

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 Public Footpath 361038 from Lowther Barn and Creation of Public Footpath 361050 at Shap Abbey, Shap Rural Parish	
Relevant section of Scheme of Delegation	<p>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 and Westmorland and Furness Councils) 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.</p>	
Background	These are two of the Public Path Orders needed to ensure that Wainwright's Coast to Coast National Trail is underpinned by legally secure access for its entire length. Natural England have identified the sections of the Coast to Coast where PPOs are needed; a section of which is near to Shap Abbey, to ensure the definitive map remains accurate, where the diversion will move the legal line of the public footpath onto the route generally already used by the public, together with an additional short creation order to record a second route currently used by the public.	
Details of Decision	Recommendation that we make the relevant Public Path Orders to bring about the changes listed above. That we confirm the Orders if no objections are received, or we send the Orders to the Planning Inspectorate if objections are received.	
Details of alternative options considered and rejected.	The alternative is to not make the Orders and undertake surfacing works and waymark the definitive line to encourage use. Ongoing maintenance and signage would be required, together with erosion repair, which would not 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 1412.361.07	
Date of Report	14 July 2025	
Authorising Officer	Ranger Leader Team Meeting	
Date	23 July 2025	

Diversion of Public Footpath 361038 from Lowther Barn to Shap Abbey and Creation of Public Footpath 361050 at Shap Abbey, Shap Rural Parish

1 Summary

- 1.1 A Diversion Order is needed to move Public Footpath 361038 onto the used line, and to create a short section of a new Public Footpath between Lowther Barn and Shap Abbey, Shap Rural Parish

Recommendation that:	a	<i>we make a diversion order for part of Footpath 361038 in Shap Rural Parish replacing A-D-C with A-B-C, and replace E-N-P-J-Q-M with E-F-G-H-J-K-L-M between Lowther Barn and Shap Abbey as shown on the map below;</i>
	B	<i>we make a creation order for footpath 361050 between K-N on the map below</i>
	b	<i>we confirm the Orders if no objections are received or if those objections received are withdrawn. If objections are received and not withdrawn, we forward the Orders to the Planning Inspectorate</i>

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 a number of Public Path Orders (PPO) needed to ensure that is 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 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 between Lowther Barn and Shap Abbey and is covered in this report. The main proposal covers the diversion of Footpath 361038. There is also an ancillary creation order proposed
- 2.5. The plans of the proposed diversion and creation are in Annex 1 and Photosheets with the points referred to as P1, P2 etc. in Annex 2.

- 2.6. The current legal line of Public Footpath 361038 approaches the historic farmstead from the north-west from Point A and enters the farmstead at Point D (unusable due to being blocked by a historic wall, P1) and exits through a wicket gate to the south at Point C (P2). The existing route then follows a metalled road and leaves this at Point N (P3) via a field gate and crosses a very wet and rushy field where there are multiple desire lines as walkers fan out to try to find a drier route (P4).
- 2.7. The definitive line passes through a broken wall at Point P (P5) and crosses a medieval ditch (a scheduled ancient monument) where damage is being caused by walkers trying to find their way across (P6). It then heads eastwards to Point J where a gate has been newly replaced in the wall (P7). It turns south towards Shap Abbey passing through the wall (Point Q) near the wicket gate (Point K) before joining the track leading to the Abbey (Point M).
- 2.8. The proposed route enters the farmstead through the field gate at Point B (P13), passing the outbuildings with historic copper feature (P14) before turning south to Point C. It crosses the track and will turn east through a (to be installed) wicket gate in the wall at Point E (route shown with a dashed pink line in P15). The proposed route crosses a much shorter stretch of rushy field where stepping stones will be installed to assist with route finding (P16) to Point F.
- 2.9. At Point F, a crossing, most likely a small bridge, will be installed across the ditch, P17, (which is not a scheduled ancient monument at this point) and then the proposed route runs south-westwards, crossing the definitive line, heading for a field boundary corner at Point G (P19 shows the clearly used trod with walkers making for the corner as a landmark). The proposed route will then follow the boundary wall, as walkers currently do (P20) with a further small bridge being installed to assist crossing the beck at Point H (P21) then the proposed route rejoins the definitive line to pass through the gate at Point J (P22). The proposed route then follows the clearly used route south-south-eastwards (P23-4) to Point K (P25).
- 2.10. At Point K, the used route splits. The proposed diversion will follow the benched track towards Shap Abbey, before turning back to the Abbey Bridge K-L-M, P26 on the photosheet. In addition, a further footpath will run K-N down the steep slope. Both paths show clear signs of usage, and some minor works are needed on K-N to prevent the erosion scars from growing further.
- 2.11. There is a presumption in favour of restoring the original route before considering a legal diversion. This was considered during the site visit however it would cost thousands to reinstate them (creating a gap in the historic boundary wall of Lowther Barn, and surface the path through the rushy field). This would not be value for money.

