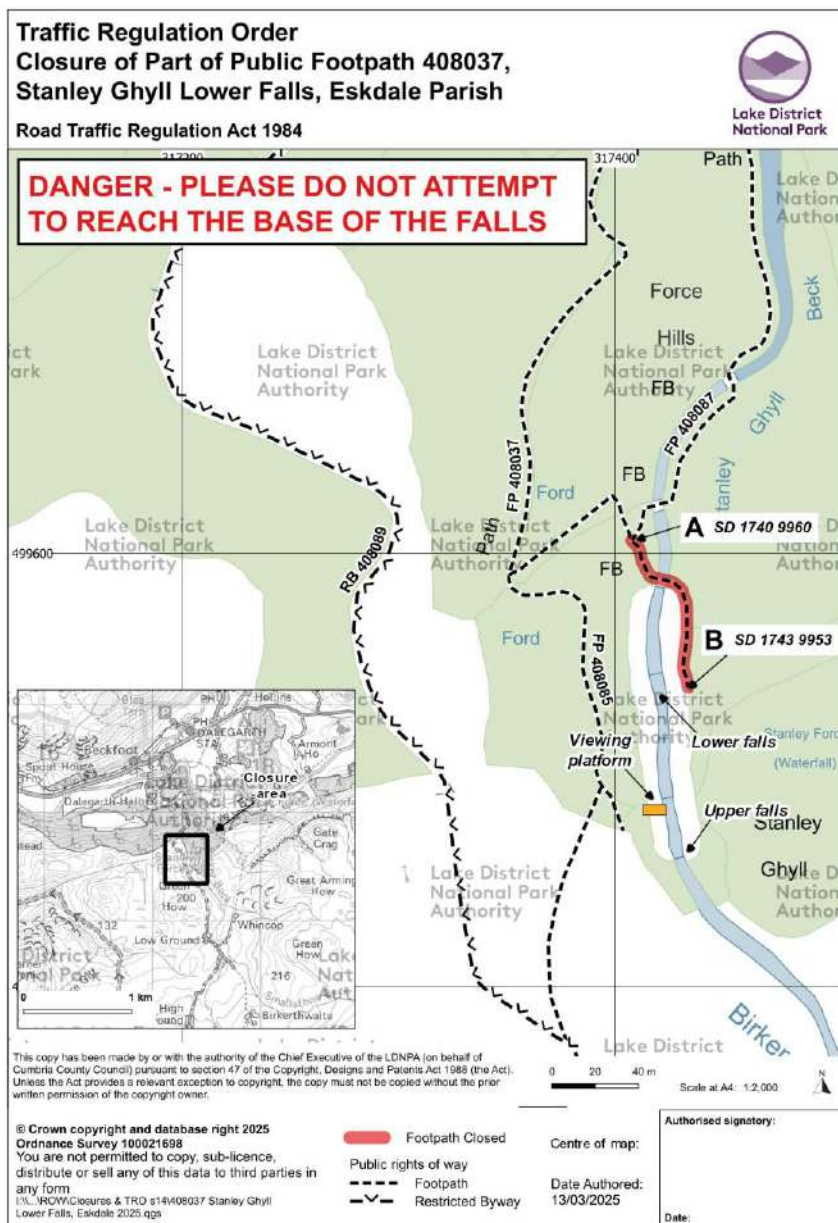


TRAFFIC REGULATION ORDER, PART OF FOOTPATH 408037, STANLEY GHYLL, ESKDALE PARISH

1 Summary

- 1.1 This report recommends the prohibition of traffic over part of a public footpath at Stanley Ghyll, until such time as a footpath accessing views of the lower falls has been reinstated and is safe to use.

