

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).

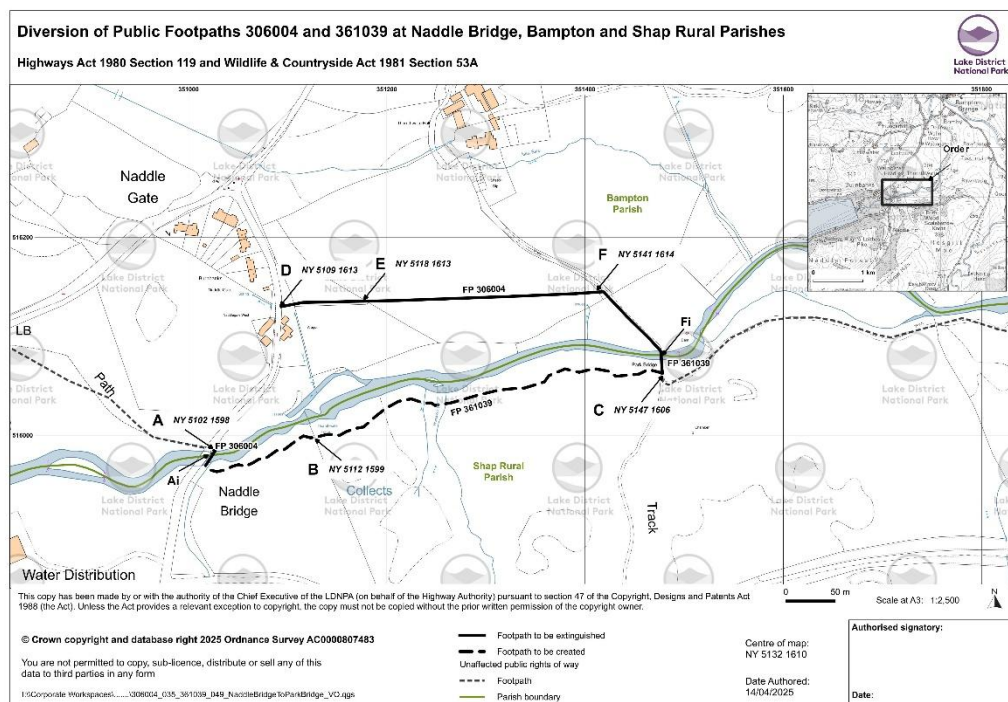
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	Coast-to-Coast Path National Trail – Public Footpaths 306004 Bampton Parish and 361039 Shap Rural Parish	
Relevant section of Scheme of Delegation	This specific decision has been delegated to the Head of Strategy & Ranger Service by the Rights of Way Committee during their meeting in April 2025	
Background	This concerns a Public Path Order needed to ensure that Wainwright’s Coast to Coast National Trail follows a legal Public Right of Way for its entire length. The Order has been made, and a representation, that is not an objection, has been made – and the body making the representation has asked that it be considered by the Head of Service.	
Details of Decision	We confirm the diversion order made following the committee approval in April 2025.	
Details of alternative options considered and rejected.	The alternative is to not make the Orders and re-open the definitive lines – or one of the other alternatives in the initial committee report.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Nick Thorne, Senior Rights of Way Officer	
Background Papers	Case file 1412.361.04	
Date of Report	2 July 2025	
Authorising officer	Hanna Latty, Head of Service	
Date	7 July 2025	

Coast-to-Coast Path National Trail – Public Footpaths 306004 Bampton Parish and 361039 Shap Rural Parish

Summary

- 1 In April 2025, the Rights of Way Committee agreed to make an order diverting footpaths near Naddle Bridge, Bampton to accommodate the Coast-to-Coast Path. They included the following within their decision:
 - Members agreed to delegate to the Head of Strategy and Ranger Service the decision as to whether to submit the order(s) to the Secretary of State for confirmation if objections along the lines of those already expressed are received and not withdrawn;
 - Members agreed that we would return the matter to Committee if objections containing new matters of substance are received and not withdrawn.
- 2 We have received representations from the Open Spaces Society. To a large degree they replicate, and expand considerably, on the pre-order comments they made. The expansion goes into other matters that were also generally discussed within the Committee Report. They have specifically stated that their representation is not an objection – but wish them to be considered. In my view the sum of their representation falls into the first bullet point above – and fall to be considered by the Head of Service.

