, non-forest road, sections of U5050?	

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 (274)
Author/Post:	William Hinchliffe, Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	23 September 2024

Authorised by:

[redacted]

……

Ranger Team Leader

Date: 26 September 2024

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 (Saturday 7 December 2024) only

Parish	Right of Way	From (SD)	To (SD)
Satterthwaite	BW 566008	354 937	338 926
Satterthwaite	BW 566011	339 921	349 917
Satterthwaite	BW 566012	343 918	345 913
Satterthwaite	BW 566021	345 952	354 940
Satterthwaite	FP 566028	337 945	350 941
Satterthwaite	FP 566029	347 931	353 932

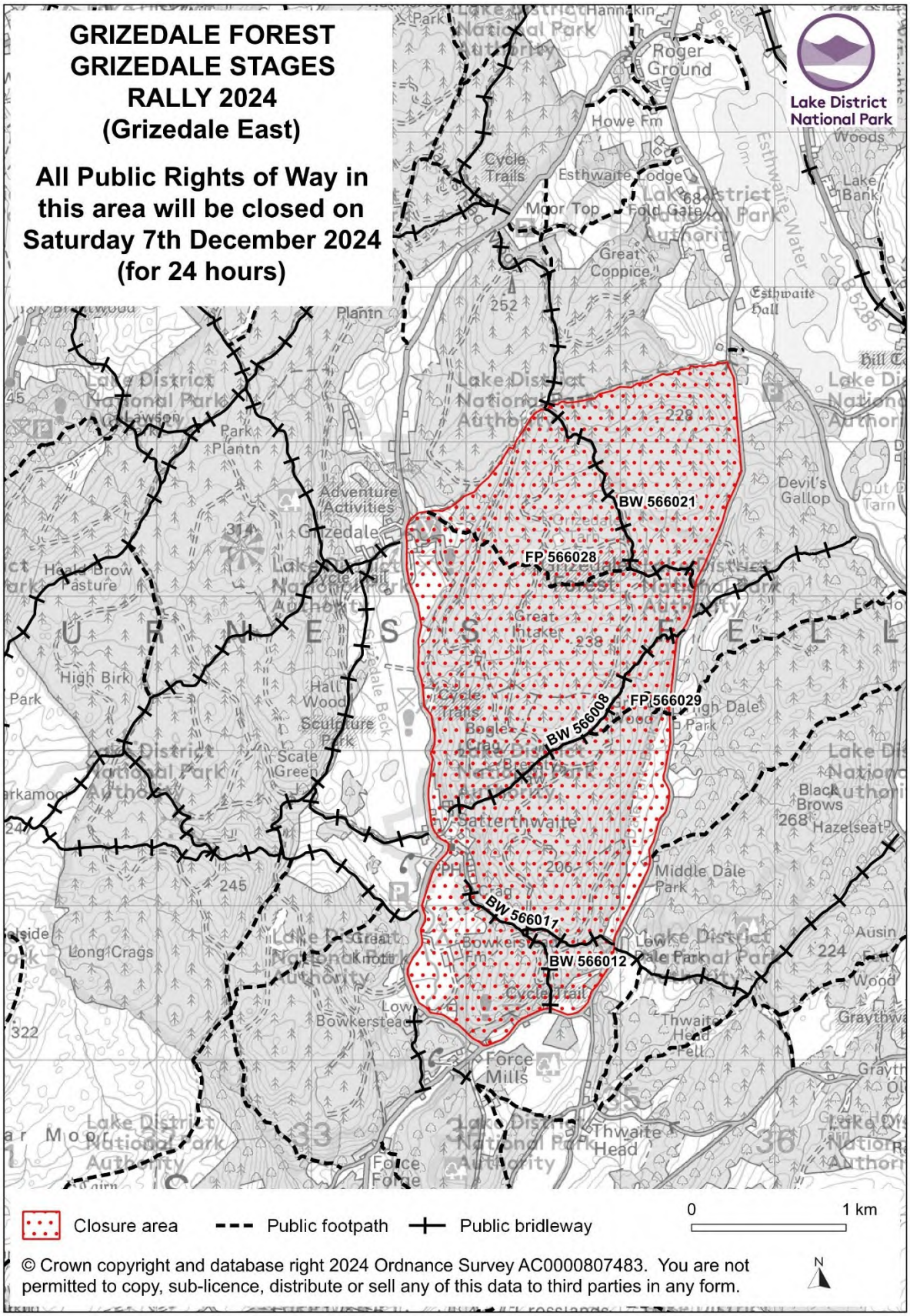
Grizedale West - Grizedale Stages Rally (Saturday 7 December 2024) & Malcolm Wilson Rally (Saturday 8 March 2025)

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

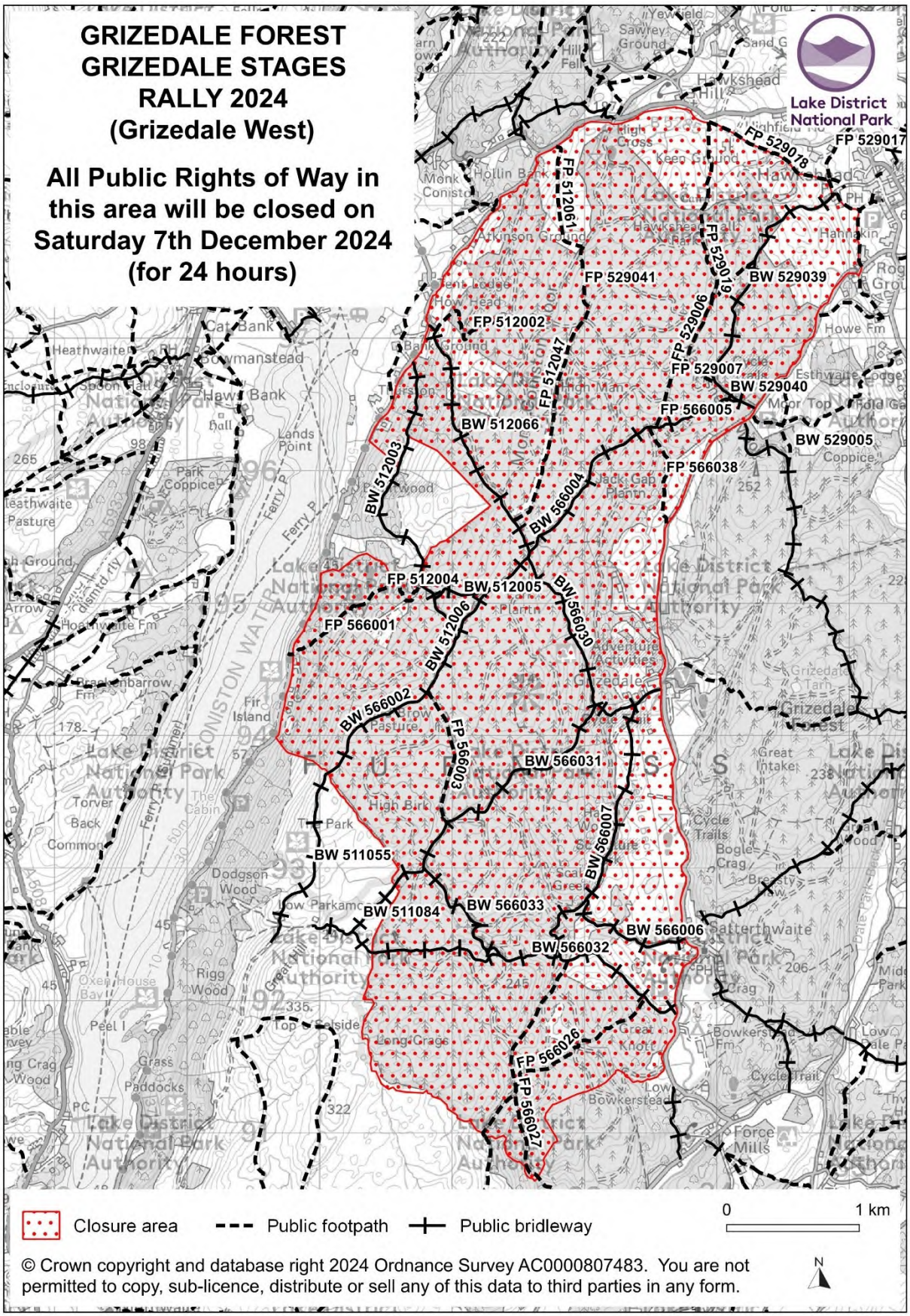
Wythop Woods and Whinlatter Forest - Malcolm Wilson Rally only (Whinlatter Forest Saturday 8 March 2025, Wythop Woods from 12:00 on Friday 7 March 2025 until 23:59 on Saturday 8 March 2025)

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

Annex 2 – Closure Maps
Map 1: Grizedale Forest East (Grizedale Stages Rally)



Map 2: Grizedale Forest West (Grizedale Stages & Malcolm Wilson Rallies – same closures in place for both events)



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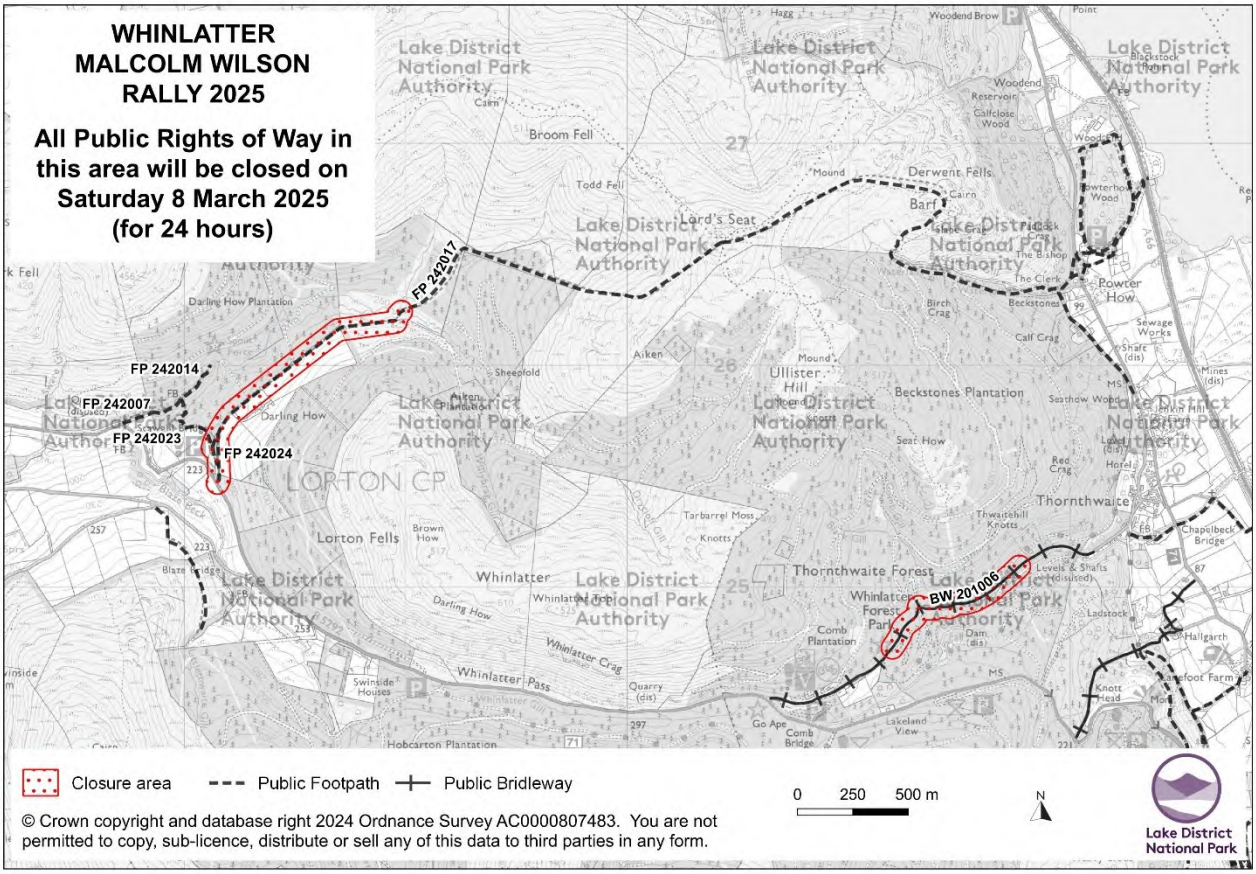
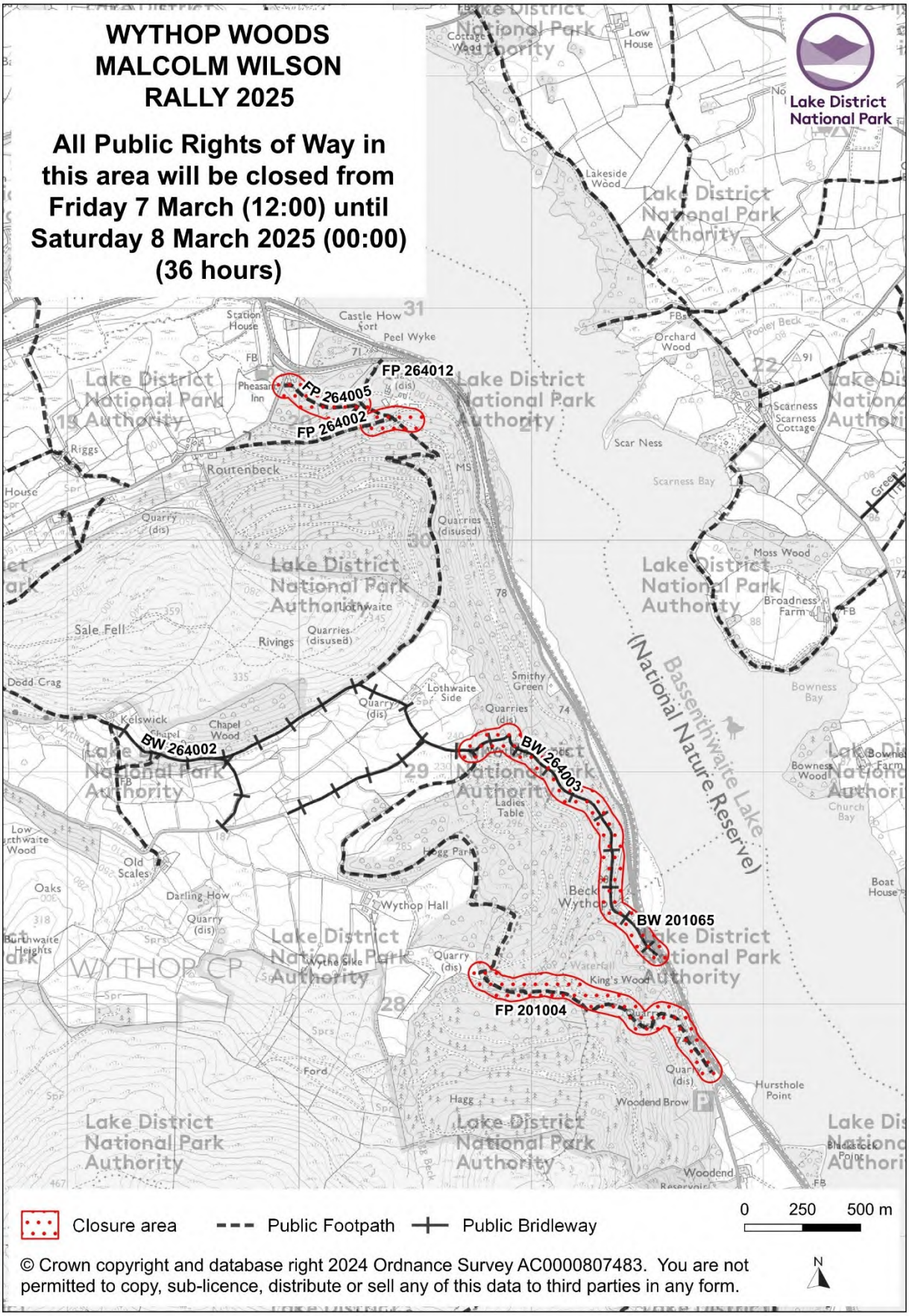
Map 3: Whinlatter Forest (Malcolm Wilson Rally)



Map 4: 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 SATURDAY 7 DECEMBER 2024**
Relevant section of Scheme of Delegation	**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.
Background	The Grizedale Stages Rally is an annual event run by the Furness & District Motor Club which has been running for over 30 years. A number of public paths are crossed or used by the event, this year taking place only over land in Grizedale Forest, 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.
Details of Decision	Consent is granted subject to the usual conditions.
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is well run, and no significant incidents have arisen during past events. Last year's event had to be abandoned due to snow, though the main challenges were around spectators not being able to use the public roads to leave the area. The organiser has shared with us their Safety and Incident Management Plan which includes a Severe Weather Protocol should the event be affected by severe weather again. A query has also been raised by one of our consultees (Open Spaces Society) in relation to our policy on such activities – this has been passed to the Ranger Team Leaders for consideration as to whether further discussion on our approach is warranted and to decide who would make a strategic decision regarding this. 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.

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, Rights of Way Officer
Background Papers	File Reference 1480.006
Date of Report (letter)	24 September 2024
Authorising officer(s)	Ranger Team Leaders' Meeting
Date	26 September 2024

Graham Parker
Grizedale Stages Rally
[redacted]

26 September 2024

Our Reference: WH/1480.006

Dear Graham

Section 33 Consent for Grizedale Stages Rally 2024

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 and 2 and shown on maps 1 and 2 below:

Saturday 7 December 2024 – all routes in Grizedale West (west of the Hawkshead to Satterthwaite road) and all routes in Grizedale East (east of the Hawkshead to Satterthwaite road and south of the U5050) listed in schedules 1 and 2 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 2024 Grizedale Stages Rally subject to the conditions listed overleaf.

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

Yours sincerely

[redacted]

Steve Tatlock
Ranger Team Leader
Direct: 01539 724555
Email: Steven.Tatlock@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)
Satterthwaite	BW 566008	354 937	338 926
Satterthwaite	BW 566011	339 921	349 917
Satterthwaite	BW 566012	343 918	345 913
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

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 MARCH 2025**
Relevant section of Scheme of Delegation	**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.
Background	The Malcolm Wilson Rally is an annual motor sports event which 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 2025. 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.
Details of Decision	Consent is granted subject to the usual conditions.
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is well run, and no incidents have arisen during past events. A query has been raised by one of our consultees (Open Spaces Society) in relation to our policy on such activities – this has been passed to the Ranger Team Leaders for consideration as to whether further discussion on our approach is warranted and to decide who would make a strategic decision regarding this. 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.
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, Rights of Way Officer
Background Papers	File Reference 1480.007
Date of Report (letter)	24 September 2024
Authorising officer(s)	Ranger Team Leaders' Meeting
Date	26 September 2024

Lake District National Park

Ronnie Sandham
Secretary to the Malcolm Wilson Rally

[redacted]

26 September 2024

Our Reference: WH/1480.007

Dear Ronnie

Section 33 Consent for Malcolm Wilson Rally 2025

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 and 2 and shown on maps 1-3 below:

Saturday 8 March 2025 – all routes in Grizedale West, Whinlatter Forest 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 2025 Malcom Wilson Rally subject to the conditions listed overleaf.

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

Yours sincerely

[redacted]

Steve Tatlock
Ranger Team Leader
Direct: 01539 724555
Email: Steve.Tatlock@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 8 March 2025)

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 (Saturday 8 March 2025)

	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

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).

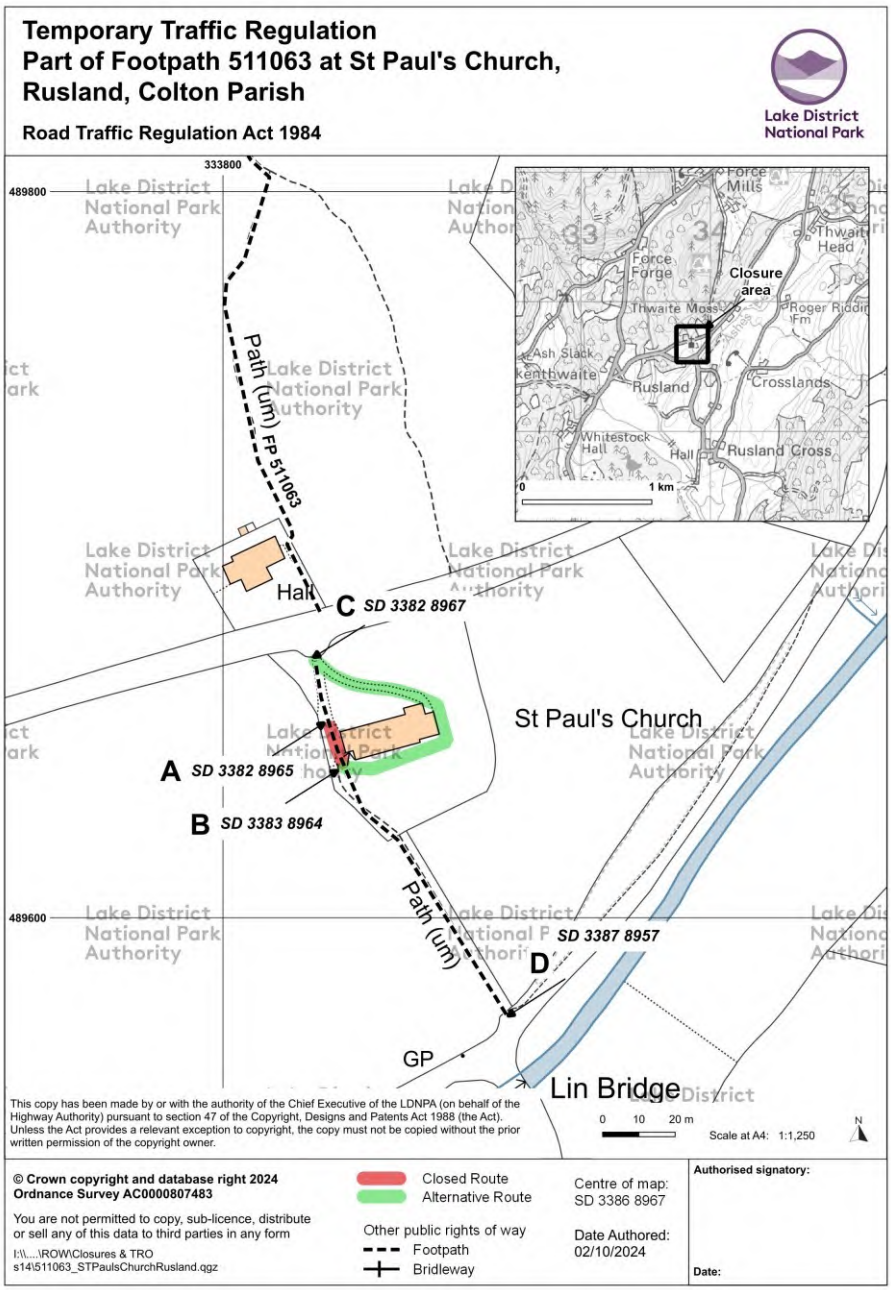
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 511063 AT ST PAUL'S CHURCH, RUSLAND, COLTON PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	A piece of masonry has fallen from the tower of St Paul's Church and following assessment there appears a significant possibility that further masonry may fall. Footpath 511063 passes close to the western side of the tower and there is therefore a significant risk that users could be severely injured if further stonework does fall.
Details of Decision	***That we issue a Temporary Traffic Regulation Notice over part of Footpath 511063 passing the Church Tower due to the danger of falling masonry***
Details of alternative options considered and rejected.	• 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 (277)
Date of Report	1 October 2024
Authorising officer	Nick Thorne, Senior Rights of Way Officer
Date	2 October 2024

TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 511063 AT ST PAUL'S CHURCH, RUSLAND, COLTON PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over part of Footpath 511063 as there appears a likelihood of danger to the public from falling masonry on the section of the footpath in the vicinity of the church tower.

Recommendation:	***That we issue a Temporary Traffic Regulation Notice over part of Footpath 511063 passing the Church Tower due to the danger of falling masonry, as shown on the plan below.***



2 Details of Request

2.1 We have been contacted by the Church Warden of St Paul's Church, Rusland, as a piece of stone has fallen from the church tower in the vicinity of the footpath, which passes along the western edge of the churchyard, and between the churchyard wall and tower.

2.2 The stonework has been assessed by a contractor and they consider there to be a risk of further falling masonry onto the footpath, a clear danger to users. It's possible that this first fall will have destabilised the surrounding stones.

2.3 The church warden has therefore completed an application for a temporary closure of the footpath until they have been able to arrange for the repair of the stonework. A closure due to the likelihood of danger such as this may last up to 21 days. The church warden has advised that it is likely it will take longer than this for the masonry to be made safe. It is therefore likely we will need to issue a second notice, or convert the notice to an Order– we will assess the most appropriate course of action in due course as it should have been possible by then to undertake further assessment and form an expected timescale for the works.

2.4 An alternative route will be available by passing around the eastern end of the church within the churchyard. The unaffected sections of the footpath and other paths within the churchyard can be used to get past the church and reach its junctions with the roads (and continuation to the north of the U5063).

2.5 Site notices will be displayed at either end of the closure. The closed section has also been barriered or taped off to discourage users from using the hazardous section of the footpath.

3 Policy Context

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

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

4 Options

4.1 The options are to:
a) 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. Assessment of the church tower's condition is that there is a chance that further masonry will fall from the tower, until remedial works have been undertaken. This could cause significant injury or death for any user hit whilst using the footpath. It therefore appears that a temporary closure of this part of the footpath is necessary due to the likelihood of danger to the public. An alternative route will be available around the east end of the church and this will not be a significant inconvenience to users.

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 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 £340 which covers staff-time, stationery and postage. In this instance it is likely that a second Notice or conversion to an Order will be necessary. As this situation has obviously come about unexpectedly and the applicants have been prompt in reporting the potential danger to the public to us, I would recommend we consider waiving some of the costs of the full process. In this instance I would propose that if a second Notice or an Order is required, then the costs of the latter work be waived up to the value of the Notice fee (that is – we charge for the first Notice as normal – but reduce the amount of the charge for the second/third processes by the equivalent sum).

8 Risk

8.1 The major risk associated with this is if we do not issue the Notice. There is a clear danger to users if masonry falls from buildings on to the right of way. An assessment undertaken by the church's contractors is that there remains a risk of further stonework falling (and that the stone fallen so far may have destabilised the surrounding masonry). The footpath passes the western edge of the tower and therefore if further material falls it may do so onto the footpath. I therefore consider there to be a significant likelihood of danger to the public using this part of the footpath.

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 because of the likelihood of danger to the public. Such a Notice can last for 21 days. If the likelihood of danger remains beyond that time we may issue a further notice, or convert the notice to an Order.

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 Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders and for Notices also to 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, 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:

[redacted]

Nick Thorne, Senior Rights of Way Officer

Date…2 October 2024…….

Background Papers	Case file 1410.003 (277)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	1 October 2024
Version	FINAL

Appendix A: Images (from Google) of church

View of the church from southwest corner of the churchyard – footpath follows the wall line past the church -

View of the north side of the church from the U5063 road, the footpath follows the tarmacked surface which ends at the tower (beyond which it is a grass surface) –

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).