Recommendation: *That we make a Traffic Regulation Order for the section of Footpath 408037 from its junction with Footpath 408087 at SD 1740 9960 to its southern termination point at SD 1743 9953, as shown on the plan below between points A and B.*



Site Map of Proposed Footpath Closure

2 Background

- 2.1 In June 2021 we made a Temporary Traffic Regulation Order (TTRO) suspending public access over part of Footpath 408037 which leads towards the lower falls at Stanley Ghyll, due to rockfall damaging the path causing it to become unstable and unsafe (photos of the site are provided in Annex 1). This was initially extended by the Secretary of State in November 2021 to enable us to explore the options for reinstatement, including the possibility of a metal walkway on the existing footpath. Since then the works proposed were effectively rendered redundant following further natural occurrences and increased risks in this section of Stanley Ghyll. In particular, Storm Arwen in November 2021 brought down yet more trees and rocks, further destroying the existing path and proposed location for a walkway.
- 2.2 This led to us applying for further extensions of the TTRO in March 2022 and April 2023 on the basis that the likelihood of danger remained. During this time we commissioned further work undertaken by geotechnical contractors, including:
- Removal of trees
 - Continued scaling works (removal of loose rocks above the path)
 - Risk assessments for the site and options for remedial works
- 2.3 In November 2024 the Secretary of State further extended the TTRO until 1 June 2025. The likelihood of danger to the public if this path were to be used remains significant (practically access has been made difficult as the footbridge over the ghyll southeast of point A has been removed).
- 2.4 Our contractor, Coffey Geotechnics (a specialist geotechnical engineering consultancy), has previously recommended that 'Avoidance' would be the preferred long-term risk management solution for the area and that the existing footpath should be closed. They have highlighted the area between the former footbridge site (approximately 20 metres south-southeast of point A) and point B as being in a High Risk category for slope failure and large rock fall hazards.
- 2.5 The most recent geotechnical assessment (Annex 2) was undertaken by Coffey in 2024 – they reported that to access the southern part of the site (the lower falls) it is necessary to pass through an area via the footpath with a risk profile which may be 'Unacceptable' due to the potential for rockfall and other hazards.

- 2.6 We also asked Coffey to assess potential remedial measures to reduce the risk from rockfall within the ghyll. In particular, options which might reduce this area from a 'High' risk assessment category to a lower, acceptable, category (and to estimate the possible costs). Some of the measures considered included; removal of tree stumps, light scaling of rock slopes, heavy scaling of larger individual blocks, installation of rock dowels and bolts to support individual blocks and installation of rockfall netting. The report highlighted that installation or carrying out of such works would in itself present substantial risks, and that there would be a need for significant ongoing maintenance works.
- 2.7 Having received this report we sought the view of Natural England on the potential remedial works which may allow us to reinstate access on the existing line of the footpath. Stanley Ghyll is a Site of Special Scientific Interest (SSSI) – providing a habitat for mosses, lichens, liverworts and ferns, including rare species such as Wilson's filmy fern and 'old forest' lichens. It is the only site in northern England where some species are known to be found. Natural England have responded to state that they have a number of concerns regarding the potential impact of the remedial works options, including;
- Further removal of material and scaling delivering rock debris to the base of the ghyll impacting on the 'spray zone' habitat of the gorge
 - Removal of surfaces valuable for lichens and associated gorge flora
 - Abrasion of rock faces where important bryophytes reside
 - Further filling of the watercourse with debris which may alter the 'mist zone' dynamics of the ghyll
 - Works such as rock anchoring and netting would have additional impacts including abrasion of the rock surfaces
- 2.8 Natural England state that they support the recommendation made by Coffey of Avoidance (not reinstating the footpath), on the grounds that the additional impacts to the gorge habitat from the proposed remedial works would be an unacceptable detriment to the features of the SSSI, and that they would not assent to remedial rock scaling works within the SSSI.
- 2.9 To review the options for reinstatement of a footpath further our Property Team have arranged a site visit with Rights of Way staff and Coffey on 9 April 2025. This will provide an opportunity to discuss possibilities which warrant further assessment. One possibility following this is that we may commission a Light Detection and Ranging (LiDAR) survey to allow more in-depth assessment of the topography and identify potential routes for a diverted footpath where the ground may be stable and at low risk from rockfall - for example a possible route heading south from Point A on the western side of the ghyll, but located some way up the rockface to reduce the risk from rockfall, potentially with a suspended walkway.

- 2.10 We may also ask contractors to evaluate and risk assess other suggestions made during the consultation on this TRO – such as whether seasonal variability in the likelihood of rockfall would render a footpath within the ghyll sufficiently low risk to open at certain times of the year, this may also need to take into account visitor numbers. These factors may have implications for the type of path surface / walkway we might create – which would still need to be environmentally acceptable, and to follow a route which was unlikely to be damaged by rockfall.

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 rights of way closures, but preventing the likelihood of danger to the public when using rights of way is part of managing the network.

