

2025-26 ROW Committee Decisions (updated 22/01/2026)

Year	Minute Ref	Decision Date	Decision Type	Decision Made By	Parish	Location	Decision Details
2025-26	07/25	08/04/2025	Diversion	ROW Committee	Bampton and Shap Rural	Naddle Bridge and Highpark Buildings	To make an Order diverting footpaths 306004 and 361039 at Naddle Bridge and Highpark Buildings, with a gate to be installed at point B as shown on the plan. Head of Service delegated to make decision as to whether to submit the Order to Planning Inspectorate if objections are received. This follows a committee decision in April 2025 (April 2025 Committee Page Online)
2025-26	08/25	08/04/2025	TRO	ROW Committee	Eskdale	Stanley Ghyll	Non-temporary TRO to be made prohibiting use of the section of Footpath 408037 leading to views of the Lower Falls at Stanley Ghyll, until such time as the footpath can be made safe and reinstated
2025-26	19/25	22/07/2025	Creation	ROW Committee	Lakes: Grasmere	White Moss	In October 2014, this committee resolved to enter into a series of creation agreements for bridleways in the Grasmere area. The vast majority of the proposed routes were created / upgraded soon after, with two links remaining outstanding. One of these links has recently been completed (April 2025). There is now one final link – and a decision was required as to whether to continue to pursue a bridleway creation, or to abandon this part of the initial proposal. The Committee decided to no longer pursue a creation for the relevant section.
2025-26	18/25	22/07/2025	Diversion	ROW Committee	Coniston	Heathwaite	The landowner at Heathwaite, Coniston Parish, applied to divert parts of footpath 512021. The Committee considered the various options and agreed to divert various sections of the footpath.
2025-26		17/11/2025	DMMO	ROW Committee	Muncaster	Ravenglass	To make an Order altering the recorded definitive line of public footpath 418036 to the route shown on the map, and update the description of the route within the definitive statement.

Delegated Decisions 2025-26
(Updated 22/04/2026)

Ref No	Decision Date	Decision Type	Decision Made By	Parish	Location	Details
DD.25.1	07/04/2025	TTRO	Ranger Team Leader	Kirkby Ireleth	Far Houses	Temporary Closure Order over FP 539017 to enable Natural England to undertake works to make safe and stabilise structures at a deserted farmstead.
DD.25.2	24/04/2025	s147 Authorisation	Ranger Team Leader	Lakes (Grasmere)	New Bridge, Grasmere	s147 authorisation for a 3-metre field gate preventing stock ingress along bottleneck section of bridleway 542010
DD.25.3	05/06/2025	TTRO	Ranger Team Leader	Ennerdale & Kinniside	Galloway Bridge (Moo Moo Bridge), Woundell Beck	Temporary closure of part of Bridleway 407028 to enable replacement of bridge
DD.25.4	26/06/2025	TTRO	Ranger Team Leader	Mungrisdale Parish	Bannerdale	Temporary closure of a section of footpath 348013 along the River Glenderamackin. Temporary closure notice, followed by order for safety
DD.25.5	17/07/2025	PPO	Ranger Team Leader	Underbarrow & Bradleyfield	Fallen Yew	Diversion of footpath 577022
DD.25.6	07/07/2025	PPO	Ranger Team Leader	Bampton Parish & Shap Rural Parish	Naddle Bridge - Park Buildings	Confirmation of Public Path Order FP 306004/306039 following previous Committee decision.
DD.25.7	31/07/2025	TTRO		Tebay	Roundthwaite Beck	Temporary Traffic Regulation Notice prohibiting use of the section of footpath 367009 over the Roundthwaite Beck bridge and its approaches during works to replace the bridge
DD.25.8	23/07/2025	PPO	Ranger Team Leader	Shap Rural	Shap Abbey	Public Path Order needed to ensure that Wainwright's Coast to Coast National Trail follows a legal Public Right of Way for its entire length
DD.25.9	15/08/2025	TTRO	Ranger Team Leader	Matterdale & Threlkeld	Wallthwaite Farm	Temporary closure of Part of Footpaths 345049 & 369026 to enable works to replace a bridge.

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(Updated 22/04/2026)

DD.25.10	03/07/2025	PPO	Ranger Team Leader	Lakes: Grasmere, St Johns Castlerigg and Wythburn, and Borrowdale	Various	Diversion of Bridleway between Far Easedale and Rosthwaite, with associated extinguishments and creations for the Coast to Coast National Trail
DD.25.11	20/08/2025	TTRO	Senior Rights of Way Officer	Patterdale	Glenridding Beck	Temporary Traffic Regulation Notice prohibiting use of the section of footpath 357059 across the bridge over Glenridding Beck and its approaches during works to replace the bridge.
DD.25.12	04/09/2025	TTRO	Ranger Team Leader	Irton with Santon	Miterdale Forest	Temporary closure of part of bridleway 411010 to enable FE contractors to undertake felling of crop trees in line with their forest plan
DD.25.13	04/09/2025	Section 33	Ranger Team Leader	Various	Grizedale, Whinlatter, Wythop	Section 33 consent authorising use of public rights of way during Malcolm Wilson Rally motorsport event
DD.25.14	05/09/2025	Section 33	Ranger Team Leader	Various	Grizedale Forest	Section 33 consent authorising use of public rights of way during Grizedale Stages Rally motorsport event
DD.25.15	17/09/2025	Section 33	Ranger Team Leader	Various	Duddon and Bootle	Section 33 consent authorising use of public rights of way during Lakes 2-Day Trial motorcycle event
DD.25.16	23/09/2025	Section 147	Ranger Team Leader	Drigg and Carleton	Footpath 405014	Section 147 consent to erect a a new wicket gate.
DD.25.17	20/10/2025	TTRN	Head of Ranger Service	Buttermere & Brackenthwaite	Footpath 220050	Temporary closure of section of path due to potential for dangerous rockfall on to lakeshore footpath
DD.25.18	10/10/2025	Section 147	Ranger Team Leader	Nether Staveley	Footpath 558017	Authorisation of a new wicket gate to prevent stock egress on Ashes Lane
DD.25.19	08/10/2025	TTRO	Ranger Team Leader	Over Staveley	Footpath 561001	Temporary closure order to enable works to install a sewage pipeline
DD.25.20	10/10/2025	Section 33	Ranger Team Leader	Various	Whinlatter, Honister, Buttermere, Crummock Water	Section 33 Consent authorising use of public rights of way during the Vintage Sports Car Club Lakeland Trial