3. Policy Context

- 3.1. These Orders are 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. Under Vision theme: Vibrant communities and a prosperous economy, our Strategy is to Continue to develop and maintain a high quality public rights of way network, including supporting the Fix the Fells Partnership.
- 3.4. 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.
- 3.5. 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. The core Access & Recreation Action is to deliver the 'improve, maintain, promote and integrate elements' of the 'Out there' Strategy to deliver infrastructure and services which focus on serving under-represented groups (as identified by the 'Lake District for Everyone' Key Outcome Group).
- 3.6. A Key Action is to continue to facilitate, plan and deliver the Coast to Coast National Trail.
- 3.7. 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.
- 3.8. '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.
- 3.9. Key Action 3 commits to the delivery of the Coast to Coast National Trail.
- 3.10. 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) **Challenge** – this work needs to be undertaken to ensure that that entirety of the National Trail is underpinned by legally secure access (preferably 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) **Compare** – 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) **Consult** – 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 Diversion and Creation Orders
- b: do not make the Orders and re-open the definitive line
- c: do nothing

6. Proposals

- 6.1. I recommend option 5.1a. Undertaking these Diversion and Creation Orders will enable us to ensure that the Coast to Coast Path National Trail follows a legal right of way in this location, 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 future maintenance and management implications of the proposals have been assessed, and these will be part funded from the Coast to Coast Path National Trail project.
- 6.3. If the Diversion Order is not made at this point in time, it is likely that the existing footpath will continue to fail the Ease-of-Use Survey, and continue to cause damage to the scheduled ancient monument and the costs of making Orders in the future will have to be funded by the Authority.

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 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 4.
- 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 it is expedient in the interests of the public that the Order is made.

8. Tests to be Considered – Diversion Order

- 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. Near the north-western end, part of the proposed Diversion (E-F) crosses a much shorter stretch of boggy, wet ground (30m) compared to the definitive line (90m). Works are planned to provide a sustainable surface between E-F, and it would not be feasible to provide something similar between N & P.
- 8.2.3. The definitive line currently crosses the medieval ditch, a scheduled ancient monument, with users having to scramble into the ditch and out again, causing damage to the ditch sides and not being particularly easy to navigate. The proposed route will cross the ditch at Point F (not a scheduled monument at this location) via a bridge which will reduce damage to the medieval ditch network.
- 8.2.4. A further bridge will be provided to assist with crossing the water course at Point H after requests from consultees.

8.2.5. Parts of the proposed route are already well used by the public with clear signs of usage on the ground. A-B-C is used as it is the definitive line which is blocked at Point D with an historic wall.

8.2.6. In addition, the difference in length between the two routes is minimal (20 metres).

Potential alternative to proposed route F-G-H-J

8.2.7. We proposed the diversion of P-J onto the route F-G-H-J however this was queried by users.

8.2.8. The Ramblers Association commented: *For the section from F to J we noted that the proposed path climbs significantly up to point G then descends to point H, so we explored a more level route keeping to the contour from point F. This route is further north than the definitive route, is drier than the used route, and has much better views of the river Lowther. Our route joined the definitive line at the stream just north of point H.*

8.2.9. The Open Spaces Society commented: *We have significant concerns about your proposals between E - G - H - J. We would suggest that a route, contouring around the hillside, between F and J will produce a better quality route for all path users. Such a route will avoid most of the Juncus beds, will avoid unnecessary ascent and descent, and has more extensive and interesting views of the valley associated with the River Lowther. We note that the section between H and G is already starting to show signs of erosion on this relatively steep hillside and further erosion would be avoided by our suggestion.*

8.2.10. Staff walked the proposed route as shown in Annex 4, finding that the proposed route had the following pros:

- benefits of lower inclines
- Very pleasant route – with views of the valley and the river – offers intimate views
- Bridging/crossing point north of H may be easier than at H.
- A more 'direct' route in as much as it continues in the same direction as E-F.

