

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 to Shap Abbey, Shap Rural Parish	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</p> <p>ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service (exercisable by the Head of Ranger Service as the post has ceased to exist), and sub-delegated to Ranger Team Leader Meeting.</p> <p>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 decisions to refer to the Planning Inspectorate 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 and Planning Acts.</p>	
Background	A diversion of this path in four sections was authorised in July 2025. Following objections to the made order, we consider it expedient to remove one section from the proposal and remake the order.	
Details of Decision	Recommendation that we abandon the original order and make a new order omitting section P-J. That we confirm the Order if no objections are received, or we send the Order to the Planning Inspectorate if objections are received.	
Details of alternative options considered and rejected.	The alternative is to submit the existing order to the Planning Inspectorate for determination.	
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 1412.361.07	
Date of Report	11 December 2025	
Authorising Officer	Ranger Leader Team Meeting	
Date	18 December 2025	

Diversion of Public Footpath 361038 from Lowther Barn to Shap Abbey Shap Rural Parish

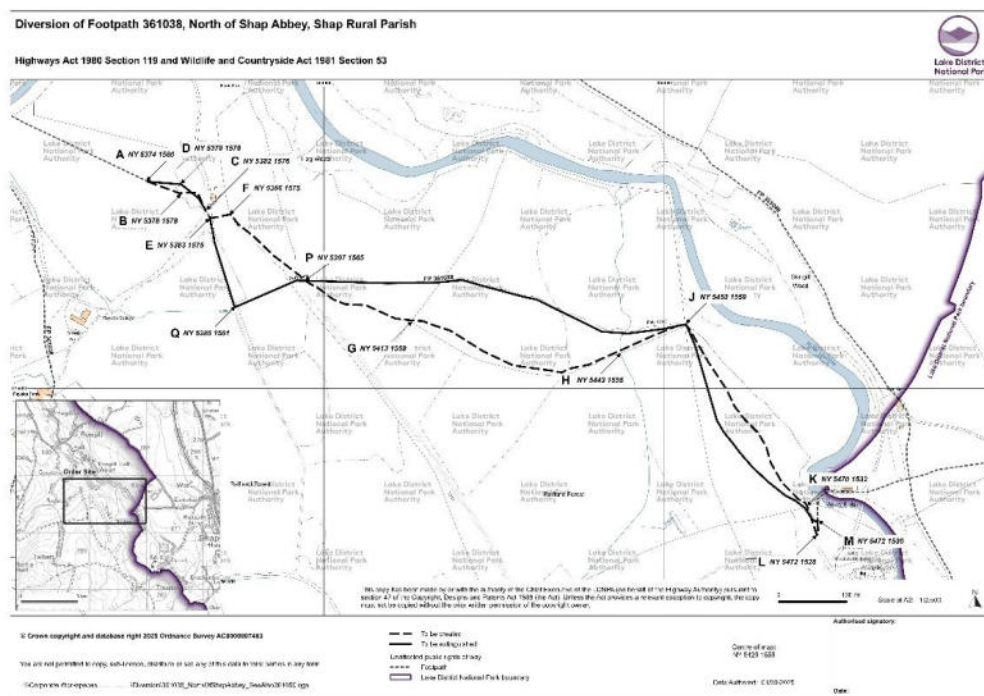
Summary

- 1 A Diversion Order was authorised in July 2025, and we received objections to one section of the made Order. This amendment report discusses whether it is expedient to continue with the original proposal at this current time, or to make a new Order omitting the opposed section.