Delegated Decisions 2025-26
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DD.25.21	01/10/2025	TTRO	Head of Ranger Service	Various	Grizedale, Whinlatter, Wythop	Temporary closure of public rights of way in forests during Malcolm Wilson and Grizedale Stages motor rally events
DD.25.22	20/10/2025	TTRN	Head of Ranger Service	Buttermere & Brackenthwaite	Footpath 220050	5-Day temporary closure notice to enable rock scaling works to mitigate likelihood of rockfall onto footpath
DD.25.23	20/11/2025	Creation	Ranger Team Leader	Colton	Footpath 511098	Creation of footpath opposite YMCA entrance to improve public access
DD.25.24	18/12/2025	Diversion	Ranger Team Leader	Shap Rural	Footpath 361038	Addendum to original Shap Abbey Decision (DD.25.8) Diversion of footpath 361038 from Lowther Barn to Shap Abbey
DD.25.25	05/01/2026	TTRO	Ranger Team Leader	Broughton East	Footpath 506012	Temporary closure of footpath due to likelihood of danger from building collapse
DD.25.26	02/02/2026	TTRO	Ranger Team Leader	Lakes (Grasmere)	Footpath 542021 and unrecorded way generally used as part of Footpath 542021	Temporary closure of footpath to enable re-tarmacking works
DD.25.27	09/02/2026	TTRO	Ranger Team Leader	Borrowdale	Footpath 212045	Temporary closure of footpath at Scaleclose Bridge to enable replacement
DD.25.28	19/02/2026	Diversion	Ranger Team Leader	Claife	Footpath 510004	Diversion of footpath at Knott Cottage, Sawrey
DD.25.29	18/03/2026	Creation	Ranger Team Leader	Patterdale	Glenridding Dodd	Creation of footpath 357083, Glenridding Dodd
DD.25.30	18/03/2026	TTRO	Ranger Team Leader	Various	Various PRow on West Coast	Temporary closure of various ROW for West Coast Pylon Re-Cabling



Lake District
National Park

Diversion of Footpath 305011, Askham Hall Farm, Askham Parish

Summary

1. This report recommends the diversion of footpath 305011 at Askham Hall Farm in the centre of Askham. The proposal is supported by the owner and consultees.

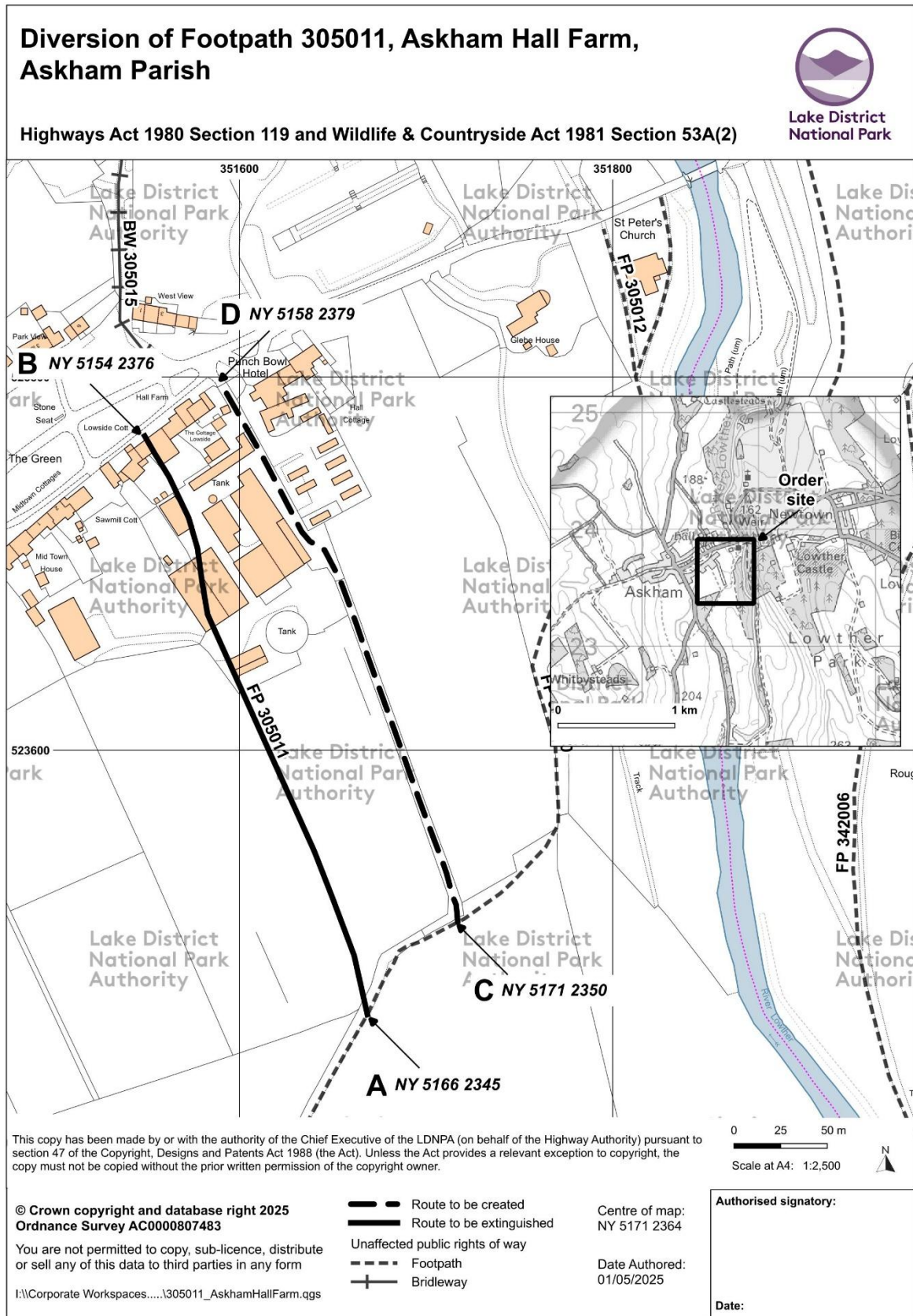
Recommendations:

- a we make a diversion order to divert footpath 305011 from A-B to a new route C-D as shown on the plan overleaf;
- b we confirm the order if no sustained objections are received, or take the matter to our Rights of Way Committee if objections are made and sustained.

Background

2. The definitive line of footpath 305011 has been unusable for at least 25 years, if it were ever actually usable. We have investigated its history and there does not appear to be enough evidence for a modification order. We have agreed a diversionary route with the landowner.

Plan showing proposal



Policy context

Links to Vision and Management Plan

3. 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.
4. The Management Plan contains the policies and actions for achieving the aims of the Vision. 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

Links to Business Plan

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).

Links to other strategic plans

6. The Strategy & Rangers Service Plan contains the 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.
7. '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 economy.

8. This proposal helps fulfil the first aim by improving the ability for walkers to use this right of way with confidence and safety – and removes confusion.
9. Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
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 1.

Options

11. The following options are possible:
 - a) make the recommended order
 - b) do not make order and open the definitive line

Proposals

12. I recommend option a - for the reasoning set out in the discussion section below. It will make the path fully usable without walkers worrying that they are not in the right place, and it will also avoid the yard area to a great degree. Trying to open up the definitive line would seem to be an unfair imposition on the landowner.

Grounds and Tests for Diversion

13. 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 1.
14. 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
15. I consider that it is expedient in the interests of both the landowner, as it will remove the definitive line from going through the farmhouse, and the public - for the reasons discussed in this report.