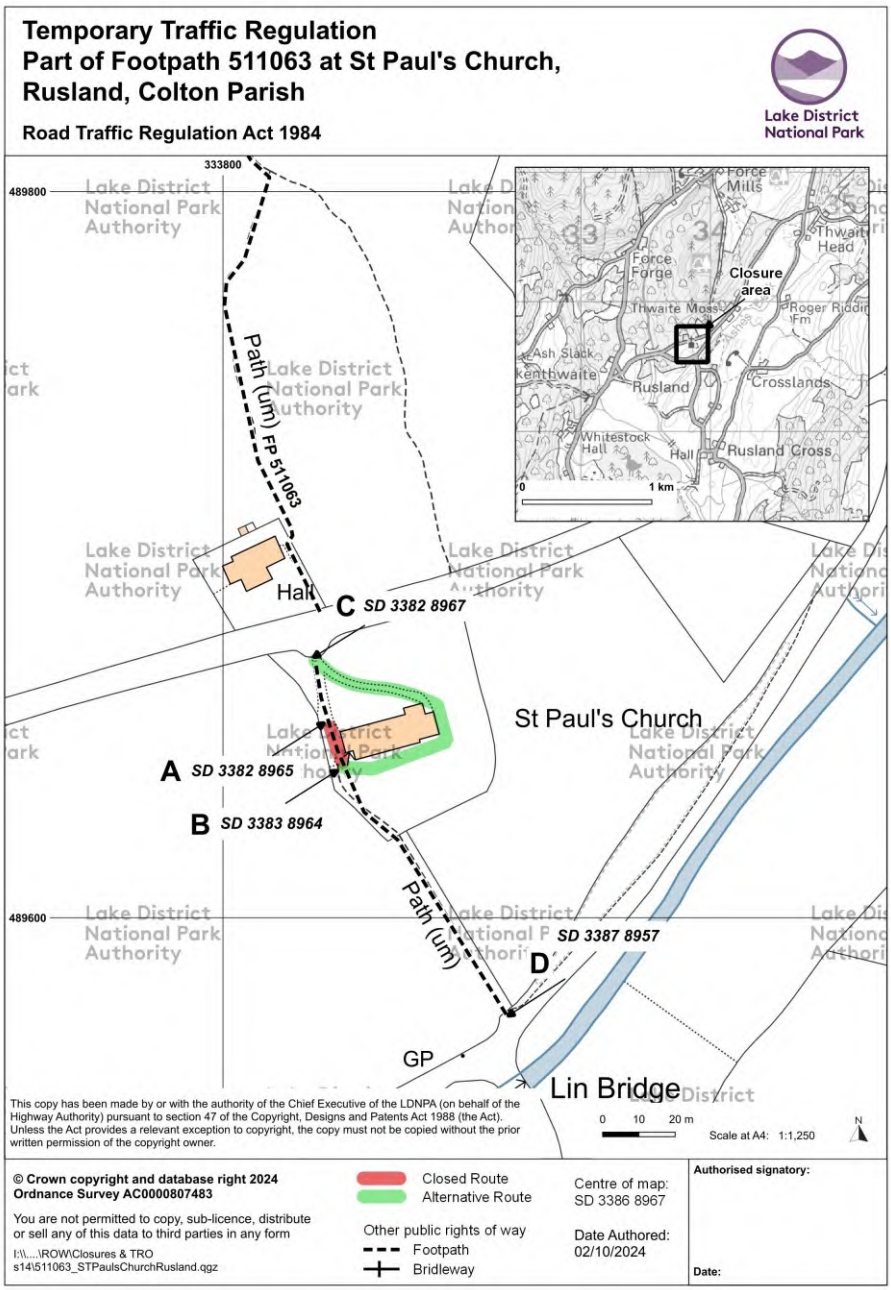
Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**CONVERSION OF TEMPORARY TRAFFIC REGULATION NOTICE TO AN ORDER, PART OF FOOTPATH 511063 AT ST PAUL'S CHURCH, RUSLAND, COLTON PARISH**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.
Background	We issued a 21-day Temporary Closure Notice for part of Footpath 511063 on 2 October 2024 as a piece of masonry had fallen from the tower of St Paul's Church and following assessment it appeared there was a significant possibility that further masonry may fall until remedial works are undertaken. It has not yet been possible for these works to begin. The footpath passes close to the western side of the tower and there is therefore an ongoing risk that users could be severely injured if further stonework does fall.
Details of Decision	***That we convert the Temporary Traffic Regulation Notice over the affected part of Footpath 511063 into an Order***
Details of alternative options considered and rejected.	• Not issuing an Order • Issuing a second 21-day 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 (277)
Date of Report	16 October 2024
Authorising officer	Ranger Team Leaders' Meeting
Date	21 October 2024

CONVERSION OF TEMPORARY TRAFFIC REGULATION NOTICE TO AN ORDER, PART OF FOOTPATH 511063 AT ST PAUL'S CHURCH, RUSLAND, COLTON PARISH

1 Summary

1.1 This report recommends the continued temporary prohibition of traffic over part of Footpath 511063 by converting the 21-day notice issued 2 October 2024 to an order, as there appears an ongoing likelihood of danger to the public from falling masonry on the section of the footpath in the vicinity of the church tower.

Recommendation:	***That we convert the Temporary Traffic Regulation Notice issued on 2 October 2024 closing the affected part of Footpath 511063 into an Order***



2 Details of Request

2.1 On 1 October 2024 we were contacted by the Church Warden of St Paul's Church, Rusland, as a piece of stone had fallen from the church tower in the vicinity of the footpath, which passes along the western edge of the churchyard, and between the churchyard wall and tower.

2.2 The stonework was assessed by a contractor and they considered there to be a risk of further masonry falling onto the footpath, a clear danger to users. It's possible that the first piece of stone becoming dislodged will have destabilised the surrounding stonework.

2.3 We therefore issued a 21-day closure notice on 2 October 2024 due to the likelihood of danger to the public (Appendix B). The church warden advised that they thought it unlikely it would be possible for the masonry to be made safe by 23 October when the current notice expires, and we asked them to keep us updated and that the subsequent options would be to issue a second notice, or convert the notice to an order, depending on the likely timescale for the repair works.

2.4 The church warden has been in touch 14 October to confirm that it has not yet been possible for the contracted builder to begin the repair works and that it is unlikely that the works could be completed within a further 21-day notice period. A further survey of the church tower is scheduled for 1 November. The logical course of action therefore appears to be to convert the notice to an order, to remain in effect for six months, or when works to make the masonry safe are complete, whichever is the earlier.

2.5 An alternative route is available by passing through the churchyard around the eastern end of the church. The unaffected sections of the footpath and other paths within the churchyard can be used to pass through the churchyard and reach its junctions with the roads (and continuation to the north of the U5063).

2.6 Site notices are displayed at either end of the closure, updated site notices for the order will be erected if and when the notice is converted to an order. The closed section has also been fenced off to discourage users from using the hazardous section of the footpath.

3 Policy Context

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

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

4 Options

4.1 The options are to:
a) Convert the existing Notice to an Order
b) Do not convert the existing Notice to an Order
c) Issue a second 21-day Notice

5 Proposal

5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 9. Assessment of the church tower's condition found that there is an ongoing chance that further masonry will fall from the tower until remedial works have been undertaken, and it has not yet been possible for these works to begin. Falling masonry could cause significant injury or death for any user hit whilst using the footpath, so not having a closure (4.1b or 4.1c) may place members of the public at risk. It therefore appears that a continuation of the temporary closure of this part of the footpath is necessary due to the likelihood of danger to the public. The church warden considers it unlikely that the works will be completed within the period of a second 21-day notice (4.1c), so conversion of the notice to an order appears logical. An alternative route is available around the east end of the church and this will not be a significant inconvenience to users.

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, we also informed them of the possibility it would be necessary to issue a second notice or convert the notice to an Order.

7 Best Value Implications

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 is not a **competitive** procedure. Westmorland and Furness 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.

8 Finance Considerations

8.1 The costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage), plus the cost of a newspaper advert. In this instance, as the church representatives have been prompt in making us aware of the issue and the need for a closure, and because the issue arising had not been anticipated, the Ranger Team Leaders and Senior Rights of Way Officer have agreed that we would subtract the cost of the first notice from the usual cost of an Order (or issue a second notice at no charge). So, the church will be invoiced for the costs of the first notice (£340), reduced Order cost (£720) and the newspaper advert.

9 Risk

9.1 The major risk associated with this is if we do not continue the temporary closure of this footpath until the tower stonework has been made safe. There is a clear danger to users if masonry falls from the church on to the right of way. It has not yet been possible for works to repair the masonry to commence and the assessment undertaken by the church's building contractors found there was a risk of further stonework falling (and that the stone fallen so far may have destabilised the surrounding masonry). The footpath passes the western edge of the tower and therefore if further material falls it may do so onto the footpath. I therefore consider there to be a significant likelihood of danger to the public using this part of the footpath until repairs works have been undertaken.

10 Legal Considerations

10.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(2) of the Road Traffic Regulation Act 1984; namely 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 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 Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders.

11 Human Resources

11.1 The work involved in this proposal is approximately five hours from members of the Ranger Service, 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.

12 Sustainability

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

Authorised by:

[redacted]

Steve Tatlock, Ranger Team Leader
Date: 21 October 2024…….

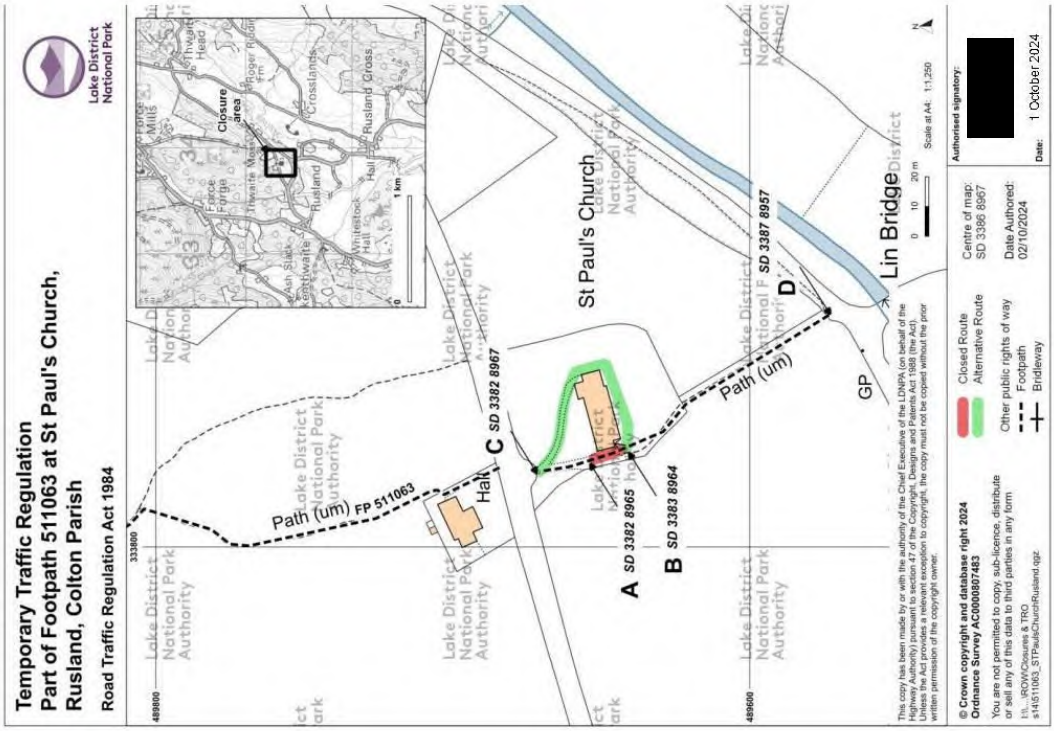
Background Papers	Case file 1410.003 (277)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	16 October 2024
Version	FINAL

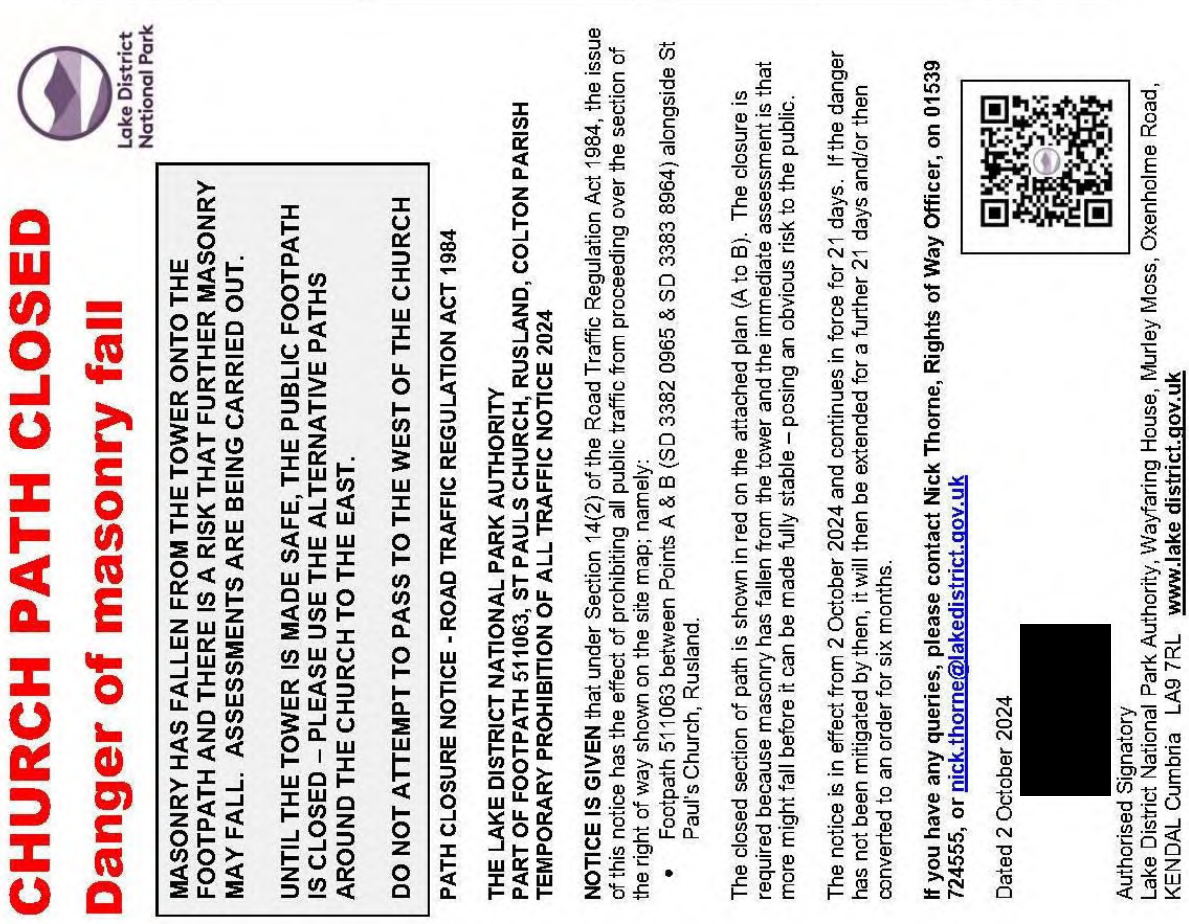
Appendix A: Images (from Google) of church

View of the church from southwest corner of the churchyard – footpath follows the wall line past the church -

View of the north side of the church from the U5063 road, the footpath follows the tarmacked surface which ends at the tower (beyond which it is a grass surface) –

Appendix B: Temporary Closure Notice issued 2 October 2024





CHURCH PATH CLOSED

Danger of masonry fall

Lake District National Park

MASONRY HAS FALLEN FROM THE TOWER ONTO THE FOOTPATH AND THERE IS A RISK THAT FURTHER MASONRY MAY FALL. ASSESSMENTS ARE BEING CARRIED OUT.

UNTIL THE TOWER IS MADE SAFE, THE PUBLIC FOOTPATH IS CLOSED – PLEASE USE THE ALTERNATIVE PATHS AROUND THE CHURCH TO THE EAST.

DO NOT ATTEMPT TO PASS TO THE WEST OF THE CHURCH

PATH CLOSURE NOTICE - ROAD TRAFFIC REGULATION ACT 1984

THE LAKE DISTRICT NATIONAL PARK AUTHORITY
PART OF FOOTPATH 511063, ST PAULS CHURCH, RUSLAND, COLTON PARISH
TEMPORARY PROHIBITION OF ALL TRAFFIC NOTICE 2024

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 public traffic from proceeding over the section of the right of way shown on the site map; namely:

- Footpath 511063 between Points A & B (SD 3382 0965 & SD 3383 8964) alongside St Paul's Church, Rusland.

The closed section of path is shown in red on the attached plan (A to B). The closure is required because masonry has fallen from the tower and the immediate assessment is that more might fall before it can be made fully stable – posing an obvious risk to the public.

The notice is in effect from 2 October 2024 and continues in force for 21 days. If the danger has not been mitigated by then, it will then be extended for a further 21 days and/or then converted to an order for six months.

If you have any queries, please contact Nick Thorne, Rights of Way Officer, on 01539 724555, or nick.thorne@lakedistrict.gov.uk

Dated 2 October 2024

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

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

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

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Subject of Decision	**SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – Vintage Sports Car Club – Lakeland Trial, 9 November 2024**
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 Cumberland 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 110 pre-war road cars in the Darling How / Wythop areas of Forestry England land at Whinlatter Forest, at Buttermere and at Honister Slate Mine. It has been running for many years. A number of public rights of way are used to reach the trial sites, and one bridleway (220003 at Honister) is used as part of the hill trial. Section 33 consent (Road Traffic Act 1988) is therefore required to authorise a motor vehicle trial to be held on public rights of way.
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	Will Hinchliffe, Rights of Way Officer
Background Papers	File Reference 1480.013
Date of Report (letter)	16 October 2024
Authorising officer(s)	Ranger Team Leader Meeting
Date	18 October 2024

VINTAGE SPORTS CAR CLUB – LAKELAND TRIAL

This trial is for up to 110 pre-1941 road registered cars, and takes place in Wythop Woods, Darling How (Whinlatter Forest), Honister and near Buttermere and Crummock Water. It is generally well-run and has been held for many years without issue.

In 2021 we received a complaint 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 marshals 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 marshals in correct locations and the vehicles were moving slowly. The Ranger Team Leaders have agreed that a member of staff does not need to be present in future, 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.

Will Hinchliffe, Rights of Way Officer, 16 October 2024

Lake District National Park

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

22 October 2024

Dear Mr Tarring

Vintage Sports Car Club – Lakeland Trial, 9 November 2024
Section 33 Road Traffic Act 1988 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 / Wythop
- FP 242017/024, Darling How

For the event planned for 9 November 2024, 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 marshals 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.
- Marshals 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 Will Hinchliffe, Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk, 01539 792696).

Conditions of Authorisation

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 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 Fleetwith Drumhouse. Marshals should wear high visibility vests or clothing to ensure they're clearly identifiable to participants and rights of way users.
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.

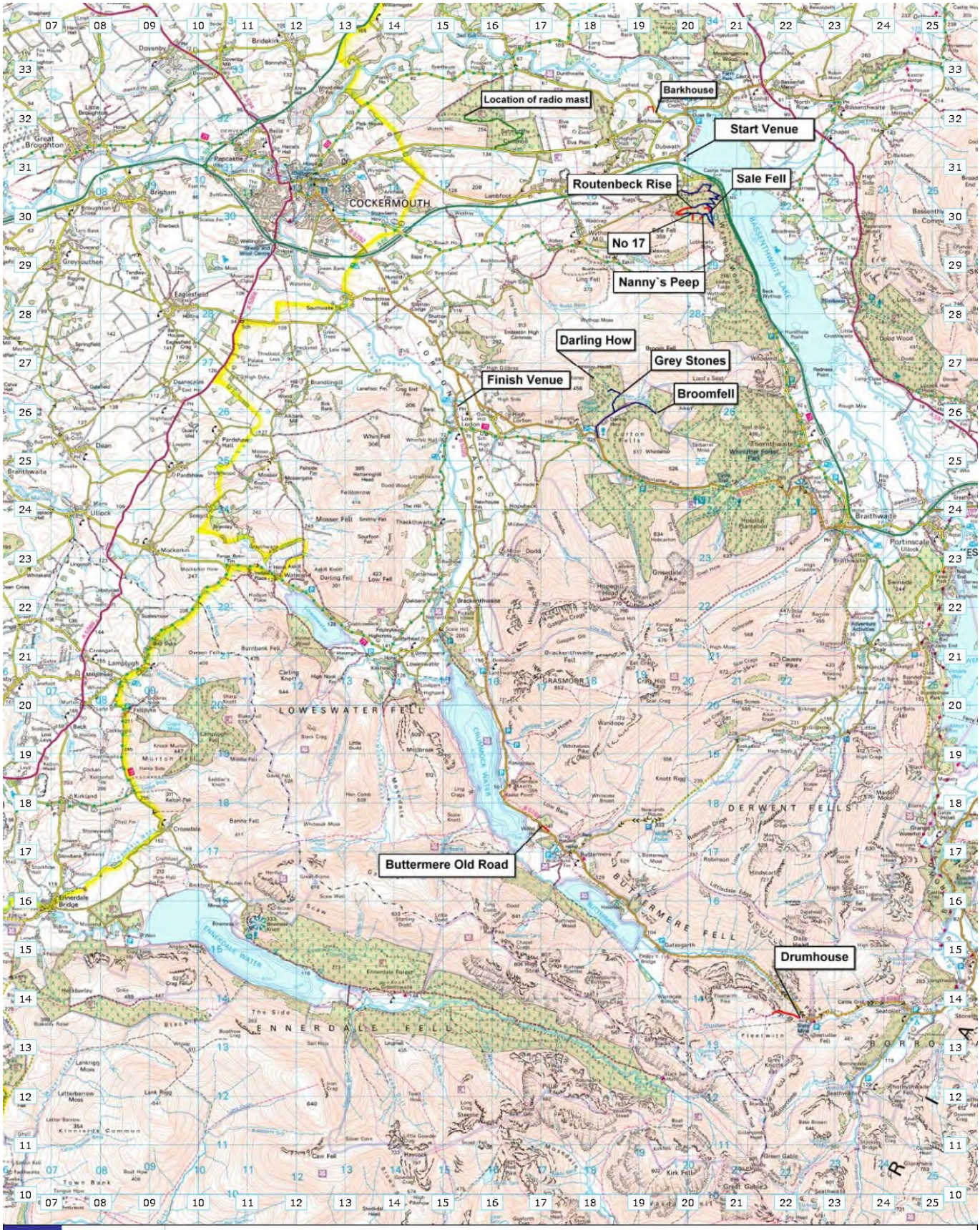
Yours sincerely

[redacted]