8.2.11. It also had the following drawbacks

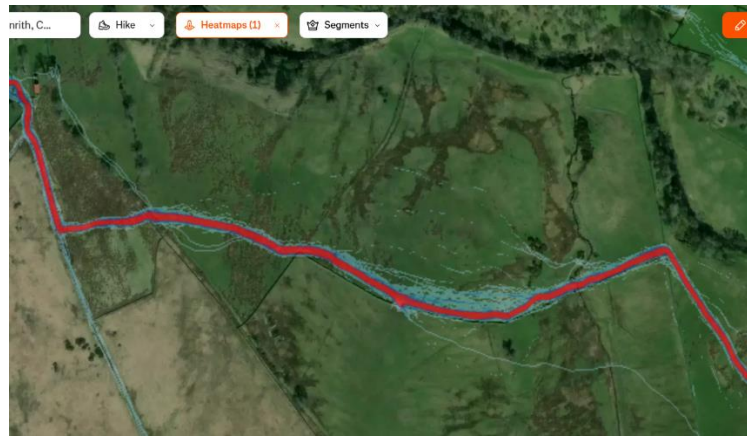
- Although drier in parts, there were areas where the path passed through (currently dry) juncus and slightly poached areas. The concern was that if it were more heavily used, this had the potential to get very wet and boggy for longer periods – and a ‘deeper’ wet. The damp bits on the original proposal are very much surface wetness rather than a deeper issue, and therefore easier to use and deal with in the long run.
- The views were more intimate – but for the same reason, the wide extensive views on the originally proposed route were lost. In particular if heading westwards, when past point G, the expansive views of the fells would be lost.
- Part of the reason people are already using the originally proposed route is the ease of navigation – following the wall for much of the way. The suggested northern route would probably require a number of waymark posts, which would be difficult to maintain as cattle graze here quite often.
- We found using the route than on the original proposal because of the cross-slope. The original proposal, whilst having steeper inclines, is basically level underfoot from side to side.

8.2.12. Whilst on site, staff met one of the farm staff. He expressed a preference for the wall-side route (F-G-H-J) on the basis that walkers generally felt safer alongside a wall when there were cattle in the field (which is quite often on this site) – rather than being exposed in the middle of a field.

8.2.13. Staff were not unanimous in their overall views, but the majority feeling was that the originally proposed diversion was better in general. Although it does have a steepish section west of H, given the nature of the walkers likely to be using this path, it was not considered to be anything of concern. One member of staff expressed the feeling that it gave great views of Swindale, Kidsty Pike and into the eastern fells for very little effort, and that these views would not be available on the later suggested route.

8.2.14. A bridge will be installed close to the wall at Point H to resolve concerns about the difficulties of crossing the water course at this point.

8.2.15. Staff felt that the navigational aspect of the original proposal was the greatest benefit. Users have already migrated from the definitive line to the wall-side route – and we felt that even if we diverted the path to the north, walkers would still follow the wall as shown on the Strava heatmap below (a heatmap reflects the existing routes logged by users).



8.2.16. Staff felt that, therefore, for matters of convenience – the originally proposed route was probably more expedient.

8.2.17. Taking all these considerations into account, the proposed route is not substantially less convenient to the public.

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

8.3.1. The Diversion's effect on public enjoyment was queried by the user groups. Having examined this in section 8.2 above, staff feel that the diversion will not negatively impact on the public's enjoyment of the path.

8.3.2. The proposed path will be obvious to follow and easy under foot. This means that it would most likely remain the route of choice even if the diversion order were not progressed.

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

8.4.1. There would be no impact on the land served by the existing right of way. Both the existing paths and the proposed routes are in the same ownership.

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

8.5.1. There are no negative impacts on the land over which the right of way is to be created. The proposed diversion is likely to be beneficial as surfaces will be easier for the public to use, and navigation will be simpler leading to less erosion of surfaces.

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. All the proposals are 'mid-path' so no termination points on other highways are affected.

9. Grounds and Tests for a Creation Order

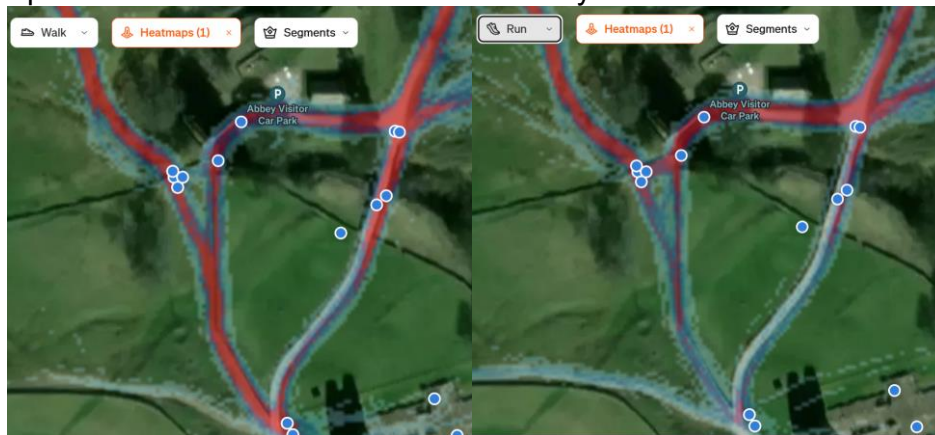
9.1. There are two questions to consider under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.