What is proposed?

16. We have been aware for many years (25 at least) that there has been an issue with public footpath 305011 where it meets the road at Askham Hall Farm. The definitive map shows the route as heading northwards from another footpath, through the farmyard and then through the farmhouse itself.



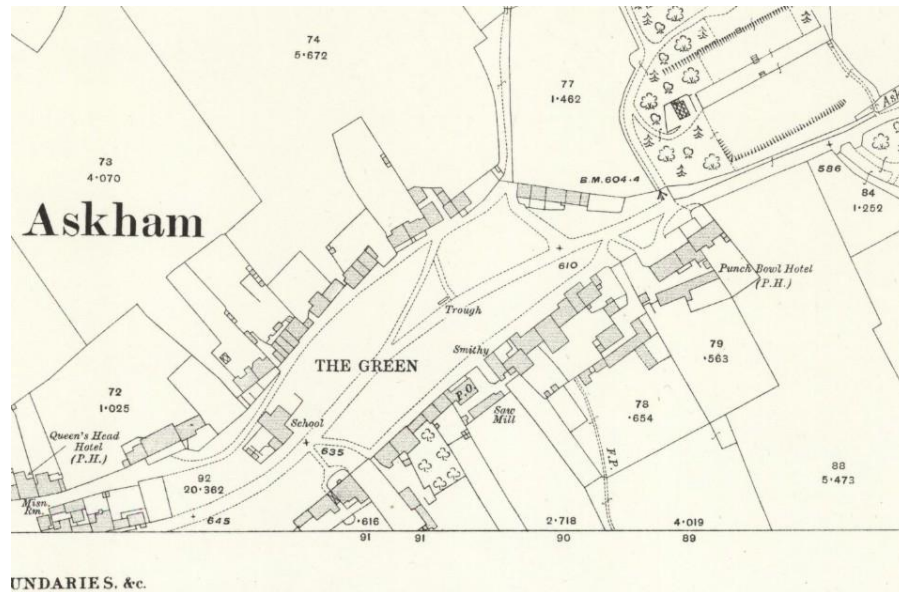
1976 (current) Cumbria Definitive Map of Public Rights of Way

17. Having looked at as many map records as possible, I am not convinced that there was ever actually a footpath through the house – but the evidence is probably not strong enough to show where exactly it did run. The situation also appears to have been fairly organic and ongoing – with the legal line always seemingly unusable through the farmhouse building but generally with a way through to the road by wiggling through the yard on various routes, which changed over time depending upon where buildings were being developed or built.



1898 Ordnance Survey Map

18. Ordnance Survey showed paths through unsurfaced land – they didn't tend to show a path where things like farmyards and so on were surfaced as they were showing physical features rather than rights. The physical path as shown on the map enters the yard from the south – then heads due north to reach the back of the roadside buildings. There must have been a way through to the road, and logic would say that this was to the east, along the main access drive (or through an open barn).



1913 Ordnance Survey Map

19. This later map shows the extent of the path to the point where it enters the main yard (as was) south of the farmhouse buildings. Again, there must have been a way through the yard to the road somehow. And again, logically this would have most likely have been via the main drive to the east.



1953 Parish Submission Map

20. Askham Parish Council show path 13 (in faint blue) as following the Ordnance Survey dashed lines on the above map, then when it reaches the yard – they have shown it going straight across to the road. The only feasible way a footpath could have done this would be to come out of the arched entrance onto the village green (overleaf).



21. Their description of the route merely said 'through Hall Farm Yard'. No mention of the house.

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WESTWORLD COUNTY COUNCIL

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949
SCHEDULE ACCOMPANYING SURVEY MAPS.

PARISH OF Askham in the Rural District of West Wiltshire
Borough } of
Urban District } (Delete whichever is inapplicable)

1. Number of highway on Map..... 13

2. Kind of Path (i.e. F.P., B.R.)..... F.P.

3. Starts at Gate on Road No. 6 to Askham Green
through Hall Farm

4. Name of Path (if any)..... Footpath

5. Is the Path well defined?..... Yes

6. Is the Path metalled? If so, define length.....

7. If its width can be stated, insert here.....

8. What is the present condition of the path, stiles etc.?.....
Stile good Path fine

9. Is it subject to being ploughed out?..... No

10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known.....
None

11. Grounds for believing the path to be public (if known) e.g. "Awarded," "Repaired at Public Expense," (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant.....
Used for many years

12. Have persons been prevented using the highway?..... No

13. Give particulars of any obstructions..... None

14. What maps have been consulted, and where are they deposited?.....

P.T.O.

- 2 -

15. What records have been consulted, and where are they deposited?.....

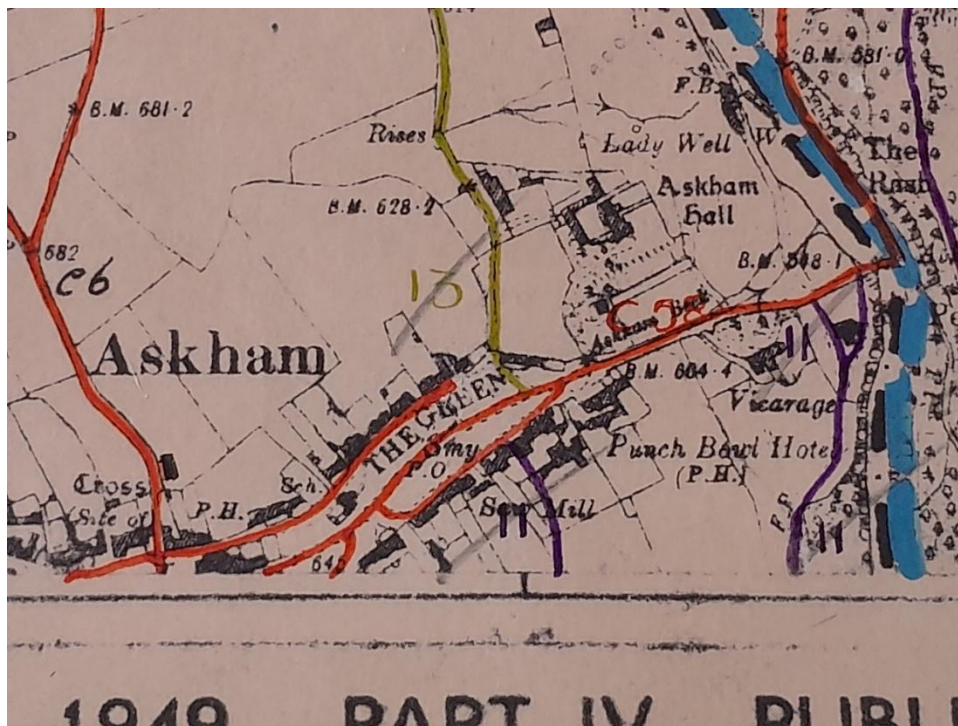
16. Any other relevant information.....

