

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).

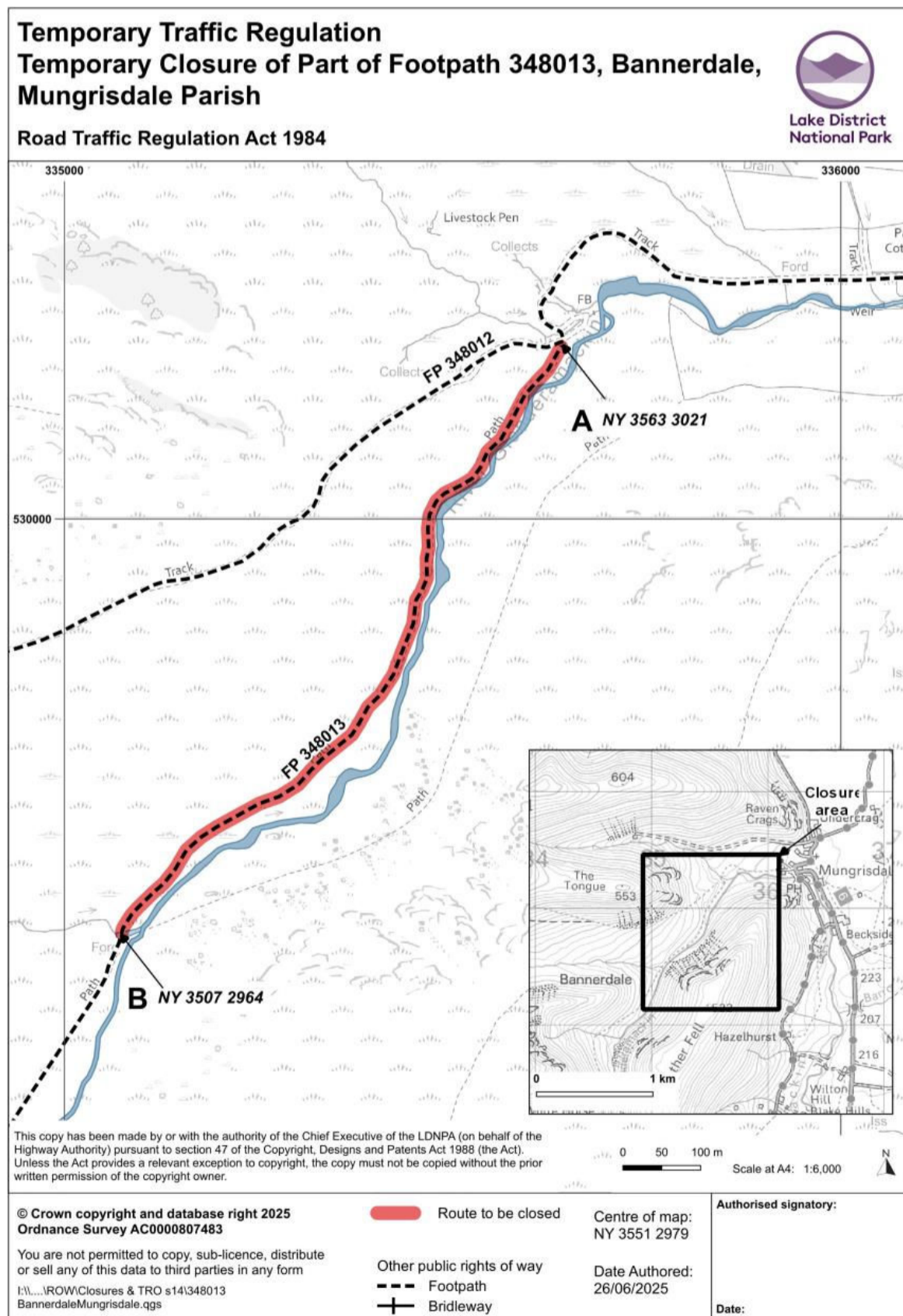
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 348013, BANNERDALE, MUNGRISDALE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters</p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by 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	A section of footpath 348013 along the River Glenderamackin has been affected by erosion for some time, this has now become so severe that we are concerned there is a likelihood of danger to the public. This report considers whether a temporary closure is necessary. The footpath is surrounded by access land, alternative routes are possible over this.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the affected section of footpath 348013 and that subsequently we convert this to a six-month Order.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice • Issuing a Notice but not converting it to an Order 	
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 (282)	
Date of Report	25 June 2025	
Authorising officer	Ranger Team Leader	

TEMPORARY TRAFFIC REGULATION NOTICE FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 348013, BANNERDALE, MUNGRISDALE PARISH

1 Summary

1.1 This report recommends we issue a Notice temporarily prohibiting all traffic over part of footpath 348013 due to the likelihood of danger to the public resulting from erosion of the path. Due to the expected need to close the footpath for more than 21 days, a conversion of the Notice into an Order is also recommended.

Recommendations:	<p>a) <i>That we issue a Temporary Traffic Regulation Notice for the affected section of footpath 348013</i></p> <p>b) <i>That we subsequently convert this to a six-month Order when it expires.</i></p>
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Map 1: Location Plan