Steve Gaskell, Ranger Team Leader
Direct: 01539 792604

Email: steven.gaskell@lakedistrict.gov.uk

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



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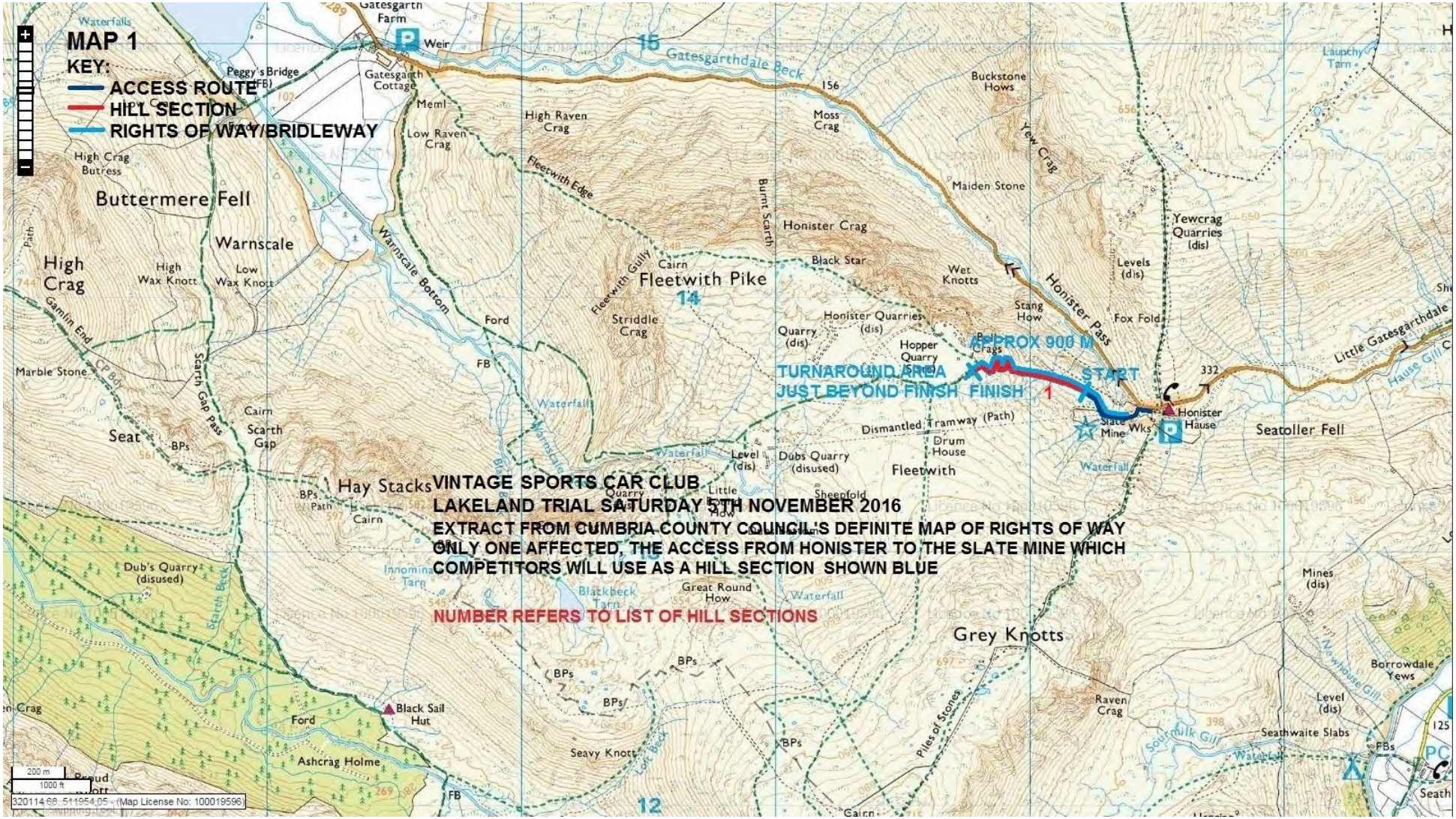
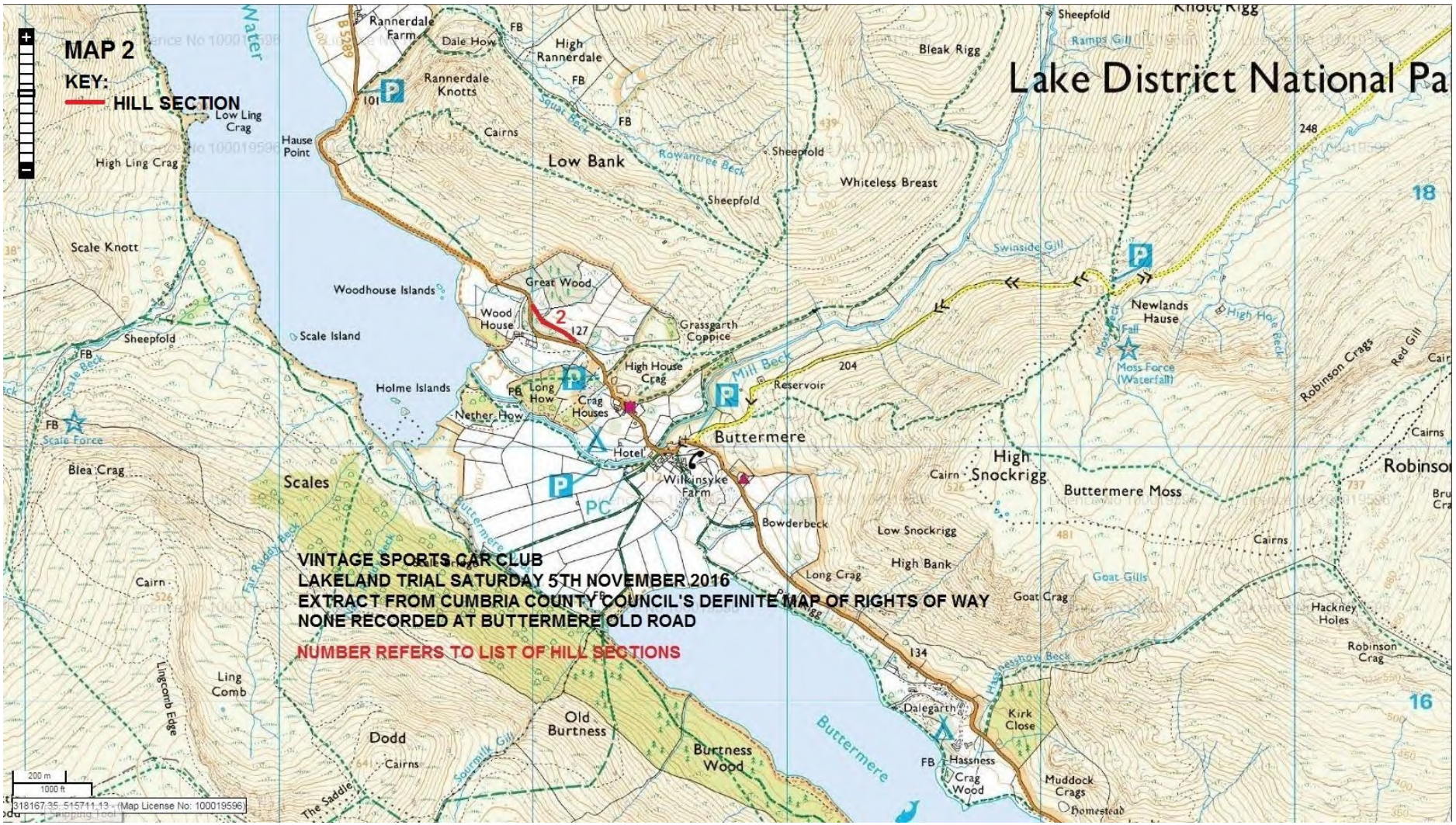
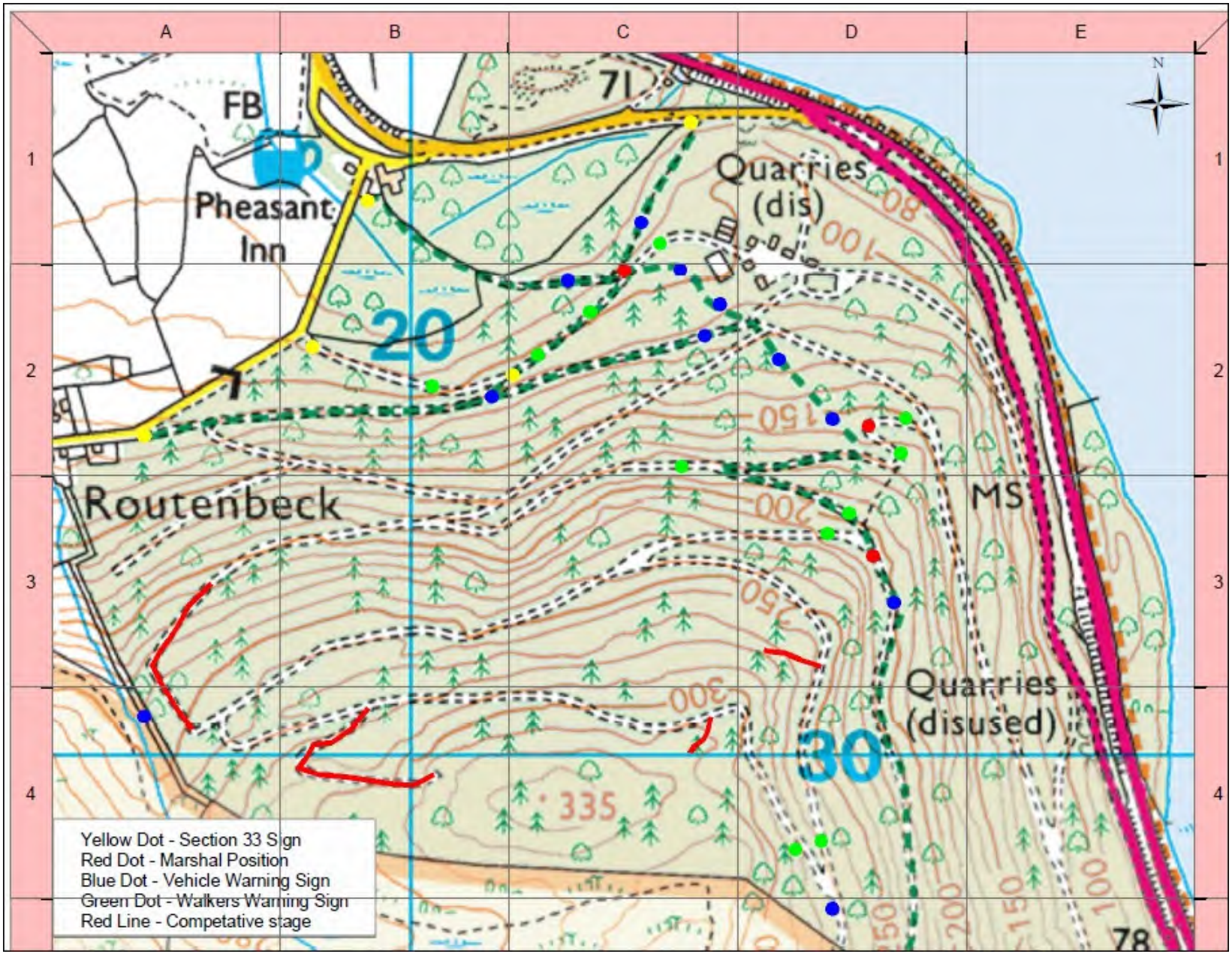
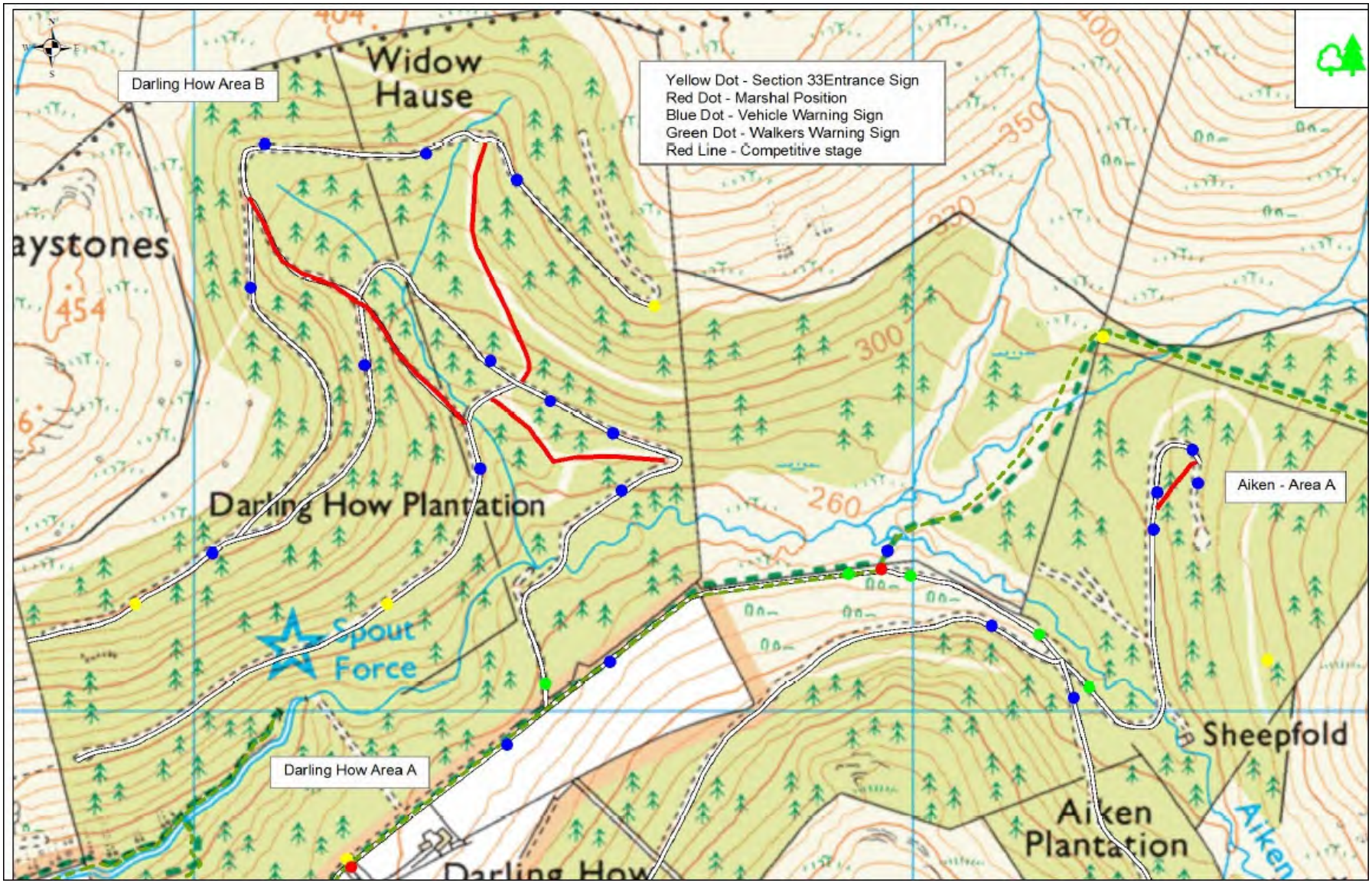

MAP 1
KEY:
ACCESS ROUTE
HILL SECTION
RIGHTS OF WAY/BRIDLEWAY
APPROX 900 M
TURNAROUND AREA
JUST BEYOND FINISH
START
FINISH
1
VINTAGE SPORTS CAR CLUB
LAKELAND TRIAL SATURDAY 5TH NOVEMBER 2016
EXTRACT FROM CUMBRIA COUNTY COUNCIL'S DEFINITE MAP OF RIGHTS OF WAY
ONLY ONE AFFECTED, THE ACCESS FROM HONISTER TO THE SLATE MINE WHICH
COMPETITORS WILL USE AS A HILL SECTION SHOWN BLUE
NUMBER REFERS TO LIST OF HILL SECTIONS
Gatesgarth Farm
Gatesgarthdale Beck
Buckstone Hows
Moss Crag
High Raven Crag
Low Raven Crag
Fleetwith Edge
Honister Crag
Maiden Stone
Yewcrag Quarries (dis)
Buttermere Fell
Warnscale
High Crag
Fleetwith Pike
Striddle Crag
Black Star
Wet Knotts
Honister Pass
Honister Quarries (dis)
Hopper Quarry
Fox Fold
Little Gatesgarthdale
Seatoller Fell
Honister Hause
Slate Mine
Dismantled Tramway (Path)
Drum House
Fleetwith
Dubs Quarry (disused)
Hay Stacks
Scarth Gap
Seat
Marble Stone
Dub's Quarry (disused)
Innominate Tarn
Blackbeck Tarn
Great Round How
Grey Knotts
Black Sail Hut
Ashcrag Holme
Seavy Knott
Raven Crag
Seathwaite Slabs
Borrowdale Yews
Mines (dis)
Piles of Stones
Sourmilk Gill
Newhouse Gill
Warnscale Bottom
Burnt Scarth
Fleetwith Gully
Scarth Gap Pass
Gamlin End
Scarth Beck
Lodore Beck
Peggy's Bridge
Gatesgarth Cottage
Weir
Waterfalls
Waterfall
Ford
Cairn
Level (dis)
Sheepfold
Little How
Lauthy Tarn
Hause Gill
200 m
1000 ft
320114.68, 511954.05 - (Map License No: 100019596)


MAP 2
KEY:
HILL SECTION
Lake District National Pa
VINTAGE SPORTS CAR CLUB
LAKELAND TRIAL SATURDAY 5TH NOVEMBER 2016
EXTRACT FROM CUMBRIA COUNTY COUNCIL'S DEFINITE MAP OF RIGHTS OF WAY
NONE RECORDED AT BUTTERMERE OLD ROAD
NUMBER REFERS TO LIST OF HILL SECTIONS
Rannerdale Farm
Dale How
High Rannerdale
Rannerdale Knotts
Low Ling Crag
High Ling Crag
Hause Point
Cairns
Low Bank
Sheepfold
Bleak Rigg
Whiteless Breast
Scale Knott
Woodhouse Islands
Great Wood
Wood House
Scale Island
Grassgarth Coppice
High House Crag
Holme Islands
Long How
Crag Houses
Nether How
Reservoir
Buttermere
Hotel
Wilkinsyke Farm
Bowderbeck
Scales
Blea Crag
Cairn
Low Snockrigg
High Bank
Long Crag
Goat Crag
Goat Gills
Buttermere Moss
High Snockrigg
Newlands Hause
Moss Force (Waterfall)
Robinson Crags
Red Gill
Robinson
Hackney Holes
Robinson Crag
Ling Comb
Lingcomb Edge
Dodd
Old Burtness
Burtness Wood
Dalegarth
Kirk Close
Hassness
Crag Wood
Muddock Crags
Homestead
The Saddle
Buttermere
Swinside Gill
Ramps Gill
Knott Rigg
Sheepfold
Mill Beck
Rowantree Beck
Squat Beck
Scale Beck
Scale Force
Far Ruddy Beck
Sourmilk Gill
Hassness Beck
High Hole Beck
Moss Beck
Water
B 5289
101
127
204
134
248
439
481
526
737
18
16
200 m
1000 ft
318167.35, 515711.13 - (Map License No: 100019596)

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	**COAST TO COAST NATIONAL TRAIL – DIVERSION OF PUBLIC BRIDLEWAY 220062/212089 HONISTER OLD TOLL ROAD, AND DIVERSION, CREATION AND EXTINGUISHMENT OF ASSOCIATED RIGHTS OF WAY, HONISTER AND SEATOLLER**
Relevant section of Scheme of Delegation	**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.
Background	These are a number 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 the currently used route of Honister Old Toll Road is not all on the definitive line of Bridleway 212090 and should be diverted onto the used route. During site visits to survey this route, it became clear that there were opportunities to update the rights of way around Seatoller to ensure they reflect usage on the ground.
Details of Decision	Recommendation that we that we make a series of orders to bring about a number of proposed changes resulting in the Old Toll Road being recorded as a bridleway throughout its length, with various consequential changes."
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. And would not be as usable.
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: 1412.212.006/007
Date of Report	25 July 2024
Authorising officer	Ranger Team Leader Meeting
Date	15 August 2024

Coast to Coast National Trail – Diversion of Public Bridleway, Honister Old Toll Road; and Diversion, Creation and Extinguishment of associated Rights of Way, Honister and Seatoller

1 Summary

1.1 The currently used route of Honister Old Toll Road is not all on the definitive line of and we consider that it should be diverted onto the used route. During site visits to survey this route, it became clear that there were opportunities to rationalise the rights of way around Seatoller to ensure they reflect usage on the ground.

Recommendation that:	***a***	***make a creation order for Bridleway 220062/212089 from Honister Slate Mine to Honister Pass,***
	b	***make a creation and diversion order for two sections of Bridleway 212089/212090/212008/212091 to ensure the entire route of Honister Old Toll Road between Honister Pass and Seatoller is recorded as a public right of way,***
	c	***upgrade the section of Footpath 212044 between Bridleway 212091 and 212008 to Bridleway status,***
	d	***extinguish a further section of 212044 as it is unused,***
	e	***divert a third section of Footpath 212004 between Bridleway 212091 and 212041 onto the used route,***
	f	***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 route 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 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. Natural England have identified the sections of the Coast to Coast where PPOs are needed, including the Honister Old Toll Road. In essence, the overall proposal is to upgrade the entire Old Toll Road from Honister Slate Mine to Seatoller to a public bridleway. I have attached maps (Annex 1, numbered 1-4) showing these proposals together with a photo sheet of the routes (Annex 2, Photo sheets 1&2).

Section	Proposal	Map No.
A-B-C-D	Create Public Bridleway 220062/212089 through the Honister Slate Mine buildings and to Honister Pass	Map 1
E-F	Create Public Bridleway 212090 following Old Toll Road	Map 2
G-J-K	Divert existing bridleway BW 212008 (from Point H) onto Old Toll Route - no indications of legal route being used	Map 3
K-L-P	Create Public Bridleway 212091 following Old Toll Road	Map 4
P-Q	Create Public Bridleway 212091 over FP 212044	Map 4
Q-U-V-W	Create Public Bridleway 212091 over Old Toll Road to exit onto public road north of Seatoller	Map 4

2.5. The plans of the proposed creations, diversions and extinguishments (annotated with letters and grid references) are in Annex 1 and Photosheets with the points referred to as P1, P2 etc. in Annex 2.

2.6. The proposal is to create a Public Bridleway from Honister Pass at Point A (NY 2245 1356) running through the Honister Slate Mine visitor attraction (P1-3) on a 3m wide metalled path following the line of the Honister Old Toll Road to re-join the Pass at Point D (P4, NY 2283 1372).

2.7. The Old Toll Road then crosses the Pass and continues down the hillside from Point E (P5, NY 2284 1372), and is already signed as part of the Coast to Coast. It has glorious views down the valley towards Seatoller (P6). The Old Toll Road remains a benched track throughout this section, although there are some wetter areas and splash through fords (P7-8). It then rejoins the Pass again at Point F (NY 2320 1367).

2.8. After proceeding along the pass for approximately 100m, the Old Toll Road then branches off again north of the Pass at Point G (NY 2330 1369) and is again already signed as part of the Coast to Coast (P9). The existing route of BW 212008 leaves the Pass approximately 220m further east at Point H (NY 2347 1380) and crosses the proposed Bridleway at Point J (NY 2349 1384) but there are no indications of use on the ground whereas the Old Toll Road remains a defined, metalled, track.

2.9. We identified a collapsed culvert between Points J and K. Contractors have repaired this (at a cost of £24,000) and we will repair any other culverts which need attention along the route, improving the path's surface and its sustainability. The path continues to have glorious views as it continues downhill towards Seatoller on a grassy, and partly metalled trod.

2.10. There are a number of existing field gates between Point J and the exit on to the road at Point X. These will all be reconfigured to allow 5ft bridleway gates, (two way self-closing where possible) to be installed alongside the field gates. The glorious views continue as the path descends towards Seatoller on a grassy/partly metalled trod before the path exits on to the road at the bottom of Honister Pass at Point W.

2.11. Alongside the Old Toll Road becoming a bridleway, it became clear when surveying the site that there were a few other sections of rights of way that would benefit from being 'tidied up' as part of this order-making exercise. This is where there is no sign of the legal route being used on the ground, or where it's clear that higher rights would be beneficial (Photo sheet 2).

Section	Proposal	Map No.
L-M-N	Currently Public Footpath 212043, upgrade to Public Bridleway 212092 to link Old Toll Road to BW 212008	Map 4
M-P	Extinguish part of Public Footpath 212044 (as it is currently over difficult terrain and is not used)	Map 4
Q-R-S	Divert part section of Public Footpath 212044 onto walked line as is not used and is obstructed by vegetation	Map 4

2.12. Footpath L-M-N is currently clearly being used by Bridleway users (P20) and there is a 1.2m wicket gate at Point N (P21) – which will be widened. The route is signed as such at point N (P22, NY 2422 1417) and we propose to upgrade it to a public bridleway, linking the Old Toll Road to BW 212008.

2.13. Branching off this route (from Point M at NY 2428 1409 to Point P (NY 24237 1406) is part of public footpath 212044 which is currently impassable due to the difficult terrain and thick bracken, with no signs of use (P23-24). We propose extinguishing this as this section will be served by the Old Toll Road Bridleway. There is a further section of 212044 which is not used (from Point Q at NY 2464 1402) and Point R (NY 2470 1393) and we propose diverting it over the alternative, which is being used, between Point U (NY 2465 1397) and Point R (NY 2470 1393) – shown in P25 and P26). This will still connect to Footpath 212041 at point T (NY 2471 1392).

2.14. This may appear a complex series of orders but we believe that the proposals will 'tidy up' the definitive map in this area and reduce confusion.

2.15. 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 the sections we are proposing to extinguish have been used for decades and it would cost hundreds of thousands to reinstate them. 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

4.2 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, extinguishment and diversion orders for public bridleways
b: make a creation order for a Restricted Byway with the associated adjacent orders
c: do not make the orders and re-open the definitive lines
d: make some, but not all, of the orders

6. Proposals

6.1. I recommend option 5.1a. Undertaking these creation, diversion and extinguishment 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 additional proposed orders are a pragmatic solution to issues identified during site visits. The Restricted Byway option (5b) is discussed later.

6.3. The future maintenance and management implications of the proposed orders has been assessed. One section of repairs has been identified and undertaken already, and replacement gates have been budgeted for and programmed. Undertaking these works now as part of the National Trail project will reduce future costs to the Authority.

6.4. If the orders are not made at this point in time (5d), sections of the existing rights of way 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.

- 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 proposed Bridleway between Honister and Seatoller follows the line of the Honister Old Toll Road. Making the creation orders to ensure this entire route is a public bridleway will enable relevant users to follow this path without having to use Honister Pass – which is a surprisingly busy road. The route is already used as if it were a Public Bridleway and is signed as the Coast-to-Coast route.

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').

7.2.3 The proposed upgrade of part of Footpath 212044 to Bridleway status is a reflection of clear signs of cycle usage on the ground (and as actually observed on our site visit), and the route is signed as such. The landowner (National Trust) is supportive, and no objections have been received during the consultation process.

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 Bridleway creation along Honister Old Toll Road is already heavily used by the public. The creation over FP 212044 will provide a convenient link from the Old Toll Road to Bridleway 212008 which follows the fell wall to Castle Crag and Grange.

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

7.4.1 The landowner for the section of proposed Bridleway A-B is a private owner however they have not responded to our letters to them.

7.4.2 The tenants are Honister Slate Mine. They have replied that the proposal is acceptable to them.

7.4.3 Buttermere Parish Council expressed concern over the potential for conflict between the potential bridleway and proposed zip line at the Slate Mine. We have responded to the Planning Application with the potential bridleway in mind (Annex 5) however no response has been received from the landowner nor the Slate Mine.

7.4.4 The National Trust own the remainder of the land that the proposed bridleways run over. 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:

- in the interests of the owner, lessee or occupier of the land crossed by the path, OR
- 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 along the Old Toll Road is not substantially less convenient to the public. The route is already well used by the public, signed as a bridleway and as part of the Coast to Coast, 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 benched track with even gradients throughout its route, whereas the definitive line follows no natural features in the landscape.

9.2.3 The difference in length between the two routes is minimal.

9.2.4 Turning to the realignment at Seatoller, Footpath 212044 between Q-R-T is currently obstructed by vegetation with no indications of usage. The proposed diversion is along a clearly used trod U-R-S which is even underfoot. It is not substantially less convenient to the public, indeed, it is more convenient.

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

9.2.6 The diversions will improve public enjoyment of the paths as a whole. The proposed route along the Old Toll Road is a natural path to follow and would likely remain the route of choice even if the definitive line were reopened. Using this well-established route means you can walk/ride along it appreciating the views without concerns of what may be underfoot.

9.2.7 The proposed diversion in Seatoller also moves the definitive line onto the used route, and therefore the proposed diversion would be unlikely have any effect on the public enjoyment of the path.

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

9.3.1 There would be no impact on the land served by the existing rights of way. Both the existing paths and the proposed routes are in the same ownership and the Landowner, the National Trust, is supportive.

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

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

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

9.5.1 The diverted sections will move the termination points slightly – but if anything their junctions with the same highway will be more convenient, therefore this test is met.

10 Grounds and Tests for Extinguishment

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

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

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

10.3.1 There is no sign of the ‘to be extinguished’ routes being used by the public. The definitive line of the footpath between Points M and P is not visible on the ground, with no signs of usage, and crosses difficult terrain – through bracken and then over a rocky outcrop. Even if the vegetation were to be cleared, the path would still be difficult to use due to the nature of the landscape.

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

10.4.1 None – as effectively we are replacing one right of way with another over the same landholding.

11 Should the route be upgraded to a Restricted Byway?

11.1 The British Horse Society's Volunteer Access and Bridleways Officer replied on behalf of the British Horse Society to the consultation and welcomed the opportunities to create or upgrade routes for horse riders. However, she expressed the view that they would prefer the main route route (ABCDEFGJKLPQUVW) to be upgraded to a Restricted Byway making it available for carriage drivers to use. The BHS feels that they could be used by carriage drivers, without any additional expense being incurred.

11.2 They feel that the Old Toll road is over open ground and therefore there would be sufficient space for all users to share the route.

11.3 They explain that carriage drivers currently have access to a very small proportion of the public rights of way network and therefore there is a need for more safe off road carriage routes and respectfully requests that the LDNPA reconsider the status of the route and make them restricted byways.

11.4 Policy considerations

11.4.1 Our basic policy is to make the network as accessible to as many users as possible. But our desire to do this has to be also tempered by things like pragmatism, finances and what can actually be achieved. We agree that it would be ideal if all routes were restricted byways or byways open to all traffic; however, we also have to look at other considerations.

11.5 Will the BHS object to a Bridleway Creation Order?

11.5.1 We have tried to clarify whether the BHS will object to the Creation Order if it is made for a public Bridleway, explaining that it determines our decision-making processes. Under our scheme of delegation, if there are no issues of substance raised during the consultation process, then public path orders can be authorised by the Head of Service.

11.5.2 The BHS consider it premature to discuss this at present and have not responded to our feedback. We therefore feel that it remains appropriate for the Head of Service/Team Leaders to make the decision whether or not to create a public bridleway, and we can revert to the Rights of Way Committee if objections are received.

11.6 Is requesting a different status an issue of substance?

11.6.1 We are not convinced that requesting a different status through a diversion/creation order process would actually constitute an issue of substance as it is unclear which of the relevant diversion order tests this would refer to. We therefore remain confident that this can be dealt with under delegated powers.

11.7 Are the tests met to make a restricted byway creation order?

11.7.1 Section 26 of the Highways Act 1980 reads:

(1) Where it appears to a local authority that there is need for a footpath bridleway or restricted byway over land in their area and they are satisfied that, having regard to—

(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and
(b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below,

it is expedient that the path or way should be created, the authority may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed by them as an unopposed order, create a footpath, bridleway or restricted byway over the land.

11.7.2 Is there a need for the route?

11.7.3 When looking at creation orders, we have to consider the above in relation to the route under consideration. We feel there is a substantial difference between 'desirable' and 'need'. The latter can sometimes be quite hard to show.

11.7.4 The BHS make the point that *"Carriage drivers currently have access to a very small proportion of the public rights of way network and therefore there is a need for more safe off road carriage routes".* We agree with the first part of this – however, we have issues with the latter part.

11.7.5 Over the years, there has been a lot of research and development into things like active travel and sustainable travel – which has led to the development of [mainly] cycle routes, and the clear understanding that off-road cycle/horse routes are an important way of getting round the country and countryside. And hence there is a well-established and proven need for cycleways / bridleways. However, there hasn't been anything parallel to this in relation to carriage driving.

11.7.6 In the 20+ years that we have been researching rights of way improvements (and RoWIPs), we do not recall many significant requests for carriage-driving routes to be included in our various plans. We have spoken with our Recreation and Sustainable Development Adviser who confirmed that this is not something we really cover in our policies as it is such a niche area.

11.7.7 In the absence of a wider underlying plan, we would need to look at this specific location and route to see if we can prove a 'need' for a restricted byway.

11.7.8 The carriage driving consultees (British Driving Society) have not responded to the effect that they would like to use this route and so there is currently an absence of evidence to show that carriage drivers are likely to wish to go between Seatoller and Honister Mines (and how would they get to either end in the first place, ie: how it fits in with the current carriage drive network). And without such evidence, it could be difficult to show a 'need'.

11.7.9 Would a restricted byway add to the convenience or enjoyment of a substantial section of the public

11.7.10 It seems unlikely given the lack of responses to the consultation that it would be beneficial 'to the convenience of persons resident in the area' as we've had no representations to this effect. So, it is difficult to define on what actual basis would we justify a creation order.

11.7.11 There are a couple of other issues arising as well. Section GJK is actually a diversion of the existing bridleway, and we cannot alter status through a diversion order, so it would have to be concurrent creation/extinguishments. This isn't an insurmountable problem, although it leaves it open to the possibility of an objection to the extinguishment and being left with two routes.

11.7.12 Are the width and condition suitable?

11.7.13 The width and condition may also be an issue. Generally speaking, it would be expected that a route subject to a creation order should be usable by the traffic legally entitled to use it when created. So, if the reason for making this a restricted byway is purely for carriage driving, then the route would have to be in a fit condition and wide enough for carriage driving.

11.7.14 In places we are not sure this is currently the case – so we would most likely have to carry out some further practical work – which would be unfunded by Natural England as their funding is solely for the Coast-to-Coast path status (Annex 3). It's worth bearing in mind here that we currently have a creation order for a footpath going through the Planning Inspectorate – the objections including that a wicket gate without surfacing underfoot and a narrow footbridge are unacceptable on a new footpath as it is not the 'least restrictive option'. This is the sort of scrutiny creation orders sometimes receive – so we have to take this into account at the outset. And of course, if an Order goes to the Planning Inspectorate, then the question of need would be much more under scrutiny.

11.8 Other mechanisms for achieving this

11.8.1 The other way of achieving this would be through a creation agreement with the landowners. This would avoid some of the problems above – because the only real requirement is 'we would like this to be a restricted byway and the landowners agree' – and there is no right of objection available to the wider public.

11.8.2 We have approached the substantive Landowner for the route – National Trust – to gauge their views on the creation. We have not yet had a response however we are not expecting a positive response as we know that there is a concern amongst landowners that restricted byways (and to a degree bridleways) encourages off-road motor vehicular usage.

11.8.3 Furthermore, a creation agreement would not resolve the other issues of the current bridleway and part of two current footpaths being unusable. Therefore we would still have to do some diversion orders and an extinguishment order anyway.

11.8.4 Which again raises the concern that the extinguishment order may fail and we'd be left with two parallel routes (in fact there is a greater risk – because at least with concurrent orders, if the extinguishment order fails we can simply not confirm the creation order – whereas an agreement must be in place and the new route legally established before we could make an extinguishment order).