Surveyed by	Address	Date of Survey
<u>Askham Parish Council</u>		<u>26-2-01</u>

Sheet No. of Map on which Highway is shown
VII/156 VII/157



1950s/1960s - the barn doors look as though they were present at the time.



1953/66 Westmorland Definitive Map of Public Paths

22. Following these investigations, it seemed to me that there probably was not enough clear evidence to make a modification order. It is fairly clear that the footpath did not run along the definitive line, but there was no clear evidence of the precise route it did run. And without both, a modification order would not be appropriate.
23. It therefore followed that the best solution to make the path fully usable would be to divert it to the best route possible for all. Various solutions were put forward and between 2003 and 2006 we consulted on a few of these, none of which were fully accepted by one party or another.
24. However, things have changed over the years with regards to usage of the land and the farm itself – and we have been in recent discussions with the owner of the land, and have reached an agreement on what we think is probably the best long-term solution.
25. Our proposal is to replace the whole of A-B on the attached map with a path C-D which runs along the surfaced access track and along the edge of the farmyard buildings.
26. Currently, there is a difficult to use gate just north of Point C, which would be replaced / improved (by us) as part of the change.
27. A few photos illustrate the route(s) overleaf.

Looking northwards from Point C



Looking towards the road and Point D



Southwards from Point D



Northwards towards B – just outside the yard



Point B is possibly the black archway, but it's not certain



Tests to be Considered

28. 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.

Will the new path be substantially less convenient to the public?

29. Planning Inspectorate guidance, 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.

30. Taking these considerations into account I consider that there is little impact on the convenience for walkers – and if anything it is improved. The current route goes across a field, through a yard and then a house. The proposed route will simply follow a made track – with one gate. The lengths are similar.

The effect of the diversion on public enjoyment of the path or way as a whole?

31. I consider it could be said to be more enjoyable in that walkers will not have to negotiate a farm yard. However, it could be said to be less enjoyable in that they are also deprived from seeing the workings of yards such as this, and some people like to do so. We are best guided by our consultees, which include user bodies – and they all support the change. The Open Spaces Society specifically refer to this point – and accept the change.

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

32. We are not aware of other land being affected.

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

33. There will be minimal impact on the landowner, who has agreed to the diversion. The new route is a concrete/stone tractor track, and walkers will be away from the main yard workings.

Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?

34. The terminations at both ends of this footpath are moving eastwards. The new terminations will be slightly less convenient for those coming from the west, and then heading westwards from the end of the new path – but this extra distance is only around 70m at the south and 50m at the north. It will be balanced by the increased convenience of those coming from the east and continuing eastwards after using the path. Any other combination will not be affected. I therefore consider that the terminations are substantially as convenient.

Other Considerations Required by Legislation

35. 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
36. The proposals meet the general aims within the Access & Recreation Strategy (as discussed in the Policy section earlier), in particular the making of orders to reflect match current demand/usage and to suit modern needs (page 12).
37. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The new route will all be on a made surface and pretty level – and therefore should not present issues for most with mobility issues, it will be better than the current field in this respect.

38. Impact on the needs of agriculture and forestry - assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. One of the sticking points with earlier proposals was the dairy-based nature of the farm and the gathering point for milking cows being on the track over which the footpath is now proposed to run. The farm has changed and it is no longer dairy-based and so this issue has fallen away. The landowner is happy that it will not greatly impact on their activities.
39. We 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. The proposals do not appear to have any effects on these aspects.
40. Defra published a 'presumptions guidance' in 2023 to help order-making-authorities when considering diversions or extinguishments of public paths within domestic curtilages / farmyards / commercial premises. The presumption is that we will make orders like this if they satisfy the legislative tests, and this presumption can override our own National Park policies.

Stakeholder consultation

41. We have consulted our usual consultees comprising all the local authorities and relevant user bodies, interested parties, utility companies – along with others whom have requested to be consulted.
42. Those who responded are listed below. There is general support.

Name of stakeholder	Consultation response
Askham & Helton Parish Council	Support the application to divert the footpath 305011 as it is the preferred route to improve access.

Westmorland & Furness Council	No objections
Ramblers	<p>Thank you for your email and letter about this proposed diversion. We have visited the site and noticed changes since the site visits in 2000 and 2003. At those visits the present proposal was mentioned but rejected by both the farmer and us, as it went through an area where the cows gathered for milking. Now the dairy business has closed and it is a good clear route. Once beyond the buildings it is attractive.</p> <p>We noted that there is now a firewood processing business on the site, and that there is a retrospective planning application currently with the LDNPA for this use. The processing takes place away from the proposed path, but the path will share part of the vehicle access route. Given the low number of vehicle movements, we are happy that there will be little effect on path users.</p> <p>We have no objections to the proposed diversion.</p>
Wainwright Society	<p>The Wainwright Society has no comment to make on this proposal, other than to note that we are pleased to see the local network of footpaths leading to and from Askham and Moor Divock being maintained and actively managed.</p>

Open Spaces Society	<p>The use of farm building doors for a PROW is not unique and it can be part of the enjoyable character of a walk. In this case the proposed diversion is easier to use and all the local vernacular features, of which the village is so rich, will still be available for the walker to view.</p> <p>The OSS does not raise any objections to the proposal.</p>
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Demonstrating best value

Work Programme and Relevance to This Case:

43. This matter has been around for many years, and we have been trying to resolve it on-and-off for 15-20 years. It is timely to complete this work now whilst we have the support of all involved and following the changes at the farm.
44. **Challenged** – The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion will contribute to the achievement of our policies in relation to public enjoyment without significant financial or staff implications.
45. **Compared** – We have **compared** our casework completion rates with other authorities, and our rate of processing these sorts of orders is roughly comparable. The diversion will align the definitive map and situation on the ground and will improve our ‘ease-of-use’ performance indicator if the path is selected for survey in the future.
46. **Consulted** – We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are above.

47. **Compete** – Processing public path orders is not a **competitive** procedure. Westmorland & Furness 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.

Finance considerations

48. Our charging policy is that for orders under the Highways Act 1980 that are wholly or partly in the public interest, the charges may be negotiable according to the extent to which the public will benefit from the proposal in relation to the benefit derived by the applicant. This is outlined below:

- **The total cost of a diversion is the sum of the costs involved in administration, advertising and works on the ground.**
 - **The exact amount to be waived will depend on the circumstances of each case, and will be negotiated with the landowner(s).**
1. Where an order is predominantly or wholly in the interests of the public, up to 100% of the total cost will be waived.
 2. Where an order is partly in the landowner's interest, and partly in the public interest, up to 75% of the total cost will be waived. The higher the level of public interest, the greater the percentage that will be waived.
 3. Where an order is predominantly in the interests of the landowner, but would result in some small public benefit then up to 25% of the total cost may be waived.
 4. Where an order is wholly in the interests of the landowner - none of the total cost will be waived.