- 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.

9.2. *Is there a need for the new path?*

9.2.1. The proposed creation order is for a short length of path which is being used to 'cut the corner' when approaching Shap Abbey. During the consultation period we asked consultees/users which route they preferred.

9.2.2. The Strava heatmap data below shows that self-described 'walkers' (left) follow the benched path towards the Abbey, whereas those who describe themselves as runners or hikers (right) tended to cut down the steep bank between K – N. It appears that those on the Coast-to-Coast Path who wish to get to Shap before the end of the day 'cut the corner', whilst those out for a walk (rather than on the Coast-to-Coast Path) or those doing the Coast-to-Coast Path more leisurely follow the benched path and continue on to look at the Abbey.



9.2.3. This usage between K-N is causing erosion to the bank, and the landowners requested that this be resolved.

9.2.4. Because of the usage described in 9.2.2, there were concerns that diverting the line of FP 361038 onto this route would not pass the test of being substantially as convenient to the public and therefore landowners have agreed to create this section as an additional public footpath.

9.2.5. We can demonstrate the need for the path because of the clear signs of usage, the strava heat map, and the simple knowledge that people do cut corners creating desire lines..

9.3. *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*

9.3.1. Many users have already used the route and the close proximity to Shap means that it has the potential to be used for circular walks from the village and/or Abbey.

9.4. *Will it affect the rights of those with an interest in the land?.*

9.4.1. The landowners are the Lonsdale Estate. They, and their tenants, have been consulted and are accepting of the proposed diversion and creation orders.

9.5. *Route of the National Trail*

9.5.1. If the Creation Order is made and confirmed, we will make a Variation Order to divert the route of the Coast to Coast National Trail onto this path. This will ensure that funding will be available to resolve the current erosion (Annex 2, P27) and will be forthcoming in the future if any further repairs are needed.

10. Other Considerations Required by Legislation

10.1. *Rights of Way Improvement Plan*

10.1.1. 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). No RoWIP formally exists now for Westmorland & Furness, so we are effectively considering our own Access & Recreation Strategy to be the LDNPA's RoW improvement plan.

https://www.lakedistrict.gov.uk/_data/assets/pdf_file/0023/59270/Out-there-Access-and-Recreation-Strategy-2023-final.pdf .

10.1.2. The proposals meet the general aims within the Access & Recreation Strategy, in particular the making of orders to reflect match current demand/usage and to suit modern needs (page 12).

10.2. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. This section of the route is at a lower elevation rather than the high fells however it remains not particularly usable by all – but it is difficult to see how this could be reasonably adjusted.

10.3. An accessibility audit of the entire Coast to Coast Path National Trail has been undertaken by David Burgess, who is a wheelchair and handbike user. There are no physical changes currently proposed here.

10.4. 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 diversion is purely to move the legal right of way onto the walked path, and therefore there could be a beneficial impact on agriculture or forestry as the current definitive line can continue to be used for either purpose. The path to be created is already used by the public and there is a clear route on the ground.

10.5. 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 have

to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside.

10.6. The Authority's Lead Strategy Adviser - Historic Environment was consulted over the proposed diversion and has confirmed that both the bridge over the medieval ditch at Point F and the bridge across the watercourse at Point H are both acceptable in archaeological terms.

10.7. Natural England and Cumbria Wildlife Trust have been consulted about the proposals and have not raised any objections.

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

11.1. *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.

11.2. *There will be a presumption against any reduction in the amount of public access in the National Park.* Neither of these proposals will result in any reduction in access.

11.3. *The future maintenance and management implications of any proposed change to the network will be considered.* - The route of the proposed diversion has partly 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. The new sections of path have been designed to ensure that the future maintenance burden is kept to a minimum. Furthermore, the vast majority of the rights of way changes will be on the Coast to Coast Path National Trail and therefore will be eligible for future funding opportunities for maintenance.

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

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

12. Stakeholder Consultation

We have consulted our usual consultees as listed below.