11.8.5 We therefore feel that, on the current evidence, a Creation Order should be made for a public bridleway, not a restricted byway. This does not preclude a later upgrade.

12 Other Considerations Required by Legislation

12.1 *Rights of Way Improvement Plan*

12.1.1 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 CC that it is indeed the current Cumbria ROWIP. We have developed our own Access & Recreation Strategy to run alongside this.

12.1.2 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.

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

12.1.4 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.

12.1.5 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 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.

12.1.6 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.

12.1.7 Natural England, Cumbria Wildlife Trust, the Authority's Archaeology and Cumbria Geoconservation have been consulted about the proposals and have not raised any objections.

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

12.3 *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. Indeed, it could be argued that it adds to it – by recognising the long use of the old Toll Road.

12.4 *There will be a presumption against any reduction in the amount of public access in the National Park.* None of these proposals will result in any reduction in access.

12.5 *The future maintenance and management implications of any proposed change to the network will be considered*. - The proposed routes have all been maintained as if they were public rights of way for many years therefore making the orders will not create any additional maintenance burden. Furthermore, all the proposed routes will be on the Coast to Coast National Trail and therefore will be eligible for future funding opportunities for maintenance.

12.6 *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.* None of the proposed changes will detract from the enjoyment of the cultural landscape and nature conservation. The changes will enhance the ability of the public to discover the special qualities and features of the National Park.

12.7 *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, including.

- *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*
- *Relevant Parish Councils*
- *Westmorland and Furness Council*

Responses were received from the following stakeholders:

Name of Stakeholder	Consultation Response
Open Spaces Society	Fully supports the proposals
Buttermere Parish Council	1. There is a proposed new bridleway which will start in the Honister visitor centre, but basically joins an existing bridleway (which can be seen more clearly in the map circulated on 24 May). The new bridleway is only about 30m long before it leaves Buttermere parish and passes into Borrowdale, so there's not a great deal for us to comment on. But that said, those 30m are directly through a car-park and area in which forklifts and mine equipment are used. And also, of course, where the infamous zip wire is due to go – it isn't at all clear how it ties in with that. So I do have some concerns about health and safety – presumably they have an agreement with the Honister landowner already, but I'd like to be sure they've done a proper risk assessment and considered those issues. 2. Concern would be bridleway directly through Honister Slate Mine - and any H&S risk to walker, cyclist, etc. Presume they have consulted/will consult direct with Honister/landowner about proposed bridleway and have their support in place before making any final decision on route. 3. I think it is clear there are concerns about Honister footfall and all its equipment and it was well summed up by this submission to me, "There's that many people fluttering about up there already I can't see it making any difference." It was also pointed out to me that Honister Slate Mine are but tenants, the landlord is <redacted>. " *My comments: I have contacted Honister Slate Mine and the proposal is acceptable to them. I have contacted the landowner but have not received any responses from them. The route through the car park is already well-used (by visitors to the site as well as public passing through) without seeming safety issues – it is effectively self-regulating being so busy. Nick Thorne responded to the proposed zip wire creation at Honister with regards to the potential impact on the proposed bridleway. I have included his consultation response in Annex 4.*
Cumbria Bridleways Society	I am replying on behalf of the British Horse Society to the consultation on the potential creation of a public bridleway, and diversion of public bridleways and footpaths, Honister Old Toll Road and Seatoller. I can confirm that I have visited the paths being consultation on. Whilst the British Horse Society welcome all opportunities to create or upgrade routes for horse riders it is preferable, where suitable, the routes are also available for carriage drivers to use and therefore should be restricted byways. The public paths proposed to be created or upgraded could be used now by carriage drivers, without any additional expense being incurred. The Old Toll road is over open ground and therefore there would be sufficient space for all users to share the route. Carriage drivers currently have access to a very small

	proportion of the public rights of way network and therefore there is a need for more safe off road carriage routes and I would respectfully request that the LDNPA reconsider the status of the route and make them restricted byways. Further to the above I note in your covering email it is proposed to replace a number of existing field gates with 5 foot bridleway gates. I believe that this would be a retrograde step, not only from a rights of way perspective, but also from a historical and landscape perspective. I would request that the full width of the existing field gates are retained. *Further email received:* Hi Charlotte, Your clarification about the proposed widths of the field and bridleway gates is helpful, thank you. Thank you also for confirming that the LDNPA are speaking with the landowner about the proposal to make the Old Toll Road a restricted byway. Hopefully they will see no reason why they can not support this. As we are still in the consultation phase I believe that it is premature to ponder what the BHS's grounds for objecting to a bridleway creation order might be. I hope that an objection will be unnecessary and that the LDNPA will view the consultation phase as an opportunity to reconsider the proposal to make the Old Toll Road a bridleway and use the process to bring together the LDNPA, landowners and consultees in order that the best rights of way network possible can be created which will benefit all user groups. Within the process of making the Coast to Coast route a National Trail the LDNPA has rightly identified areas where improvements to the rights of way network can be made which are in addition to those proposed by National England as part of the National Trail. I respectfully suggest that the BHS's proposal that the Old Toll Road should be a restricted byway is another such improvement and can be incorporate into the process now. If the LDNPA considers that there is merit in making such improvements over and above those proposed by NE and are willing to incorporate them into the Order making process now, then I see no reason why the proposal relating to the status of the Old Toll Road is any different. Why put it off to some unspecified time in the future? Why go through the Order making process twice, with the additional delay and expense associated with this? My concern is that even if the suggestion of making the Old Toll Road a restricted byway was incorporated within a ROWIP, it would be one in a long list of proposed improvements, it may never come to fruition and even if it did it would take many more years to be implemented.

	Finally, I would like to ask, what reasons would there be for not making a S26HA Order for a restricted byway over the Old Toll Road within the Coast to Coast National Trail creation process? *Our responses are discussed in section 11*.
LAF	The Cumbria and Lakes Joint Local Access Forumi (C&LJLAF) welcomes the notice of these proposals and the opportunity to contribute to the consultation. The route has been visited twice recently by Peter Sapsford and the proposals have the support of the C&LJLAF. The creation of footpaths and bridleways following the tramway *(a separate report / proposal)*, the existing well used routes and the old toll road is logical and welcome. We have no objection to the extinguishments and are pleased that the opportunity to 'tidy up' other paths is to be taken. The upgrading to bridleways and the proposed new bridleway gates is also welcomed. The C&LJLAF supports this plan
Individual consultee	Thanks for sending me the paperwork for this route. I think it's all fine apart from all the sections of footpath mentioned should be converting to bridleway status to give maximum access rights for all users. *My response:* *I think the only stretch of Footpath that is being created is the diversion of part of footpath 212044 where the definitive line is obscured by vegetation. We haven't had any reports of cycle/bridleway usage on this stretch, plus it exits onto a public footpath so upgrading it to a bridleway could be problematic as it would then be a dead-end. It is also extremely steep, and I would not wish to ride a bicycle or horse either up or down it.* *We have general support for upgrading the entire Old Toll Road, and the Footpath linking it to Bridleway 212008 to bridleway status.*

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 risk that the orders may be objected to. This has been mitigated as far as possible through consultation. If objections are received we can reconsider the matter.

16. Legal Considerations

16.1. The creation will be made under section 26 of the Highways Act 1980, the extinguishment under s118, and the diversion 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 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 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.

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 impacts.

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 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:	25 July 2024

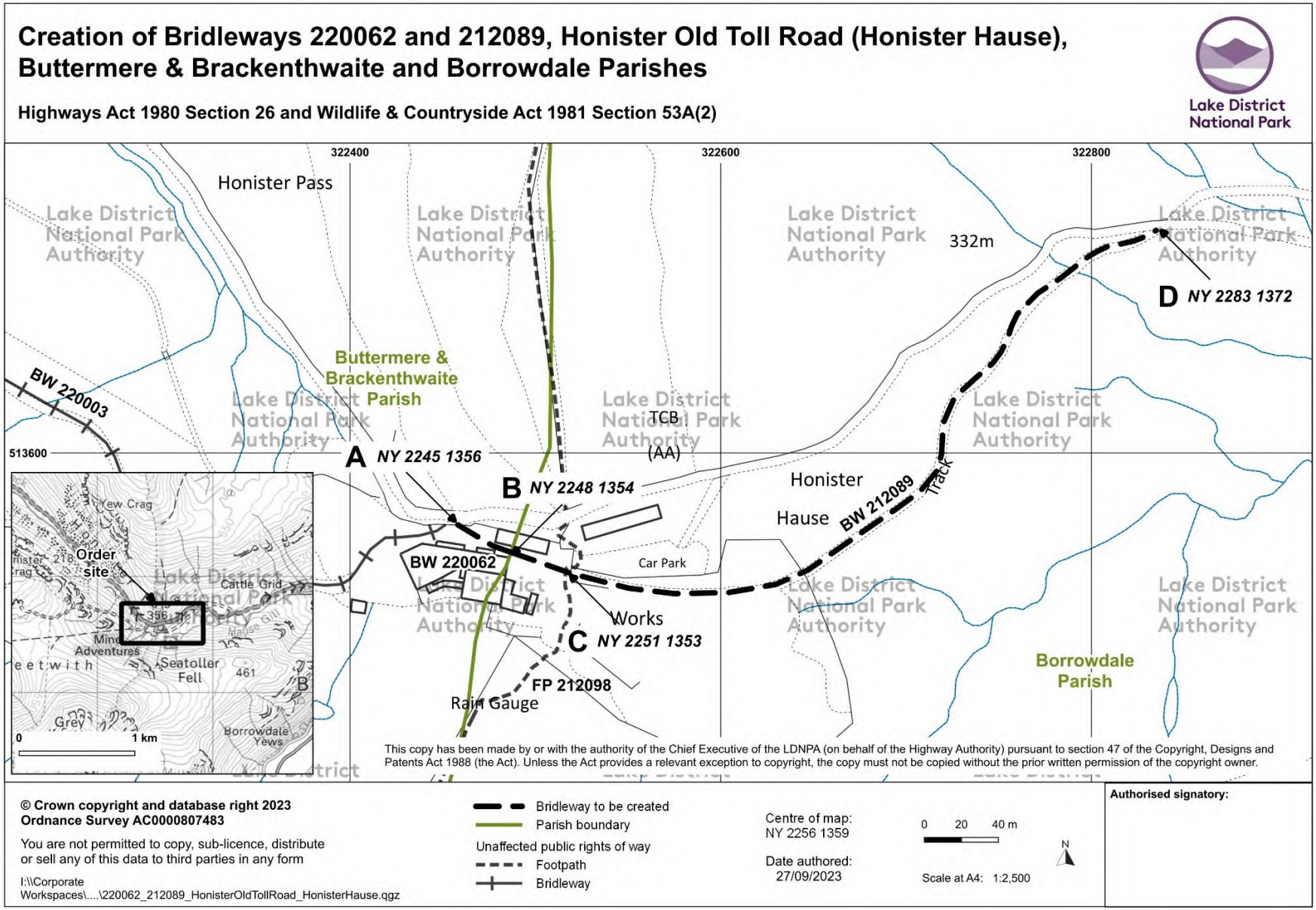
Authorised by:

[redacted]

Ranger Team Leaders' Meeting

Date…15 August 2024……

Annex 1 – Map 1


Creation of Bridleways 220062 and 212089, Honister Old Toll Road (Honister Hause), Buttermere & Brackenthwaite and Borrowdale Parishes
Highways Act 1980 Section 26 and Wildlife & Countryside Act 1981 Section 53A(2)
Lake District National Park
322400
322600
322800
513600
Honister Pass
332m
Buttermere & Brackenthwaite Parish
BW 220003
A NY 2245 1356
B NY 2248 1354
C NY 2251 1353
D NY 2283 1372
TCB
(AA)
Honister Hause
BW 212089
Track
BW 220062
Car Park
Works
FP 212098
Rain Gauge
Borrowdale Parish
Order site
Yew Crag
Cattle Grid
Mine Adventures
Seatoller Fell
Grey
Borrowdale Yews
0
1 km
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You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form
I:\\Corporate Workspaces\....\220062_212089_HonisterOldTollRoad_HonisterHause.qgz
Bridleway to be created
Parish boundary
Unaffected public rights of way
Footpath
Bridleway
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Date authored: 27/09/2023
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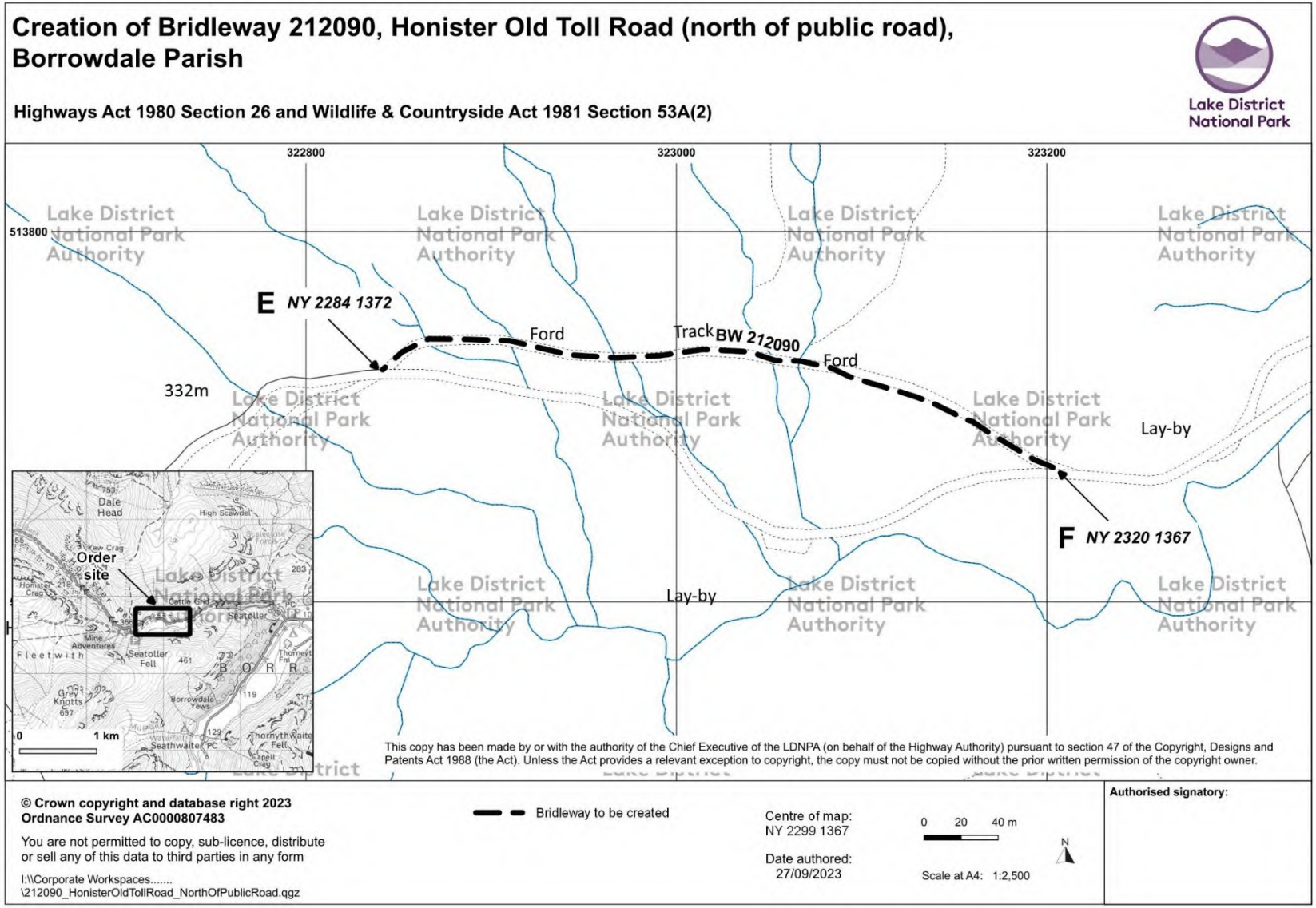
Scale at A4: 1:2,500
N
Authorised signatory:

Annex 1 – Map 2


Creation of Bridleway 212090, Honister Old Toll Road (north of public road), Borrowdale Parish
Highways Act 1980 Section 26 and Wildlife & Countryside Act 1981 Section 53A(2)
Lake District National Park
322800
323000
323200
513800
E NY 2284 1372
Ford
Track BW 212090
Ford
332m
Lay-by
F NY 2320 1367
Lay-by
Order site
0 1 km
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You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form
I:\\Corporate Workspaces.....
\212090_HonisterOldTollRoad_NorthOfPublicRoad.qgz
Bridleway to be created
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Date authored:
27/09/2023
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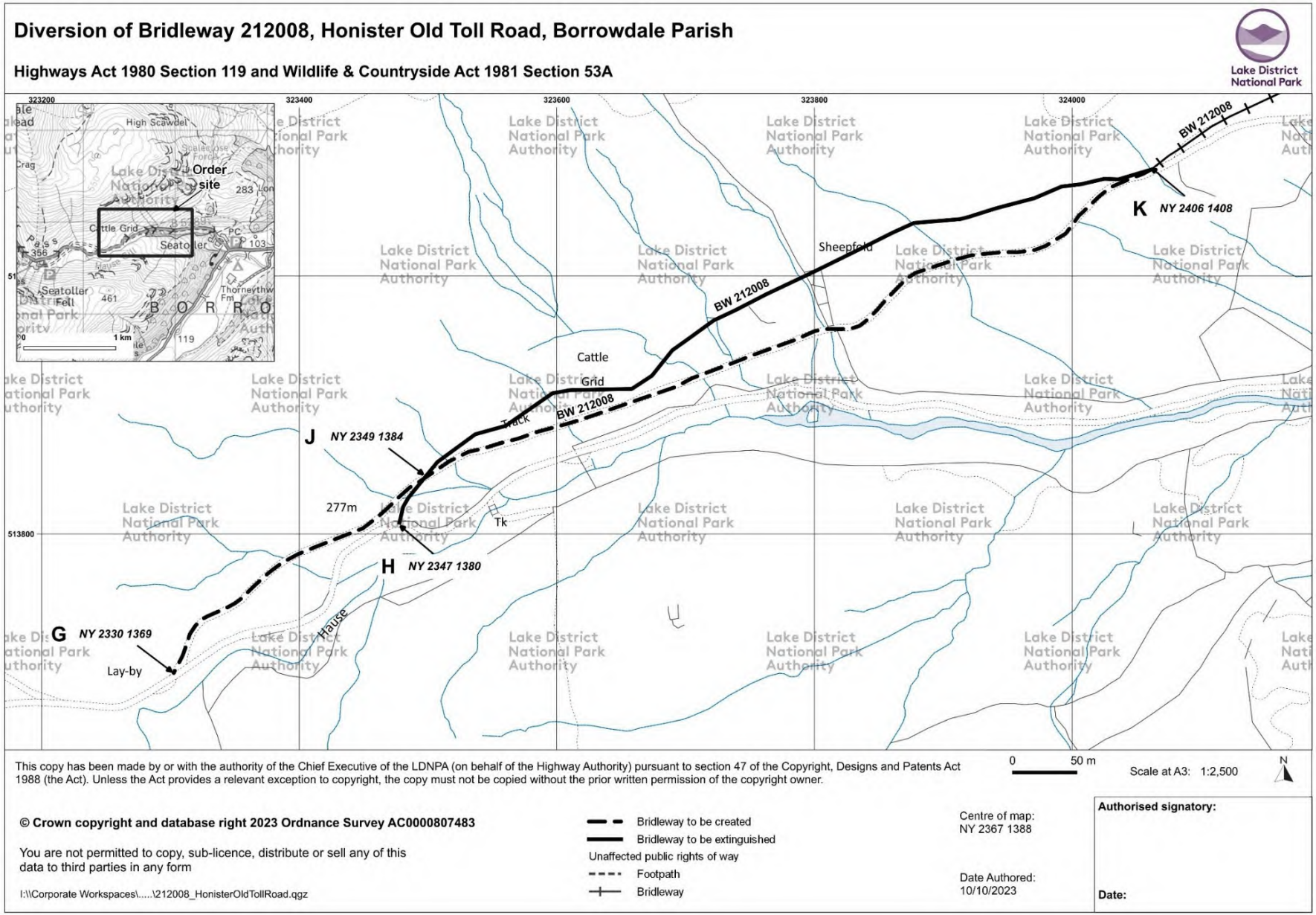
N
Authorised signatory:

Annex 1 – Map 3


Diversion of Bridleway 212008, Honister Old Toll Road, Borrowdale Parish
Highways Act 1980 Section 119 and Wildlife & Countryside Act 1981 Section 53A
Lake District National Park
323200
323400
323600
323800
324000
513800
Order site
Cattle Grid
Seatoller
Seatoller Fell
Thorneythw Fm
B O R R O
High Scawdel
Sheepfold
Cattle Grid
Track
BW 212008
K NY 2406 1408
J NY 2349 1384
277m
Tk
H NY 2347 1380
G NY 2330 1369
Lay-by
Hause
0 50 m
Scale at A3: 1:2,500
N
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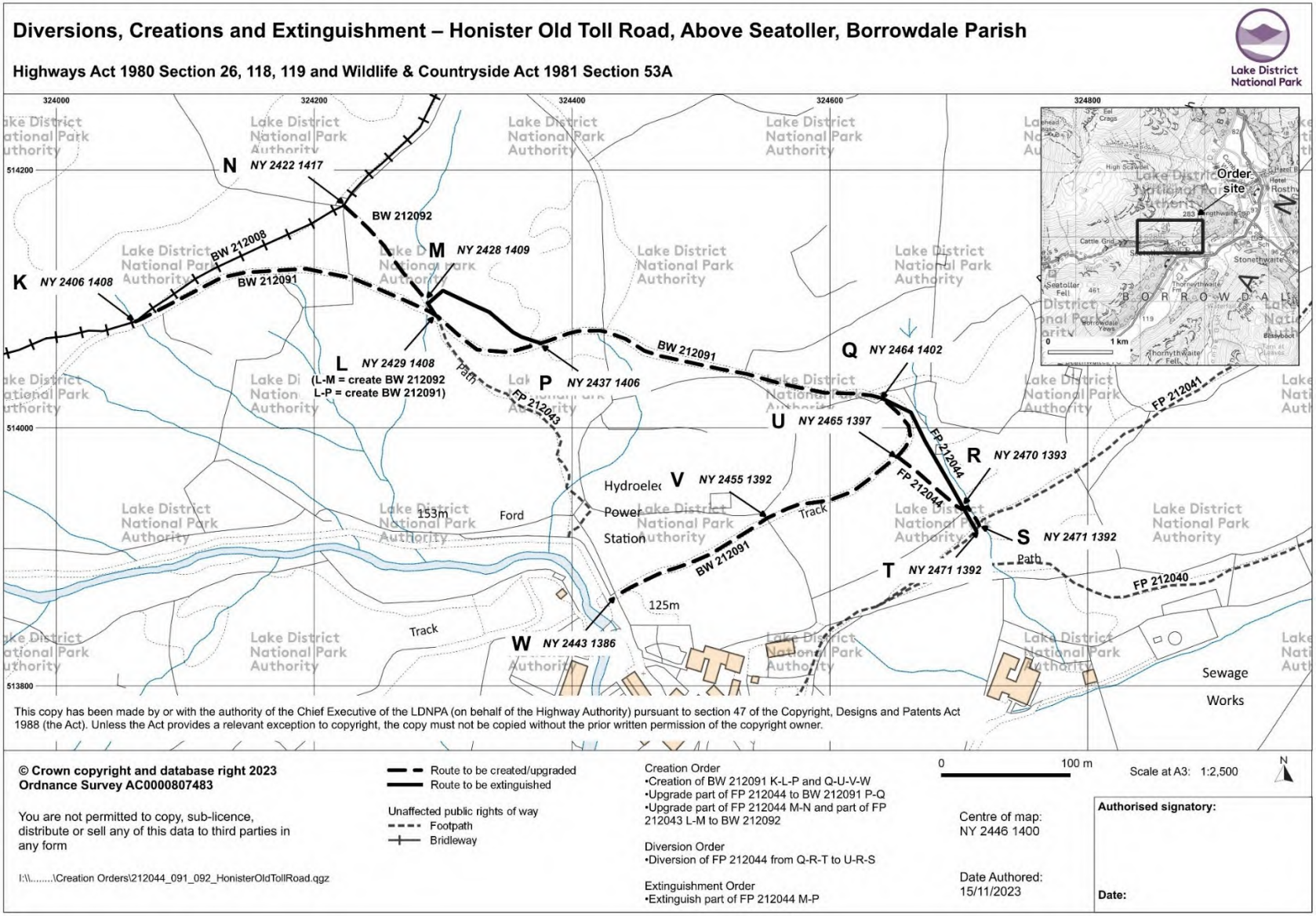
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form
I:\\Corporate Workspaces\.....\212008_HonisterOldTollRoad.qgz
Bridleway to be created
Bridleway to be extinguished
Unaffected public rights of way
Footpath
Bridleway
Centre of map:
NY 2367 1388
Date Authored:
10/10/2023
Authorised signatory:
Date:

Annex 1 – Map 4


Diversions, Creations and Extinguishment – Honister Old Toll Road, Above Seatoller, Borrowdale Parish
Highways Act 1980 Section 26, 118, 119 and Wildlife & Countryside Act 1981 Section 53A
Lake District National Park
N NY 2422 1417
BW 212092
BW 212008
BW 212091
M NY 2428 1409
K NY 2406 1408
L NY 2429 1408
(L-M = create BW 212092
L-P = create BW 212091)
P NY 2437 1406
FP 212043
Q NY 2464 1402
U NY 2465 1397
FP 212044
R NY 2470 1393
V NY 2455 1392
S NY 2471 1392
T NY 2471 1392
W NY 2443 1386
FP 212041
FP 212040
Hydroelec Power Station
153m
Ford
Track
Path
125m
Sewage Works
Order site
Borrowdale
Stonethwaite
Seatoller Fell
Thornythwaite Fell
Borrowdale Yews
Cattle Grid
High Scale
Eel Crags
0 1 km
324000
324200
324400
324600
324800
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514000
513800
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I:\\.....\Creation Orders\212044_091_092_HonisterOldTollRoad.qgz
Route to be created/upgraded
Route to be extinguished
Unaffected public rights of way
Footpath
Bridleway
Creation Order
•Creation of BW 212091 K-L-P and Q-U-V-W
•Upgrade part of FP 212044 to BW 212091 P-Q
•Upgrade part of FP 212044 M-N and part of FP 212043 L-M to BW 212092
Diversion Order
•Diversion of FP 212044 from Q-R-T to U-R-S
Extinguishment Order
•Extinguish part of FP 212044 M-P
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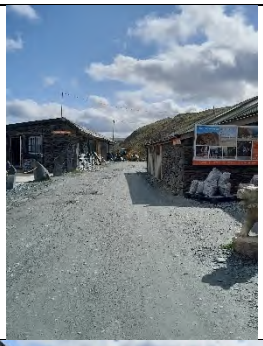
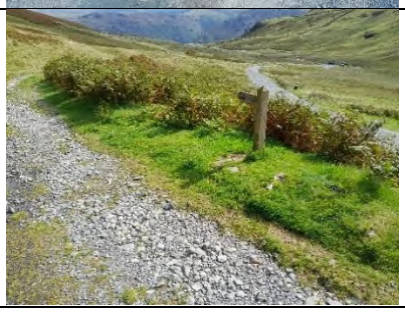
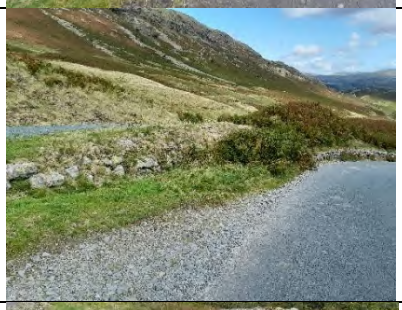
Date Authored:
15/11/2023
Authorised signatory:
Date:

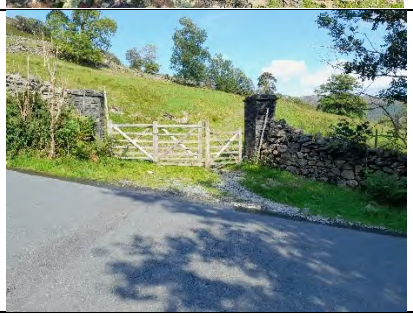
Annex 2

Photos – Old Toll Road

P1.		Point A on the Plan showing the start of the proposed creation.
P2.		View of the proposed created bridleway through Honister Slate Mine
P3.		Existing Field Gate at Point C
P4.		Point D on Plan looking towards Point E and Seatoller
P5.		Point E on the Honister Old Toll Road looking towards Point F, signed as the Coast to Coast route

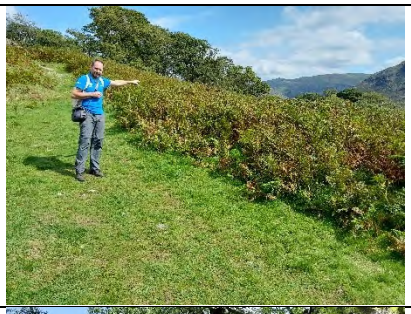
P6.		Views from the path towards Seatoller
P7.		Example of a splash through ford found on this section
P8.		Photo of the route in this area showing it is clearly an old, benched, track.
P9.		Point G on plan, where proposed Bridleway leaves public road and continues along Honister Old Toll Road. Is already signed as a Bridleway and the Coast to Coast route.
P10		Point H where existing Bridleway 212008 leaves public road and crosses proposed Bridleway route at point J. There are no indications of the definitive line being used on the ground whereas the Old Toll Road remains a defined, metalled route.
P11		Example of covered culvert crossing the route

P12		Collapsed culvert between Points J and K.
P13		Existing field gate between J and K.
P14		View from Field Gate back towards point J showing the metalled surface of the track
P15		Further field gate
P16		Continuation of the route towards Seatoller through another field gate, looking back towards Point x

P17		Cyclist using the route at approximately Point U
P18.		Field gate with wicket gate to the side, looking uphill on the grassy track to Seatoller (Point V). Will be configured to permit a bridleway gate to be installed.
P19.		Exit onto the road at Seatoller with existing refuge (Point W)

Seatoller Paths Realignment

P20.		Grassy trod of Footpath 212044 looking from Point N downhill to Point M
P21.		Pre-existing Bridleway gate at Point N
P22.		Faint sign on n side of gate at Point N signing route as permitted Bridleway

P23		Colleague indicating route of FP 212044 heading north eastwards from Point M with no signs of usage and blocked by vegetation.
P24.		Point P showing the exit point of FP 212044 onto the Old Toll Road showing it descending a steep bank with no signs of usage.
P25.		Point Q looking south south eastwards along FP212044 – path is open and available at this point, however there are little signs of usage.
P26.		Proposed new Footpath from Point R to Point U showing a clear trod through bracken and a wide grassy splay at Point U where it joins the Old Toll Road

Annex 3 Sections of the route that may not be suitable for Restricted Byway use

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.