49. The costs for this diversion are £3,150 in staff time for the legal work, and two adverts in the Cumberland & Westmorland Herald costing around £250+VAT each. We have also offered to replace the gate at Point C which will cost around £250 in materials (plus two days from the field staff).
50. Although the main beneficiary could be said to be the landowner, as it will remove the footpath from their farmhouse, our investigations cast a strong doubt over whether the path was correctly recorded in the first place. It is therefore more akin to resolving a definitive map issue, and finally making the path fully walkable. Consequently, I consider that it is appropriate that the LDNPA waive/meet all the costs associated with this proposal.

Risk

51. There is a risk that the order may be objected to. This risk has been mitigated as far as possible through initial agreements with the landowner and through the pre-order consultation process.

Legal considerations

52. The order will be made under section 119 of the Highways Act 1980 and we are able to make orders under this section 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 do such orders through our Agency Agreement with Westmorland & Furness Council. The action strikes a reasonable balance between private and public rights.
53. We have given consideration as to which section of the Highways Act applies here. The proposal changes the termination points of both ends of the path, and there is no point on the new path that touches the current path. The Highway Authority has previously advised us to make concurrent creation

(s26) and extinguishment (s118) orders in these circumstances. Whilst there is nothing necessarily preventing this here, there also appears nothing within section 119 which prevents a diversion order also being applicable. Section 5.55 of DEFRA Rights of Way Circular 1/09 states: '*Concurrent creation and extinguishment orders should only be made to effect a diversion of a public right of way in circumstances where section 119 cannot be used, for example where the new route is of a different status, or where one end is not on a public highway. Otherwise section 119 should be used in every case*'. The effect of s119 is to add and extinguish equivalent sections of a right of way to divert the whole of the footpath, and consequently section 119 seems most applicable.

Human resources

54. The work involved in the legal and administrative parts of this proposal is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken. The Field Team will spend two person days replacing the gate at Point C if the order goes ahead.

Diversity and Sustainability implications

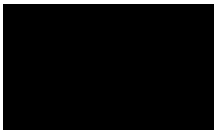
55. I have not identified any significant diversity, environmental, economic or social effects.

Summary

56. The proposal will resolve a very long-standing issue (potentially 70+ years' old), and will benefit the landowner and the public. All of those who responded to the consultation are in agreement with the proposals.
57. I recommend that we make the necessary diversion order to bring this into effect.

Background papers	Case file reference: 1412.305.01
Author / Post	Nick Thorne, Senior Rights of Way Officer
Responsible Director	Stephen Ratcliffe, Sustainable Development
Date written	1 April 2026

Authorised by:



Name: Jack Holmes

Date: 15th April 2026



Lake District
National Park

Annex 1: 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 discussion part of the paper.

- 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.

The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

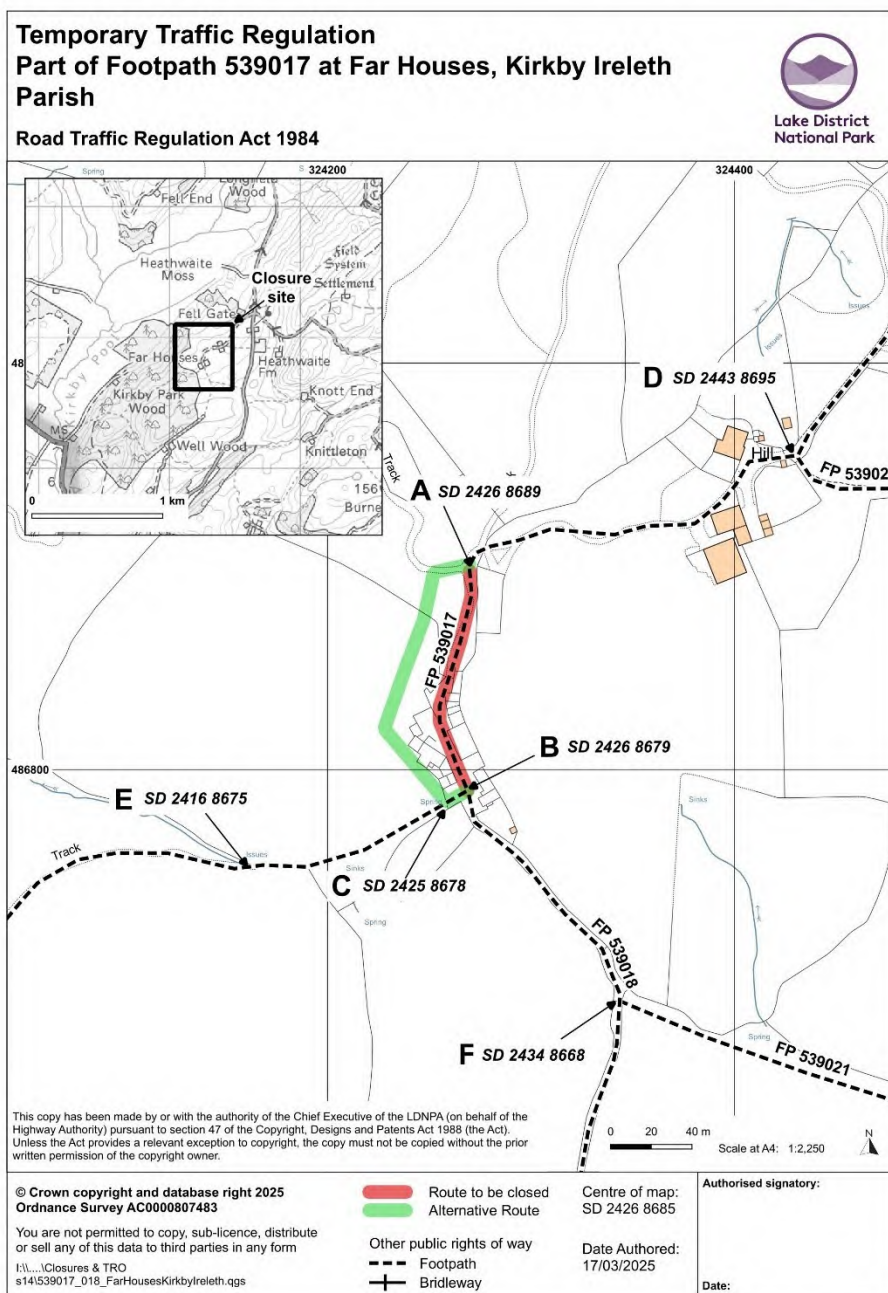
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 539017, FAR HOUSES, KIRKBY IRELETH PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	We have received an application from Natural England for a temporary closure of part of footpath 539017 at Far Houses, a deserted farmstead, to enable repair works to be carried out to combat deterioration of the structures and prevent them becoming unsafe. A suitable alternative route will be available during the works around the perimeter of the farmstead.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for the section of footpath 539017 shown between points A and B on the plan within this report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making the order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (279)	
Date of Report	18 March 2025	
Authorising officer	Ranger Team Leaders' Meeting – 7 April 2025	

TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 539017, FAR HOUSES, KIRKBY IRELETH PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over a section of footpath 539017 at the Far Houses deserted farmstead to enable structural repair works to be carried out safely and efficiently.