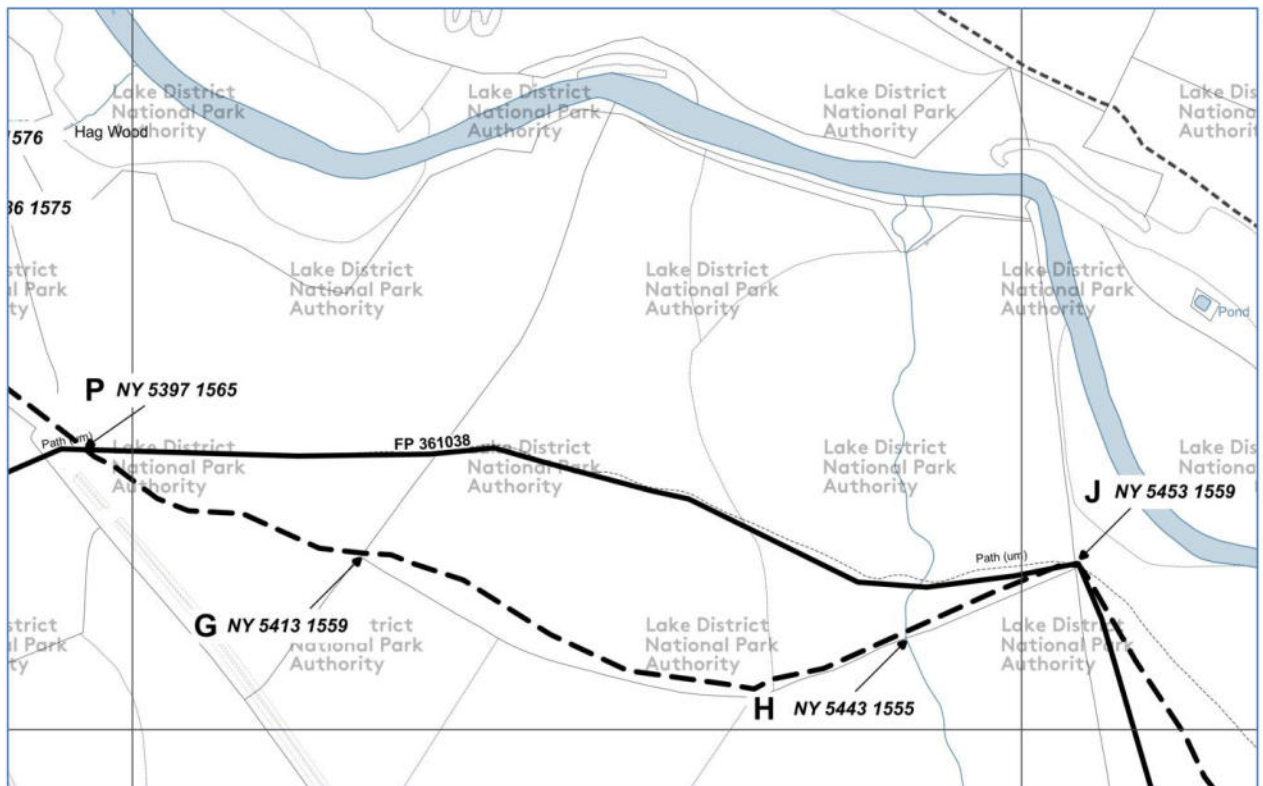
Recommendation:	a <i>we abandon the Diversion Order made on 4 September 2025 and make a new Order for part of Footpath 361038 in Shap Rural Parish replacing A-D-C with A-B-C, E-Q-P with E-F-P, and J-M with J-K-L-M between Lowther Barn and Shap Abbey as shown on the map below;</i>
	b <i>we confirm the Order if no objections are received or if those objections received are withdrawn. If objections are received and not withdrawn, we forward the Order to the Planning Inspectorate</i>

Background

2. The justification and full authorisation for the original order, after taking into account all the financial and resource implications is contained within the separate attached report, so won't be rehearsed here.
3. The authorised diversion is shown on the map below.



- 4 We received objections to the section P-G-H-J from both the Ramblers and the Open Spaces Society [OSS]. We discussed the matter by email to clarify the extent and nature of the objections, and then visited the site with representatives from both organisations in early December 2025.



- 5 The objections were mainly relating to the basic grounds for a diversion, with some issues relating to the tests for confirmation. There are in essence three things to consider:
- A. Is it expedient in the public interest to divert the path?
 - B. Is the diversion substantially less convenient?
 - C. What is the impact on public enjoyment?

Expediency

- 6 The main reason for including this section in the overall diversion order is that walkers heading west to east on the Coast-to-Coast Path appear to have 'chosen with their feet' to walk from P to G and then follow the wall around to H and J.
- 7 One reason for this could be that in general they are seeking ease of navigation by following a visible boundary. And maybe because the definitive line P-J is mainly undefined and wet in places, walkers sought a different route, or just 'followed their noses'.
- 8 And because people started using it, it became adopted by the Coast-to-Coast Path apps and shown on their walking route maps as the route.

- 9 However, the Ramblers made the (unverified, but likely) point that historically there was a fence running north-east from Point G (this can be seen on the map above) – and that the only gate was at Point G. And that therefore Coast-to-Coast Path walkers were forced to use Point G because the definitive line was obstructed – and that because this route then became mapped it became a self-perpetuating issue even once the fence was removed.
- 10 We will never know why the route P-G-H-L developed in preference to the definitive line, but it is worth noting that there were still signs of some usage on the definitive line – so not everyone is using P-G-H-L, although most quite obviously are.
- 11 The Ramblers and OSS made the point that if the definitive line were waymarked, and shown on the Coast-to-Coast Path apps – then it would probably be used. And that if that were the case – then the central plank underpinning the diversion of this section of path would fall away, and it would no longer be expedient to divert the path.
- 12 It is fair to say that we simply do not know if this would be the case. There is no record of us ever having attempted to properly waymark the definitive route. There may be a few remnants of posts here and there – but we do not have strong evidence that they were waymarker posts. And taking that into account – diverting the path on an untested theory could be seen as the wrong step to be taking.