4 Options

- 4.1 The options are:
- a) Consider making a Public Path Order extinguishing the footpath between points A and B
 - b) Make a Traffic Regulation Order prohibiting public traffic between points A and B until the likelihood of danger is removed – either through works or diversion of the footpath
 - c) Do not make a Traffic Regulation Order and continue to apply for extensions of the current Temporary Traffic Regulation Order (TTRO) whilst the likelihood of danger remains

5 Discussion of Options

5.1 *Extinguishment (option 4.1a)*

5.1.1 We do have the power to make Extinguishment Orders under Section 118 of the Highways Act 1980 to extinguish public rights of way where we think it expedient that a path be stopped up on the ground that there is no need for it. The cost of repair or maintenance is not a material factor when considering need. This footpath was diverted in 1998 – this part of the Diversion Order was effectively the creation of a new cul-de-sac path, we clearly considered there to be a need for this footpath at that time due to the opportunities for enjoyment it offered the public. It would be difficult to argue that there was now no longer a need for this path. The responses to our consultation make it clear that there is still a desire for a path to the lower falls and we would receive objections to such a proposal.

5.1.2 The only mitigating factor I can identify relating to this option is that the area was dedicated as Access Land by the LDNPA in 2007 – therefore a public right of access over the area (including the whole of the section of footpath under consideration) would be retained. However, there would be no requirement for us to provide and maintain a path or other means of access, and it's likely the lower falls would be accessible only by very agile visitors willing to accept a fair degree of risk.

5.1.3 The Open Spaces Society and the Ramblers have highlighted in their consultation responses that they do not consider the viewing platform, installed in 2021, a replacement for the footpath to the lower falls. The Parish Council also expressed their hope that the closed footpath can be reinstated and the Local Access Forum acknowledged a reluctant acceptance of the logic behind a TRO at this time (implying that they also see this as a loss of amenity to the public). I agree with these views, the viewing platform provides excellent views of the ghyll and upper falls, but is a very different experience.

5.2 *Making a TRO or seeking extension of TTRO until reinstatement (options 4.1b and 4.1c)*

5.2.1 If we agree that extinguishment is not expedient, as the agents of the Highway Authority we have taken on a statutory duty to prevent, as far as possible, the stopping up or obstruction of this highway (Section 130 of the Highways Act, 1980).

5.2.2 Unfortunately, it is unavoidable that reinstating a footpath will take a considerable length of time – any new options will need to be assessed, assent from Natural England sought and designs obtained for any works. In the meantime the likelihood of danger at the site remains and it is therefore necessary to have a closure in effect to safeguard the public.

5.2.3 When we apply for an extension of a TTRO from the Secretary of State we are encouraged to consider whether making an Order of some other kind would be more appropriate – in this case most pertinently a (long-term) Traffic Regulation Order (TRO) under Section 1(1)(a) of the Road Traffic Regulation Act 1984. Doing so may enable efforts to be focussed on the options for reinstating a footpath leading to views of the lower falls. Alternatively, it would be necessary to make further applications to the Secretary of State for extensions of the current TTRO until the path has been made safe, and there is a possible, but likely very low, risk that the Secretary of State may determine that a further extension should not be granted.

6 Proposal

6.1 I recommend option 4.1b for the reasons set out in section 5. The closed section of the footpath currently presents a significant likelihood of danger to the public and, if we still consider there to be a need for the footpath (the ground for extinguishment), we have a duty to prevent the footpath's stopping up or obstruction. I consider that a TRO will reduce our administrative burden and allow our efforts to be concentrated on reinstating the footpath.

7 Stakeholder Consultation

7.1 We consulted the Highway Authority (Cumberland Council), Natural England, The Police, Freight Transport Association and Road Haulage Association, as well as other interested parties, on the making of a Traffic Regulation Order. The responses received, and our replies, are set out in Annex 3.

8 Demonstrating Best Value

8.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumberland Council can also process Traffic Regulation Orders, but we are the best placed organisation to make this Order. It will also be cheaper, as we can process this in-house using our own time – rather than meeting Cumberland's costs as an applicant for a TRO.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of closures to other similar organisations. We have no specific targets relating to them, but aim to process such cases in a timely fashion, without significant financial or staff implications.