- *Westmorland and Furness Councillor*
- *Natural England*
- *Archaeologist, Ecologist,*
- *Area Ranger, Ranger – LDNPA*
- *Local Access Forum*
- *Ramblers Association*
- *Open Spaces Society*
- *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*
- *Shap Parish Council*

Responses were received from the following stakeholders:

Name of Stakeholder	Consultation Response
Andy Sims Westmorland and Furness Council	<p>Proposals look good although I would query the introduction of new stepping stones as an unnecessary highway authority liability and would rather see a more accessible and safer footbridge installed.</p> <p><i>A footbridge is now being installed at Point H.</i></p>
Ian Brodie, Open Spaces Society	<p>Many thanks for consulting the Open Spaces Society on this proposed diversion. We have previously walked the whole route and today, 16 February, re-walked much of the route although we had significant difficulties due to a (unlawful?) hunt taking place with some c20 spectators and c30 hounds which appeared largely to be chasing hare. This was between P- G- H- J and caused us some route following difficulties. So if our comments appear not quite correct then please excuse the errors.</p> <p>We fully understand the need to divert PROW 361038 and the principle of a diversion has our full support. However, we considered this potential diversion as a change to the PROW network on a path used by the C2C and not primarily as an amendment to the C2C. This is because there is a wider use of this PROW perhaps mostly in association with low-level circular routes from Shap to Rosgill.</p> <p>We note your concerns about increasing damage to matters of historical and archaeological interest. With your interest in such matters you may wish to draw the attention of your colleagues in respect of the need for some remedial works for the sheep wash adjacent to Abbey Bridge and which forms an integral part of the character of the</p>

landscape for users of the local PROW network as for users of the C2C.

The ground surface around this area is mostly grass with significant Juncus patches and some parts of the route do show some wider, but very local, floral diversity. For example near your points K and Q. However, we did not find any significant ecological issues to consider.

The OSS is content with your proposals to amend the route between A - D - B - C - E - F.

We have significant concerns about your proposals between E - G - H - J. We would suggest that a route, contouring around the hillside, between F and J will produce a better quality route for all path users. Such a route will avoid most of the Juncus beds, will avoid unnecessary ascent and descent, and has more extensive and interesting views of the valley associated with the River Lowther. We note that the section between H and G is already starting to show signs of erosion on this relatively steep hillside and further erosion would be avoided by our suggestion.

We are also concerned about your proposals for crossing the small beck at point H where you suggest stepping stones. The additional installation of such features can be a significant discouragement to more elderly walkers especially as stone in this location, when wet, becomes notably coated in algae which is extremely slippery to users. A small plank bridge should certainly be provided where this beck is crossed.

In general we think the choice of route between J and K is, for the most part, correct. However, we do have some serious concerns for the route immediately north of point K. Some parts of this route are already showing sign of erosion and hold mud and there will be a significant mis-match between the legal and walkable width of the new route. The OSS requests that you outline what works will be undertaken to make this section north of point K sustainably walkable.

You offer two alternatives from point K towards Abbey Bridge (K - L - M and K - N)

The OSS urge you adopt K - L - M. The ascent and descent of K - N is too steep for some potential users and is already showing signs of erosion. We note you would undertake some works here but our option provides a more sustainable route although a little work may be needed around point M in order to access/egress the path onto the track to Shap Abbey.

One further general observation we note at least one gate is to be replaced with a field gate. Where this is likely to occur can be request that an adjacent pedestrian gate be installed. The maintenance and, not infrequent, problems of opening field gates for walkers with back problems should be avoided wherever possible.

