

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).

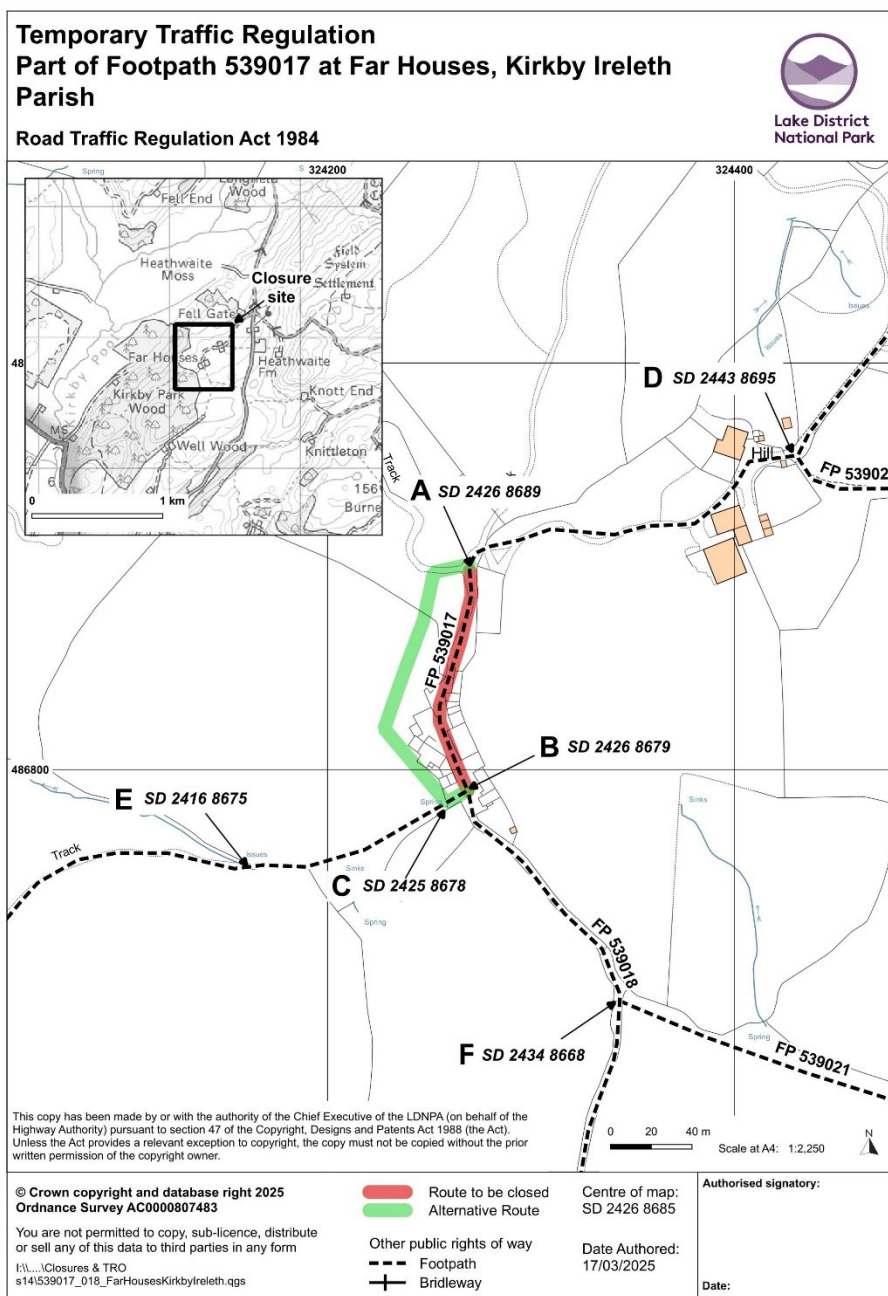
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 539017, FAR HOUSES, KIRKBY IRELETH PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by 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.</p>	
Background	We have received an application from Natural England for a temporary closure of part of footpath 539017 at Far Houses, a deserted farmstead, to enable repair works to be carried out to combat deterioration of the structures and prevent them becoming unsafe. A suitable alternative route will be available during the works around the perimeter of the farmstead.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for the section of footpath 539017 shown between points A and B on the plan within this report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making the order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (279)	
Date of Report	18 March 2025	
Authorising officer	Ranger Team Leaders' Meeting – 7 April 2025	

TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 539017, FAR HOUSES, KIRKBY IRELETH PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over a section of footpath 539017 at the Far Houses deserted farmstead to enable structural repair works to be carried out safely and efficiently.

Recommendation: *That we issue a Temporary Traffic Regulation Order for the section of footpath 539017 shown between points A and B on the plan within this report.*