Recommendation: *We confirm the diversion order made following the committee approval in April 2025.*



Discussion regarding the representations

- 3 The April 2025 Committee Report and associated papers are online (on our committee pages) and attached. The map relating to the representation is above.
- 4 The full exchange with the Open Spaces Society (OSS) is at Annex 1, and is fairly self-explanatory in its reasoning and outcomes.
- 5 To summarise – the OSS considers that the loss of DEFC (see map) means:
 - a loss of convenience for the residents of Burnbanks / Naddle Gate and other low-level walkers, including those accessing open access land
 - it could also reduce the protection afforded to the packhorse bridge at Point C
- 6 If the first point is agreed with, then this would fail the test of the termination point of the new right of way (A) having to be ‘substantially as convenient as the current termination point (D)’ – and the Order could not be confirmed.
- 7 In our responses to the OSS we set out why we consider that this test is met, and that there will not be a noticeable loss of convenience. I shall not repeat it all within this report – as I consider that it is best read as a flowing discussion in the Annexes.
- 8 There is one legal issue – which is that the legislation says that unwithdrawn representations or objections are required to be submitted to the Planning Inspectorate if we wish to seek confirmation. However, there is no definition of a representation, or what the difference is between a representation and objection, or any distinction in how they will be treated. We have consulted the Planning Inspectorate on this point – and they have replied that it is for us to determine whether something is a representation, and if we confirm an order ourselves that may have a representation outstanding, then the party concerned could potentially apply to the Courts on the grounds that we did not follow due process.
- 9 I have raised this with the Open Spaces Society, as they have specifically stated that they are not objecting – and I have double-checked with them that they are happy for this to be dealt with by the Head of Service making the decision as to whether to confirm the order after taking their concerns into account.
- 10 The other options open to us are:
 - a. Abandon this part of the order on the basis that the Head of Service agrees with the points made by the Open Spaces Society;
 - b. Submit the order to the Secretary of State and request determination.

Background Papers:	Case file 1412.361.04
Author/Post:	Nick Thorne, Senior Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	2 July 2025

Comments by Head of Service

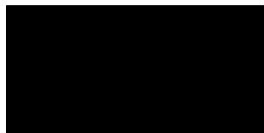
Having considered the rationale for the order and given careful attention to the views and concerns of the OSS, I agree with the recommendation to confirm the order. In consideration of this, I am comfortable that the OSS have clearly identified that their representation is not an objection, that the legal test is met as there will not be a noticeable loss of convenience and, that the concerns the OSS raise do not outweigh the benefits of the order.

I have considered OSS’s concern about the traditional packhorse bridge which is not listed and this topic was also covered in the Committee report . The LDNPA team have explore the likelihood of the bridge securing a listing however, our specialists believe it is unlikely to achieve listing. The LDNPA have not identified any repairs being required on the bridge. The purpose of this bridge, as a farm bridge providing access will remain, and the landowner is responsible for its repair and replacement. Whilst I accept that if the bridge is no longer a highway bridge, the potential for the LDNPA to work with the landowner to try and maintain the traditional pack horse bridge would be lost, there would be no legal requirement for LDNPA to provide a like for like replacement if the bridge ever did need to be replaced and, importantly, the diversion will result in the other packhorse bridge (which is listed) having a public footpath over it. Thus, affording it the additional hypothetical protection.

Decision by Head of Service

Approved.

Authorised by:



Hanna Latty, Head of Strategy & Ranger Service

Date...7 July 2025.....

ANNEX 1

-----Original Message-----

From: Ian Brodie <[REDACTED]>

Sent: 19 May 2025 10:19

To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>

Cc: Charlotte Kimber <charlotte.kimber@lakedistrict.gov.uk>; Jo Willmott

<Jo.Willmott@lakedistrict.gov.uk>; Lucy McKean <[REDACTED]>; Will Hinchliffe

<Will.Hinchliffe@lakedistrict.gov.uk>; Helen Clayton <[REDACTED]>

Subject: Re: Consultation on Potential Diversion of Public Footpaths – Naddle Bridge / Park Bridge / High Park Buildings, Bampton & Shap Rural Parishes

Dear Nick

Again many thanks for involving the Open Spaces Society on these proposed changes to the PROW network in Bampton and Shap Rural parishes in conjunction with works associated with the Coast to Coast national trail. We have spent some time examining the issues raised and are now in a position to finalise our comments.