9 Finance Considerations

- 9.1 We have not made a Traffic Regulation Order for a considerable length of time, but the costs are likely to be similar to those for a Temporary TRO, which are £1,060 (mainly staff-time), plus the cost of two adverts in a local newspaper. Given that this is a public safety issue, I consider that it is appropriate that we meet these costs.

10 Risk

- 10.1 There is a significant risk that if an Order of some type (either a TTRO or TRO) prohibiting the use of the footpath is not in effect that a path user could be injured. These risks are set out more fully in section 2.
- 10.2 I don't consider there to be much difference in terms of risk between the options of making a TRO or continuing to seek extensions of the TTRO. It appears unlikely, but is possible, that the Secretary of State could decide not to authorise an application for extension of the TTRO – meaning the public would be entitled to use the footpath again despite there remaining in our assessment a likelihood of danger.
- 10.3 Making a TRO (option 4.1b) may carry some reputational risk – as users or other organisations may take the view that it indicates that the LDNPA has decided that no reinstatement of the path is possible, although I think that the responses received during the consultation indicate that user groups and interested parties do appreciate the difficulties of reinstating this footpath and that a solution will take some time, and significant funding. We will be clear in communication with stakeholders if we do proceed with a TRO that we will still consider and assess options for reinstating the footpath.
- 10.4 Making an Order extinguishing the footpath (option 4.1a) may carry significant reputational risk – our consultees have identified the desire for this path and it is almost certain such an Order would be objected to. The physical risks to visitors accessing the site as open access land would remain – and there would be little onus on us to mitigate them.

11 Legal Considerations

- 11.1 The relevant grounds for making an order prohibiting public traffic on this path are within section 1(1)(a) of the Road Traffic Act 1984 - namely for avoiding danger to persons using the road and preventing the likelihood of any such danger arising.
- 11.2 The Rights of Way Committee has powers to authorise the making of Orders for the closure of paths under the provisions of Section 1 of the Road Traffic Regulation Act 1984, and Section 22BB of the Road Traffic Regulation Act 1984. As mentioned in section 8.1 (b) Cumberland Council could also make such an Order but we appear the best placed organisation to do so given our Agency Agreement with the Council to maintain this footpath.

- 11.3 The current TTRO will cease to be in effect if and when the proposed TRO is made.
- 11.4 The proposed TRO is 'permanent' in as much as it is long-term. But it can be revoked in the future, so is not 'permanent' as in 'forever more'.
- 11.5 The rights of the public to enter and remain on the land for the purposes of open-air recreation under access rights provided for by the Countryside and Rights of Way (CROW) Act 2000 will cease whilst a TTRO or TRO remains in effect, as doing so would be a contravention of a relevant statutory prohibition under Access rights (Section 2, CROW Act 2000).

12 Human Resources

- 12.1 The work involved in this proposal is approximately 20 hours from the Ranger team, and 1 hour from the GIS technician. The work involved is part of our day-to-day duties, and much of it has already been undertaken. There has also been wider work by teams across the Authority relating to Stanley Ghyll, in particular by the Property Team in procuring a geotechnical contractor to carry out assessments of the site. A volunteer work party group have also undertaken a huge amount of work at Stanley Ghyll (in particular focussed on rhododendron clearance) and provide assistance with installing and checking notices relating to the rights of way network in the vicinity.

13 Diversity Implications

- 13.1 I have not identified any issues relating to diversity as a result of the making of a TRO, or a decision not to.

14 Sustainability

- 14.1 I have not identified any significant environmental, economic or social effects that will affect sustainability as a result of the making of a TRO. The environmental effects of re-instating or diverting the footpath will require careful consideration and the input of Natural England as to their suitability, but this is not the matter under deliberation in this report.

Background Papers	Case files: 1413.02 and 1410.003.238
Author:	William Hinchliffe, Rights of Way Officer
Responsible Director	Steve Ratcliffe, Director of Sustainable Development
Date Written:	18 March 2025
Version	FINAL

Annex 1: Site Photos

Photo 1 – Facing south towards the lower falls from close to point A, the footbridge has now been removed following damage sustained by rockfall. From the area circled and beyond the damage to the footpath has made it inaccessible



Photo 2 – Looking down onto the closed section of the footpath from the top of the west side of the ghyll, the section assessed to be highest risk is the loose stone and soil above the nearest footbridge



Photo 3 – *Windblown trees felled by storm events, the upturning of the rootballs has further destabilised the surrounding rock contributing to the hazard. Where trees have fallen down this causes further scouring and destabilisation of the slope.*



**Annex 2: Geotechnical Assessment by Coffey Geotechnical Ltd (LDNPA Contractor)
– included as separate document**

Annex 3: Stakeholder Consultation Responses

The Wainwright Society -

Given the risk assessments, I think the National Park's options are limited and I would concur with the proposal to make a Traffic Regulation Order closing the affected section of footpath.