Annex 5 – Honister Slate Mine Planning application response from ROW Team

From: Nick Thorne
To: Planning
Cc:
Subject: RE: 7/2023/2286 at Honister Slate Mine, Honister Pass, Keswick, CA12 5XN - LDNPA Planning Correspondence
Date: 16 January 2024 10:24:43
Attachments: 46927Internal Consult 297.pdf

Thank you for the consultation relating to the proposed zipwire at Honister Slate Mine.

I have read the noise assessment, and have some concerns over the findings that other users of the countryside will not be unduly affected. I'm interested in the findings that the baseline noise levels at locations 1 & 2 are 37-45 dBa, which seem quite high given that in my avenue in a small town, the background noise levels are lower than that during much of the day.

The other thing that isn't really addressed in the noise assessment is the 'type' of noise. The measurements are all about the friction noise of the twists of the wire and pulley – but there is nothing in there about the human noise that, in my experience, accompanies zip-wires. Walkers in the countryside often talk to each other – and this can be heard over a distance. But zip-wire users often have a more 'excitable' noise, containing outbursts of louder noise. This can be far more intrusive than low level background hum – and needs to be more fully assessed.

I have copied this to the Cumbria Bridleways Society and the British Horse Society – as the zip wire will pass alongside and over the bridleway coming down from Fleetwith, and will also cross the new National Trail Coast to Coast path. I am aware that horses can sometimes find zip-wires to be especially disturbing, and will leave this to the relevant societies to respond more fully. I have also copied this to the Ramblers in case they wish to comment, as the path to Fleetwith is very popular. When walking / riding from the Slate Mine, you very quickly leave the noise and busyness behind – and the zip-wire may have the effect of extending the length of intrusion.

With regard to clearance over the bridleway – I'm assuming this will be adequate, as it is also used for traffic. Visual impact will also need to be taken into account.

Many thanks.

Nick Thorne
Senior Rights of Way Officer
Lake District National Park Authority
01539 792621

lakedistrict.gov.uk | Twitter | Facebook | Instagram | LinkedIt Honister Slate Mine

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 at Fleetwith Tramway, Honister**
Relevant section of Scheme of Delegation	**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.
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 Fleetwith Tramway.
Details of Decision	Recommendation that we make a creation order for Footpath 220061 between A and B at Fleetwith Tramway; and that we confirm the order 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 order and leave the route without recorded public rights and a gap in the National Trail. Maintenance would then be the responsibility of the landowner and there would be no opportunity for works to 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: 1412.220.06
Date of Report	5 August 2024
Authorising officer	Ranger Team Leader Meeting
Date	15 August 2024

Coast to Coast National Trail – Creation of Public Footpath at Fleetwith Tramway, Borrowdale Parish

1 Summary

1.1 A new section of footpath is needed at Fleetwith Tramway where a route that is used by the public as part of the Coast to Coast is not a public right of way.

Recommendation that:	***a***	***we make a creation order for Footpath between A and B at Fleetwith Tramway as shown on the Map in Annex 1***
	b	***we confirm the order if no objections are received or if those objections received are withdrawn.***

2. Background

2.1. The 197-mile Coast to Coast route 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. One of these PPO sections is at Honister and is covered in this report. It is a proposed Footpath Creation where the Coast to Coast route follows the disused tramway down from the shoulder of Fleetwith Pike to the Slate Mine buildings. The new path will be approximately 775m long and varies in width between 2.5 m wide following the raised section of the tramway, to a pitched path approx. 1m wide. Photos of the proposed route is included in Annex 3.

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.

4.2. 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. 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: make the recommended creation order
b: do not make the order

6. Proposals

6.1. I recommend option 5.1a. Undertaking this creation 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 this order is met by external funding if it is 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 has not found to be onerous. By making this section of the route a public right of way, National Trail funding can be drawn down for maintenance, and potentially interpretation, in the future.

6.3. If the order is not made at this point in time, the costs of making any order 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 route for walkers from Fleetwith Pike to the Honister Slate Mine complex without having to use the mine roads. The route is designated to be part of Wainwright's Coast-to-Coast path and Natural England have 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 use the route as an integral part of the Coast to Coast as though it is already a public right of way. By creating a legal right of way over this section, we will be able to undertake maintenance if required in the future.

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

7.4.1. The landowner is a private owner. They have been consulted via their agent, tenant and a paper copy of the consultation has been sent to their registered address. However, no response has been received. They will have the opportunity to object if they disagree with the order, if made, and would also be able to claim compensation.

7.4.2. This is a very well used path, across open access land. A number of walkers heading to Fleetwith Tramway from the Loft Beck direction have started to cut the corner creating a desire line and potentially damaging the tramway as they attempt to scramble up the side.

7.4.3. The Authority's Archaeologist expressed some concerns about the western end of the tramway and the old Drum House and requested that we look at any consolidation that could be undertaken to prevent deterioration.

7.4.4. Coast to Coast Project and Fix the Fells colleagues have visited the site and have looked at the various options to ensure that walkers arrive at the tramway in the correct place, which will then reduce both landscape damage (the cut through path) and the tramway as people are scrambling up onto the tramway in an informal manner, potentially damaging the structure in the process.

7.4.5. The team are currently designing a programme of works to make the route of the existing public footpath more obvious approaching Point A from the south and appealing and simultaneously make the corner-cut much less inviting. They are proposing to undertake peat restoration works to achieve this end (using leaky dams, pond creation and reprofiling Hagg/Gullies) which will also reduce peat erosion going forward. They will also disassemble any old cairns they find on site, and will consider the use of temporary Fix the Fells 'Erosion Control' signage if necessary in the early stages. These will all help to ensure that walkers arrive on the tramway in the correct location.

7.4.6. Once the works to remove the corner-cut are completed, there is likely to be no, or minimal, impact through recording it as a public right of way.

7.4.7. Honister Slate Mine have also been consulted as they are tenants at the site. They have confirmed that the proposal is acceptable.

8. Other Considerations Required by Legislation

8.1. *Rights of Way Improvement Plan*

8.2. 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 CC that it is indeed the current Cumbria ROWIP. We have developed our own Access & Recreation Strategy to run alongside this.

8.3. 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.

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

8.5. 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. There are no physical changes currently proposed along the route, however any improvements might be accompanied by funding.

8.6. 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 is already well defined and has a metalled (stone) surface. The proposed creation is to regularise a route that is already used therefore there is no impact on agriculture or forestry.

8.7. 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 will help protect the landscape by clarifying the route to be taken.

8.8. Natural England, Cumbria Wildlife Trust, the Authority's Archaeology and Cumbria Geoconservation have been consulted about the proposals and have not raised any objections.

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

9.1. *There will be a presumption in favour of preserving the historical integrity of the network.* - The proposed creation will not detract from the historical integrity of the network, in contrast, it may preserve it further as it is route which has been integral to the network for decades at least.

9.2. *There will be a presumption against any reduction in the amount of public access in the National Park.* This proposal will not result in any reduction in access.

9.3. *The future maintenance and management implications of any proposed change to the network will be considered*. - The route of the proposed creation 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, it will be on the Coast to Coast National Trail and therefore will be eligible for future funding opportunities for maintenance.

9.4. *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.* – this proposed change will not detract from the enjoyment of the cultural landscape and nature conservation. It will enhance the ability of the public to discover the special qualities and features of the National Park.

9.5. *Impacts on Outstanding Universal Values* - None have been identified. The World Heritage Site Co-ordinator has been consulted and has raised no issues.

10. Stakeholder Consultation

10.1. We have consulted our usual consultees as listed below.

- *Cumberland Council*
- *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*
- *Cumbria Commoners*
- *Land and Access Recreation Association*
- *North East Laners*
- *Borrowdale Parish Council*

Responses were received from the following stakeholders:

Name of Stakeholder	**Consultation Response**
Open Spaces Society	We note Wainwrights choice of route and wonder if his judgement in taking the route down (which is the direction for most C2C users) or up this structure was a wise one given the adjoining PROW network. If my memory is correct then this tramway is a structure of some historical importance - perhaps even designated. Perhaps you can remind us of any listed status it might have? The erosion occurring on this structure along with the steepness and the difficulty of descent especially at the 'pinch point' are of significant concern. However, the alternative of diverting the C2C onto the bw [220003] could mean potential conflicts between users and the commercial use, by vehicles, of this track associated with the adjacent Honister mine tourist site are also of concern. Perhaps you might also inform us of any input to this consultation by English Heritage before we can come to a more informed position? We have responded with the following: *(Our Archaeologist) did express some concerns about the western end and requested that we look at any consolidation that could be undertaken to prevent deterioration of the tramway. My colleagues have visited the site as well and have looked at the various options to ensure that walkers arrive at the tramway in the correct place, which will then reduce both landscape damage (a cut off path has developed) and the tramway as people are scrambling up onto the tramway in an informal manner, potentially damaging the structure in the process.* *They are currently designing a programme of works to make the route of the existing public footpath more obvious and appealing and simultaneously make the corner-cut much less inviting. They are considering undertaking peat restoration works to achieve this end, and also reduce erosion. They will also disassemble any old cairns they find on site, and consider the use of temporary Fix the Fells 'Erosion Control' signage if necessary in the early stages.*
Authority Archaeologist	I have had a look at this application and my concern is at the western end near the Old Drum House. It's at this end where there are clearly remnants of the tramway, in the form of earthworks, which could be affected by continual use. I am presuming that the route is already popular and in use. Is there anything we can do conservation wise to ensure that with the creation of the footpath we are safeguarding the heritage, so that the site does not deteriorate any further? Colleagues have visited the site and designed a programme of works to ensure that walkers arrive at the tramway in a controlled manner as discussed in section 7.4

LAF	The route has been visited twice recently by Peter Sapsford and the proposals have the support of the C&LJLAF. The creation of footpaths and bridleways following the tramway, the existing well used routes and the old toll road is logical and welcome. The C&LJLAF supports this plan
Buttermere Parish Council	There is a proposed new footpath to the west of the Honister visitor centre, along an old 'tramway' (email of 24 May). I don't see any issues with that.

11. Finance Considerations

11.1. This order is fully funded externally by the Coast to Coast National Trail project.

12. Risk

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

13. Legal Considerations

13.1. The Creation order will be made under section 26 of the Highways Act 1980, - 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 Cumberland Council. The action strikes a reasonable balance between private and public rights.

14. Human Resources

14.1. The legal work involved in this order 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 most of the work associated with these as part of the Project. As such, there is not a substantial impact on the Authority's staffing resources.

15. Diversity Implications

15.1. I have not identified any significant diversity issues

16. Sustainability

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

17. Summary

17.1. The proposal will benefit the public, and have come about through successful partnership working. None of those who responded to the consultation are in opposition to the proposals.

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

Background Papers:	Case file reference 1412.220.06
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	5 August 2024

Authorised by:

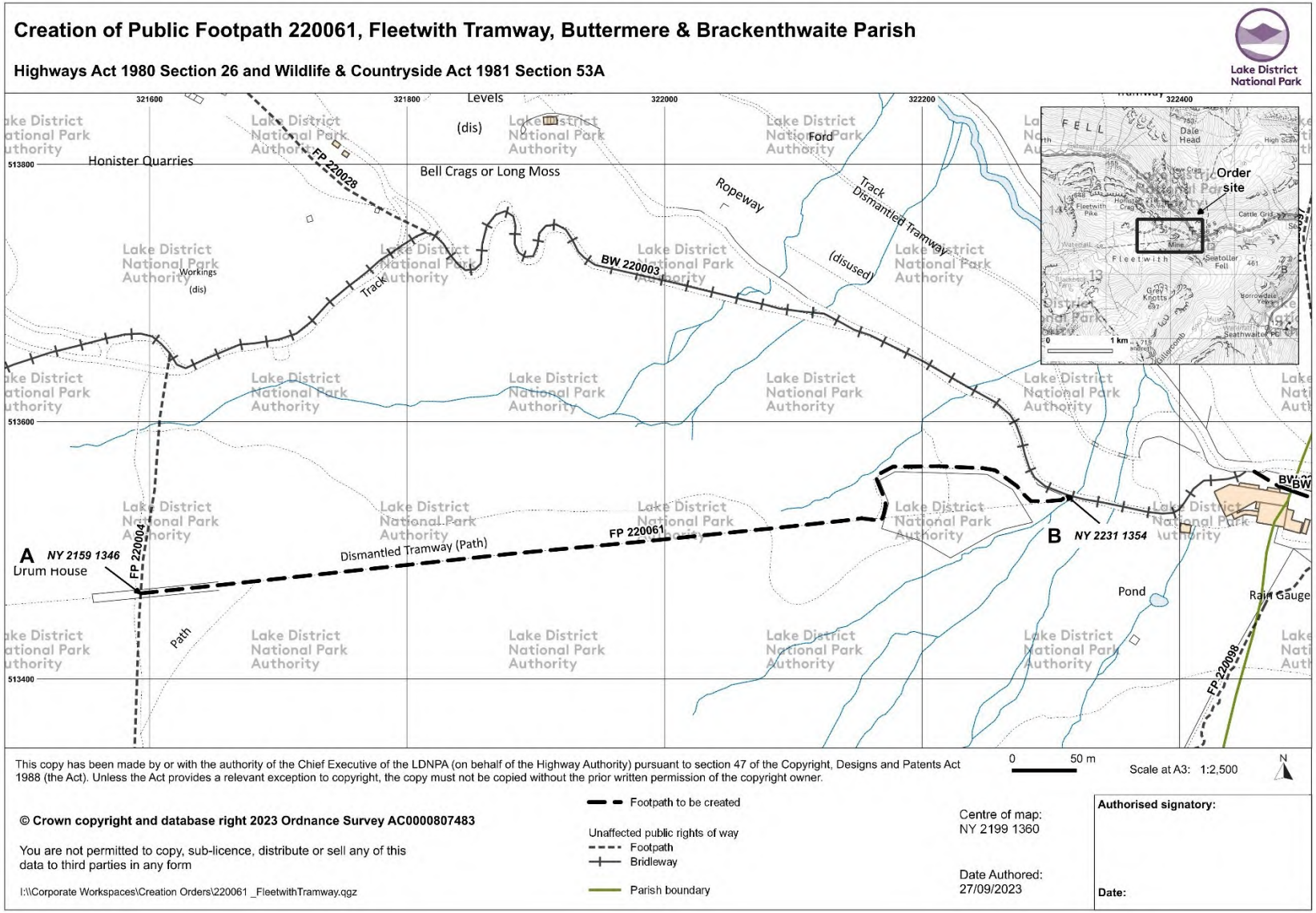
…[redacted]

……

Ranger Team Leaders' Meeting

Date……15 August 2024…….

Annex 1


Creation of Public Footpath 220061, Fleetwith Tramway, Buttermere & Brackenthwaite Parish
Highways Act 1980 Section 26 and Wildlife & Countryside Act 1981 Section 53A
Lake District National Park
Levels
(dis)
Ford
Honister Quarries
Bell Crags or Long Moss
FP 220028
Ropeway
Track
Dismantled Tramway
(disused)
BW 220003
Workings
(dis)
Track
A NY 2159 1346
Drum House
FP 220004
Path
Dismantled Tramway (Path)
FP 220061
B NY 2231 1354
Pond
Rain Gauge
FP 220098
Order site
0 50 m
Scale at A3: 1:2,500
N
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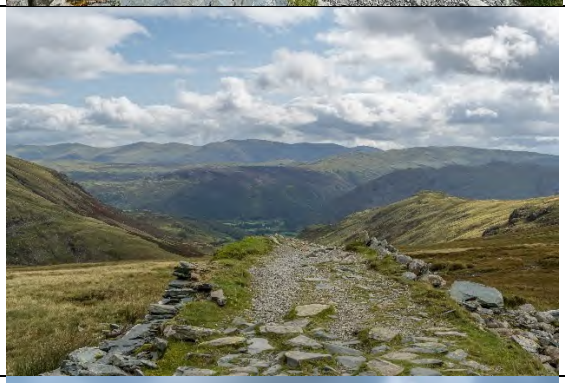
I:\\Corporate Workspaces\Creation Orders\220061 _FleetwithTramway.qgz
Footpath to be created
Unaffected public rights of way
Footpath
Bridleway
Parish boundary
Centre of map:
NY 2199 1360
Date Authored:
27/09/2023
Authorised signatory:
Date:

Annex 2- Photos - Fleetwith Tramway

P1		Point A – Start of the Fleetwith Tramway at the Old Drum House
P2		View from the Tramway descending towards Honister
P3		Photo of the 'pinch point' looking back up hill towards the Old Drum House but still useable by walkers
P4		Example of the pitched path surface around the enclosure

P5		Sign post at the start of the Tramway route

Annex 3

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 NEW GATE, FOOTPATH 201035, ROWLING END, ABOVE DERWENT 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 Cumberland 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 representation to authorise a new gate across a public footpath close to a footbridge for the purposes of preventing the ingress and egress of stock between neighbouring fields either side of Newlands Beck
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	Will Hinchliffe, Rights of Way Officer
Background Papers	1410.002 – includes application form and authorisation letter
Date of Report	23 December 2024
Authorising officer	Steve Gaskell, Ranger Team Leader
Date	6 January 2025

Brief Summary of reasoning

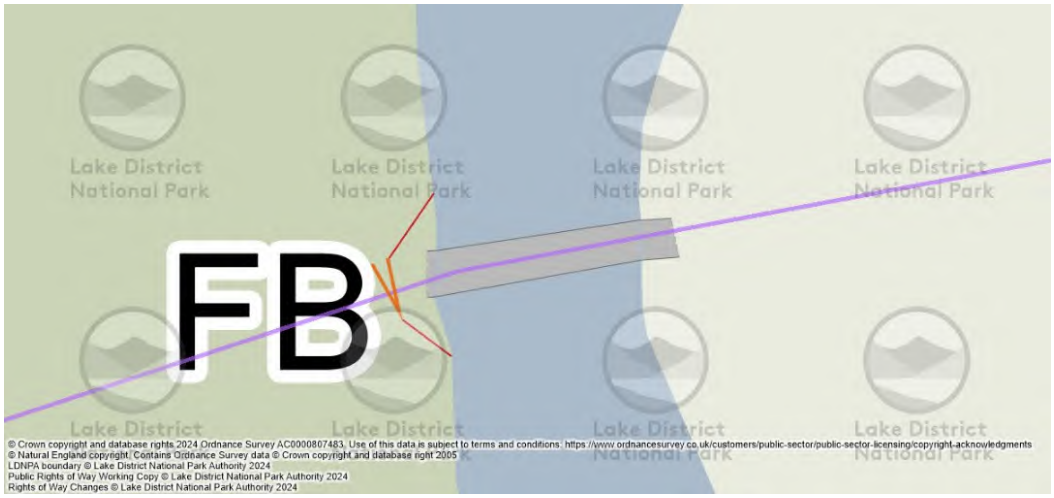
The landowner at Rowling End has made a representation to us to install a pedestrian gate at NY 2356 2057 across Footpath 201035 at the western end of the footbridge over Newlands Beck (see Annex 1 location plan).

The fields on either side of the bridge are used for sheep and cattle grazing. The tenancy of a farmer who was grazing stock on the land (owned by the applicant / representer) on the west side of the bridge is expiring shortly and there is consequently now a need to prevent stock from moving between the neighbouring fields over the footbridge. This reason would fit within the purposes for which we may authorise a new gate on a public right of way under Section 147 of the Highways Act 1980 (Annex 2), appearing expedient to aid agricultural efficiently by preventing the ingress and / or egress of stock.

The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society website here: https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. The representer has confirmed that they would be happy to install a 3'6" gate to the LDNPA standard for pedestrian wicket gates (Annex 3) – this appears the least restrictive option at this location which will meet the agricultural need.

We also discussed with the representer the most appropriate location for this gate. Installing a gate directly on the bridge or its abutments may be problematic as the landowner will be responsible for the installation and maintenance of the gate, and the Authority are responsible for the bridge (under our agency agreement with Cumberland Council). We would want to avoid the situation where one structure may negatively affect or cause damage to the other, or where there could be any uncertainty around responsibility or liability for the furniture (e.g. if we found that some or part of the bridge needed replacement or became damaged the job could be complicated by having to remove and re-install the gate).

We therefore suggested that the gate be sited just to the west of the bridge abutment with short sections of post-and-rail fencing connected to the gate and running to the riverbank to prevent stock from being able to cross between the fields either side of the beck. The representer has confirmed they are happy with this suggestion. A very basic representation of what is proposed is shown below (not to scale, with purple lines showing the footpath route, orange the gate, and red the suggested fencing):

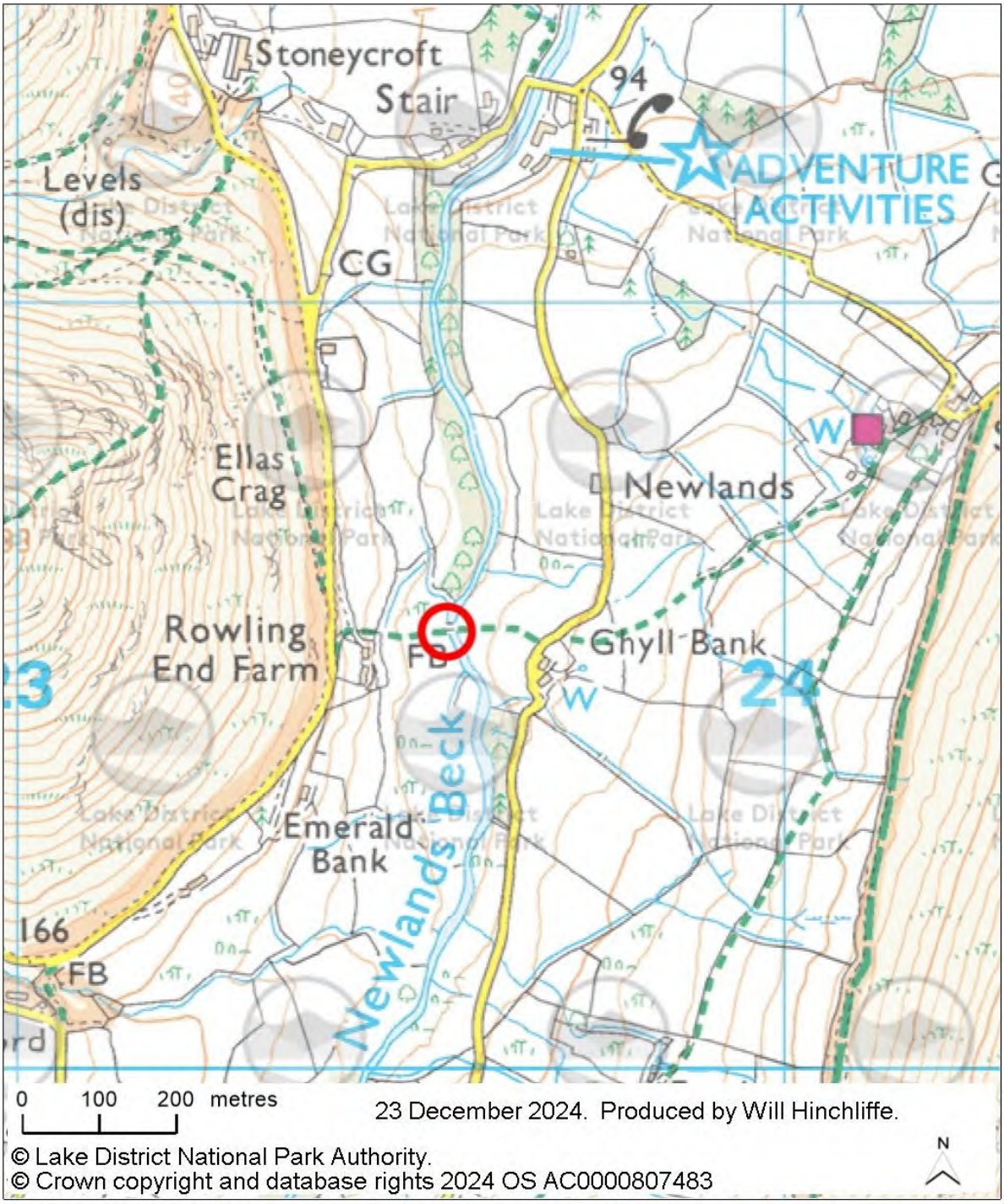


The gate will be necessary for this purpose only whilst the land remains in agricultural use for grazing stock. Therefore, this authorisation will cease if the land use changes and the gate is no longer necessary to prevent stock crossing the bridge and getting between the fields.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for a pedestrian wicket gate at this location.

Will Hinchliffe, Rights of Way Officer, 23 December 2024

Annex 1 – Location plan showing requested gate location (red circle)



Annex 2 – Section 147, Highways Act (1980)

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.

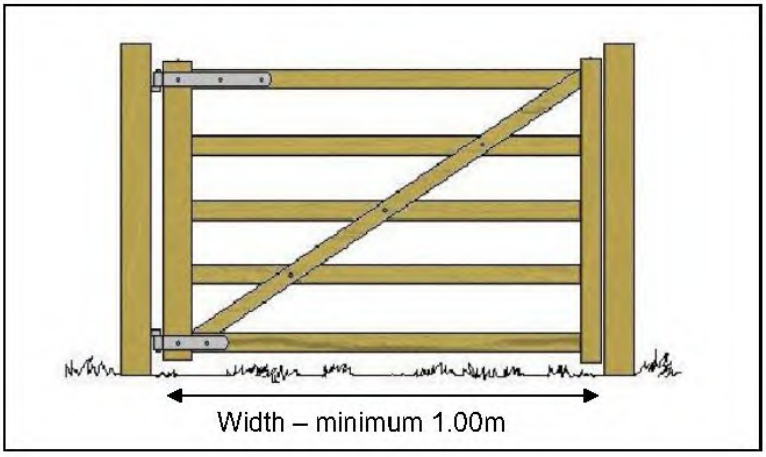
(5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.