1. Whilst supporting the work being undertaken on making appropriate adjustments to the PROW network to better accommodate a route for the C2C we are hugely disappointed that the LDNPA does not appear to have fully considered the full impact of changes with these Orders on users, other than C2C walkers, on the local PROW network. In this particular case the loss of route D-E-F-C negates against residents of Burbank's and other low-level footpath walkers avoiding some unpleasant road walking and potentially will lead to the loss of the historic bridge by point C through no longer having a purpose and subsequent neglect. The path mentioned here also gives some additional access to the edge of s15 CROW access land around Burbanks which will, under your proposals, again involve more road walking. [This s15 CROW land and, like many hectares of land within the LDNP, is not depicted on OS maps but will be found on MAGIC.]

2. Naturally we are disappointed that no evidence of qualifying use of the proposed path A-B-C emerged during your extensive inquiries given that we are aware of some use being made in the early 1980s. However, this use was not documented and would not form material evidence to assist you.

3. The OSS have carefully considered the requirements of s119(6) and we find that our case may not be sufficiently strong to meet these tests. Reluctantly we therefore will not be objecting to this Order.

4. We would request that you pass this letter to the Inspector and, should there be any valid objections to the Order, also ask we be keep informed of any Inquiry so that we might attend.

Best wishes

Ian

On 20 May 2025, at 13:20, Nick Thorne <Nick.Thorne@lakedistrict.gov.uk> wrote:

Dear Ian / OSS

Thank you for your email, and for the consideration you have given the matter.

I'm a little puzzled by the sum of your response. You mention at point 3 that you will not be objecting to the Order. But at point 4 you ask us to pass your letter to the Inspector. We don't normally submit Orders to the Secretary of State / Planning Inspectorate unless there is an objection outstanding, as we have the power to confirm 'unopposed orders'. However, Schedule 6 (2)(1) states that we cannot confirm an order that has outstanding 'duly made representations and objections.....that are not withdrawn'. We don't normally get 'representations' that aren't actual objections - but it would seem as though if a representation is made that is not an objection – we will be nonetheless obliged to forward the matter to the Secretary of State for determination – even though it is 'unopposed'.

So, can I clarify what your actual intentions are here please? Are you indeed making a formal representation that isn't an actual objection – with the intention that you wish an Inspector to determine the matter before confirmation of the order? If so, what's the distinction you see between making a formal representation that you wish an Inspector to determine, and making a formal objection on the same grounds? That is – if you consider that your case may not be strong enough to defeat the diversion order, what is it that you are anticipating the Inspector will be considering? The same process will have to be followed, and the same extensive amount of work and public expense undertaken – so I'm wondering what it is you are actually anticipating happens next?

