

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, FOOTPATH 220050, DALEGARTH / HASSNESS, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE 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 exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders, and for Traffic Regulation Notices sub-delegated to the Senior Rights of Way Officer.</p> <p>Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by 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.</p>	
Background	In May 2025 a large rock fell onto the popular lakeshore path below Dalegarth / Hassness. In September we issued a Notice (subsequently extended by a second Notice) closing the affected section of the footpath as the owners could not guarantee the safety of the rockface. The owner arranged an interim survey of the rockface and the surveyor has recommended a full survey and scaling. Contractors have commenced rock scaling works to mitigate the risk – but these are only anticipated to be completed beyond the expiry of the original Notice.	
Details of Decision	<i>That we issue a 5-day Temporary Traffic Regulation Notice for works for the affected section of footpath 220050</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice • Converting the current Notice (due to likelihood of danger) to an Order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Will Hinchliffe, Rights of Way Officer	

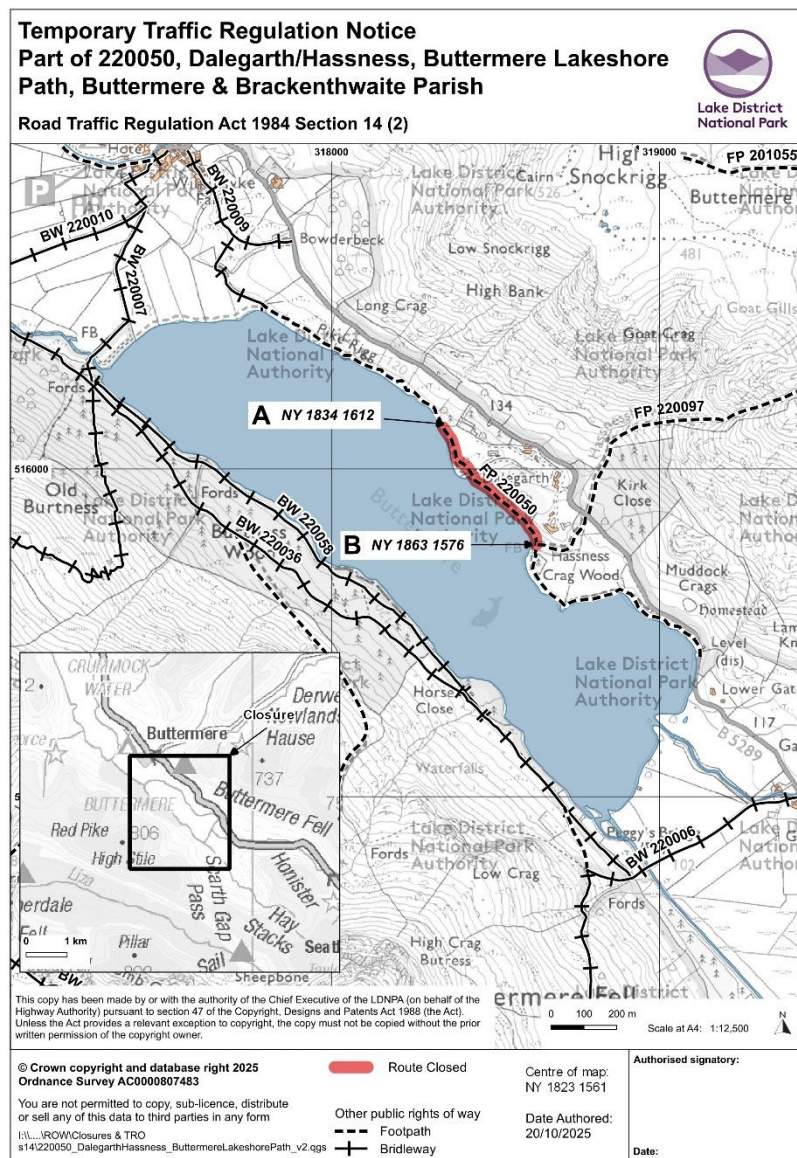
Background Papers	Case file 1410.003 (289)
Date of Report	20 October 2025
Authorising officer	Head of Ranger Service

TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 220050, DALEGARTH / HASSNESS, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH

1 Summary

1.1 This report recommends we issue a Notice temporarily prohibiting all traffic over part of footpath 220050 to enable scaling works to mitigate the risk of rockfall resulting from potentially unstable rock upslope of the footpath

Recommendations: a) we issue a Temporary Traffic Regulation Notice for the affected section A-B of footpath 220050;