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

Annex 3 – LDNPA Pedestrian Wicket Gate Standard (2011)

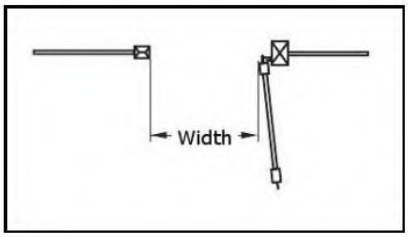
LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

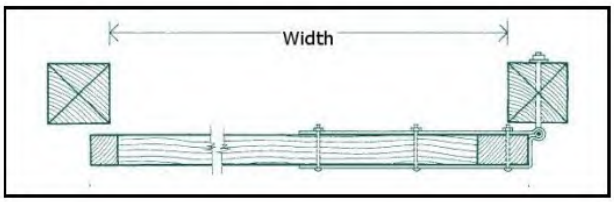


- **Usable width for all** pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the 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 4 – Photo of the footbridge over Newlands Beck on Footpath 201035 (2022 photo uploaded on LDNPA ROWMANS system)

Lake District National Park

[redacted]
Rowling End
Newlands
Keswick
CA12 5TS

7 January 2025

Dear [redacted]

Our Reference: 1410.002

Authorisation of new gate across Public Footpath 201035, Rowling End, Above Derwent 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:

- Pedestrian wicket gate over Footpath 201035 at NY 2356 2057 near the western end of the footbridge

The authorised gate will prevent the ingress and egress of stock via the footbridge between the land on either side of Newlands Beck.

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

- The gate shall meet the LDNPA structures standard 2011 (included with this letter) for a 3'6" or 1.1m pedestrian wicket gate, complying with the least restrictive option suitable for the purpose.
- The gate should not be located directly on the nearby footbridge or its abutments. Post-and-rail fencing connecting with the gate and running to the bank will be used to create a stockproof barrier.
- 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. This gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for the gate's safe maintenance lies with the landowner.
- The authorisation is granted whilst the agricultural need for a gate at this location remains. If the land use changes and a gate is no longer necessary to prevent ingress or egress of stock then the gate must be removed 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 structures will remain an unauthorised obstruction.

If you have any queries please contact the Area Ranger, Carl Bradford, on 07810 658150 or Rights of Way Officer, Will Hinchliffe, on 01539 792696.

Yours sincerely

[redacted]

Steve Gaskell

Ranger Team Leader
Direct: 01539 792640
Email: steven.gaskell@lakedistrict.gov.uk

Landowner Confirmation

- I am the owner of the land shown on the plan attached to this letter.

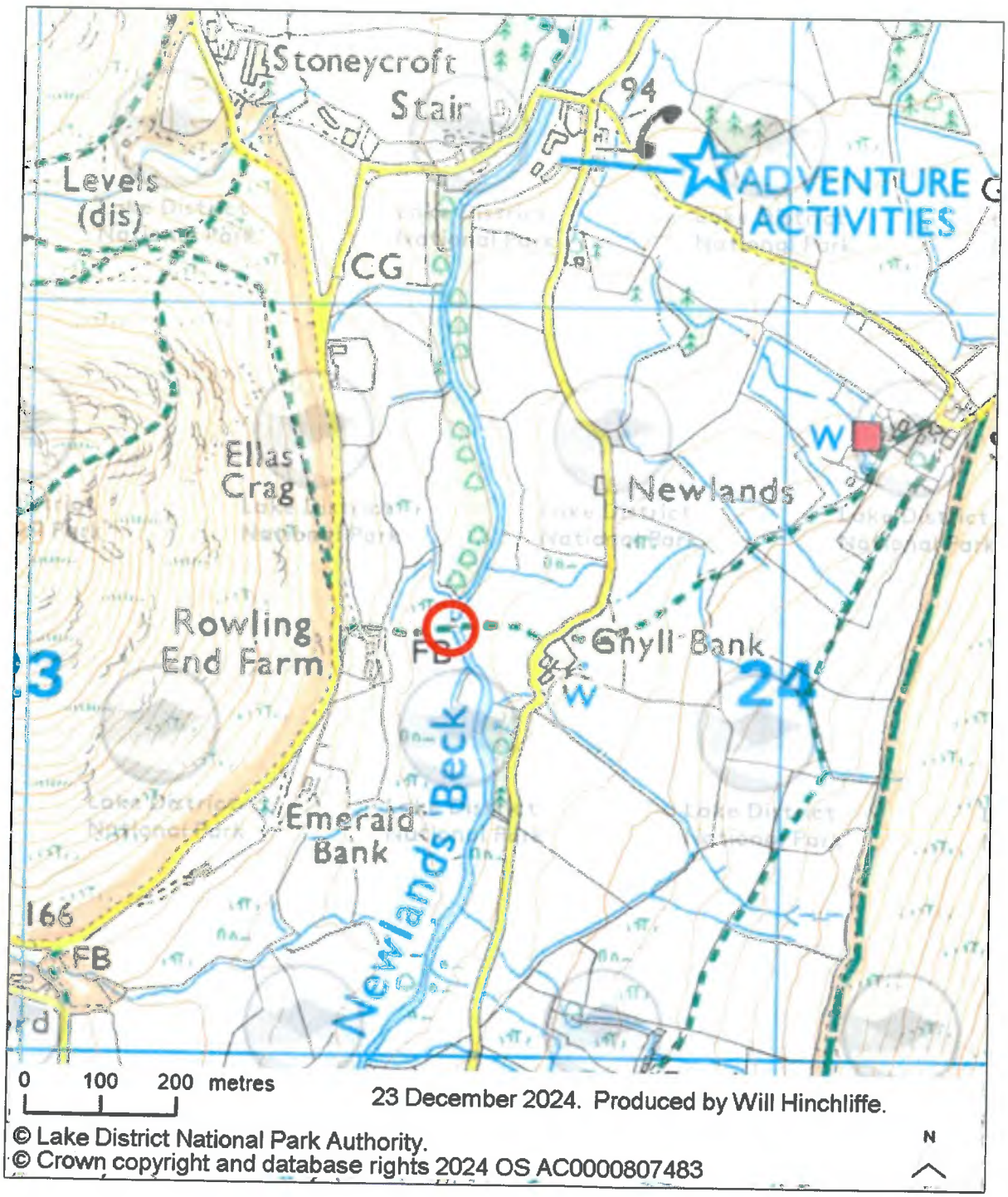
- I agree to the above conditions

Print name .. [redacted]

Signature .... [redacted] .. Date ... [redacted] .....

.....

Annex A – Location plan showing gate location (red circle)



Annex B – Section 147, Highways Act (1980

Section 147 Highways Act 1980
Power to authorise erection of stiles etc. on footpath or bridleway.

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

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

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

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

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

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

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

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

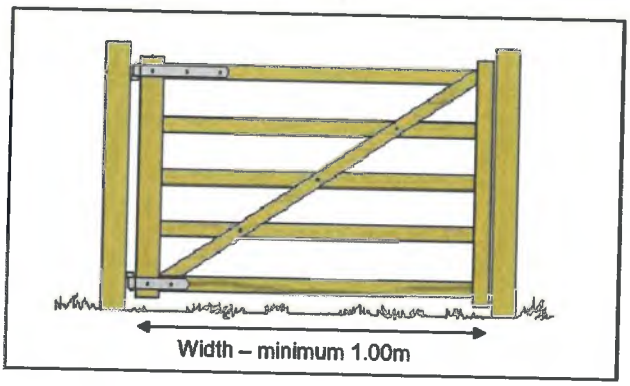
(12)Nothing in this section prejudices any limitation or condition having effect apart from this section.

Annex C – LDNPA Pedestrian Wicket Gate Standard (2011)

Lake District National Park

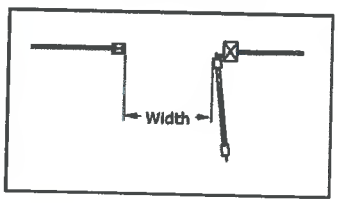
LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011

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)

TEMPORARY TRAFFIC REGULATION NOTICE OVER PART OF FOOTPATH 407033, ENNERDALE AND KINNISIDE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all public traffic over part of footpath 407033 due to the likelihood of danger to the public resulting from the bridge having been blown over onto its side during Storm Éowyn.

Recommendation:	***That we issue a Temporary Traffic Regulation Notice over part of footpath 407033 as shown on the plan, closing it to prevent the likelihood of danger to the public.***

2 Details of Request

2.1 The bridge (known as the 'Memorial Bridge') on footpath 407033 over the River Liza in Ennerdale has been blown over, presumed to be during Storm Éowyn (24 and 25 January 2025). The bridge is of a timber and concrete construction with wooden beams and handrails and a concrete paving slab deck. Its span is approximately 17 metres. The bridge has blown over onto its side and off its abutments during the storm and also broken at roughly its midway point.

Photo provided by LDNPA volunteer of the damaged bridge

2.2 Our Rangers have inspected the bridge 3 February 2025 and put up temporary signage and 'Do Not Use' tape, but whilst the bridge structure is still present it is likely that some users may still attempt to use it. Given the damage to the structure it may be unstable and there is a likelihood of danger to anyone who does use it. Consequently, an immediate temporary closure of the footpath seems appropriate.

2.3 The bridge will be removed our Ranger team – but this may not be possible immediately as we will need to confirm whether consent from the Environment Agency is required for the in-river works.

2.4 Once the bridge has been removed the likelihood of unforeseen danger will be mitigated, and the path will instead be obstructed (or walkers can ford the river). We anticipate being able to do this within the 21-day timeframe of a closure notice, assuming there are no complications in terms of consent for the works.

2.5 Removing the broken bridge is also desirable from an environmental perspective – preventing concrete or other parts of the structure getting washed into the river. We will replace the bridge in due course to reinstate public access.

2.6 The most direct alternative routes for users wishing to cross the river are via bridleway (407021) along the northern side of the river, and the forest track running adjacent to the river on its southern side to reach the other existing bridges; 'Middle Bridge' approximately one kilometre west-northwest of the 'Memorial Bridge' and the bridge southeast of Black Sail Hut. Closure signs will be placed at appropriate points to make approaching path users aware.

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 £340 which covers staff-time, stationery and postage. Given the circumstances that this bridge is LDNPA maintained and an aid to passage along the footpath, 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 footpath who may be injured if they attempt to use the bridge structure to cross the river currently – some may be tempted to try to use the side of the bridge to scramble over. The bridge structure has been damaged during the storm and may be unstable. A closure notice will make attempting to cross the bridge an offence and bolster the temporary signs and tape put up by the Ranger team to discourage the public from doing so.

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 hoped that within 21 days the Ranger team will have been able to remove the damaged bridge from the river which will largely remove any likelihood of danger. We will then need to reinstate the bridge to restore a means of passage as and when budgets and Ranger team capacity allow.

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 Cumberland Council.

10 Human Resources

10.1 The work involved in the making of this notice is approximately eight hours from members of the Ranger Service (Rangers, 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:

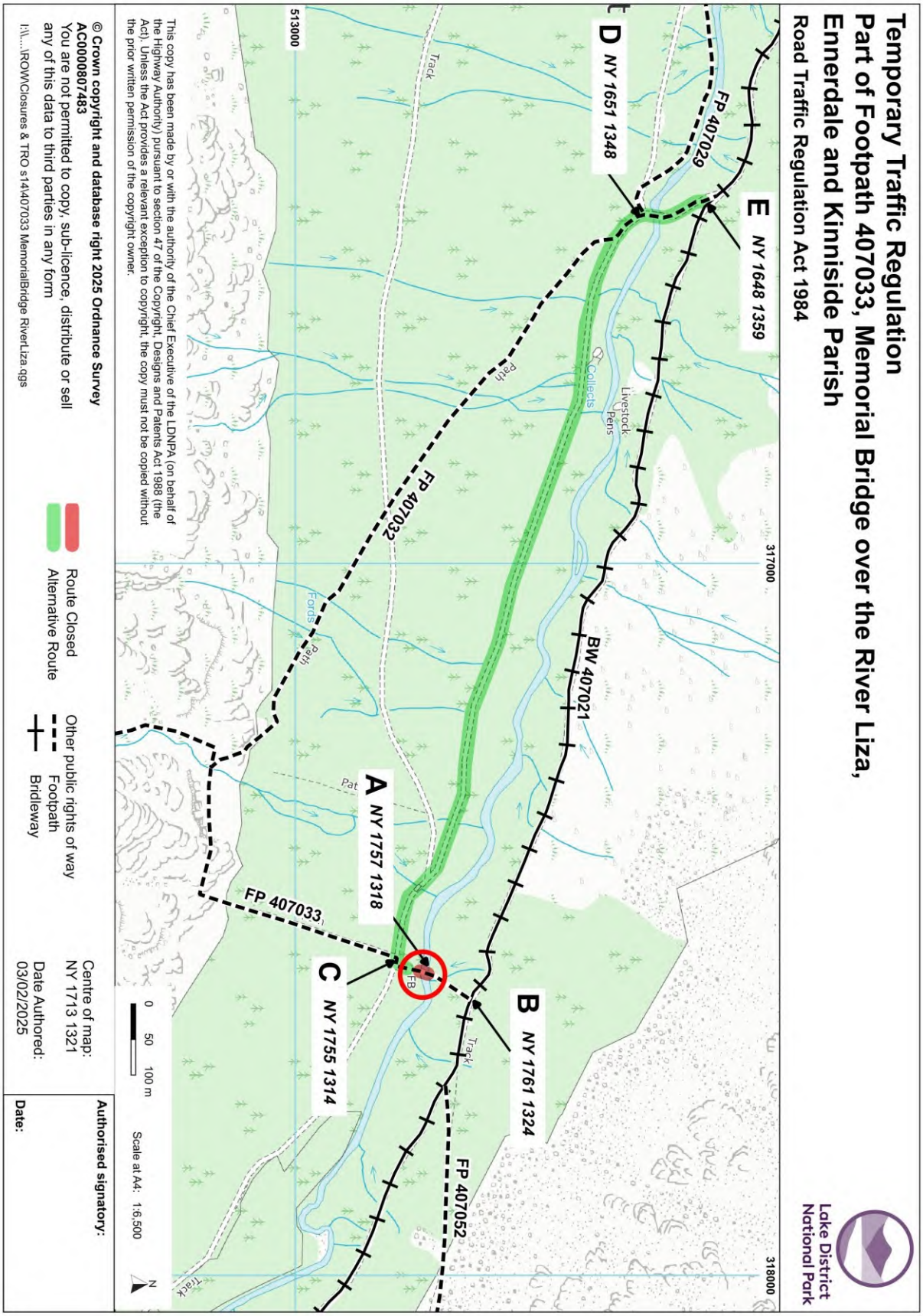
[redacted]

Nick Thorne, Senior Rights of Way Officer

Date…4 February 2025…….

Background Papers	Case file 1410.003 (278)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	3 February 2025
Version	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	**Coast to Coast National Trail – Creation of Public Bridleway and Public Footpath at Nannycatch, Ennerdale & Kinniside Parish**
Relevant section of Scheme of Delegation	**PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS** **ANNEX 4 -** Functions delegated to Head of Strategy & Ranger Service 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 Cumberland 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	This is one of the Public Path Orders needed to ensure that Wainwright's Coast to Coast National Trail is underpinned by legally secure access rights for its entire length. Natural England have identified that the National Trail should follow the route of an existing path over Kinniside Common, and in order to secure this, the route of Bridleway 407069 and Footpath 407055 should be created in order to carry the proposed National Trail.
Details of Decision	Recommendation that we agree to enter into a Creation Agreement with the Landowner to create Public Bridleway 407069 A-J between Nannycatch Gate and Scarny Brow, and extend Footpath 407055 to join with this bridleway between H-K, in Ennerdale & Kinniside Parish.
Details of alternative options considered and rejected.	• Enter into a Creation Agreement for a public footpath • Make a Creation Order for a bridleway • Make a Creation Order for a footpath • Not enter into the Creation Agreement or 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	Charlotte Kimber, Coast to Coast Public Paths Officer
Background Papers	Case file:1412.407.13
Date of Report	5 February 2025
Authorising officer	Ranger Team Leader Meeting
Date	13 February 2025

Coast to Coast National Trail – Creation of Public Bridleway 407069 between Nannycatch Gate and Scarny Brow, and extension of Public Footpath 407055, Ennerdale & Kinniside Parish

1 Summary

1.1 This proposed Bridleway will provide an off-route route to carry the Coast to Coast Path National Trail, avoiding the busy stretch of road at Scarny Brow. An initial consultation was undertaken on an offer to create a public footpath along the route, but more than 50 objections were received, with evidence of horse riders and cyclists using the route. The landowner has consequently offered to dedicate this route as a bridleway, with a short footpath spur linking to existing FP 407055.

Recommendation that:	***a***	***We enter into a creation agreement with the landowner for a public bridleway between A-J, between Nannycatch Gate and Scarny Brow, Ennerdale & Kinniside Parish***
	b	***we enter into a creation agreement for a short length of public footpath H-K to join this bridleway to existing Footpath 407055***

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 the trail is underpinned by legally secure public access for the entire length of the route through our geographic area. Undertaking these will ensure public access for the future, and will 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 March 2026.

2.4. These Bridleway and Footpath creations are situated at Nannycatch and Scarny Brow, Ennerdale & Kinniside, where there is a clear track alongside the beck. Natural England initially suggested creating a footpath along the used route and realigning part of footpath 407020 onto a used track, before exiting onto the road.

2.5. However, during site visits it became clear that there was an opportunity to extend the off-road path to Scarny Brow, allowing users to avoid a busy stretch of road.

2.6. The new path will be approximately 1725m long and is generally a metalled track within a 3m wide Right of Way (except at the pinch points indicated in the paragraph below). The maps showing the proposed route are in Annex 1 and photos of the proposed routes are included in Annex 2.

2.7. The Bridleway to be created runs from BW 407018 at Point A (NY 0552 1298, P1) at Nannycatch Gate generally north eastwards and northwards alongside Nannycatch Beck. There are two narrow points on this section – the first (P2) being 1.1m near Raven Crag where there is a steep slope on one side and a drainage channel on the other; and the second (P3) 1.2m wide where the path has been supported by gabion baskets.

2.8. The proposed route then crosses Nannycatch Beck through a step through ford (with a footbridge to one side) at Point B (NY 0572 1328 – P5). The route continues northwards along the narrow path adjacent to the beck and across a series of step through fords (P6).

2.9. The route then joins FP 407020 at Point C (NY 0580 1392) and the agreement will upgrade the section of Footpath between C and D (NY 0585 1395) to bridleway status.

2.10. The proposed bridleway then runs generally northwards past Point E (NY 0591 1401) shown in P7, along the benched track, crossing the Unclassified Road at Point F (NY 0601 1430) continuing northwards and north eastwards to cross the beck via a step through ford (P8) with a footbridge to the side at Point G (NY 0609 1436) before joining Footpath 407055 at Point H (NY 0591 1401) and then joining the metalled road C4004 at Point J (NY 0591 1401).

2.11. The extension of Footpath 407055 to be created would leave the proposed bridleway at Point H and head northwards through a 1.5m wide kissing gate in the kest at Point K (NY 0591 1401) (P9,10) to join the existing roadside path leading to Ennerdale Bridge.

2.12. After undertaking the consultation, and discussing the outcomes, the National Trust has confirmed that they are willing to enter into a Creation Agreement for a public bridleway between Points A and J, and public footpath between H and K.

3. Policy Context

3.1. This agreement is a crucial part of the establishment of the Coast to Coast Path 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 Path 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 Path 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 underpinned by legally secure public access, 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. It is anticipated that there will be no outstanding objections given all those objections received requested that the route be recorded as a public bridleway.
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 for a bridleway A-J and a footpath H-K;
b: do not enter into the recommended creation agreement for a bridleway A-J and make a creation agreement for a footpath instead;
c. do not enter into any agreement.

6. Proposals

6.1. I recommend option 5.a. Entering into this creation agreement will enable us to ensure that the Coast to Coast National Trail follows a legal right of way, and draw down funding for future maintenance. The costs of making this agreement are met by external funding if they are made as part of the National Trail upgrade process.

6.2. By entering into an agreement for a public bridleway, this will provide an off-road route for the National Trail, meet Natural England's ambitions to develop opportunities and improved connectivity for horse riders and cyclists.

6.3. The future maintenance and management implications of the proposed bridleway creation has been assessed, and the bridges needed will be funded from the Coast to Coast project.

6.4. If the Creation Agreement is not completed at this point in time, either a Creation Order will need to be made in the future (which is likely to provoke objections and therefore need to be forwarded to the Planning Inspectorate) or the User Groups are likely to submit a Definitive Map Modification Order for a public bridleway which the Authority will have to process, both these outcomes being outwith the Coast to Coast National Trail Project and needing 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 the National Trust that they will claim such compensation.

7.4. We would have to take on all the responsibilities for a definitive right of way (that is; surface and vegetation). This will 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 cheaper than the advertising for a Creation order (usually about £400). This has not, to date, been requested by the landowner.

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.

7.6. If we were to enter into a Creation Agreement for a Public Footpath it is likely we would suffer substantial reputational risk given the number of objections we have received, and it is likely we would receive an application for a Definitive Map Modification Order on the basis of existing use by horse riders and cyclists, and possibly a Judicial Review of our decision.

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 authorities are 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.

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 Agreement helps fulfil this aim.

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

8.2. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. An accessibility audit of the entire Coast to Coast has been undertaken by David Burgess, which has highlighted several areas with potential for access improvements and additional loop routes. The path at Nannycatch does not feature in the Audit. In general the route is accessible to some people with limited mobility, depending upon their own personal limitations. The bridges improve accessibility.

8.3. 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 bridleway to be created will follow an existing metalled track preventing damage to agricultural 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 as the creation of the Bridleway will be creating a legal line over the used route requiring no landscape changes.

8.5. Natural England, the Authority's Archaeology Team and Cumbria Geoconservation have been consulted about the proposals and have not raised any objections.

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

9.1. *There will be a presumption in favour of preserving the historical integrity of the network* - The proposed Creation will not detract from the historical integrity of the network, as it will simply record an existing used route.

9.2. *There will be a presumption against any reduction in the amount of public access in the National Park* - This proposal will not result in any reduction in access.

9.3. *The future maintenance and management implications of any proposed change to the network will be considered* - The route of the proposed bridleway has been used for many years and works have been undertaken as if it were a public right of way. As the bridleway and footpath will be on the Coast to Coast National Trail they will therefore be eligible for future funding opportunities for maintenance.

9.4. *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* – The proposed creation will not detract from the enjoyment of the cultural landscape and nature conservation. The change will enhance the ability of the public to discover the special qualities and features of the National Park

9.5. *Impacts on Outstanding Universal Values* - None have been identified. The World Heritage Site Co-ordinator has been consulted and has raised no issues.

10. Stakeholder Consultation

We have consulted our usual consultees as listed below. Due to the landowner's requirements at the time, the consultation focused on the route being created as a public footpath.

- Cumberland Councillor
- Josh MacAlister, MP
- 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 & Kinniside Parish Council

10.1 A substantial number of responses were received after the consultation was publicised by the local MP, Cumbria Bridleways, Cycle Mayor of Cumbria (and others) on social media.

10.2 The responses are included in Annex 4. They are copied verbatim with no changes to spelling, punctuation etc however names of people and houses have been redacted, and a photo has been anonymised.

10.3 The respondents almost universally felt that the route should be created as a public bridleway, expressed consternation that cycling/horse riding would become illegal if the route became a footpath (a stance, although slightly incorrect, promoted by some of the statutory consultees) and included evidence of usage by cyclists and horse riders.

10.4 Several of the users highlighted Strava data. Strava now publishes a 'heatmap', amalgamating the data from its users to show the most popular routes. A snapshot of this map is included in Annex 5. Strava only includes cycle data as the company does not provide users the option to collect horse riding data however the map shows that cyclists are clearly using the route.

10.5 The Open Spaces Society and the Local Access Forum were the only two consultees to support the creation of a footpath. The Open Spaces Society only confirmed their support once they had clarified that the land was s.15 land under the Countryside and Rights of Way Act 2000, meaning that there were preexisting access rights. The land is access land by virtue of it being a National Trust owned common. In this particular instance therefore, there may be (although legally untested) pre-existing rights to ride horses and bikes here, however these would remain unaffected by the creation of a public bridleway and footpath.

10.6 Turning to the Local Access Forum's concerns, they feel that whilst they would normally be arguing for the highest access status possible in rights of way creations and that the long term use of these routes by horses and mountain bikes raised the question of a bridleway creation, they felt that the restricted width in particular makes this inappropriate. We had highlighted the restricted width stretches in the consultation letter and the concerns have not been recognised by users.

10.7 We kept the landowners abreast of the responses that have been received. It is the weight of these, together with the evidence of use, that has led to them to offer a creation agreement for a bridleway rather than a footpath.

11. Finance Considerations

11.1. This agreement is fully funded externally by the Coast to Coast Path National Trail project.

12. Risk

12.1. Making a Creation Agreement for the bridleway and footpath 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 Path National Trail could be secured whilst the Order(s) is held up through delays at the Planning Inspectorate.

13. Legal Considerations

13.1. The Creation Agreement will be entered into under Section 25 of the Highways Act 1980 - we are able to make such agreements this section by virtue of Schedule 9, paragraph 11 of the Environment Act 1995. The action strikes a reasonable balance between private and public rights.

14. Human Resources

14.1. The legal work involved in making this Creation Agreement is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. Due to the Agreement 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.

15. Diversity Implications

15.1. I have not identified any significant diversity issues.

16. Sustainability

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

17. Summary

17.1. 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.

17.2. I recommend that we make the necessary Creation Agreement to bring this into effect.

Background Papers:	Case file reference 1412.407.13
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	5 February 2025

Authorised by:

[redacted]

……

Ranger Team Leaders' Meeting

Date…13.02…2025…….

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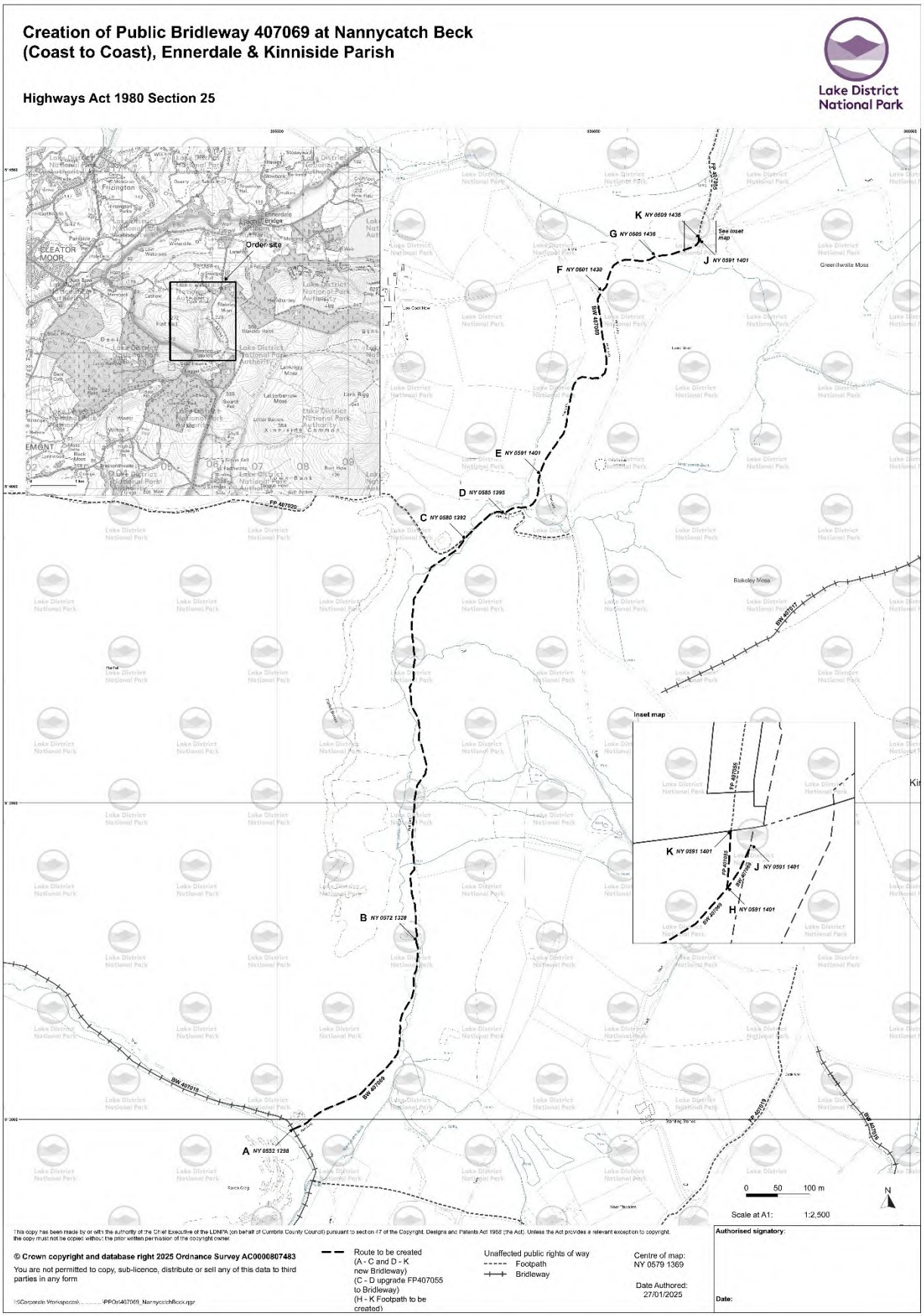
Annex 1
Maps


Creation of Public Bridleway 407069 at Nannycatch Beck
(Coast to Coast), Ennerdale & Kinniside Parish
Highways Act 1980 Section 25
Lake District National Park
Order site
K NY 0609 1436
G NY 0609 1436
See inset map
J NY 0591 1401
F NY 0601 1430
E NY 0591 1401
D NY 0585 1395
C NY 0580 1392
B NY 0572 1328
A NY 0552 1298
Inset map
K NY 0591 1401
J NY 0591 1401
H NY 0591 1401
0 50 100 m
Scale at A1: 1:2,500
N
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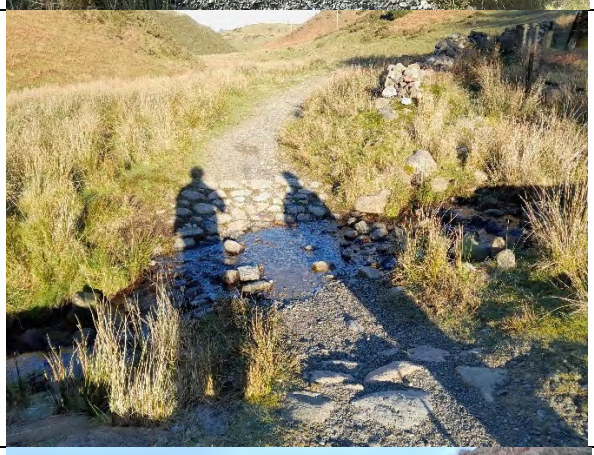
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form
Route to be created (A - C and D - K new Bridleway) (C - D upgrade FP407055 to Bridleway) (H - K Footpath to be created)
Unaffected public rights of way
Footpath
Bridleway
Centre of map: NY 0579 1369
Date Authored: 27/01/2025
Authorised signatory:
Date:

Annex 2

Please note that the lettering runs South to North, however most photos are shown facing south.