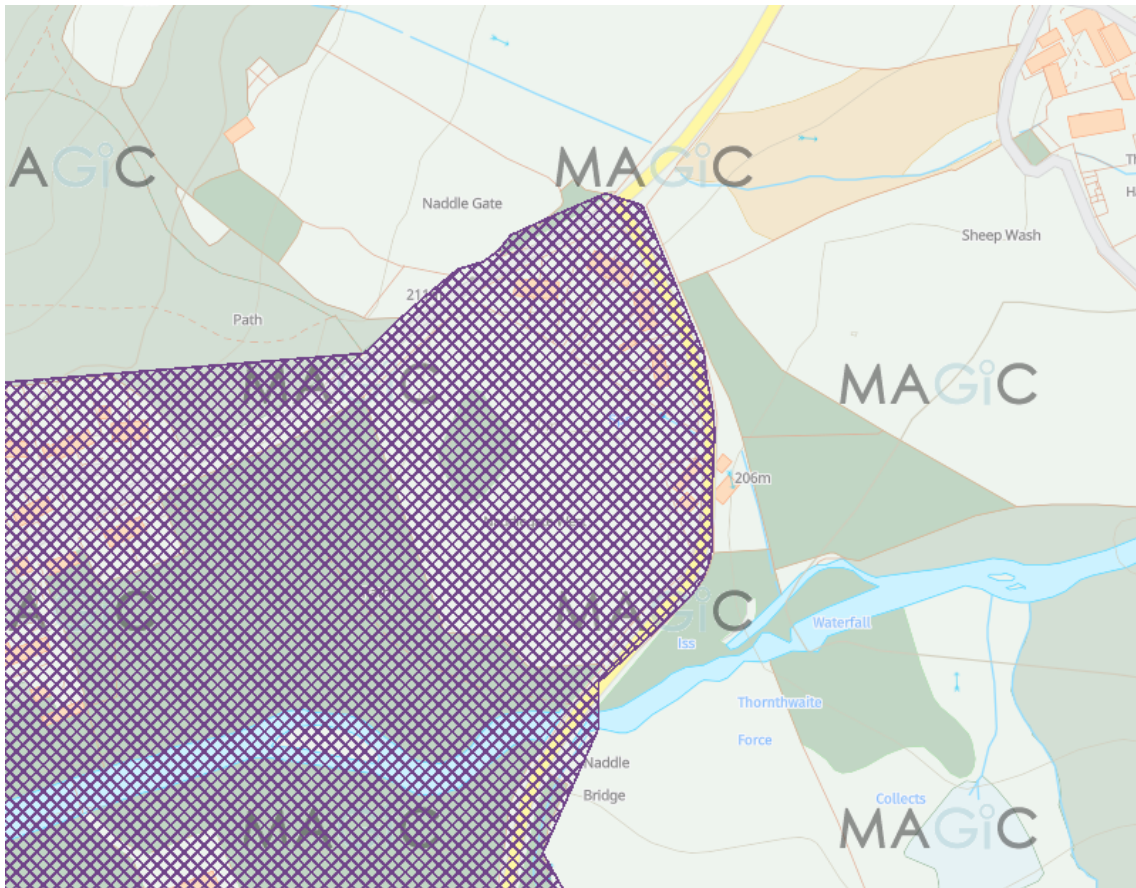
With regard to your final point, if a valid objection is received – then yes, we will certainly include your letter and views in the documentation that goes to the Planning Inspectorate.

Just on the actual representation you have made – we did in fact contact all the residents of Burnbanks and Naddle Gate; who are the residents you are effectively referring to. None have contacted us to say they are unhappy with the proposal, and indeed the only one(s) who have been in touch basically said they prefer the proposed route anyway. The Members of the committee visited the site and looked at all this – so I think it a little unfair to say that the LDNPA has not fully considered this aspect.