Recommendation: *That we issue a Temporary Traffic Regulation Order for the section of footpath 539017 shown between points A and B on the plan within this report.*



Map 1: Location Plan

2 Details of Request

- 2.1 Natural England (NE) have submitted an application for a temporary closure of part of footpath 539017 at Far Houses, a deserted farmstead near Grizebeck. Far Houses is not designated as a Scheduled Monument, or recorded in the Historic Environment Record. However, it is recognised as a valuable historic site and considered a 'non-designated heritage asset'. Photos of the site have been included in Annex 1.
- 2.2 The walls and other features of the abandoned buildings are becoming increasingly fragile and dilapidated and the traditional slatestone walls are crumbling and bulging in places. Following recent assessment by NE and the LDNPA's Historic and Built Environment Advisors it was concluded that extensive repairs are required to make the structures safe and prevent them from falling further into disrepair.
- 2.3 NE intend to undertake works to remove sycamore trees which are affecting the building remains, carry out structural repairs to prevent further collapses, and to partially dismantle isolated parts of the structures where necessary. Whilst underway these works will obstruct part of footpath 539017 which passes through the farmstead, on the section shown in red between points A and B on the plan. It is anticipated that the proposed works will begin in May 2025. Although an Order may last up to six months, it is expected that the works will only take around four months, and the closure would cease to be in effect once they are complete and the path reinstated. An order may also be extended with the authorisation of the Secretary of State, though it appears unlikely this will be necessary.
- 2.4 The trees will need to be removed precisely to prevent any further damage to the walls, and whilst removal works are underway there would be times where it would not be possible to safely cease work to allow users to pass. A telehandler (2.44 metres wide) will be used to collect and remove materials during the works – given the width of the path between the structures at the site (as little as 3 metres at the northern end of the farmstead) there will be insufficient space for users to pass the machine safely when in use. Some of the works will need to be undertaken from scaffolding which will also obstruct the path, the risk of debris falling from height and instability of the walls are additional factors which could present a risk to users if the path were to remain open during the works.
- 2.5 Given these hazards, the obstruction of the footpath and the difficulties with maintaining public access through the site during the works (and impact on efficiency if access were maintained) it appears expedient to temporarily suspend public access through the farmstead during the works.
- 2.6 During the closure an alternative route would be available through fields around the western perimeter of the site (shown in green between points A-C-B on the plan). Signage would be erected whilst the closure is in effect at either end of the closure and on the approaches (points D, E and F). Fencing / cordoning will be used at point B to guide users around the corner and through the gate at point C. Retaining access to this section will mean that some views of the historic features of the site will remain available during the works. The alternative route then takes users through two fields (via one further gate) and rejoins the footpath at point A.

- 2.7 Once the works are complete the path surface will need to be reinstated to its prior condition. We have also identified from our rights of way management system that the field gate at the northern end of the farmstead buildings was reported to have dropped, and the surrounding ground to have become boggy, when last inspected by one of our volunteer surveyors in November 2024 – we will therefore ask Natural England to seek to address these issues during their works as well.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Make the Order
 - b) Do not make the Order

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 and 8. A closure of the affected section of footpath will enable necessary works to be undertaken to prevent the structures deteriorating further or becoming unsafe. During the works there will be significant hazards present, and the path will be obstructed, a closure therefore appears expedient. A suitable alternative route will be available.

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure orders, but we are the best placed organisation to make this order.
 - c) We have carried out the required **consultations**.
 - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. Natural England (the applicant) have confirmed they will meet these costs.

8 Risk

- 8.1 The major risk associated with this is if we do not make an order. As detailed in section 2.4 there would be significant hazards for users if access were not restricted and there is no practical way of mitigating these effectively whilst the works are underway other than offering an alternative route. If the works are not undertaken the site is likely to fall further into disrepair and may become unsafe, which may necessitate a closure of the footpath due to the likelihood of danger to the public.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) of the Road Traffic Regulation Act 1984; namely because works are proposed works to be executed on or near the road (highway).
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation Responses


12.1 We carried out a public consultation with interested bodies and individuals including Westmorland and Furness Council (the Highway Authority), Parish Council, Local Access Forum and various user groups. We received the following responses:

Consultee	Comment	LDNPA Response
LDNPA World Heritage Coordinator	I have looked in the nomination document and GIS layers for WHS and there is nothing which would be affected by the diversion works. Therefore no comment to make.	
Westmorland and Furness Council Countryside Access Team	No objections.	
Open Spaces Society	<p>Thanks for this and, from a couple of decades ago, I know the site and have used the footpaths on several occasions. We are unsure as to why NE have become involved in such a matter but we do recognise the interest of this site. We note that vehicle access to the site might also affect users of the PROW but this should not be a significant issue.</p> <p>The OSS are pleased you are providing a bypass route for the duration of the closure and as such we can only support the proposed works. The footpaths were used in a walks book (Walks in Furness and the Duddon- I think, published by Dalesman) but long, long ago out of print.</p>	Confirmed that Natural England are the landowner at Far Houses.
LARA representative	I've no specific comments on the proposals other than to say that the temporary closures would appear necessary in the circumstance you details. And to congratulate Nick on such a wonderful pair of photos. I expect / hope that he took many more so that even if / when nature takes over the place again, which, no matter what may done today is perhaps inevitable eventually, there will be a great record of what was there. The things we can't place on record of course is the sound (and smells) of the animals that were once housed in the building and the sound of children and others playing and working in the settlement.	

<p>Local Access Forum</p>	<p>LAF Recommendation - That the diversion should be approved by the LAF. with the observation that there needs to be an explanation of how the linking of the diversion and the existing path will be achieved at the south end of the property where there appear to be at least one wall, and a derelict paddock to be crossed between A (SD 2427 8677) – C (SD 2425 8678)</p> <p>LAF Report - The farmhouse and buildings are in a very derelict and dangerous state, and the only alternative would be to permanently divert the path, or raze them, which would be a pity as they are historically interesting. I cannot imagine however that the path is much used, so the diversion whilst work is completed is unlikely to cause much inconvenience. My only point, as per the recommendation, is that it is very unclear as to how the diversion and path will rejoin at the south and one questions if, with care the existing C (SD 2425 8678) – B (SD 2426 8679) – C (SD 2427 8677) could continue to be used by what will probably be very, very few walkers.</p>	<p>Confirmed with Natural England that the alternative shown on the consultation plan cutting straight across a paddock was not the intended route, and that the alternative route will follow the A-C-B route, with some fencing / cordoning at point B to guide users around the 'inside' of the corner at a safe distance from the works</p>
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13 Summary and Recommendations

- 13.1 I recommend that we make a TTRO prohibiting the public from using the affected section of footpath. This will allow NE to carry out the required works to preserve this site and prevent it becoming unsafe in an efficient manner without causing a risk to the public. Practically the footpath will be obstructed during the works. A suitable alternative route will be made available.