P1		Field Gate at Point A from Bridleway 407018 with proposed new footpath running adjacent to the wall
P2		Point A Junction with Bridleway 407018 at Nannycatch Gate
P3		Path running along a pinch point between Raven Crag and a drainage channel

P4		Pinch Point with path running alongside Nannycatch Beck, path having been supported by gabion baskets
P5		Footbridge to be installed adjacent to the ford at Point B
P6		Further example of splash through ford along route
P7		Footpath continuing northwards from Point D along a benched track

P8		Footbridge to be built adjacent to the ford at Point G, photo taken facing south towards Point F.
P9		Gateway to be created within wall to connect to existing footpath at Point H. Photo taken facing north
P10		Proposed location of the gate in the Kest Bank at Point H.

Annex 3
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.

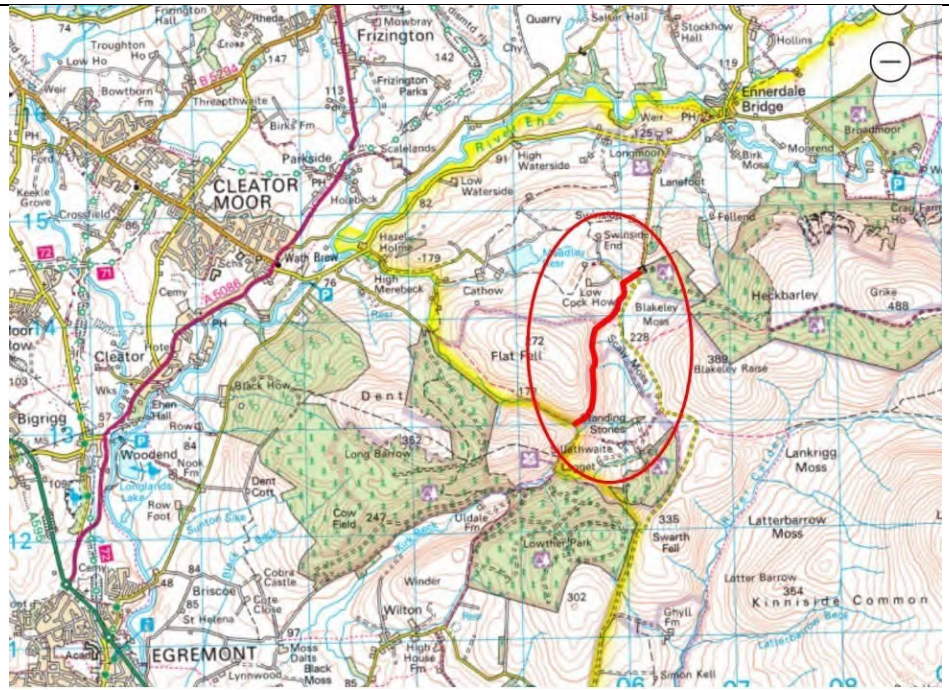
- Where the route in use at present differs from the definitive line, there will be a presumption in favour of restoring the original route before considering a legal diversion.

- 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 4
Consultation Responses

Consultee	Summary	Consultation Response
Private Individual	Object to path being created	I am writing regarding the creation of legal rights of proposed Footpaths 407069 and 407055. I am fully supportive of enhancements to paths which broaden access to our wonderful countryside where suitable and appropriate. In this case, I do not think the proposal regarding creation of path 407069 is either of those. You are probably aware that any route used freely for a period of 7 years or more acquires a legal status as a de facto right of way regardless of this formality. The existing route along the proposed path 407069 is very popular with local walkers, runners and mountain bikers (I was running there on Sunday with my partner and am taking my local running group, St Bees Triers, on a run there tonight) and the proposal would restrict access to the trail. I therefore object to it. 1) If the path is given Public Footpath status, that excludes mountain bikers from using it. 2) The sections identified in the 'Map 1' description and shown on the 'Photosheet Nannycatch' are loved by existing users for the very features which seem to have been highlighted as areas which would perhaps not be compatible with a conversion to a formal public footpath unless they were removed. 3) Works undertaken locally on the National Coastal path and recent work alongside Ennerdale Water on the Coast to Coast paths are good examples where little consideration appears to have been given to the local environment, quality of work and real-life use of the paths. 1. The steps on the southbound section of the coastal path from St Bees are visually intrusive and poorly constructed. They have not used local materials; there are gaps between steps; they are of uneven spacing, they are falling down the slope... 2. The footpath from Nethertown Rd in St Bees which links up with the coastal path, which was a perfectly acceptable, has been so poorly constructed that within a few weeks of it being 'improved' large ruts appeared and it had to be re-surfaced...and needs to be again. 3. Around Ennerdale Water, tarmac has been used in what is the most unspoilt valley in the Lake District. It is totally out of keeping and ill thought through. This inclined section of path drops off to one side; its demarcation is hard to see in the dark; and when icy will likely lead to injuries because the natural path has been completely removed. A cyclist travelling down it at moderate speed in could end up in Ennerdale Water itself.
Private Individual	Bicycle User	I'd like to make you aware I regularly use this trail as part of my regular mountain bike route. I lead 3-4 group mountain bike rides utilising this trail. It's also relatively busy with other mountain bikers (and horse riders) due to its handy connections to Uldale and Ennerdale. I'd be disappointed if this was given 'Footpath title' considering it's also a handy trail to skip busy, dangerous roads. - This is of extremely high benefit to Horse riders too.

		
Private Individual	Bicycle User	I and many others have used this as part of Mountain Bike routes for over 20 years, it provides off road access to Dent Woods and links a number of larger loops in West Cumbria with access to/from Ennerdale avoiding the fell road. (included same map as above)
Private Individual	? Horse rider	As publicised by Josh MacAlister and Cumbria Bridleways Society I am writing to propose that the new route is made into a Bridleway rather than a Public footpath. I have rode that route personally over the last 15 years as have a number of friends for many more years than this. I have encouraged them to contact you, I hope they do. I'm sure Bradley's Trekking Centre in the vicinity use this path too, it will be depriving them of a route they can offer. My mam used to work there and it was certainly used in the 1970s and 80s. This path completes a circular route of Flat Fell as well as linking other routes around Heckbarley, Cold Fell and on into Ennerdale. It provides safe, scenic off road riding in the area which is becoming harder and harder to come by. Please can you keep me updated as to the progress, I would be willing to be contacted further on the matter.
Private Individual	Bicycle User	I've just read on social media the plan to make the above path into a public footpath preventing horses and bikes from using it. This would be a terrible loss for users.

		The section concerned is a lovely section of singletrack, which keeps all users away from the Cold Fell road. I've been riding this for perhaps 20 years. It is usually very quiet, but occasionally you meet walkers on it. As it is not steep/fast, walkers, cyclists and horseriders can co-habit without any issues at all. If there are plans to make this a ROW, surely it would be more progressive to make this a bridleway.
Private Individual	Bicycle User	I would like to put forward a couple of points for the consultation on the proposed upgrade to footpath of the Coast to Coast route through Nannycatch Beck. Whilst I welcome the overall scope of the project to improve access and way marking of the route, I'm concerned that the creation of the footpath will change the legal access status for the many cyclists and mountain bikers who use the route on a regular basis. Dent and Uldale have been a popular mountain biking destination for many years, since at least the 1990s. I've personally been riding the area since 2006, when there were already well established routes though the Dent forest and Nannycatch Beck areas. As it currently stands, both the route adjacent to Nannycatch Beck, and the path over Dent summit itself are "legal" to ride on bikes. A quick look at my Strava GPS data shows that, even counting Strava users alone, at least a dozen riders a week ride this section. Presumably there are a great many more riders not on Strava who ride it too. I myself have ridden the Nannycatch Beck trail at least 46 recorded times, and probably as many again unrecorded, in the last 10 years. I would therefore like to propose that a Bridleway designation would perhaps be more appropriate to allow continued legal access. Along the lines of the recent change in status to bridleway along Walla Crag, and proposed bridleway in Seatoller (both parts of the long used Borrowdale Bash MTB rote).
Private individual	Bicycle User	I have recently seen a fb post regarding this path and the proposal to make it a footpath. This alarms me as I am a regular cycle rider of this path. I have regularly ridden this path at least on a monthly basis for over 14 years as it is a part of one of my favourite routes. The off-road path is ideal for mountain biking, is low level so is good in all weathers and keeps me off the often busy coldfell road which, aswell as being a Sellafield commuter route, gets very icey and treacherous in bad weather. The path is wide enough and flat enough such that if I meet a walker, we are able to see and avoid each other. Similarly with any horseriders. The path allows me to make a fully off-road loop from the forestry carpark at Ulldale, around the base of flatfell up to Grike, back down the bridleway at Blakely Moss, into the Lowther forest and back along Flatfell. Loss of the proposed section would ruin this ride. In addition to myself who uses this route regularly, my husband, (Name Redacted), cycling friends (Name Redacted), (Name Redacted), and (Name Redacted), are also regular users. It is not certainly not an unused cycle route. Loss of access to this path would be a terrible loss to me and limit my access to and enjoyment of the fells. It would seem far more sensible to make it a bridleway rather than a footpath.

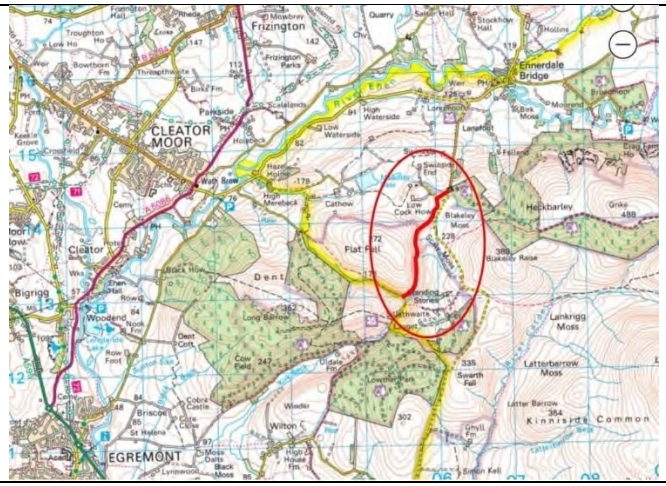
		I hope this daft idea of a footpath can be opposed and scrapped.
Private Individual	Bicycle User/ Horse Rider	Hi I have seen on social media that the path along nannycatch beck on kinniside common has been proposed to change to footpath only. I have use this path for over 20 years, most frequently in the last 10 years with horses and bikes. It would be awful to loose this as there is less and less places off road. Especially with the traffic now on cold fell with sellafield traffic road it's a necessity to get off the road onto much safer bridleways. It also provides great links to the areas allowing safer access. Please let me know the outcome of this as I feel it will affect many users negatively.
Private Individual	Route used by walkers, cyclists and horseriders	I want to express my worry at the proposal to turn the path around flat fell up to cold fell into a footpath, although currently not a right of way it is frequently used by many groups of people including walkers, cyclists and horse riders. The roads are massively over run with cars and forcing people back onto the roads is a massive safety concern. This connecting path opens up routes to Ennerdale that are only accessible via the road and/or this path. Public bridleways around the region are so poorly maintained that the majority are unrideable for cyclists, basically reducing them to a "footpath". So to take one of the better paths to ride away makes no sense. Wild horses also graze around this area I highly doubt they'll adhere to the new rules. I appreciate your time reading this email and hope the path remains open to all.
Private Individual	Supports bridleway	I write in support of Nannycatch Beck being a bridleway. Although I have now retired from riding and driving there is a need. There is more and more traffic on the roads these days and it is such a relief to be free of it. I hope you will support this.
Private Individual	Bicycle User	I’ve been made aware of the proposal by the LDNPA to classify the route running alongside the east side of Flat Fell (Kinniside) in the picture below as a footpath. The route, which I understand does not currently have a right of way classification but has been historically used by cyclists, horse riders & as the designated route for the Coast 2 Coast walk. Under the proposal for the footpath classification would mean that cyclists & horse riders would not have a legal right to use the route & could be subject to prosecution should they do so. To that aim I would like to point out that I have been regularly cycling along that route since at least 1987 to gain access to Cold Fell & Ennerdale from the Nannycatch / Uldale Bridleway & it would make perfect sense to continue by also classifying this route as a bridleway, especially when the only other right of way around Flat Fell to the north is already classified as a footpath so cyclists & horse riders cannot use that route either I hope you give my comments due consideration when submitting the proposals.
Private Individual	Bicycle User / Horse Rider	I have been using the track for over fifteen years to ride my mountain bike with my family. I live close to the track and it provides a safe secure place to ride our bikes as many of the roads locally are unsafe to ride, due to amount of traffic and bad state of repair. The track also links local areas of Egremont, Cleator moor, Cold Fell and Ennerdale, which would be too dangerous to do by road. My 19 yr old son and his friend regularly use the track on their mountain bikes and it gives them the opportunity to avoid riding on the road.

		I have also used the track to ride horses as do many local people. I am opposed to the proposed changes and believe this would be detrimental to the local people of the surrounding area.
Private Individual	Horse Rider	Regularly ride that route (horse back) for the last 45 years! I am 71 and this is one of my main riding routes - where on earth can I ride safely if not there. Lived at Row Farm Cleator from 1978-1984 and rode all round that area and from 1984 to the present date at High Farm, Moresby and my old landrover and trailer and horse are regular visitors to Uldale Bottom, Nannycatch, Flat Fell,Wilton,Haile,Matty Bends, Moss Dalts lonning and all surrounding areas including Nannycatch Beck path. Please,please don't close this lifeline because the roads are death traps for us horse riders.
Private Individual	Bicycle User	This is a beautiful bit of single-track in an area that doesn't have loads of more mellow, family friendly bike trails. I've been riding on this regularly for the last 6 years and have taken my stepson on his bike down it, which he absolutely loved. It would be incredibly sad to see it no longer accepting of mountain bikers.
Private Individual	Horse Rider	I am contacting you about the proposed change to the path that follows Nannycatch Beck on Kinniside Common/Flat Fell area. I have been horse riding along here since I was about 3 years old (so that's 28 years now). My Mum (Name Redacted) used to have a riding school and she has used this path for well over 40 years. We still use this path for horse riding as it is one of our main routes and allows us to avoid the often busy Cold Fell Road (especially during Sellafield rush hour). Changing this to a footpath would force us to have to use the main road, which would be more dangerous.
Private Individual	Bicycle User	Saw the Lake District MTB Group post on Facebook and am emailing in support of the idea of this path becoming a public bridleway. I live at Arlecdon and have owned an e-mountain bike since Oct 11 2016. Since that time there are few "paths" in the Lake District that I have not explored but the Lowther Forest/Nannycatch area is home stamping ground and I regularly, probably about once a month or more all year round for those eight years, have ridden and still ride from either Wath Brow or Cobra Castle up through tracks in Lowther Forest, down to Nannycatch Gate on the public bridleway and up to the Stone Circle via the Nannycatch Beck Coast 2 Coast "path". In all the years my rides have rarely coincided with C2C walkers on the path but I have always given way to walkers and have enjoyed many interesting interactions and chats, especially with foreign C2Cr's. (I backpacked the Coast to Coast route myself in 1981 so it is always good to share experiences with folk.) Encounters with horse riders have very rarely occurred on the Lowther Forest tracks but I don't think I can ever remember a meeting with a horse rider on the Nannycatch Beck path, though I do very occasionally see "evidence"!
Private Individual	Bicycle User	Thanks for bringing the status of this well used track to a wider group, personally I have ridden my mountain bike up and down this track since 2006 when I first started cycling off road. Having moved to the area in 2010 I now ride here most weeks on the way to or from Ennerdale or just the local area. During the warmer months there are always lots of Coast to Coast walkers to chat to as they

		near their first night's stop at Ennerdale Bridge. A good few horse riders as well use the track but not as many as the cyclists and the walkers. This route provides a connecting route to the Heckbarley bridleway and it is possible to link up with the bridleway from Blengdale then Uldale to make excellent days out with very little interaction with the road users. I hope that a legal right of way with bridleway status can be provided for generations to come, particularly with the work associated with the new National Coast to Coast Trail.
Kieran Foster	Cycling UK/BHS National Team	Please accept this response on the above FP creation order consultation as being issued on behalf of both Cycling U.K. and the British Horse Society National teams responsible for engagement with the Coast to Coast NT upgrade programme You may recall that at initial engagement over this section of route, we indicated that although our focus for a long-distance equestrian link through the Lake District NP would lie on a different (more southerly) alignment, we nonetheless believed that there was very significant value in this section of route being open to public for equestrian and cycle use as an addition to the local network, particularly in the way it would link to and supplement the existing bridleway network. At that initial stage, we were of the opinion that although securing BW status might incur additional cost, we cautioned that as this section of route crossed common land owned by the National Trust, horseriding was lawfully permitted on that land under NT Byelaw 12, and that, at the very least we would expect all furniture to be suitable for horses, and that although we may not at that point call for BW status, that without subsequent acceptance of the existence of equestrian access under NT byelaws (rather than by right) and signage explaining this to other users to avoid conflict, and without a guarantee of suitable furniture, then we would be unlikely to support FP status. However, since that time, important additional evidence has now come to light, including in particular extractions from Strava Metro data which show that: Since 1st January 2020, on the southern half of the route (as per your maps) a total of 2405 trips had been recorded by bicycle, by 460 individual strava users. On the northern half of the route 1080 trips had been recorded by 285 individual strava users in the same period. My rough calculation suggests that this is equivalent to about 600 users annually, or about 10% of the number of walkers who reportedly currently enjoy the Coast to Coast route - Clearly, this indicates a fairly substantial level of ongoing cycle use, particularly for a route that is not currently identified as a public right of way at all. Therefore, in light of the relevant legal test for creation (the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area) We would now be calling very strongly for this section of the route to carry Bridleway status, as its value to the cycling community, along with the underlying relevance of existing equestrian use under NT byelaws, has in our opinion been been clearly demonstrated.

Private Individual	Bicycle User	Myself and my friends have been cycling the track on Nanycatch Brow, on the side of Dent for many years. We are very much opposed to the plan to make it a public footpath as this would ban us from using it on our bicycles. It is a significant link between Dent and the tracks in Grike. We have already had success in gaining access over Walla Crag where there was an attempt to block access to gravel and mountain bikes. The main source of data used to support our case was found using Strava data which clearly showed heavy use by mountain bikes. Should you wish to see how many bikes use Nanycatch I would recommend you look on Strava. Then you may reconsider and request a re-designation of the track to a by-way or better still a bridleway. Please would you keep me informed of developments.
Private Individual	Believes route should be a bridleway	I'm contacting you with regard the LDNP proposal to make the section of path shown below into a footpath, there by excluding cyclists and horse riders. I have lived in the Egremont and Cleator are all mt life. I have ridden this section for over 30years and have had no issues when meeting walkers, trail runners or horse riders. I am also a former junior fell running coach and used to run the juniors around flatfell and Ulldale for regular training sessions, again we've had no issues when meeting cyclists on this track. I truly believe this path should be made a bridleway and open to multiple users. To prohibit cyclists and horse riders from this section removes the opportunity to enjoy a beautiful, safe ride through one of the lake districts hidden gems. I hope that LDNPA will reconsider their options with regard to this section of pathway.
Private Individual	Bicycle User	Just writing in regards to the proposed idea to turn the path that runs around the back of flat fell to the cold fell road into a footpath. Me and friends have been riding this path on our mountain bikes on a regular bases for about 16 years. I currently live in Whitehaven but previously Egremont. I have friends that like in Egremont and some in Kirkland. This path is a great way to link up Egremont and Ennerdale/Kirkland on bikes and also access Dent, Lowther and Uldale. I also have two young girls who have just started horse riding lessons at Bradleys farm which the path runs near and I'm sure in the future they would end up using this path for horse riding. If it could be considered that the path is turned into a bridleway rather than a footpath that would be great.
Private Individual	Horse Rider	I've used this route over the last 10 years many times, I used to keep my horse near by and it allowed connections to the Wilton, Uldale and Nannycatch bridleways allowing me to safely ride my horse without the worry of traffic. I have since moved my horses but I do travel to the area quite frequently to enjoy a ride out as it is beautiful scenery and a much enjoyed ride by who ever else I ride out with there. Taking this part out of the connecting routes would mean that as horse and rider we would only be able to safely navigate to the other bridleways at certain times due to the heavy footfall of traffic from Sellafield often using the surrounding back roads. It would be a real shame for us local equestrians if another route was created specific to only walkers to complete the C2C which are mostly not local people. There are plenty of other routes that are safely used by horses and riders, cyclists and walkers to make routes enjoyable for all.
Dorothy Bradley	Riding School Owner	We have lived at low cok how for 68 yrs had a riding school for 53 years and the proposed path will not alow horses on it so we object Also when lord Egremont signed over the common to the national trust it was written in no commoners livley hood had to be interfered with obviously this will interfere with use as we use the path frequently

		NB left voice message and we spoke on 12th, reassured that the creation of the footpath doesn't impact on any rights the commoners have or any rights she may have for her business. Was reassured.
Ian Brodie	Open Spaces Society	Many thanks for consulting the Open Spaces Society on the proposed creations of footpath 407069 and 407055. Whilst we are unable to revisit the site during the consultation period the author of this letter has previously walked a number of routes in this vicinity, helped with the creation of fp 407055, and looked over the general area earlier this year. We note the unsatisfactory use of a minor road which can carry significant and fast traffic volumes for the existing C2C route. We note that some of the route crossed by the creation of both paths crosses over s15 CROW access land. We assume there are no legal hindrances from this status for the creation of the two paths proposed. The OSS is most likely to support these two creation Orders however we would appreciate understanding the proposed legal width of the two paths given the 'pinch' points in the proposed routes. We would also appreciate understanding if all the path furniture would be gates or pedestrian gates. If you have found any relevant information about the s15 land we would of course like to be informed. 2nd Response Many thanks for this information. From what you say we assume the NT are content with the creations. Please note that the OSS support the two fp creations.
Private Individual	Bicycle User	I recently was informed through a member of my cycling club Team XIII that the access to the trail along Nannycatch Beck was going to be designated a footpath. I would like to see this designated as a bridleway, as I have used this as part of a route for mountain biking for several decades. I first started using it back when I started mountain biking in my teens (mid-90s) and lived at Wath Brow. I would often (and still do) ride up and along the northern side of Flat fell, then drop down to Nannycatch Beck and all the way to the gate at Uldale. I have also used it when riding down from Heckbarley, and from the top of Lowther Forest via the trails by Scaly Moss, as this is a great bit of natural riding (despite the road!), and have never had any issues when I've encountered people on foot or horseback. This is the place where I discovered my love of mountain biking, and it would be a great shame to see it's access restricted. With Bradley's horse riding centre situated closely to this trail too, and I'm sure they would appreciate it's continued access. I hope this trail is able to be accessed by all for many years to come.
Private Individual	Horse Rider	I'm responding to a Facebook request for information about historic users of the above path. I can confirm that I rode ponies along the path from 1974 - 1984. It would be very sad to see it go as it is a great traffic free route to get from Egremont to Ennerdale.

		
Private Individual	Horse Rider	I'm 68 years old and live in Seascale. I've had ponies and horses since 1965. As a child my best friend lived at Haile and we would ride up around cold fell. Indeed the West Cumberland Pony Club used to have rides taking groups of kids on ponies for picnics up to Cold Fell in the 1960's and 70's. Matty Benn's Bridge was a favourite. So I have ridden along that Nannycatch Beck path for many years. More recently I've taken up Endurance Riding – it is an equestrian sport under the British Horse Society recognised group Endurance GB **https://www.endurancegb.co.uk/** On 26th May 2007 a ride was organised that went from Florence Mines up thought the forestry in Wilton, over cold fell and back along Nanny Catch Beck. This was a regular annual ride until covid - when the rides were all disrupted and that organiser retired – but it is hoped to be resurrected. As a child I could ride quite safely from Seascale to Bootle – a lot on the beach, lanes but quite a lot on the road. Even as a 10 year old it was safe and I'd even go on my own. It's not like this today. Motorists don't understand horses and are always in a hurry. It can be quite daunting riding even on what you might think were quiet, safe country roads. Many of our bridleways have been lost, many paths destroyed, gates broken and unable to be opened. Me and my friends often go out to clear trees and debris, fix gates etc. to maintain access. Forestry roads are often busy with forestry works and huge machinery. It is vital that the few paths we have left are continued so we can safely ride off the roads.

		I attach a pic of me in taken in 2007 at the cattle grid on cold fell setting off over the fell to return to Florence Mines via Nannycatch Beck path – lots more over the years but it provides some context on the time period I have used it. NB Face obscured for anonymity
Private Individual	Bicycle User	I have mountain biked on it for 25+ years and in my experience horse riders, walkers and mountain bikers have enjoyed it harmoniously. Please use all your effort for this to remain so. It would be massively appreciated by many.
Private Individual	Bicycle User	407055 Scarny Brow & 407069 to Nannycatch As a local to the area I have been riding, often together with friends on both these paths on mountain bikes since around 1990 (30+ yrs) I often meet other people riding both mountain bikes and horses on these paths. Most recently I rode these paths on Monday (9th Dec 2024) I therefore request in the strongest terms that they be recorded as bridleway allowing these activities to continue.