Cumberland Council -

It looks like closure may be the only option for year round public safety that is available to you. That would ensure the legal right was extinguished, possibly from the bridge and then it could be gated.

Then leave the path as permissive and only open it through the summer months when the area is a little more stable? It would give you more management options.

You aren't excluding people from the fall as they will still get the experience of the falls from the viewing platform.

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LDNPA response – We welcome the suggestion of investigating whether allowing access at times when the risk from rockfall may be lower could be feasible.

The most recent risk assessment report from our contractors did not take into account potential seasonal variability in rockfall frequency (but also did not consider the potential seasonal variability in visitor numbers).

This may be something we could ask contractors to assess further – whether the likelihood of rockfall is likely to be significantly higher or lower at certain times of the year. Such assessment may also take into account visitor numbers – if (for example) the risk of rockfall reduced significantly during the Summer (when visitor numbers are likely to be higher), but remained non-negligible, then they may still assess that the risk is unacceptably high.

If the risk of rockfall abated at certain times of the year, there would still be the issue of retaining a sustainable path which did not get destroyed regularly by rockfall and other debris.

Eskdale Parish Council -

Eskdale Parish Council support your decision to close this footpath on the grounds of safety. Councillors hope that a safe solution can be found to enable visitors to continue to visit this site.

Open Spaces Society -

Many thanks for consulting the OSS with this very tricky PROW issue. The author of this response has visited the site since the early 1950s and most recently in September, 2023. As you may be aware I advised the LDNPA, some thirty years ago to start removal of rhododendron from this ravine but it was other factors which led to your colleagues starting a removal programme of this invasive non-native species more recently. The combination of the unstable nature of the rocky substrate in the ravine and the effect of removal of the rhododendron and subsequent serious weather events have all led to this huge problem of access to the waterfall on PROW 408037.

You may also be aware of the publication of a field study guide to the dale [Eskdale (?) by Slaney et al] in the 1970s which included a walking route climbing up the eastern side of the waterfall from point B on your map and then crossing Stanley Gill to rejoin PROW 408085 to the west. Given the level of use of this path prior to the CROW Act, 2000 previous users would have a good case to claim a definitive route from your point B. However, this may not be directly pertinent to your consultation.

Our position is that we would be hugely disappointed should the LDNPA propose a TRO on 408037 from A to B. Our reasons are fp 408037 gives unrivalled views of Dalegarth Force/Stanley Ghyll waterfall which are only accessible from this path.



We would like you to ensure that the general public do not have this most spectacular vista taken from public view. It may be that a partial construction southwards from point A rather than a full restoration of the path to your point B could be considered.

I have no doubt that the LDNPA will argue that the higher level viewing platform construction will allow views of the falls



This is only very slightly true as the view from this platform gives a hugely fore-shortened aspect of the falls and is greatly inferior than from near Point A.



We have considered fully the views of Natural England and find them inconsistent and unhelpful. Having said that we fully recognise the reasons for the SSSI designation in the ravine and fully acknowledge the sensitivity of the 'lower' plant species present in the area. NE appear to have failed to state clearly if any of these species would be significantly adversely affected by the line of the path A-B. We were aware of a good population of Wilson's Filmy Fern near point A but that appeared to have regressed over more recent years.



Wilson's Filmy Fern is not a particularly rare plant and there are several populations of this plant in Eskdale. We would want to see specific evidence that should a full or partial restoration of the path A-B occur that there would be any threats to this and the other special species in this SSSI along the line A-B. We note that NE have allowed the construction of the above shown viewing point with some significant ground erosion associated with access to it. This appears an inconsistent approach by NE. Likewise NE also have a duty of encouraging public access which does not appear to have been included in their consideration to support a TRO.