	<p><i>The comments raised in this consultation are covered in sections 8.2-8.3 and Section 9</i></p>
Ramblers Association	<p>Thank you for consulting us on the proposed changes to the path near Shap Abbey. We walked the whole section today (Monday), when the ground was very wet after heavy rain.</p> <p>We are happy with the changes at the west end (A-D-B-C-E), and agree that taking the path from E to F is better than the existing route via N.</p> <p>For the section from F to J we noted that the proposed path climbs significantly up to point G then descends to point H, so we explored a more level route keeping to the contour from point F. This route is further north than the definitive route, is drier than the used route, and has much better views of the river Lowther. Our route joined the definitive line at the stream just north of point H. In the conditions today stepping stones at point H would not have been adequate – the crossing was not easy. Just downstream, close to the definitive line, the stream is much narrower, and a small footbridge should be possible. We think many walkers would prefer a more level route with better views, so this should be considered. With a little waymarking a path will develop and it will be easy to follow.</p> <p>Between points J and K we noted that the existing used route is obvious, but is quite wet in parts, and the definitive line crosses drier ground, avoiding most of the rushes. Just north of point K the used route is along a narrow path on steep ground, and we noticed that some walkers avoid this by going above the steep ground then descending quite steeply to point K.</p> <p>From the section south of point K we prefer your option 1 (K-L-M). This gives a route that most walkers would find quite easy. Some walkers may still go directly from K to N, but many walkers would find the steep ground difficult.</p> <p><i>The comments raised in this consultation are covered in sections 8.2-8.3 and Section 9</i></p>
Shap Parish Council	<p>Shap Parish Council considered the proposed changes to the footpath 361038 at the ordinary meeting 04/03/25 and no objections were raised.</p>
Local Access Forum	<p>This section was walked on the above date. The route in from Point A first passes through a ruined farmstead and then over varied, fairly damp terrain to Point K. We can see no objection to the proposed route being confirmed with the improvements planned, particularly as it is mostly the route actually being used.</p> <p>Secondly the debate as to whether to take the longer diagonal route from the gate at Point K down to the flat track to Abbey Bridge (option 1, K-L-M), or to formalize the line which runs steeply down alongside</p>

the wall to the flat track at Abbey bridge (option 2, KN). Both routes are clearly used though the latter, being shorter, seems to be used more. We would recommend that this becomes the definitive line as it has been said that work to stabilize and improve it will take place. It must be accepted however that the longer route will still be used by some in slippery conditions, or if the walker is less confident.



13. Finance Considerations

- 13.1. These orders are fully funded externally by the Coast to Coast Path National Trail project.

14. Risk

- 14.1. 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.

15. Legal Considerations

- 15.1. The Diversion Order will be made under s119 of the Highways Act 1980 and the Creation Order under Section 26. 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 make such orders through our Agency Agreement with Westmorland and Furness Council. The action strikes a reasonable balance between private and public rights.

16. Human Resources

16.1. The legal work involved in these orders is approximately 80 hours from members of the Ranger teams, and one hour from a member of Legal Services. Due to the Orders 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.

17. Diversity Implications

17.1. I have not identified any significant diversity issues.

18. Sustainability


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

19. Summary

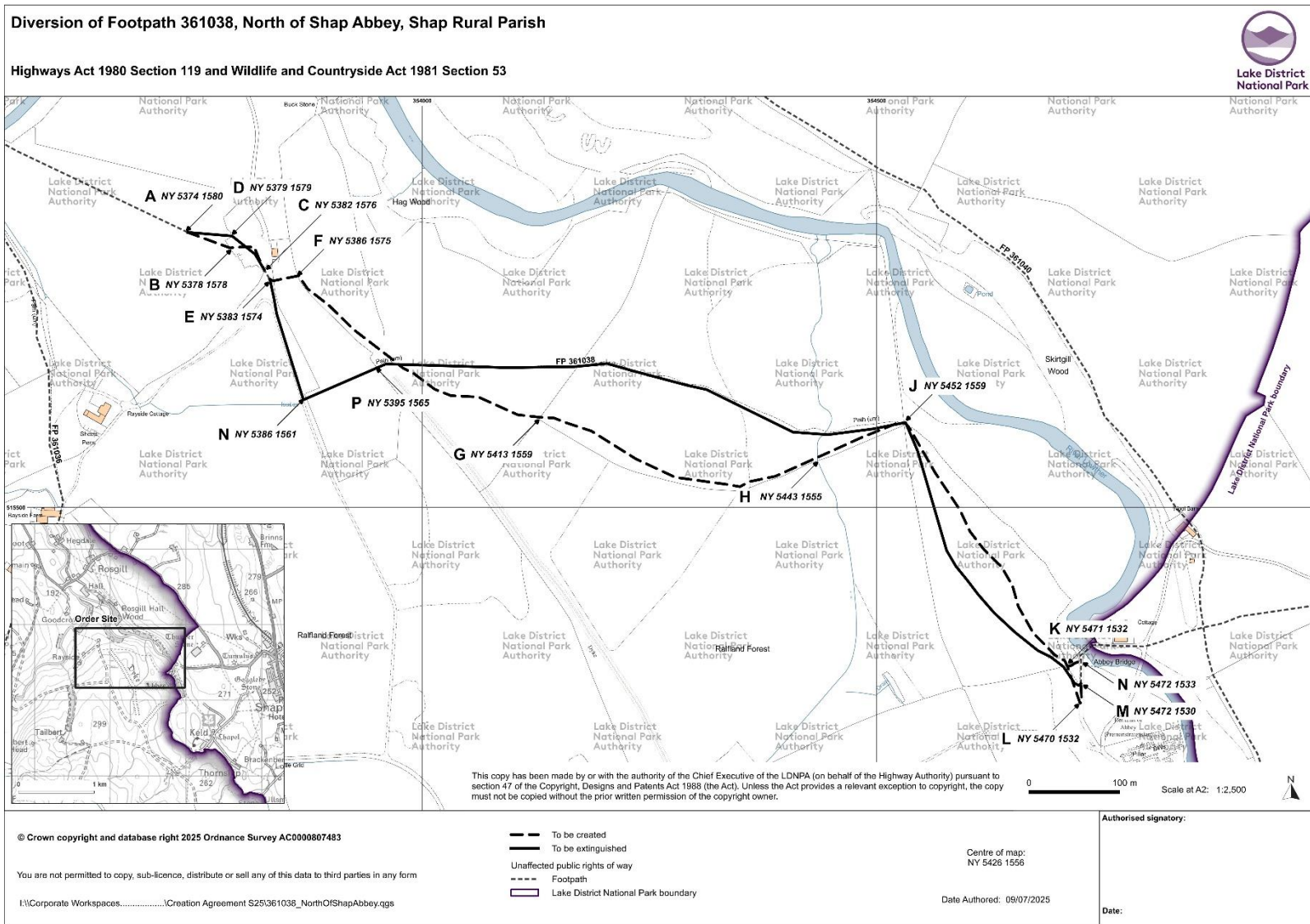
19.1. The proposals will benefit the public, and have come about through successful partnership working. All of those who responded to the consultation are in agreement with the proposals.