2 Details of Request

- 2.1 Footpath 348013 runs from its junction with footpath 348012 west of Mungrisdale southwest up Bannerdale alongside the River Glenderamackin and then northwest to Mungrisdale Common. The location of this path immediately alongside the upper reaches of a very active river mean it has long been subject to erosion and washout. A number of issues have been reported and recorded in our rights of way management systems over the years relating to this (including in 2000, 2010, 2013 and 2015). The footpath and river are within the Skiddaw Group SSSI and Lake District High Fells SAC.
- 2.2 Over the last year we have undertaken several visits to inspect a section of the footpath immediately beside the river (atop the riverbank) for approximately 250 metres to the southwest of point A on the plan. On the outside of the river's meanders erosion of the riverbank and landslips have cut or washed away the surface of the footpath. In places it is possible to descend from the bank and walk on the riverbed when it is not in spate. It is also possible in places to clamber up and around where the main trod has been eroded.
- 2.3 However, at a couple of points (see Annex 1 photos) the immediate alternatives are limited, and the erosion has now reduced the trod to a very narrow width (less than a foot), above a significant drop to the riverbed. Although the hazard is fairly readily visible, there is the risk of unforeseen landslips of the path surface beneath users, or users slipping or tripping (mountain rescue were recently called out to just such an incident, where a walker slipped and hit their head). Our Area Ranger undertook a site visit on 17 June 2025 and their view is that the path has now become so narrow that there is a likelihood of danger if it remains in use.
- 2.4 Usually, we would close only the length of footpath which we consider to actually be a danger to the public. However, in this case there is a concern that users who had set off along the footpath between points A and B may put their better judgement to one side when reaching the more hazardous sections and attempt to continue rather than retrace their steps to find an easier alternative route (a 'sunk cost fallacy'). For this reason I am of the view that we should close the whole section between footpath 438012 and the bridge / ford over Bannerdale Beck – to discourage users from attempting to use the eroded footpath.
- 2.5 Physically preventing use of this footpath is challenging due to the open nature of the land. We had already put up signage on this footpath to make the public aware of the erosion issues, but a closure will allow our Ranger team to add physical barriers (most likely post and rail fencing) where practical to discourage its use.
- 2.6 Alternative routes are possible over the surrounding access land, though all may involve steep gradients, rough ground and high bracken. There are a couple of

(relatively ephemeral) tracks which could be used linking with footpath 348012, including one recently used by vehicles involved with installing a bridge over Bannerdale Beck near point B. Due to the need to close this footpath as soon as reasonably possible I recommend that the first Notice only states that alternatives are possible using the surrounding access land, but that when the site notices relating to this are erected, we also inspect the possible alternative options so we can sign and indicate the route we recommend if we convert the Notice to an Order (or issue a second Notice).

- 2.7 Unfortunately it is likely that it will take some time to resolve the erosion issues on this footpath, even if possible. To create a sustainable route on the definitive line would likely require significant ‘hard’ engineering works, and this would likely be undesirable from a flood risk perspective. We have already been considering the alternative options, including the potential for a Diversion Order altering the route of the footpath. We will be continuing to assess and consult on the options for this – primarily seeking to identify a route which satisfies the legislative tests for diversion and does not negatively impact on the nature / ecology of the site. Whatever solution we arrive at, any resulting Public Path Order (or engineered path) is likely to take some time, almost certainly more than six months, and it is likely we will have to apply to the Secretary of State for an extension of the temporary closure Order, if made.
- 2.8 Notices informing users of the closure will be displayed at the ends of the closed section of the footpath (replacing the current signage), and where appropriate on other approaching rights of way. The Ranger team will also consider other signage needed to make the public aware of the easiest to use alternative.

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 a Notice and subsequently convert this to an Order when it expires
 - b) Do not issue a Notice
 - c) Issuing a Notice but not converting it to an Order

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in section 2. The erosion of the footpath has reached a point where there appears a likelihood of danger if it

continues to be used. Regrettably, it therefore appears necessary to make a closure for the purpose of public safety. It is extremely unlikely we could resolve this within the period of a 21-day closure Notice (or even a second Notice – which could give us a total of 42 days). I therefore recommend that we issue a Notice, and within that 21-day period convert the Notice to an Order (which may last up to six months, and may be extended by the Secretary of State). We will continue to look at the options to resolve the right of way being affected by erosion – whether through works on the existing footpath or diverting this to a new route.

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 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 costs of a temporary closure Notice are approximately £340 (which covers staff-time, stationery and postage). An Order costs approximately £1,060, plus the cost of advertising notices (for conversion of a Notice to an Order only one advert is necessary). There will be some efficiencies from converting a Notice to an Order. Given that this is a public safety issue, I consider that it is appropriate that we meet these costs.

8 Risk

- 8.1 The major risk associated with this is if we do not make an order, due to the likelihood of danger to the public (as detailed in Section 2).
- 8.2 Although closing rights of way is never desirable or popular with the public, I consider the reputational risk to be far higher if we do not close this footpath, due to the likelihood of danger. There is some risk that this footpath will have to remain closed for some time, however, the longer-term options for this footpath were already under consideration (see Section 2.7).

9 Legal Considerations

9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(b) and 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, and can be renewed for a further 21 days. Section 15.8(b) allows a Notice issued under section 14(2) to be converted into an Order.

- 9.2 The Head of Strategy & 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 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 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, or when converting a Notice to an Order. We will notify the usual interested bodies and individuals including Westmorland and Furness Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups. If significant issues are raised we could reconsider whether to convert the Notice to an Order, or issue another Notice (to allow a further 21 days to consider the options).

13 Summary and Recommendations

- 13.1 There now appears to be a likelihood of danger resulting from the erosion of this footpath, it therefore appears necessary to issue a closure Notice. It will not be possible to resolve the issue within the timeframe of a Notice, I therefore recommend that we also convert this to an Order prior to the expiry of the initial 21-day Notice. This will reduce the likelihood of danger to the public and enable us to undertake further consideration and consultation on the long-term options for this footpath.

Authorised by:



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Ranger Team Leader

Date: 26 June 2025

Background Papers Case file 1410.003 (282)
Author: William Hinchliffe, Rights of Way Officer
Date Written: 25 June 2025
Version Final

Annex 1 – Photos of affected section of footpath 348013

Photo of eroded footpath taken 17 June 2025



Photos taken of erosion on 27 June 2024