Convenience

- 13 There was some discussion beforehand and on site about the steepness of the slope running westwards from Point H. We measured this on site with an inclinometer, and it was around 25% (1:4). But we also measured the definitive line heading north-west from the beck crossing and that was also 25%. But the steepness on the proposed route went on longer – eventually reaching the high point of the path around 10 metres above the highest point on the definitive line.
- 14 It was generally considered that the proposed route was a little less convenient because of the height and steepness, but not ‘substantially less convenient’ – which is the test. And it was acknowledged that if the reason walkers are choosing to use the wall-side path is because of navigation, then it is more convenient in that aspect.
- 15 Another aspect raised on the site visit was that around Point G the ground is getting quite churned up by quad-bike usage. This has made a lengthy section (probably around 20 metres) wet and muddy and tricky to pass. However, on the definitive line, there are also a number of places where the path passes through reedy areas. These are also wet, but shorter in distance – and so could

be more easily remedied with boardwalks and the like. The question that was unanswerable was how boggy and unpleasant the definitive line would get if all the walkers currently using the wall-side route started using it. Again, this is something we don't know until we have seen what happens.

Enjoyment

- 16 Both the Ramblers and the OSS considered that the definitive line was distinctly more enjoyable than the proposed line. This was not one specific issue, and was subjective rather than objective – but comprised the following:
- a. The gradient, as mentioned above.
 - b. The lower height, as mentioned above.
 - c. The feeling of the loss of openness by walking within sight of the wall – it impacted upon the long distance views southwards.
 - i. Although these are not spectacular, as the Ramblers representative said 'you feel as though you should be able to see the view, and can't because of the wall'.
 - ii. On the definitive line, the views in the same direction are not improved, because of the lie of the land – but you don't feel as though there is a view you are missing out on.
 - iii. The main thing here though was the views northwards. On the definitive line you can look down into the river valley and get better, more intimate, views of the treescape and valley. The feeling from the objectors was that the view from the upper / wall-side route was rather bleak, and less enjoyable. However, you do get a better view of the top of Shap Abbey itself from the proposed line (but it's a bit distant).
 - d. The definitive line is simply a 'nicer route'.
- 17 Members of staff had mixed opinions on this.

Photographs of the routes

Steepness of proposed route (left) v definitive line (right)



Underfoot conditions proposed route Point G (left) definitive line (right)