Other matters:

The whole area around the falls is designated s16 access land under CROW, 2000. It appears to us that people are therefore fully able to access the approximate line of fp 408037 even should a TRO be applicable.

We are very wary of any highway authority considering PRsOW to be dangerous. You will be aware of our previous correspondence with Nick on this matter. Yes there may be potential natural hazards to people using the line of this path (no matter how badly damaged) and those people may wish to put themselves in danger should they so use it. There are many paths and areas of access land in the country let alone in the Lake District which abound with natural hazards and unless the factors in this location are especially hazardous and makes this a special case we would not like the LDNPA to be in a position where it is seen to be questioning whether or not people can make decisions about how adventurous they wish their walks to be. That said we accept many less experience footpath users are likely to want to see the falls and that is why we are asking if a partial path opening near point A can be arranged so that the full might and grandeur of this very special Lakeland waterfall can be best appreciated.

Perhaps Will we should all get round a table? We certainly don't envy your task with this path issue.

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LDNPA response – Confirmed that if evidence that additional rights of way were not recorded on the definitive map or a DMMO application were received this would be considered (in due course) in the usual way. Though if a DMMO were then confirmed we may then need contractors to undertake further risk assessment as to whether any newly recorded PROW were within an area identified as being in an unacceptably high risk zone and whether a further TTRO / TRO required. Prior to the CROW Act there was an access agreement between the National Park Authority and Stanley family (who were the landowners prior to it coming into LDNPA ownership) and at even earlier times there was a toll to access the falls. But if use ‘as of right’ could be shown for 20 years at some stage between these periods then a DMMO claim could certainly be considered.

Agreed with position that the views from the platform (though enjoyable) are not a replacement for those of the lower falls from the closed footpath.

Highlighted that at this time however a route to reinstating the footpath is unclear and given the most recent risk assessment there appears a need for some form of closure of the right of way to be in effect. Any works undertaken will need the assent of Natural England – and the potential works we had identified to reduce the hazard from rockfall are not acceptable in their view given the impact on the SSSI features.

Whether reinstating part of the footpath south of A could be achieved with more limited works and reinstatement of part of the path is something we may investigate further. Unfortunately the report completed by our contractors found that generally the risk of rockfall is highest towards the northerly end of the closed section by the footbridge - their analysis suggests the steeper slopes further south would cause more rockfall to bounce out clear of the footpath, whereas further north near the footbridge the more gentle slope will mean more rockfall across the footpath. The level of risk at the northern end of the closed section near the footbridge is described in their report as ‘generally unacceptable’. More analysis of is whether a footpath heading south (from the footbridge site) on the west side of the ghyll for some distance before crossing back to the east bank at a new bridge location where the rockfall risk is diminished may be possible.

Our rationale for considering a TRO at this point in time is that the remedial works we had hoped it may be possible to undertake have effectively been ruled out by Natural England – and to reduce the risk, come up with additional options for reinstating some or all of the closed section of the path (which has largely been physically destroyed) or pursue options for an alternative route to the lower falls (which would also require significant works), is unfortunately likely to take a considerable length of time – and given how long the TTRO has been in effect (and the need to keep re-applying to the Secretary of State for extensions, and explain why the closure is still needed) we are considering whether making a (revokable) TRO is the expedient course of action.

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Further response from Open Spaces Society –

Again many thanks Will. Almost an intractable problem.

As with my previous email I would like us to meet with NE to determine how the specific concerns they have for further potential damage to the SSSI are actually affected by the issues around the PROW. You may have a detailed assessment already from them, in that case we would ask if we can see it.

I am unlikely to be able to chase up an application for a DMMO especially with the complexities of the previous ownership. If Malcolm Guyatt is still around he may know the context being area ranger in the 1970s and 1980s. Steve Tatlock may have a contact but I am unsure if he is still 'with us' or around in Waberthwaite.

I think the resolution may be to keep the footbridge at A and erect a small viewing platform on the east bank for the waterfalls. However, your potential solution is well worthy of more detailed work. This could, as a last resort, be roofed. I do not normally favour such mechanisms as crowd funding but I think with the Copeland Fund money to do this work could be sought and the parish council are very likely to be supportive as would the Ravenglass & Eskdale Railway people..