19.2. I recommend that we make the necessary Diversion and Creation Orders to bring this proposal into effect.

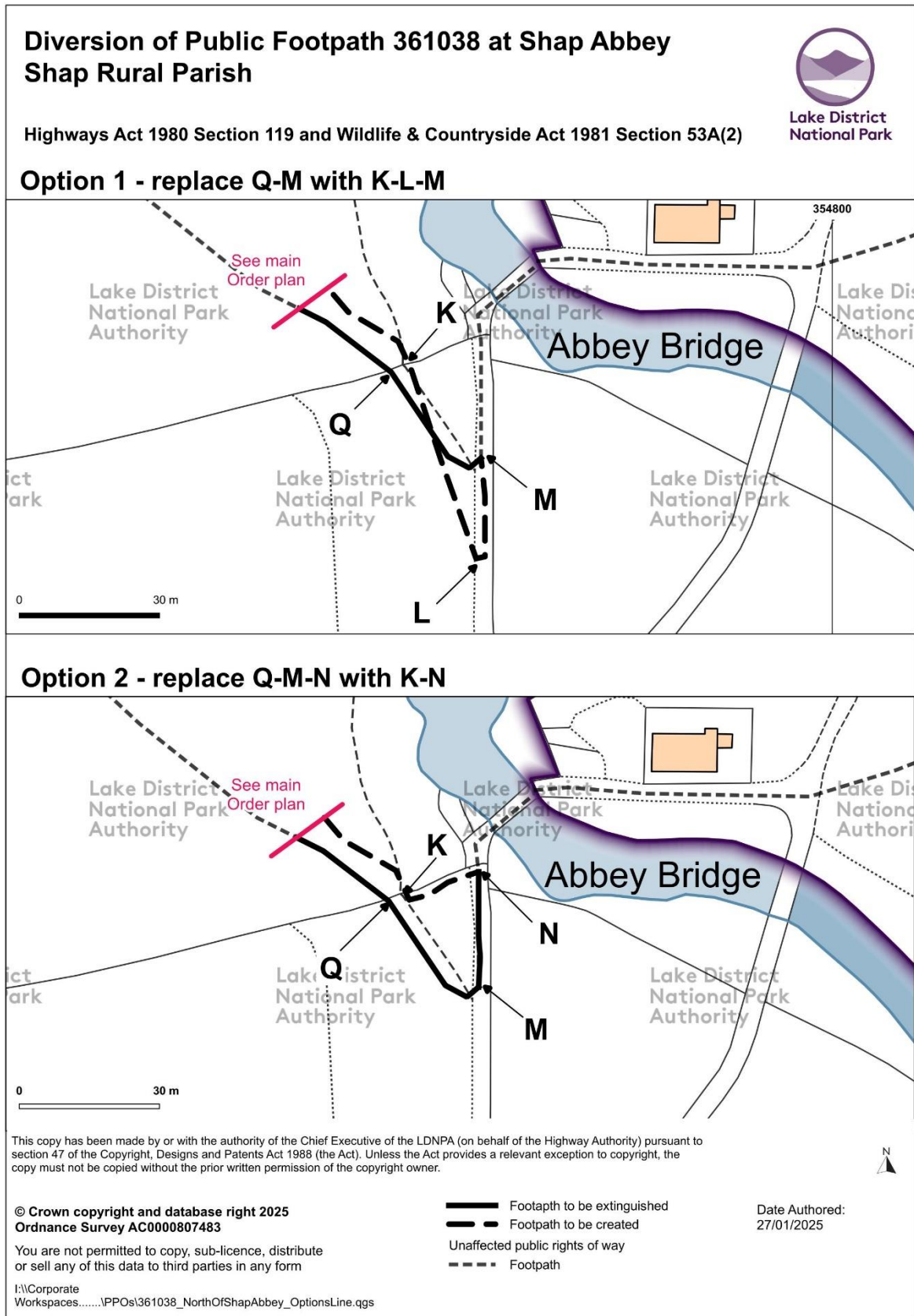
Background Papers:	Case file reference 1412.361.07
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	14 July 2025