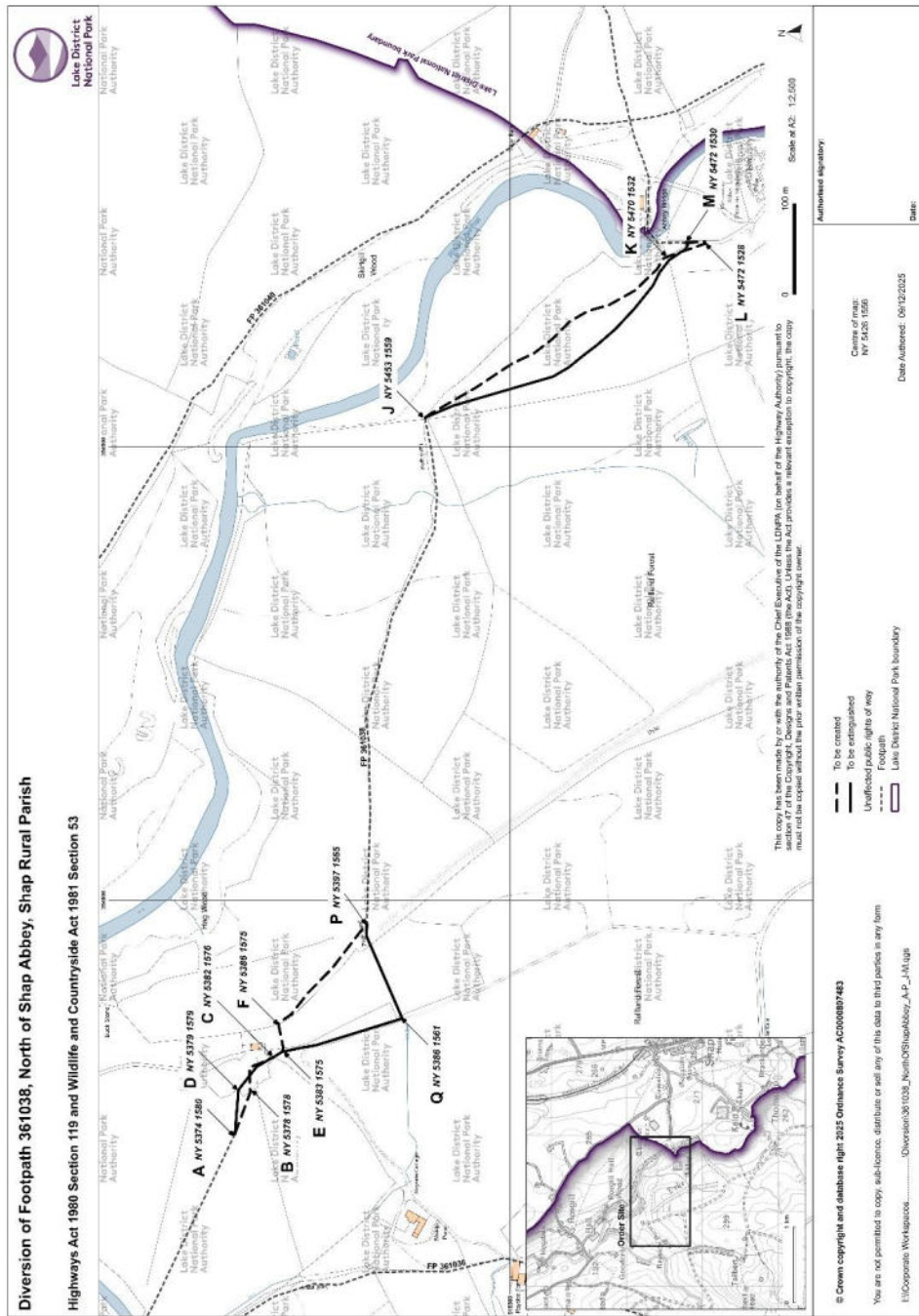


Possible bridge site or stepping stones




Summary

- 18 The combination of all of the above was that both the Ramblers and the OSS felt that it was not ‘expedient in the public interest’ to divert this section of the path. They consider that the definitive line is nicer to walk, more enjoyable, more pleasant and easier underfoot. The main reason for diverting the path would be for ease of navigation – and the Ramblers and OSS considered that this could be negated by proper signage and waymarking on the definitive line.
- 19 The options for us are therefore:
- a. Submit the full diversion to the Secretary of State for determination;
 - b. Abandon the full order and remake two orders, one for P-J and one for the other three sections – then submit the opposed order to the Secretary of State for determination;
 - c. Abandon the full order, make a new order for the three uncontested sections (basically omit the section P-J), and put in place some works to define and waymark the definitive line.
- 20 I recommend option 19c. In my view, neither the case for, nor the case against the order are overwhelming. And for options 19a and 19b we would have to show why the status quo needs changing, and I consider that we would be hard pressed to convince a planning inspector that there is a strong case that a diversion between P-J is expedient in the public interest at this current time. There is only one real reason – ease of navigation. And as the objectors point out – we haven’t tried to encourage walkers to use the definitive line.
- 21 I therefore consider that we should abandon the made order, and make a new order for the sections A-C, E-P and J-M only (map overleaf). No objections were received to these sections, and there is no strong reason to consider we will receive any if the order is made again for the same unopposed changes.
- 22 I further recommend:
- a. We install a full fingerpost at Point P so that Coast-to-Coast Path walkers set off in the correct direction;
 - b. We install intermediary tall yellow-topped waymarker posts at 2-3 locations on the definitive line to help guide walkers, especially at the old fence line and above the point the path crosses the beck;
 - c. We investigate whether a bridge or simple stepping stones would be appropriate at the point where the path crosses the beck;
 - d. We monitor the situation once the Coast-to-Coast Path is formally opened and all the apps and GPX routes show the definitive line – and if the surface needs attention or boardwalks – bid for Coast-to-Coast Path funding to do this. Or, if the situation is such that the benefits of a diversion become more obvious – consider diverting this section of the path.



Proposed new Order Map

Background Papers:	Case file reference 1412.361.07
Author/Post:	Nick Thorne, Senior Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	11 December 2025

Authorised by:


 Ranger Team Leaders' Meeting
 Date...18 December 2025.....