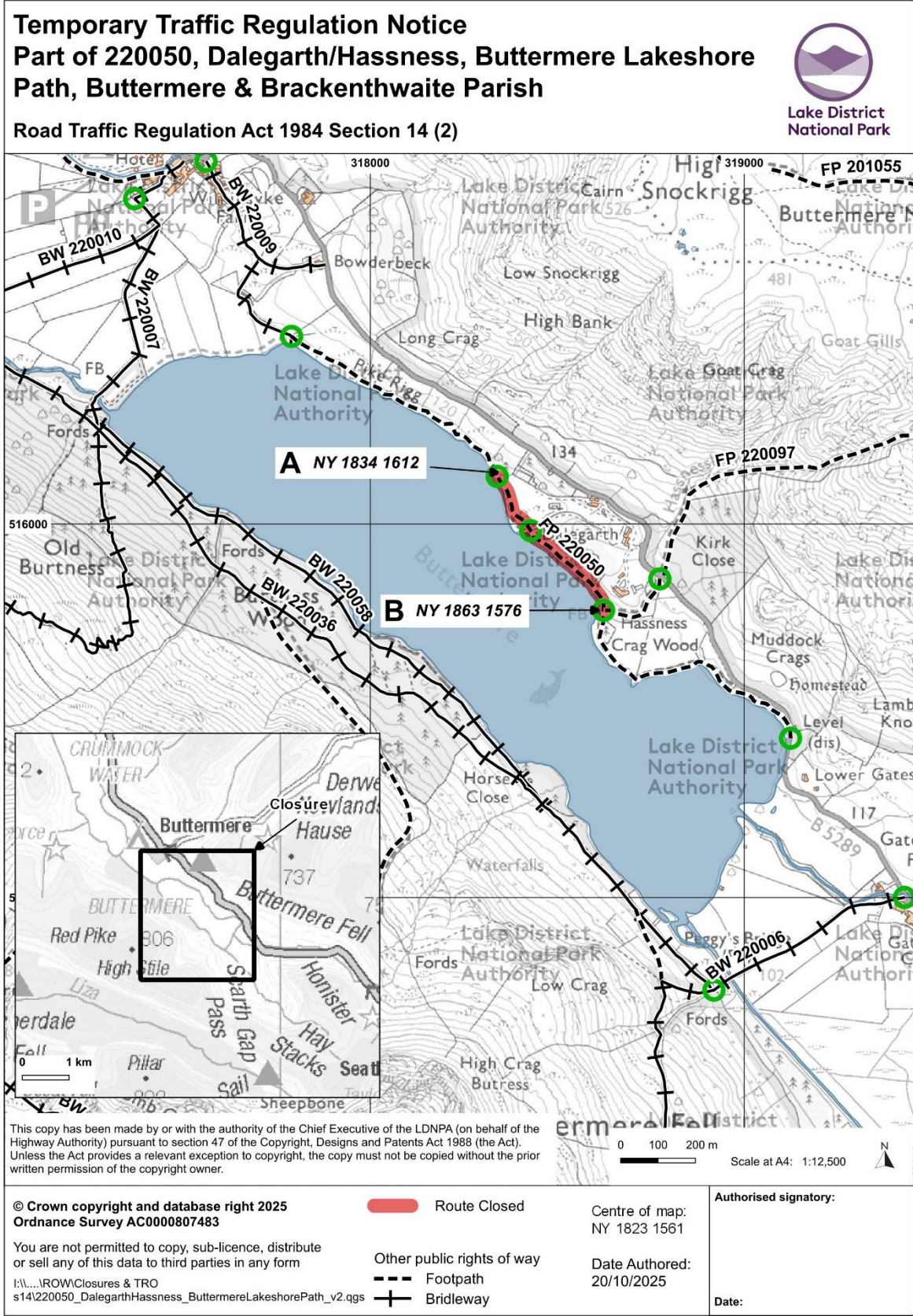
2 Details of Request

- 2.1 In May 2025 a large rock fell onto the popular lakeshore path below Dalegarth / Hassness. In September the owner commissioned an interim survey of the rockface and the surveyor recommended a full survey and scaling. As they could not guarantee the safety of the rockface, the owners requested that the path be closed until this full survey and scaling had been carried out. We issued a (21-day) temporary closure Notice due to the likelihood of danger to the public and subsequently issued a second Notice extending this for a further 21-day period.
- 2.2 The owner's contractors have now begun scaling works to remove potentially unstable rock upslope of the path – they anticipate eventually removing around 20 tons of rock. The owner has also arranged for an assessment by a Geotechnical Engineer. The Engineer has confirmed that it appears the rockfall which occurred was due to 'root-jacking' of the rock by trees. They have identified a remaining large slab of rock (approximately 4 x 1.5 x 1.5m) which is sited on a steep plane and with a very dilated open joint at the back which presents a significant rock fall hazard to the path. They have recommended that until the unstable rock is removed the path is kept closed.
- 2.3 It is possible that in the process of removing the unstable rock damage will be sustained to the path surface. If this does occur the owner will be responsible for reinstating / repairing the surface, they are aware of this requirement.
- 2.4 The owner's rock scaling contractors are preparing plans to remove the remaining loose rock (including the large slab – which will require specialist equipment), but this is expected to take until Friday 24 October to be completed, and the current Notice expires on 21 October. They are also planning to undertake tree works in coming months to reduce the risk from further root-jacking of the rock – but do not envisage these necessitating further closure(s) of the footpath.
- 2.5 There is no suitable alternative route through the landholding or which could be agreed through the grounds of the neighbouring properties. This means that if walkers wish to continue around the lake without retracing their steps, they will have to use the Buttermere to Gatesgarth road. We will therefore ensure that signs are erected at various points around the lake, such as at the beginnings of the lakeshore path, in the car parks and so on. This will bring the issue to the attention of walkers, who will then be able to decide whether to proceed on the road, or choose a different walk. Signage locations are overleaf.
- 2.6 The owners (supplemented by updates from the Authority's own volunteers) have highlighted that there have been issues with walkers not paying heed to the closure and continuing through the site. The contractors intend to erect Heras fencing to prevent this, and are providing banks persons whilst scaling works are underway. To further discourage use of the closed path the owners have asked us to consider increasing the extent of the closure to a point further northwest along the shore where there is a kissing gate which could provide a clear point at which access could be restricted. They believe reaching the closure earlier along the path will lead to fewer users attempting to proceed through the site having got so far along the lakeshore.

- 2.7 To enable these works to be carried out safely it appears expedient to issue a Notice for works to enable the remaining rock scaling to be undertaken safely and efficiently. Alternatively, we could convert the current Notice to an Order – but as the primary purpose of further extending this closure is to enable the works to mitigate the risk of rockfall, and these are expected to be completed within the 5-day timescale of a Notice for works, it appears more appropriate in my view to issue a Notice rather than convert the closure to an Order. This will also enable us to implement the change to the extent of the closure requested by the owner.