Authorised by:


 Ranger Team Leader
 Date: 7 April 2025

Background Papers	Case file 1410.003 (279)
Author:	William Hinchliffe, Rights of Way Officer
Date Written:	18 March 2025
Version	Final

Annex 1: Site Photos

Facing east toward gate at point C



Facing north along footpath through farmstead from close to point B





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	AUTHORISATION OF NEW GATE, BRIDLEWAY 542010, NEW BRIDGE, LAKES (GRASMERE) PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a representation to authorise a new field gate across a public bridleway to prevent cattle ingress along a 'bottleneck' area of a field which a bridleway passes along at New Bridge, Easedale.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not to grant authorisation	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	1410.002 – includes application form and authorisation letter	
Date of Report	11 April 2025	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	24 April 2025	

Brief Summary of reasoning

The occupier at Brimmer Head Farm has made a representation to us for authorisation to install a field gate close to New Bridge, Easedale, at NY 3275 0825 across Bridleway 542010 a short distance west-northwest of its junction with Footpath 542011 (see Annex 1 location plan).

To the east of the proposed gate location is an irregular shaped grass-covered field through which Easedale Beck runs. This field is used for grazing cattle approximately 3 months of the year. West of New Bridge the field narrows to essentially just the width of the stone pitched bridleway track which runs between the beck and a stone wall. The narrow section of the bridleway between the beck and wall extends for approximately 315m west-northwest to a field gate and then crosses a bridge over Blindtarn Gill into the next field.

Issues have arisen with the cattle heading up the 'bottleneck' of the track – this has an impact for the occupier, and also for users of the bridleway, as the bottleneck brings the public and cattle together in a confined space – causing obstruction of the bridleway and potentially also an increased likelihood of stress or irritation for the cattle. The occupier proposes that a gate where the available width narrows would prevent these issues arising. This reasoning would fit within the purposes for which we may authorise a new gate on a public right of way under Section 147 of the Highways Act 1980 (Annex 2), appearing expedient to aid agricultural efficiently by preventing the ingress / egress of stock.

The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society's website here: <https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf>) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. We should only authorise the least restrictive option which will meet the agricultural need. In this case the occupier requires vehicular access along the bridleway for their farming activities. We have queried whether a bridle gate (potentially alongside a field gate for vehicle access) could be appropriate here – the occupier has discussed this with our Ranger Dave Bell and fed back that there would only be room at the proposed location for one gate. Given the circumstances it appears reasonable to authorise a 3 metre field gate with a high-lift 'hunting' catch (the same width as the gate to the west-northwest along this bridleway), to the LDNPA 2011 specification (Annex 3) at this location to provide for the occupier's vehicular access needs. Short sections of post-and-rail fencing will be used to form a stockproof barrier between the wall and beck

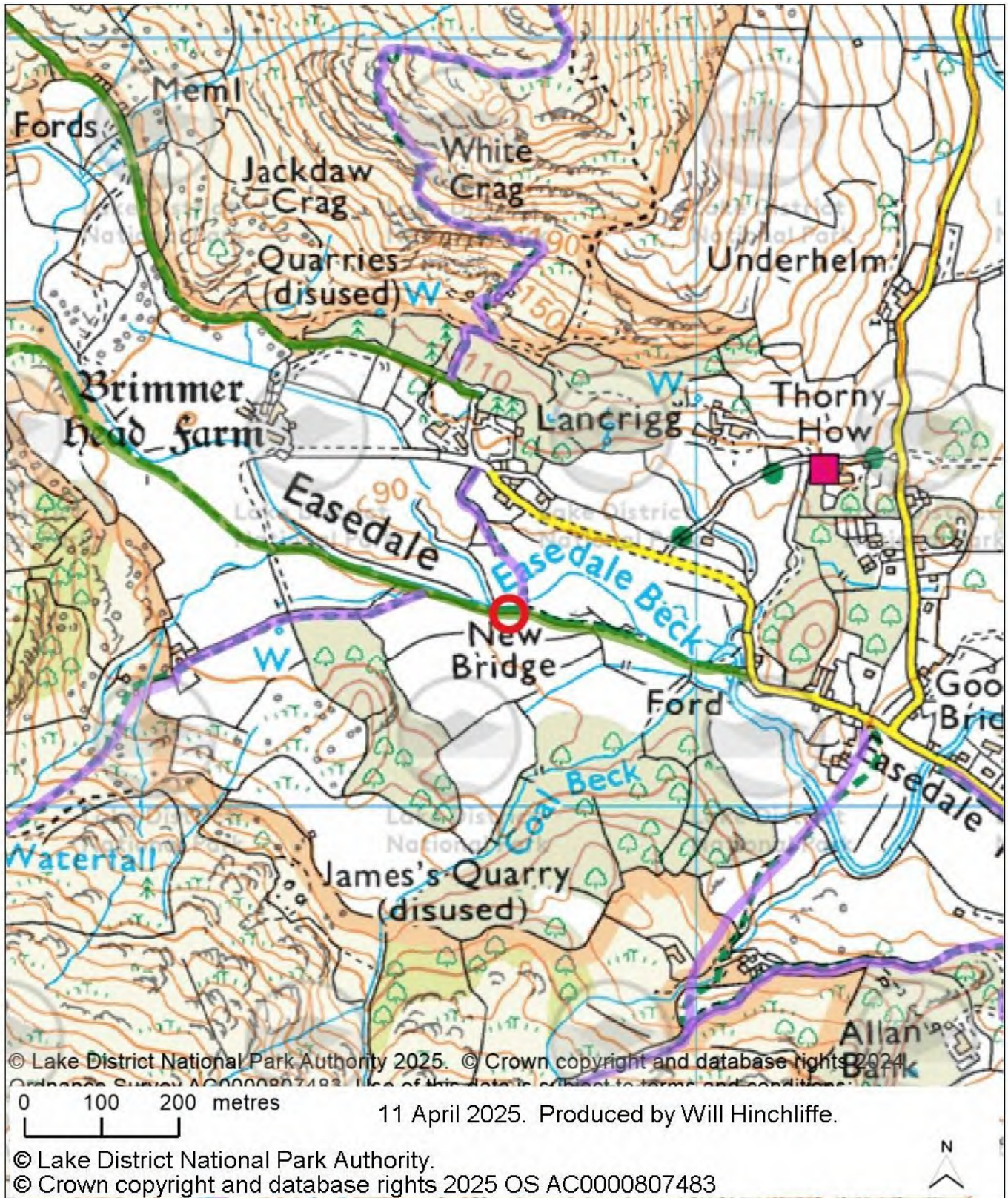
The gate will be necessary for this purpose only whilst the land remains in agricultural use for grazing cattle. Therefore, this authorisation will cease if the land use changes and the gate is no longer necessary to prevent cattle ingress along the narrow track.

As the gate is only required when cattle are grazing in the field (which is only anticipated to be for a few months of the year), the gate must be fastened open by means of a separate post and gate catch at all other times.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for a field gate at this location.

Will Hinchliffe, Rights of Way Officer, 11 April 2025

Annex 1 – Location plan showing requested gate location (red circle)



Annex 2 – Section 147, Highways Act (1980)

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
(b) in the case of any other footpath or bridleway, the highway authority.