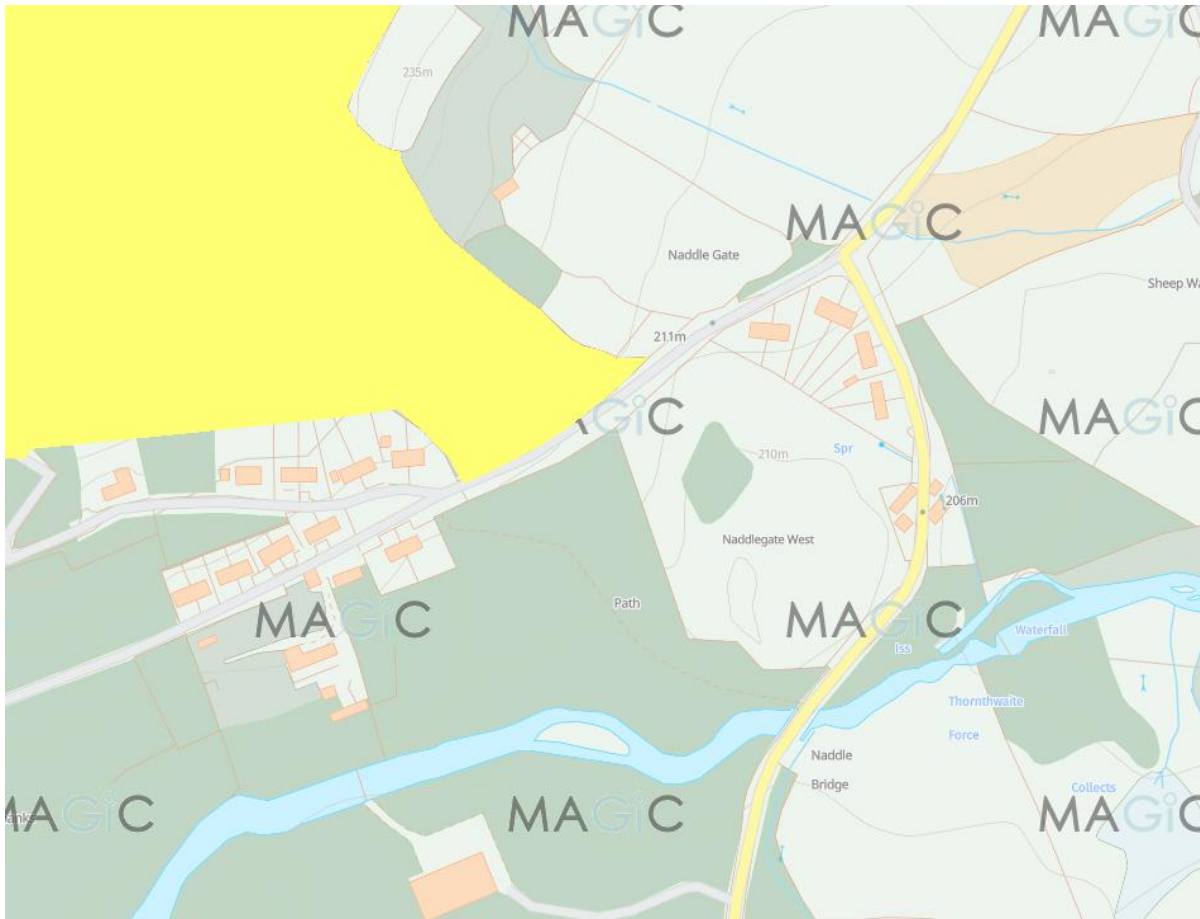
I'm not sure what the other low-level walkers are that you're referring to? For anyone using the Haweswater lakeshore path, the new path is more convenient as it is immediately across the road from the link path through the woods. It's also more convenient for those approaching it along the road from the bridleways or footpaths from the south – it reduces their road walking. The only other non-resident users I can envisage would be walkers coming from the north and Bampton. In which case they have already walked for over a mile along the road already – and if they are happy doing that, a further 175 yards along the same road isn't likely to bother them?

With regard to the bridge at Point C, it's 'purpose' is, and seemingly always has been, a farm bridge providing access to High and Low Park from Thornthwaite Hall. This purpose will remain. The fact that it then developed a public path across it is a later / additional thing really. That is – it was not seemingly built as a public highway bridge, but is a private vehicular bridge that happens to also carry a public footpath.

I'm also a little puzzled as to what different s15 land this path gives access to, and how changing the path will impact upon this. My understanding is that the land hatched purple is s15 land. And therefore this land is equally accessible from the proposed footpath as it is from the footpath to be diverted. And indeed, if we are being pedantic – it would appear that there is the option for the residents of Naddle Gate to reach the proposed footpath via the s15 access land outside the back of their gardens if they wish to avoid road walking?



And those coming off the CROW land behind (north) of the cottages at Burnbanks will actually have less road walking – as they can turn left and access the woodland footpath (which leads directly to the proposed right of way) at Burnbanks in about 100 yards instead of having to go round the corner to the start of the current right of way (275 yards).



All the best, and I look forward to hearing from you.