Map 1: Location Plan

2 Details of Request

- 2.1 Natural England (NE) have submitted an application for a temporary closure of part of footpath 539017 at Far Houses, a deserted farmstead near Grizebeck. Far Houses is not designated as a Scheduled Monument, or recorded in the Historic Environment Record. However, it is recognised as a valuable historic site and considered a 'non-designated heritage asset'. Photos of the site have been included in Annex 1.
- 2.2 The walls and other features of the abandoned buildings are becoming increasingly fragile and dilapidated and the traditional slatestone walls are crumbling and bulging in places. Following recent assessment by NE and the LDNPA's Historic and Built Environment Advisors it was concluded that extensive repairs are required to make the structures safe and prevent them from falling further into disrepair.
- 2.3 NE intend to undertake works to remove sycamore trees which are affecting the building remains, carry out structural repairs to prevent further collapses, and to partially dismantle isolated parts of the structures where necessary. Whilst underway these works will obstruct part of footpath 539017 which passes through the farmstead, on the section shown in red between points A and B on the plan. It is anticipated that the proposed works will begin in May 2025. Although an Order may last up to six months, it is expected that the works will only take around four months, and the closure would cease to be in effect once they are complete and the path reinstated. An order may also be extended with the authorisation of the Secretary of State, though it appears unlikely this will be necessary.
- 2.4 The trees will need to be removed precisely to prevent any further damage to the walls, and whilst removal works are underway there would be times where it would not be possible to safely cease work to allow users to pass. A telehandler (2.44 metres wide) will be used to collect and remove materials during the works – given the width of the path between the structures at the site (as little as 3 metres at the northern end of the farmstead) there will be insufficient space for users to pass the machine safely when in use. Some of the works will need to be undertaken from scaffolding which will also obstruct the path, the risk of debris falling from height and instability of the walls are additional factors which could present a risk to users if the path were to remain open during the works.
- 2.5 Given these hazards, the obstruction of the footpath and the difficulties with maintaining public access through the site during the works (and impact on efficiency if access were maintained) it appears expedient to temporarily suspend public access through the farmstead during the works.
- 2.6 During the closure an alternative route would be available through fields around the western perimeter of the site (shown in green between points A-C-B on the plan). Signage would be erected whilst the closure is in effect at either end of the closure and on the approaches (points D, E and F). Fencing / cordoning will be used at point B to guide users around the corner and through the gate at point C. Retaining access to this section will mean that some views of the historic features of the site will remain available during the works. The alternative route then takes users through two fields (via one further gate) and rejoins the footpath at point A.

- 2.7 Once the works are complete the path surface will need to be reinstated to its prior condition. We have also identified from our rights of way management system that the field gate at the northern end of the farmstead buildings was reported to have dropped, and the surrounding ground to have become boggy, when last inspected by one of our volunteer surveyors in November 2024 – we will therefore ask Natural England to seek to address these issues during their works as well.

3 Policy Context

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

4 Options

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

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 and 8. A closure of the affected section of footpath will enable necessary works to be undertaken to prevent the structures deteriorating further or becoming unsafe. During the works there will be significant hazards present, and the path will be obstructed, a closure therefore appears expedient. A suitable alternative route will be available.

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 costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. Natural England (the applicant) have confirmed they will meet these costs.

8 Risk

- 8.1 The major risk associated with this is if we do not make an order. As detailed in section 2.4 there would be significant hazards for users if access were not restricted and there is no practical way of mitigating these effectively whilst the works are underway other than offering an alternative route. If the works are not undertaken the site is likely to fall further into disrepair and may become unsafe, which may necessitate a closure of the footpath due to the likelihood of danger to the public.

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 Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

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

11 Sustainability

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

12 Consultation Responses


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

Consultee	Comment	LDNPA Response
LDNPA World Heritage Coordinator	I have looked in the nomination document and GIS layers for WHS and there is nothing which would be affected by the diversion works. Therefore no comment to make.	
Westmorland and Furness Council Countryside Access Team	No objections.	
Open Spaces Society	<p>Thanks for this and, from a couple of decades ago, I know the site and have used the footpaths on several occasions. We are unsure as to why NE have become involved in such a matter but we do recognise the interest of this site. We note that vehicle access to the site might also affect users of the PROW but this should not be a significant issue.</p> <p>The OSS are pleased you are providing a bypass route for the duration of the closure and as such we can only support the proposed works. The footpaths were used in a walks book (Walks in Furness and the Duddon- I think, published by Dalesman) but long, long ago out of print.</p>	Confirmed that Natural England are the landowner at Far Houses.
LARA representative	I've no specific comments on the proposals other than to say that the temporary closures would appear necessary in the circumstance you details. And to congratulate Nick on such a wonderful pair of photos. I expect / hope that he took many more so that even if / when nature takes over the place again, which, no matter what may done today is perhaps inevitable eventually, there will be a great record of what was there. The things we can't place on record of course is the sound (and smells) of the animals that were once housed in the building and the sound of children and others playing and working in the settlement.	

<p>Local Access Forum</p>	<p>LAF Recommendation - That the diversion should be approved by the LAF. with the observation that there needs to be an explanation of how the linking of the diversion and the existing path will be achieved at the south end of the property where there appear to be at least one wall, and a derelict paddock to be crossed between A (SD 2427 8677) – C (SD 2425 8678)</p> <p>LAF Report - The farmhouse and buildings are in a very derelict and dangerous state, and the only alternative would be to permanently divert the path, or raze them, which would be a pity as they are historically interesting. I cannot imagine however that the path is much used, so the diversion whilst work is completed is unlikely to cause much inconvenience. My only point, as per the recommendation, is that it is very unclear as to how the diversion and path will rejoin at the south and one questions if, with care the existing C (SD 2425 8678) – B (SD 2426 8679) – C (SD 2427 8677) could continue to be used by what will probably be very, very few walkers.</p>	<p>Confirmed with Natural England that the alternative shown on the consultation plan cutting straight across a paddock was not the intended route, and that the alternative route will follow the A-C-B route, with some fencing / cordoning at point B to guide users around the 'inside' of the corner at a safe distance from the works</p>
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13 Summary and Recommendations

- 13.1 I recommend that we make a TTRO prohibiting the public from using the affected section of footpath. This will allow NE to carry out the required works to preserve this site and prevent it becoming unsafe in an efficient manner without causing a risk to the public. Practically the footpath will be obstructed during the works. A suitable alternative route will be made available.

Authorised by:


 Ranger Team Leader
 Date: 7 April 2025

Background Papers	Case file 1410.003 (279)
Author:	William Hinchliffe, Rights of Way Officer
Date Written:	18 March 2025
Version	Final

Annex 1: Site Photos

Facing east toward gate at point C



Facing north along footpath through farmstead from close to point B