Authorised by:  Ranger Team Leaders’ Meeting Date...23.07.2025.....




Annex 1 – Order Map



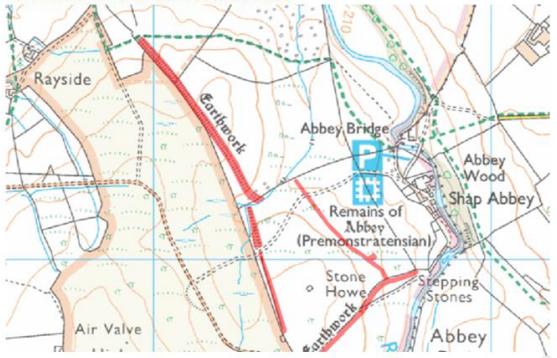



Map 2 – Enlarged map showing options at eastern end









Annex 2 Photos –




P1		<p>Footpath 361068 enters the historic farmstead at the corner of the enclosed area at Point D (there is a stone step stile nearby but this isn't on the definitive line)</p>
P2		<p>Definitive line exits the farmstead via a wicket gate at Point C</p>
P3		<p>Gate at Point N leaving the metalled road.</p>




P4		<p>Route between N and P is very wet and rushy, with multiple desire lines opening up as walkers try to find a drier route</p>
P5		<p>Wall damage at P between the field and the dyke as walkers pass through.</p>
P6		<p>Photo in RoWMANS Photo taken 14/01/2024 Photo taken 11/11/2024</p>




P7	 <p>This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance. This entry is a copy, the original is held by the Department for Culture, Media and Sport.</p>	Route of the Scheduled Ancient Monuments associated with Shap Abbey. The ditch above is labelled "Earthwork".
P8		Medieval earthwork looking west towards Point P with wall damage visible
P9		Definitive line heading towards Point J from Point P
P10		Newly replaced wicket gate at Point J



P11		The definitive line stays higher than the walked line towards Point K
P12		Definitive line curves down bank from left of the kissing gate (Point Q with no sign of historic opening in wall) and back towards field gate, passing Point M, at the right of the photo
P13		Proposed line will follow walked line entering the historic farmstead via the field gate at Point B

P14		<p>Proposed line crosses the farmstead on the walked line to Point C, the historic copper bowl feature embedded in a ruined outhouse will remain visible to walkers</p>
P15		<p>Proposed route leaves the farmstead via the field gate at C in the centre of the picture, and will then pass through the wall at E marked with a red rectangle</p>
P16		<p>Looking back to E from F, the route crosses a short stretch of wet field where stepping stones will be installed to assist with route finding.</p>

P17		A new crossing point (likely to be a bridge) will be installed to cross the earthwork at Point F – this section is not a scheduled ancient monument.
P18		The proposed route will follow the eastern side of the earthwork/ditch monument towards Point G.
P19		Walked trod between Points F and G, heading for the corner of the wall as a landmark

P20		Walked trod following the wall looking back from Point J, via Point H to Point G.
P21		Small ford at Point H. Stepping stones to be installed here to assist.
P22		Wicket gate at point J

P23		Walked trod between Points J and K clearly shown approaching abbey.
P24		Walked route follows clear benched trod as it approaches Point K
P25		Newly replaced wicket gate at Point K

P26		Walked trod descending towards the abbey from Point K to Point L, then back to Point M
P27		View from Point N looking westwards up the slope to the wicket gate at Point K.

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