Nick Thorne

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

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My normal working week is Monday to Thursday

From: Ian Brodie <[REDACTED]>

Sent: 20 May 2025 13:45

To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>

Cc: Charlotte Kimber <charlotte.kimber@lakedistrict.gov.uk>; Jo Willmott <Jo.Willmott@lakedistrict.gov.uk>; Lucy McKean <[REDACTED]>; Will Hinchliffe <Will.Hinchliffe@lakedistrict.gov.uk>; Helen Clayton <[REDACTED]>

Subject: Re: Consultation on Potential Diversion of Public Footpaths – Naddle Bridge / Park Bridge / High Park Buildings, Bampton & Shap Rural Parishes

Thanks Nick

Sorry but I thought I had said, regarding forwarding to an Inspector, if there is an objection. That said our letter was to clarify how we had considered the matter to avoid any doubt. If you have an objection and pass the matter to SoS/PINS we would want our thoughts to be passed on. Sorry but I had not considered that a representation would have similar weight as an objection in this respect so I will take further advice as to this matter.

We had a conversation with the owner of a property at Burnbanks who supported our view regarding D-E-F-C.

The low-level walkers include those who do circular walks from Rosgill or Bampton Grange but such a debate is hardly helpful here as is trying to work out all route people might use involving s15 access land.

With regard to a bridge at C we were led to believe that the structure was getting to a stage where carrying vehicles was becoming a risk. If this information supplied to us is incorrect then we apologise.

Regards

Ian

On 21 May 2025, at 10:26, Nick Thorne <Nick.Thorne@lakedistrict.gov.uk> wrote:

Thanks Ian / OSS

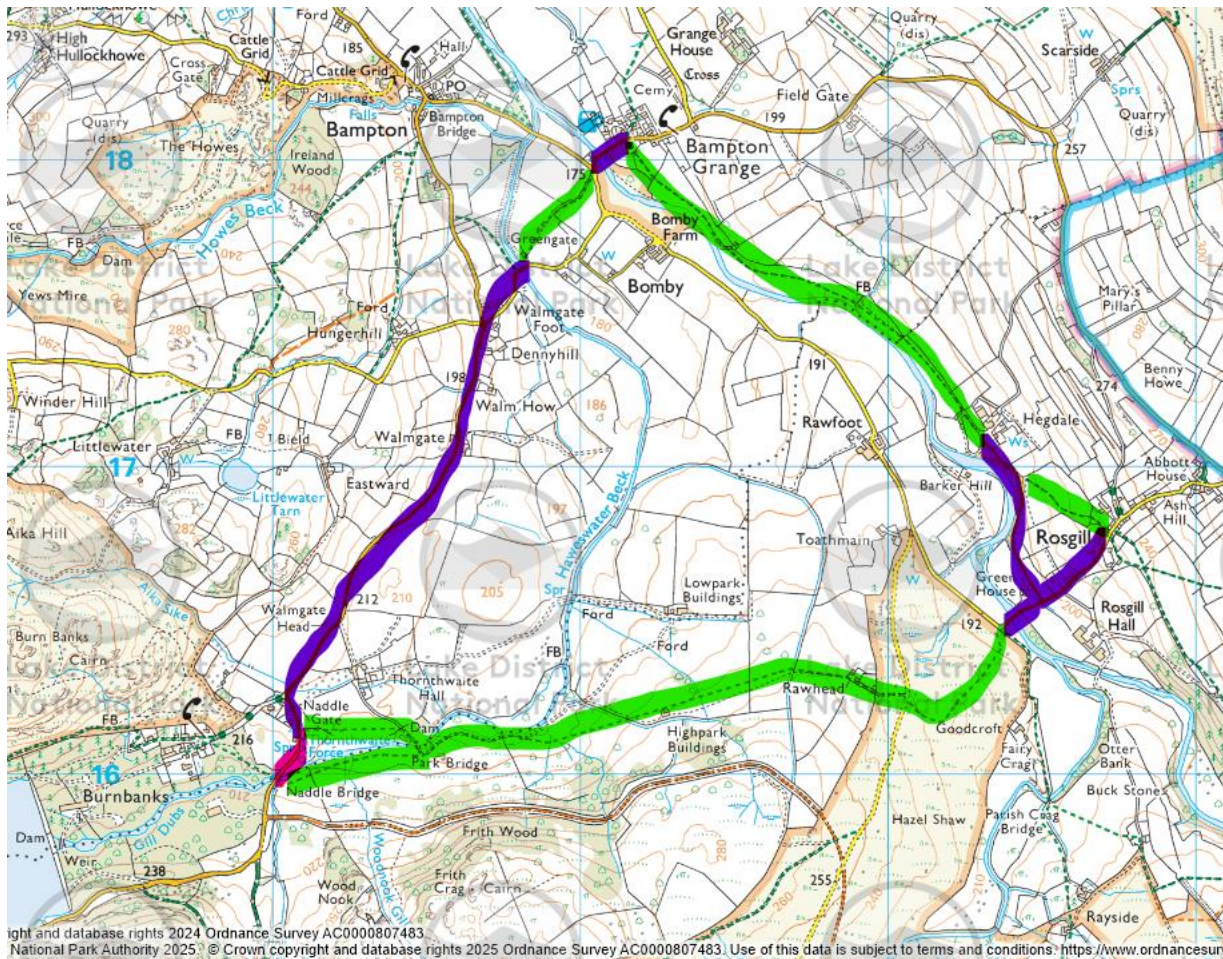
Your point 4 as made was two-fold. It read as: firstly - please pass this letter to the Inspector, and secondly, then following that if there is a valid objection keep us informed. I think you're saying it should have been put the other way round – so it would have read 'If there is an objection, please forward our letter to the Inspector'? So, I'll await your further advice.