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.



Suggested Signage Locations

4 Options

4.1 The options are to:

- a) Issue a Notice for works
- b) Do not issue a Notice
- c) Converting the current Notice (due to likelihood of danger) to an Order

5 Proposal

5.1 I recommend option 4.1a for the reasons set out in section 2.

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 notices and orders, but we are the best placed organisation to do this.
- c) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

7.1 The standard costs of a temporary closure Notice are approximately £340 (which covers staff-time, stationery and postage). The landowners will be meeting all these costs.

8 Risk

8.1 The main risk associated with this is if we do not make a Notice or Order. If a closure does not remain in effect there will be a risk to footpath users from rockfall. This risk will be most significant whilst scaling works are underway – it would be extremely dangerous to allow users to continue to utilise the footpath whilst rock is being actively dislodged upslope by contractors.

8.2 A secondary risk is reputational. This is a popular path with no suitable alternative other than the road and we have been made aware that some users have continued to walk along the closed section despite the closure notices and fencing erected to discourage its use. Clearly some users have been of the view that the closure was superfluous. However, now that works are actually being undertaken scaling unstable rock it appears likely that most reasonable users would be understanding of the need for the closure.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) and 14(2) of the Road Traffic Regulation Act 1984; namely because works are being or are proposed to be executed on or near the road. Such a Notice can last for 5 days.
- 9.2 It is not possible to issue a third Notice extending a closure because of the likelihood of danger to the public. It would only be possible to further extend the closure on the same grounds by converting the Notice to an Order. However, the Department for Transport (on behalf of the Secretary of State) have previously provided us advice that it is acceptable to issue a new Notice immediately replacing the current Notice on its expiry providing that the new Notice is for a different reason / ground.
- 9.3 The Head of Ranger Service has delegated powers to authorise the making of Notices and 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 to the Senior Rights of Way Officer.

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 much of it has already been undertaken.

11 Sustainability

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

12 Consultation

- 12.1 There is no requirement to consult upon issuing a Notice. We will notify the usual interested bodies and individuals including Cumberland Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups.

13 Summary and Recommendations

- 13.1 The landowner has identified a likelihood of danger to the public from potential rockfalls that they consider cannot be mitigated until a full survey and rock scaling has taken place, and this is scheduled for mid-October 2025.
- 13.2 The Head of Ranger Service has considered the matter, and has consulted our legal services team. The recommendation is to issue a Notice now, as a precautionary matter, then carry out a risk assessment to see if the notice can be removed and the path re-opened. And if not – to issue a second Notice reassess the matter after the full survey and scaling has taken place.

Background Papers Case file 1410.003 (289)
Author: Will Hinchliffe, Rights of Way Officer
Date Written: 20 October 2025

Version Final

Authorised by:



Steve Gaskell, Head of Ranger Service

Date: 20 October 2025