Back to CROW - given the reduction the Act gives towards landowners responsibilities for safety on designated land we can only hope your line managers do not put too great a weight on such matters as they may appear to be so doing.

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LDNPA response - Noted that given the view of Natural England regarding the proposed works to remove the hazards affecting the existing footpath we feel we must therefore look at what other options may be available to us to reinstate a footpath – so we will be thinking about the possible alternatives such as a small viewing platform on the east bank as suggested or the potential for the path heading southward along the west bank some way and then crossing back onto the east bank. Hopefully once we can identify an option which is feasible, sustainable and won't damage the features of the SSSI we'll at least be able to present a clear idea of what we intend to do and that will be more attractive to potential funders.

Local Access Forum -

The LAF's recommendation is that the proposal to make a TRO should be accepted:

In June '21 LDNPA made a Temporary Traffic Regulation Order (TTRO) for the closure of the above footpath which leads to the Lower Falls at Stanley Ghyll due to rockfall damaging the footpath and causing it to become unstable and unsafe. The situation has only got worse with extensions up to December '24.

1. A number of safe alternative solutions have been explored to no avail, and weather events have only made matters worse
2. A consultation with Natural England has received the response that they support the recommendation made by the contractors of Avoidance (not reinstating the footpath), on the grounds that the additional impacts to the gorge habitat from the proposed remedial works would be an unacceptable detriment to the features of the SSSI, and that they would not assent to proposed remedial rock scaling works within the SSSI.

On that basis the Park wish to apply a (long-term, non-temporary) Traffic Regulation Order under Section 1(1)(a) of the Road Traffic Regulation Act 1984 – which would remain in effect until such time as a footpath can be safely reinstated at the Lower Falls).

This logic the LAF reluctantly accepts.

Volunteer Coordinator for the LDNPA's Stanley Ghyll work party -

Since storm Arwen there has been a significant increase in the number and severity of rockfalls from the slope above the path concerned. There have also been more tree falls which again often cause further rock falls and issues with the stability of the slope above the path.

We are strongly in agreement with the proposal to obtain a permanent TRO closing this section of the path as it is clearly dangerous to the public.

The Ramblers -

The OSS has made several excellent points with which I agree on behalf of the Ramblers.

On a personal level I recollect discovering the delights of Stanley Ghyll by accident, having been 'enticed' into this ghyll because there was a footpath to follow. I am saddened to think that future generations might be denied a similar 'discovery experience' because there is no footpath to encourage them to venture into the delights of Stanley Ghyll by accident, having been 'enticed' into this ghyll because there was a footpath to follow. I am saddened to think that future generations might be denied a similar 'discovery experience' because there is no footpath to encourage them to venture into the ghyll as I did.

In my opinion Stanley Ghyll is something of a 'gem' within the Park and every effort should be made to ensure the public can at the very least enjoy a clear view of the lower falls from the level of the ghyll floor. Therefore I agree with the idea of creating a 'viewing location' but it really must have that clear view of the lower falls.

Perhaps the focus of future deliberations should be to achieve this goal rather than concentrating on the 'ins and outs' of making safe a PRow. If a viewing location were to be created then maybe permanent closure of part of FP 408037 could possibly become reluctantly acceptable.

Finally to respond to the question of making the TTRO a TRO. Ramblers would not wish this to happen as it may lead to a loss of impetus to resolve this issue of access into the ghyll. Therefore Ramblers would prefer that LDNPA continue the policy of applying for extensions of the TTROs.

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LDNPA response - Concur that we should continue to seek a solution which would provide a footpath within the ghyll which offers views of the lower falls. Noted that our contractors and Natural England appear to be of the view that extinguishment of this footpath should be considered, but that from a ROW perspective we do not consider this feasible (given the legal test for extinguishment), or desirable.

Agreed that we should therefore re-consider all the available options to either make safe and re-open the existing line, or divert the footpath to an alternative route within the ghyll which reaches a location where the lower falls can be viewed. Any such option will require further analysis of its safety and sustainability, Natural England assent, and the time taken to obtain funding for and physically create a new path.

Sought to reassure respondent that a TRO is not something we typically consider, but that due to the likely timeframe for any solution at Stanley Ghyll, and the resources which have to go into repeatedly applying for extensions of the TTRO, and the possibility that the Secretary of State may refuse a further extension, we feel it should be considered for Stanley Ghyll.