I disagree with the view that a debate about low-level walkers is not helpful. On the contrary, it is absolutely crucial. It's the main plank of the Open Spaces Society's case – so it has to be debated, surely?

It is the OSS's view that *'the loss of route D-E-F-C negates against.....other low-level footpath walkers avoiding some unpleasant road walking'* and *'The path mentioned here also gives some additional access to the edge of s15 CROW access land around Burnbanks which will, under your proposals, again involve more road walking.'* So, it is perfectly right for me to query what *'other low-level walkers'* the OSS are referring to, along with discussing the extent and location of the s15 land – because I don't agree with the argument. I don't think the OSS can base their case on citing these walkers as being inconvenienced if we cannot then debate who it is that the OSS are referring to and where they are going. Members (or the Head of Service) will be assessing the responses before making any decision as to whether to confirm or submit the Order, and it is certainly what an Inspector and Members will want analysis and assessment upon. I'm sure that you will appreciate that they are unlikely to be swayed by an argument that is not evidenced by the user body making the argument.

Reference is made to people doing circular walks from Rosgill and Bampton Grange. Again, I simply cannot see how the diversion of this footpath will result in any significant increased inconvenience to them. As I said in my earlier response – the most logical circular route from these settlements that includes this footpath must result in people walking over a mile along the public road from Burnbanks towards Bampton (there is no footpath alternative) – and as they are presumably okay doing this, an extra 175 yards on the same road is not going to be an inconvenience to them.

I've illustrated this below. The current footpath walking is in green, and the current road walking in purple. The 'new' additional road walking is the tiny bit in red.



There will of course be other routes that people choose, but I'm really struggling to see what other circular walks from these settlements incorporating this path and resulting in inconvenient additional road walking the OSS are envisaging? For example, every other logical / possible circular walk from Rosgill would incorporate paths to the south (such as the concrete road or further south) and this would actually see reduced road walking with this diversion.

However, as the OSS are citing them, it's a natural assumption that you, as their representative, have identified some routes. If you could give us an idea of what you're thinking of – then we can more fully assess this before considering whether to confirm the order or not (or submit to the Secretary of State).

With regard to the bridge at point C, you will recall that we have already been through this. In your email of 30 October 2024 you stated: *"We accept that the bridge is in need of some major repairs"*. On 4 November 2024 I responded: *"We have not identified any repairs needed to Park Bridge at C – let alone major ones"*. Therefore, if you had information that a bridge carrying a public footpath was in need of repair or was at risk – then it would be good if you could have forwarded this report and the source of this report so that we could have taken any required actions.

With regard to the property owners at Burnbanks – it would be useful if they responded to our consultations if they have any concerns. They haven't done so, so I'm afraid it's difficult to give a lot of weight to any concerns they may have expressed to you but not to us.

All the best, and I look forward to receiving the OSS's further advice on the issue of making a representation.