		I should add that these paths are in good condition for these activities with a mostly hard base, well drained and of a width that it is easy to pass people without incident. I can provide evidence of this use in more recent years (10+ yrs) since the advent of Strava and the digital recording of ones routes ridden. I am happy to attend any public meeting or hearing to give this evidence.
Private Individual	Bicycle User	I have recently heard that the path along the back of Flat fell at Cleator is going to be made into a footpath, me and my family have lived at kinniside (Name redacted) for about 14yrs and have always cycled this route with our children since they were small and we still use it on a regular basis as our favourite loop is from our home and around Dent fell as we don't have to ride with traffic and that section is the most scenic part along the stream!! If this was to be made a footpath it would mean our route would lost for us and our future family to cycle from our home and back, that section of path is a very quite and slow section to ride so when you come across walkers or horses it's always a safe and easy place to pass each other. So I don't Believe there is any need to restrict this to just walkers.
Private Individual	Bicycle User	I'm informed LDNPA are considering designating the path I use, running alongside Nannycatch beck (just south of Ennerdale village), to become a public foot path. This note is to help as part of any consultation in this respect. My understanding is that if this happens I might not be allowed to continue my daily cycle route just off the Cold fell road, forcing me to get mixed up in road traffic. I've used this path for over 25 years . I also imagine the horse riders that i see won't be happy either. We've never had any issues getting mixed in with those using the path for walking, to the contrary often stopping to chat, and advice non locals where the route takes them (it gets very sodden at the south end when the beck floods).
Private Individual	Bicycle User	I've recently seen news proposing Nannycatch Beck Kinniside Common/Fell to become a foothpath. Being a local, I regularly ride my mountain bike on this route, and have done for the last 20 or more years, as do lots of other mountain bikers. I've never once had any issues with walkers or the terrain. I'd like to continue riding this bridleway. Please reconsider the proposed plans to turn Nannycatch Beck Kinniside Common/Fell bridleway into foothpath.
The Trails Trust	Requests a Restricted Byway	I'm writing in response to the above access issue. I am a trustee of The Trails Trust. Our charity is dedicated to improving access for all users for quiet enjoyment of the countryside and our rights of way. I do not live in the Lake District, but I do visit when on holidays. By default it is best if rights of way can be classified or upgraded to Restricted By-way status. As you will know, this allows anyone who is riding a bicycle, horse or driving a carriage to use the way, in addition to walkers. Where this status is not available, perhaps due to steep gradients, lack of width of the path etc, then the next best option is for it to be Bridleway. Only as a

		last resort should the path be classified merely as 'Footpath' as this puts legal limits on the range of users. So with this in mind I'm asking if you will consider making this a bridleway at the very least, if R. Byway status is not possible.
Private Individual	Bicycle User	I've seen the article about the re-classification of the route through Nannycatch and Uldale. I and my large group of Mountain biking friends are disappointed to see this being considered for downgrading to a Footpath. Below is a screenshot from Strava showing the publicly available hotspot information for this route. As you can see it's showing as quite hot (bright purple) indicating it's a very popular cycle route. It's hard to tell the number of times it's been ridden due to the sheer number lines!. (I live locally and I've been riding this since the early 90's!). This route is a popular link from Cleator/Egremont/Wilton over to Ennerdale and beyond. Without being able to 'legally' use this, we'd be forced to use the road – and I doubt many will anyway. I urge you to reconsider reclassification
Private Individual	Bicycle User	Just responding to the news of plans to make the Nanycatch Beck track a footpath. I have been using this route on the mountain bike frequently for a good number of years. It links two important bridleways between Flat Fell and Blakeley Moss areas. Keeping us off the busy fell road. It also allows passage over the fell between Ennerdale Bridge and Egremont, again which I use regularly as a commuting route.
Private Individual	Bicycle User	I came across a request for details of how this path is used. I live in Whitehaven and it's an off road cycle route that I have been using for the 14 years that I have lived here. It's important as it means that I have a safe and enjoyable route away from the main roads to do a loop back from Egremont to Cleator moor or even making quality all offroad riding utilising the bike trails of Lowther park or Dent forests. It's a pleasure to use this section of path over the years I have a couple of photos from 2018 attached.
Robert Bailey, on behalf of the Cycle Mayor of Cumbria	Bicycle User	I have used this route by bicycle since 1988, always with good interaction with Bradley's horses, walkers, farmers and Coast to Coasters, this is already the "coast to coast" route and I believe as common land requires nothing but signage? My Strava personally shows over 300 traverses of the route, given I have used it for many years pre Strava and a lot more frequently when younger, that number will be nearer 1000, and that's just me. There's over 700 cyclists on Strava having used this route. The only issue is the suicide sheep. This idea is filed under the ridiculous and failure to engage with the correct stake holders. The argument and challenge to do the right thing here is strong and can be a good example for a diverse way of thinking on development of routes going forwards. Please search this matter on social media, there are many posts. Additionally please note I represent the Cycle Mayor of Cumbria (Richard Ingham) for this area and we have not been consulted. Therefore I request all development of this new "National Trail" is paused until all stake holders and user groups have been consulted, that includes the British Horse Society, Cycling UK, British Cycling and the representatives of the Cycle Mayor of Cumbria. There will be others, it is clear that the research on development of this route has been poor or non existent. Failure to paise and consult appropriately, and to continue with making this a footpath only, may result in unnecessary conflict whilst travelling this route between users, where for the last 36 years there has been none.

		I explore you to not tick government agency boxes but to do the right thing for the people of this country that use this land responsibly.
Private Individual	Knowledge of cycling and horseriding	Please do not change the use of this path to footpath only. This is a regularly used cycle and horse back path.
Josh MacAlister MP		Forwarding a constituent's concerns
Rob Bailey	Representative of Bicycle Mayor Cumbria	We are contacting you on behalf of local cyclists and equestrians and members of Cumbria Bridleway Society, North Lancashire Bridleway Society, The Trail Trust and the local Facebook user groups of Bicycle Mayor of Cumbria, Gravelicious in Cumbria, Ride Cumbria and Ride Lakes, Dales & Morecambe Bay. Firstly, we would like to say that it is refreshing to have a local MP who takes an interest in outdoor access, and we appreciate your updates on local outdoor access projects. You recently shared an update on social media about the Coast-to-Coast National Trail and the proposal to make the Nannycatch Beck section a public footpath. We are sure that you will have seen the many comments on Facebook about this path and the fact that large numbers of people have ridden it (on bike and horseback) for decades. It is clear from the posts people really do cherish and have a long-term connection with the Nannycatch Beck path and want to continue to ride it. If this path is made a public footpath, then legally cyclists and horse riders would not be allowed on the path, and this is causing great concern. The Nannycatch Beck path is just one section of the Coast-to-Coast path within your constituency that is being proposed to be made a public footpath as part of the National Trail project. There are four other sections being similarly proposed are listed further down this email which we are also concerned about. These paths are currently being used by horse riders and cyclists or could be used with no or minimal expense and we believe that they should be designated as public bridleways and not public footpaths. We have set out our reasons below why we believe that public bridleway status is the correct legal status for these paths, and we are asking for your support to achieve this. 1.The paths are being created as public rights of way to ensure the long-term sustainability of the Coast-to-Coast National Trail. The legislation which created National Trails (previously known as long distance paths) is the National Parks and Countryside Act 1949. S51 of the Act states long distance paths are 'for use on foot, or on horseback or on a bicycle'. The Hobhouse report of 1949 states 'We also attach importance to the provision of long-distance paths and bridleways in and between National Parks and Conservation Areas. There should be continuous routes which will enable walkers and riders to travel the length and breadth of the Parks, moving as little as possible on the motor roads'. Hansard (HC Deb 17 July 1969 vol 787 cc184-5W) "The Countryside Commission is currently bringing forward proposals under the National Parks and Access to the Countryside Act, 1949, for the establishment of long-distance routes for my right hon. Friend's approval. These routes are intended for extensive journeys on foot, on horseback or on bicycle; but parts of them will by their physical nature be unsuitable for bicycling".

		The legislation which created National Trails and the intention of parliament is clear; that National Trails should be for horse riders and cyclists as well as for walkers and we therefore believe, where possible, the Coast to Coast route should be of bridleway status but especially on sections of the trail that are currently being ridden or could be ridden, with little or no additional expenditure. 2.Prior to the formal approval of the proposal of the Coast to Coast path as a National Trail (see Natural England document NE777 National Trail Proposal for the Coast to Coast Path - NE777) neither the British Horse Society nor Cycling UK were consulted (several other user organisations were). We believe that this omission has resulted in the fact that current local equestrian and cycling use (and potential future use) of certain sections of the Coast to Coast path were not fully understood, appreciated or taken into account before the status of each section of the route was decided and published in the proposal. The Nannycatch Beck section of the route is a good example of this. The publicity from the recent consultation proposing it to be a public footpath has resulted in a large number of people commenting on Facebook that they ride the path. This is backed up by Strava evidence (which does not have the facility of registering as a horse rider, meaning horse riding activity is unrecorded) which shows cycling use of the path. The attached document shows screen shots from Strava heatmaps with the Coast-to-Coast route shown by orange dashes. There is clear evidence from Strava that the entire Coast to Coast path along the railway line to Cleator over Blackhow Lonning, Dent Fell, Uldale public bridleway to Nannycatch Beck is used by cyclists. 3.Now that the Coast-to-Coast National Trail proposal (NE777) has been approved and published there is a requirement for the Order Making Authorities (LDNPA and Cumberland Council) to make the necessary Public Path Agreements/Orders in a timely manner as set out in the proposal. Public Path Agreements are made between the OMA and landowner, there is no public consultation involved and no opportunity to object once they are made. Consequently, if a section of the route is made a public footpath by agreement, there is no mechanism open to horse riders, cyclists or other members of the public to challenge the agreement. If the landowner, for whatever reason, is happy to agree to a public footpath but not bridleway then it is likely that the OMA will proceed with the agreement for a footpath, despite the fact that this section of the route is currently being ridden or could be ridden and which would link in with other bridleways and take horse riders and cyclists off the busy roads around Cleator. 4.The press release issue by the Government at the time of the Coast to Coast National Trail approval includes a quote from Marian Spain, Chief Executive of Natural England stating the Coast to Coast National Trail 'will be the first National Trail where delivery of social and economic benefits for users and communities will be built in from the start. One established the Coast-to-Coast National Trail will allow many different types of users, with a range of abilities and backgrounds to connect with nature on this iconic walking route whilst also bringing about the benefits of tourism and other business to communities along the trail. Those who live nearby but may not currently access the countryside on their doorsteps will also have a chance to use the Trail for local and longer circular walks'. The actual reality for local horse riders and cyclists is that they will not benefit from the designation of the path as a National Trail and in some places, they will be worse off, being legally prevented from riding on routes that they have used for decades. Surely this cannot be the intention. 5.The proposal document NE777 also includes a 'Realising the benefits' section (sec 8) which summarises the conclusions of a 'Wider Benefits' report commissioned by the Yorkshire Dales National Park **https://www.yorkshiredales.org.uk/things-to-do/get-outdoors/walking/long-distance/coast-to-coast/**). The conclusions in the YDNPA report include: - • Improving accessibility with the help of local access groups.

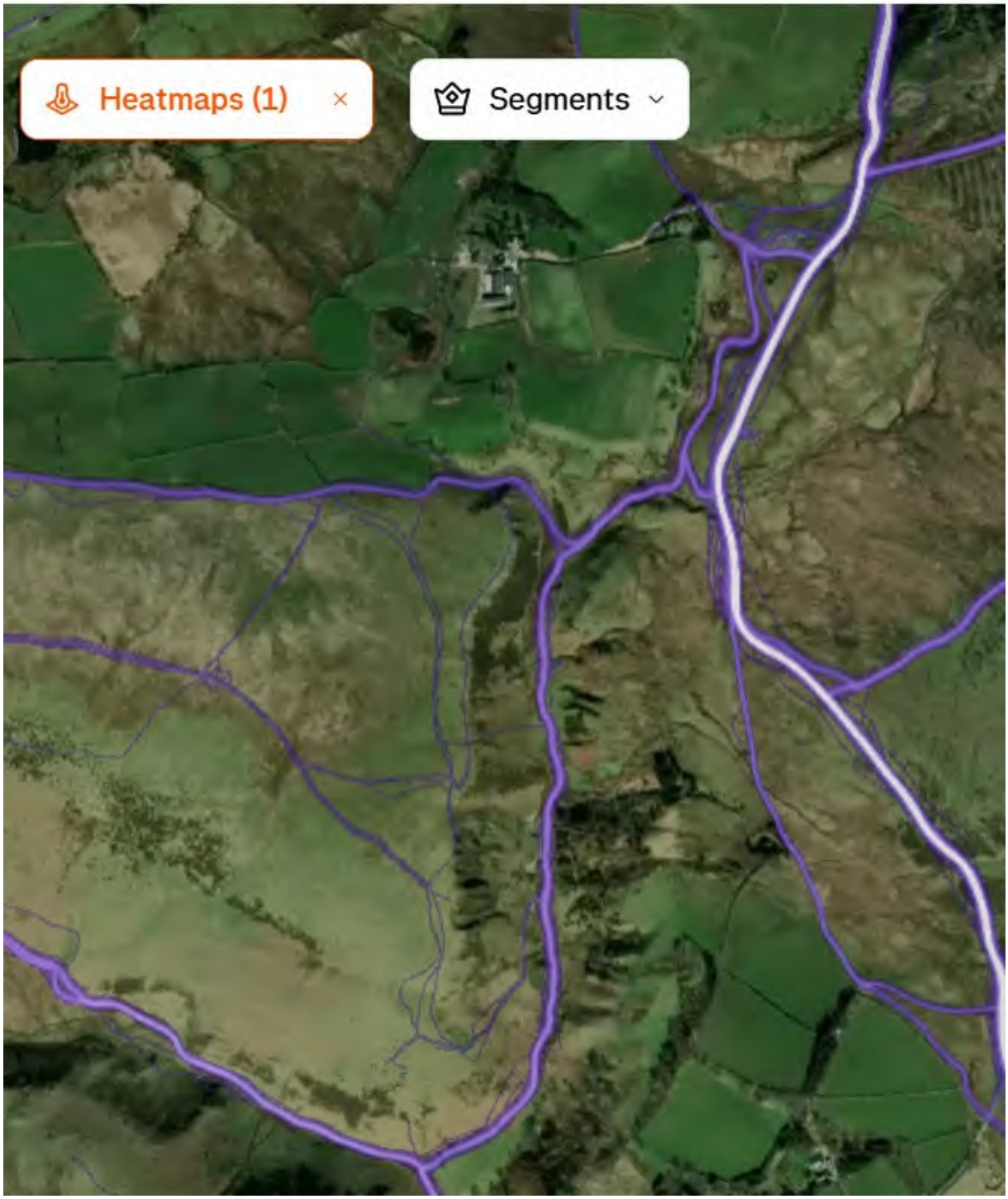
		• Multi-use. Focusing on ways to maximise access for those with limited mobility, horse riders and cyclists, with the primary objective to investigate and identify opportunities to make the Coast-to-Coast National Trail available to as many people as possible. • Developing Circular paths. To make more of the route for short day or part day circular walks/rides. Section 8.3 of NE777 says that the Realising the Benefits study has identified a six-year program of work and at section 8.5 'If the national trail proposal is approved, we would assess in detail the longer-term proposals for realising the benefits as part of the three year creation work'. If Natural England, Cumberland Council and the LDNPA want to 'realise the benefits', why are they not making the paths public bridleways from the outset? Creating bridleways from the outset would be cost effect and deliver immediately on the accessibility, multi-use and developing circular paths 'benefits' which in turn would have a knock-on effect of bringing more people into the area to enjoy the countryside of West Cumbria. Once these paths have been confirmed as public footpaths, we are sceptical that they will be upgraded to bridleway at some point in the future. We base this scepticism on the fact that they could be made bridleways now but aren't, why spend additional time and money upgrading them in the future when it could be done as part of the initial National Trail creation? Horse riders and cyclists are still waiting for NE and Cumberland Council to complete the Pennine Bridleway National Trail in Cumbria. The Pennine Bridleway was opened over 20 years ago but the northern extension in Cumbria has still not been created (and neither has a 5-mile gap in Glossop). We have seen no evidence of either NE or Cumberland Council working on this and suspect that the Pennine Bridleway will never get completed, why would a future upgrade to the Coast-to-Coast be any different? Apart from Nannycatch Beck path the other sections of the Coast-to-Coast path which we believe should be public bridleways are; - The tarmac lane from Sandwith towards St Bees Lighthouse and along Hannahmoor Lane. Cumberland Council have already made a Footpath Public Path Order for this route. Cumbria Bridleways Society, the BHS and Cycling UK have objected to this Order on the basis that this route is ridden and there is some historical evidence that it carries higher rights than use on foot. A section of the National Cycle Network running over the disused railway line between Moor Row and Cleator, currently used by walkers, cyclists and horse riders. The proposal for this section is that is made subject to a Cycle Track Order (a Cycle Track Order gives public access to walkers and cyclists only and not horse riders). Why are horse riders not being given the same level of public access as walkers and cyclists over a route they currently ride, and which keeps them off the busy roads around Cleator? Blackhow Lonning leading from Cleator to Blackhow Farm. Cumberland Council have already made a Footpath Public Path Order for this route. The BHS and Cycling UK have objected to this Order on the basis that this route is ridden and there is some historical evidence that it carries higher rights than use on foot. Blackhow Woods/Dent Fell/Uldale Plantation- This section is being proposed as a public footpath despite over 2/3rd of the route being on forest tracks. Apart from a short stretch on the top of Dent Fell the remaining third of the route is on grass over hard ground. Natural England are proposing to carry out surface work to the wet section of the top of Dent Fell, which will improve this short section of the path for all users. We believe that there is no valid reason why this section should not be a public bridleway. As a regular user of bridleways throughout the Lake District you will know that this route is far better (in terms of suitability) than lots of

		other popular bridleways where walkers, mountain bikers and cyclists happily co-exist. This section of the Coast-to-Coast path would also provide a link between Cleator and Uldale public bridleway keeping horses and cyclists off the narrow road at Blackhow Farm and Nannycatch Road. There is also evidence from Strava that this route is ridden. A Land Registry check has identified that some of the land on this section of the trail belongs to SoS for EFRA, c/o Forestry Commission. This land is therefore in the ownership of the taxpayer and as taxpayers we believe that if it is to be made a PROW then it should be available for all to use and not just walkers. We attach two rough plans which show how each of these sections link in with each other and the wider NCN (which horse riders as well as cyclists are using). It is clear from these plans that creating these routes as public bridleways would connect a large number of people in the wider West Cumbrian area and deliver the wider benefits that the National Trail status designation is aiming to achieve. We also attach photos of each section of the Coast-to-Coast Trail listed above. We would be happy to meet you in person to discuss this matter further and we would be grateful to receive your thoughts on this matter in due course. Please do not hesitate to get in touch if you would like any more information on the above or on any other outdoor access matter.
Hannah Gardner	Cumbria Bridleways Society	Thank you for having a consultation on the above. I am responding on behalf of Cumbria Bridleway Society. Following this information we have informed our members via our social media site. We have found that this route is well used by both horse riders and cyclists with use going back to the 1980's. Our Committee has also done a site visit (photos attached) and found the route to be very suitable for all users and strava heatmaps (as attached) also shows the route is well used by cyclists (note Strava do not include horse riding as an outdoor activity). The Nannycatch Beck route is connected to Bridleway 407016 and you can see how over time why this route has also been used by more than just walkers. This route is clearly an important link for local horse riders and cyclists and means that circler routes can be completed and importantly it gets all Vulnerable Road Users of nearby busy road. Please take this email as formal objection to this public footpath creation and extension and we would urge the LDNPA to look to making this route a bridleway meaning the route would be of benefit to all and reflect current use. We are happy to go to any site meetings or help in any way to move this forward and hope that this matter can resolved swiftly.
Private Individual	Bicycle User	I understand that the LDNPA are seeking comments or information on the path along Nannycatch Beck in Kinniside, with a view to re-classifying it as a public footpath for the Coast to Coast trail. As a horse rider, I rode out of the stables at Low Cock How, once a week for eight years (before having to leave Cumbria for work). Most of those times we rode along this very path, at the start of numerous and varied circuits used by the riding centre. It avoids the car laden 'fell road' above which, despite its curving, narrow width and open countryside, is a rat run for over-eager

		speeding commuters (between Calder Bridge and Ennerdale). This road could be a challenge just to cross safely with horses, never mind ride along for any distance. My understanding is that horses have been riding out of these stables and along the Nannycatch path since before Alfred Wainwright even conceived the Coast to Coast walk, and continue to do so still. As rights of access seem to be determined by established use, one could say that preserving this right of way for horses takes precedence over any Coast to Coasters! They also ride out throughout the year, in all weathers, whereas the C2C walkers tend to be just seasonal. We often would meet walkers along the path while riding, shared a friendly chat (in typical West Cumbrian fashion!) and helped them find their way. As a keen hiker as well, a more defined C2C trail does sound a great thing. Whilst it may mean walkers are less likely to need directions from passing horse riders, I know that all walks (especially long ones) are always made better by variety or little surprises. Sharing a path with passing horse riders always seemed a curious, and not unwelcome, distraction for Coast to Coasters. There's room and necessity for both walkers and riders along this path, without the exclusion of either. If it is to be reclassified, only a bridleway looks to achieve this.
Private Individual	Bicycle User	I am writing to lodge my disapproval for your proposed changes to the route along Nannycatch Beck on Kinniside Common to a footpath. My husband and I ride this regularly on our mountainbikes and the route itself is a safe traffic free route for us to get exercise while riding our bikes from our home in Frizington without having to transport our bikes by car elsewhere to ride, helping the environment and our wallets. From here we can go to Cold Fell, up to Grike using the Bridleway or along Cold Fell to Lowther Forest, or Uldale Bridleway. I do not understand your desire to change this into a footpath, it is used by the horses at Bradley's Farm and I believe we should be more like Scotland where they have no public footpath signs as walkers, cyclists and horseriders all have the right to be on any path. There is enough room for everyone. This route has been shared by users for years without incident. Any good mountainbiker is courteous to other users. Please keep me updated on the plans for this route.
Private Individual	Bicycle User	Can you please get the proposals to exclude cyclist, and horse riders from the area at Nannycatch Beck reconsidered/eliminated ASAP. The exclusion of any group choosing to exercise in a safe and little used part of West Cumbria seems very much at odds with the local community that largely use this area.

		I have lived in this area for over 30 years, and regularly ride my mountain bike up this route, as has my wife, my children, and numerous friends. This without exclusion has not caused a solitary problem with all types of other route users of all shapes and sizes so why is there a sudden desire to place unnecessary restrictions to suit a selfish minority of people? The lake district is a key area in this beautiful part of the UK and does not need an influx of rule making zealots that are seemingly out to deny people from all walks of life the access to enjoyment. It goes without saying that this would be a difficult situation to police if the wrong decision was ultimately taken in favour of a footpath so I am not sure this will truly achieve anything other than a storm in a teacup. I hope common sense, and continued free access to ALL members of society are the final conclusion in this pointless exercise.
Private Individual	Bicycle User	With regards to the above, I have been riding this route for years. It's my main path to get up onto the cold fell road before I either set off down Ennerdale or head up iron crag to visit the crashed 1950s jet on the side of iron crag. Perfectly good path suitable for walkers and cyclists. I really don't understand whtmy the LDNPA have to keep sticking there oar into things that have worked harmoniously for years.
Private Individual	Bicycle User	just to let you know me and my husband and numerous friends use this route frequently on our mountain bikes. I have used this route for 30 years without issue or concern. Removing the right of way for cyclists would have a great detriment to local mountain bikers. We use this route to access cold fell, ennerdale, flat fell and the lowtherpark area ect. It does not make sense to stop access, as this route has been used for years why should it change now! This is a safe local area for off road cycling and as a woman this is important to me. Without this route I would have to cycle on the road which is not as appealing to me. This route allows me to enjoy nature and the outdoors from my doorstep without the need for a car. Locals need this to stay open. Please feel free to forward onto Cumbria bridal-ways society. I couldn’t find an email address.
Private Individual	Bicycle User	Just seen a disappointing post regarding making the route in between flat fell and nannycatch a footpath. This route has been used for decades by my family for biking… access through uldale to Egremont and also towards Ennerdale, and vice versa depending on the many routes this leg links up to. So anyway I won’t go on… the post said to email yourself with comments regarding this. There’s currently 8 members of my family use this route and would like to continue to do this…
Private Individual	Bicycle User	I’m writing to express my concerns regarding the proposal to change the path from Uldale bottom up Nanycatch to Cold Fell to a public footpath. This would mean that cyclists and horse riders would not be legally allowed to use this route anymore. I have cycled this route for 40 years and it links egremont with Ennerdale over a lovely off road route. I believe this should remain a bridleway allowing use by cyclists and horse riders alike. We have an issue in the lake district where walkers and so called friends of the Lake District get priority over other interests. For instance, enduro motorcycling is a popular legitimate sport but the authorities do not give anywhere for the bikes to be ridden and then they wonder why the fells get ripped up.

		A huge he portion of the green lanes were closed down because of complaints from walkers. Totally unfair to people who like green landing. Now this is proposed in Uldale yet again giving priority to walkers over other pass times. Please leave this path as a bridleway and if any other proposals arise, please think of other sports and pass-times and not just walkers.
Private Individual	Bicycle User	Myself and my family have ridden bikes along this path for more than 20 years. We wish to continue to use this safe path on our bikes. It is a safe off road route to continue towards Ennerdale from the bridleway coming from the Nannycatch Road and the one coming from Uldale. If this is made a footpath cyclists and horse riders would have to go on the dangerous Cold Fell road which can be very busy with fast moving Sellafield traffic. The road from Cleator to Ennerdale is also dangerous. So there is a need for this path to be made a Bridleway for cyclists, horse riders and walkers to continue to enjoy this safe off road path.
Private Individual	Bicycle User	I've read about the plans to designate the track from Nannycatch gate up to Bradleys riding centre at Low Cock How as a footpath. I've been riding my bike on that path since moving to Cleator Moor in 2005. I was introduced to this path, as well as others in the area, by a group of keen local cyclists, including one of my work colleges. I now live up at (Name Redacted), above Ennerdale bridge, and use the track as part of my route home from work in Cleator Moor most days. I know it is used by many other cyclists, and is the only direct route from Nannycatch gate towards Ennerdale. It would be a huge shame if it was officially closed to bikes. It would seem to me that a designation as a bridleway, linking the existing bridleways from Cleator Moor (via Nannycatch road) and Egremont (via Uldale), would make a lot more sense, and would keep the cycle network to Ennerdale village and lake intact, while also minimising the need to cycle on the alternative narrow winding roads to Ennerdale. It also seems wholly appropriate for it to be designated as a bridleway, given the frequency of use by horse riders, including the trekking centre at Bradleys. I hope this is helpful to you, and received in the constructive manner it is intended.
Private Individual	Bicycle User	I'm concerned over plans I've heard to convert this path to a public footpath. I regularly use this route on my bike as a safe and interesting route between Ennerdale and Egremont and have done so for many years, originally with my children and now with friends. It's a superb route and is very popular with cyclists, walkers and horse riders who all share the route without any conflicts that I have witnessed. I don't believe that this change is necessary and if it goes ahead is likely to introduce conflicts between users.
Local Access Forum	Statutory Consultee	Coast to Coast National Trail – Creation of Public Footpath 407069 at Nannycatch Beck, Ennerdale & Kinniside Parish

		The Cumbria and Lake District Joint Local Access Forum (C&LJLAF) welcomes the opportunity to contribute to this consultation on the above proposal. We regard this as an improvement to the route and progress to upgrading it to National Trail status. This route was visited by the author on 12 January. The proposed creation will offer walkers the option of easily avoiding the road and access the attraction of the small gorges by Nannycatch and below Scarny Brow. It is noted that the majority of this land is a common, the proposed route is already used by many walkers and significantly by the neighbouring Bradley Riding Centre for horse riding. Mountain bikers also have been using it regularly. On the other hand trail bikes appear to be using the common higher ground (and cutting up the surface). We would normally be arguing for the highest access status possible in rights of way creations. The long term use of these routes by horses and mountain bikes does raise the question of a bridleway creation and we understand that this may already have been suggested by cyclists. However, the restricted width in particular makes this inappropriate. The C&LJLAF supports the creation of this footpath and recognises the benefits from the proposed improvements to coast to coast walkers. In addition we support the proposal to re-align the National Trail to the created route.
Private Individual	Horse Rider	Please find below my comments regarding the Coast to Coast Nannycatch Beck footpath consultation :- 1. National Trails were created for use by horse riders and cyclists as well as walkers so the starting point for any path creation, as part of the Coast to Coast National Trail, should be bridleway status. 2. In recent Coast to Coast consultation correspondence the LDNPA stated that it was policy ‘to make the network as accessible to as many users as possible’’. Creating a footpath does not comply with this policy. 3. This path is currently being used, and has been used for many years, by horse riders and cyclists and I therefore respectfully request that a public bridleway should be created. 4. Horse riders and cyclists will continue to use this path regardless of the public right of way status so if it is designated a footpath this could lead to conflict between the different user groups because walkers will not be expecting to meet horse riders and cyclists on the route. 5. The Nannycatch Beck path links in to two public bridleways and will improve and increase the bridleway network in this area. 6. If the reason why the LDNPA is only proposing footpath status is because the landowner will not agree to bridleway status then I respectfully request that the LDNPA make a creation order for bridleway status as the need for a bridleway has been demonstrated by the large numbers of people who have commented on social media (and hopefully responded to this consultation) that they ride and cycle the path.
Private Individual	Bicycle User	I hear there are proposals to designate the Nannycatch Beck Path as a foot path. I have ridden bikes along it since I moved to Cumbria in 2006. It connects Ennerdale Bride / Cold Fell areas into Lowther Park and Dent and is one of my favourite local trails. I have also seen horse riders, other bikers and walkers using it.

Annex 5
Strava Heatmap