Nick Thorne

Senior Rights of Way Officer

Lake District National Park Authority

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My normal working week is Monday to Thursday

From: Ian Brodie <[REDACTED]>
Sent: 21 May 2025 16:06
To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>
Cc: Charlotte Kimber <charlotte.kimber@lakedistrict.gov.uk>; Jo Willmott <Jo.Willmott@lakedistrict.gov.uk>; Lucy McKean <[REDACTED]>; Will Hinchliffe <Will.Hinchliffe@lakedistrict.gov.uk>; Helen Clayton <[REDACTED]>
Subject: Re: Consultation on Potential Diversion of Public Footpaths – Naddle Bridge / Park Bridge / High Park Buildings, Bampton & Shap Rural Parishes

Yes Nick - I should have phrased it if there is an objection..... So please treat accordingly.

Yes the debate is important but the real issue for us is how much of a priority is the C2C in respect of the PROW network. The OSS have supported the national trail work for the C2C but it should not be at what we see the diminution of the supporting path network. So yes there is a debate but it is currently of little value as your Committee made its choices. A healthy difference about access to s15 land is accepted but the narrow use of walkers in this respect is unhelpful. In our case we have accessed the nearby s15 land for archaeological and botanical/wildlife interests not just as part of a walking route. I know others who take advantage of the CROW Act to better explore aspects of the countryside other than just undertaking a walk.

Thanks for the illustration of a superb walking route. The inconvenience is not additional distance but additional road walking. The route along the edge of the Common above Burnbanks and then east above Littlewater and down to Bampton/Grange is also interesting.

Yes we received your information about bridge 'C' and we weighed this against other received information and decided that in the longer term we feared maintenance on the bridge may not have been a high priority for the farmer - hence our concerns for the structure. I do hope we are wrong limn this point but it does not mean we do n to accept your judgement as to the short term position.

Whilst I encouraged our contact from Burnbanks to make their views known to you, their temporary absence from home may have been a unhelpful problem to them.

Hope this helps

Please note that I am away from Sunday for three weeks and, if it is within the timescale perhaps we can chat these things through on our return?

Best wishes

Ian

From: Nick Thorne

Sent: 01 July 2025 10:43

To: Ian Brodie <[REDACTED]>

Cc: Charlotte Kimber <charlotte.kimber@lakedistrict.gov.uk>; Jo Willmott <Jo.Willmott@lakedistrict.gov.uk>; Lucy McKean <[REDACTED]>; Will Hinchliffe <Will.Hinchliffe@lakedistrict.gov.uk>; Helen Clayton <[REDACTED]>

Subject: RE: Consultation on Potential Diversion of Public Footpaths – Naddle Bridge / Park Bridge / High Park Buildings, Bampton & Shap Rural Parishes

Importance: High

Dear Open Spaces Society / Ian

Just to let you know that we appear not to have received any other comments / objections / representations to this Order and the period for submitting them has now closed.

Which brings me back to how we deal with your representation.

I think you are saying in your responses that you are not asking for the matter to be forwarded to / considered by an Inspector unless there is a separate objection made by another party?

If that is the case, then our Head of Service will be able to consider your comments in full and decide whether or not to proceed with confirming the Order.

I'm just double-checking, as I don't want to be in the position where we confirm the Order, only to have it referred by the OSS on the basis that the provisions were not correctly followed in respect of submitting outstanding representations.

Many thanks, and I look forward to your response.

Nick Thorne

Senior Rights of Way Officer

Lake District National Park Authority

01539 792621

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My normal working week is Monday to Thursday

From: Ian Brodie <[REDACTED]>

Sent: 01 July 2025 12:07

To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>

Cc: Charlotte Kimber <charlotte.kimber@lakedistrict.gov.uk>; Jo Willmott <Jo.Willmott@lakedistrict.gov.uk>; Lucy McKean <[REDACTED]>; Will Hinchliffe <Will.Hinchliffe@lakedistrict.gov.uk>; Helen Clayton <[REDACTED]>

Subject: Re: Consultation on Potential Diversion of Public Footpaths – Naddle Bridge / Park Bridge / High Park Buildings, Bampton & Shap Rural Parishes

Importance: High

Dear Nick

Many thanks for this email.

The OSS is not asking for its comments to be forwarded to the Inspectorate.

We are content to let the Head of Service proceed with the matter.

Best wishes

Ian