- (2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

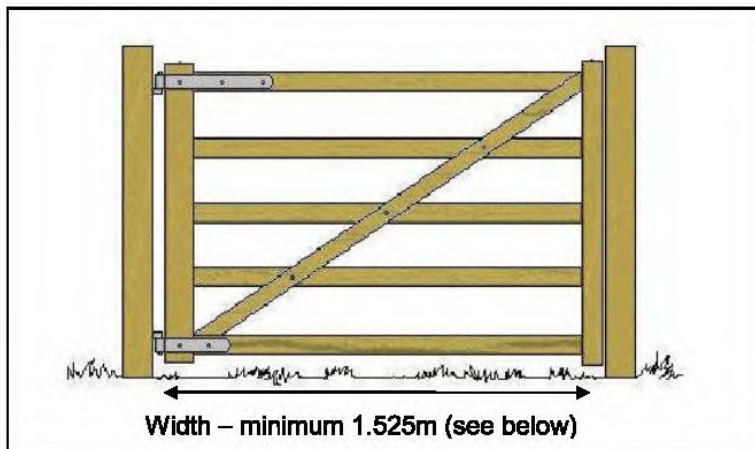
(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

- (3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.
- (4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.
- (5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.
- (6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

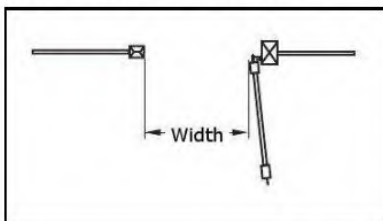
**LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011**

GATES – FIELD & BRIDLE

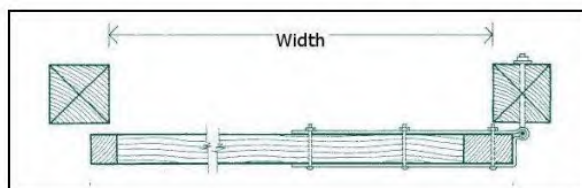


- Usable width for all for bridleway gates to be at least 1.525m (5ft) wide.
- Bridleway gates (5') are preferable to field gates (8-10') - except on byways.
- They should preferably be openable on horseback.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Bridleway gates should not have spring closures, and should open fully.
- Should try to have at least 1m clearance from the adjacent hedging or fence.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate and its manoeuvring spaces.
- If possible, roadside bridleway gates should be set back from the tarmac by 4m.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.525m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.525m gate width)



Annex 4 – Photo showing approximate location of the proposed gate(2023 photo uploaded on LDNPA ROWMANS system)





Lake District
National Park

[REDACTED]
Brimmer Head Farm Cottage
Grasmere
LA22 9QL

25 April 2025

Dear Matthew

Our Reference: 1410.002

**Authorisation of new gate across Public Bridleway 542010,
New Bridge, Lakes (Grasmere) Parish**

Thank you for your application to erect a new gate across the above bridleway. On behalf of the Lake District National Park Authority, I authorise the installation of the following:

- 3-metre field gate over Bridleway 542010 at NY 3275 0825 (see Annex A – location map)

The authorised gate will prevent the ingress of stock along the narrow bottleneck between Easedale Beck and a stone wall along which the bridleway track passes.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of many users and the authorisation is therefore subject to the conditions below:

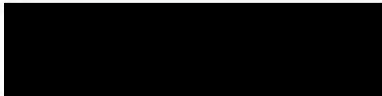
- The gate shall meet the LDNPA structures standard 2011 (Annex C included with this letter) for a field gate, complying with the least restrictive option suitable for the purpose.
- The gate will have a width of 3 metres and will have a high-lift 'hunting' style catch
- Post-and-rail fencing connecting with the gate will be used to create a stockproof barrier.
- You will maintain the gate in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from you. This gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for the gate's safe maintenance lies with the landowner.
- The authorisation is granted whilst the agricultural need for a gate at this location remains. If the land use changes and a gate is no longer necessary to prevent ingress of stock then the gate must be removed to restore uninterrupted passage.

- The gate must be kept fastened open when stock are not being grazed in the adjoining field

Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structures will remain an unauthorised obstruction.

If you have any queries please contact the Ranger, Dave Bell, on 07747 767156 or Rights of Way Officer, Will Hinchliffe, on 01539 792696.

Yours sincerely



Steve Tatlock

Ranger Team Leader


Direct: 01539 792733

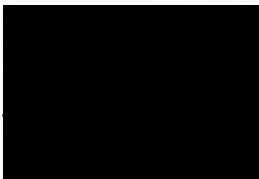
Email: steve.tatlock@lakedistrict.gov.uk

Landowner / Occupier Confirmation

- I am the occupier of the land shown on the plan attached to this letter.

- I agree to the above conditions

Print name .. 

Signature .. 

Date 01/05/25

.....

Annex A – Location plan showing gate location (red circle)



Annex B – Section 147, Highways Act (1980)

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

(7) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
- (b) in the case of any other footpath or bridleway, the highway authority.

(8) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

(9) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.

(10) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.

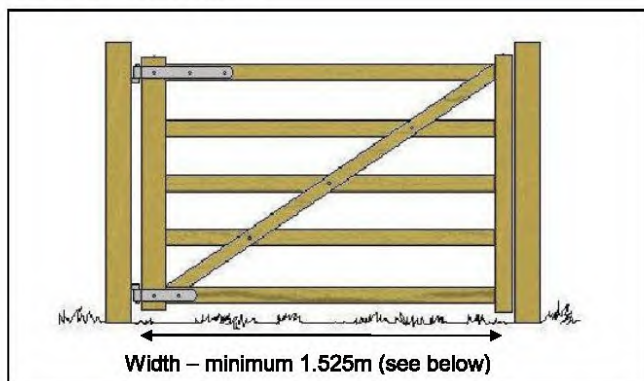
(11) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.

(12) Nothing in this section prejudices any limitation or condition having effect apart from this section.

Annex C – LDNPA Field Gate Standard (2011)

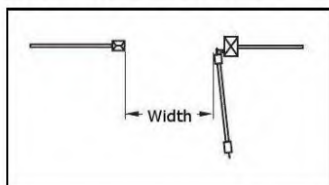
LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

GATES – FIELD & BRIDLE

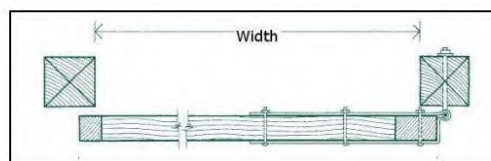


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- Bridleway gates (5') are preferable to field gates (8-10') - except on byways.
- They should preferably be openable on horseback.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Bridleway gates should not have spring closures, and should open fully.
- Should try to have at least 1m clearance from the adjacent hedging or fence.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate and its manoeuvring spaces.
- If possible, roadside bridleway gates should be set back from the tarmac by 4m.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.525m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.525m gate width)



The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

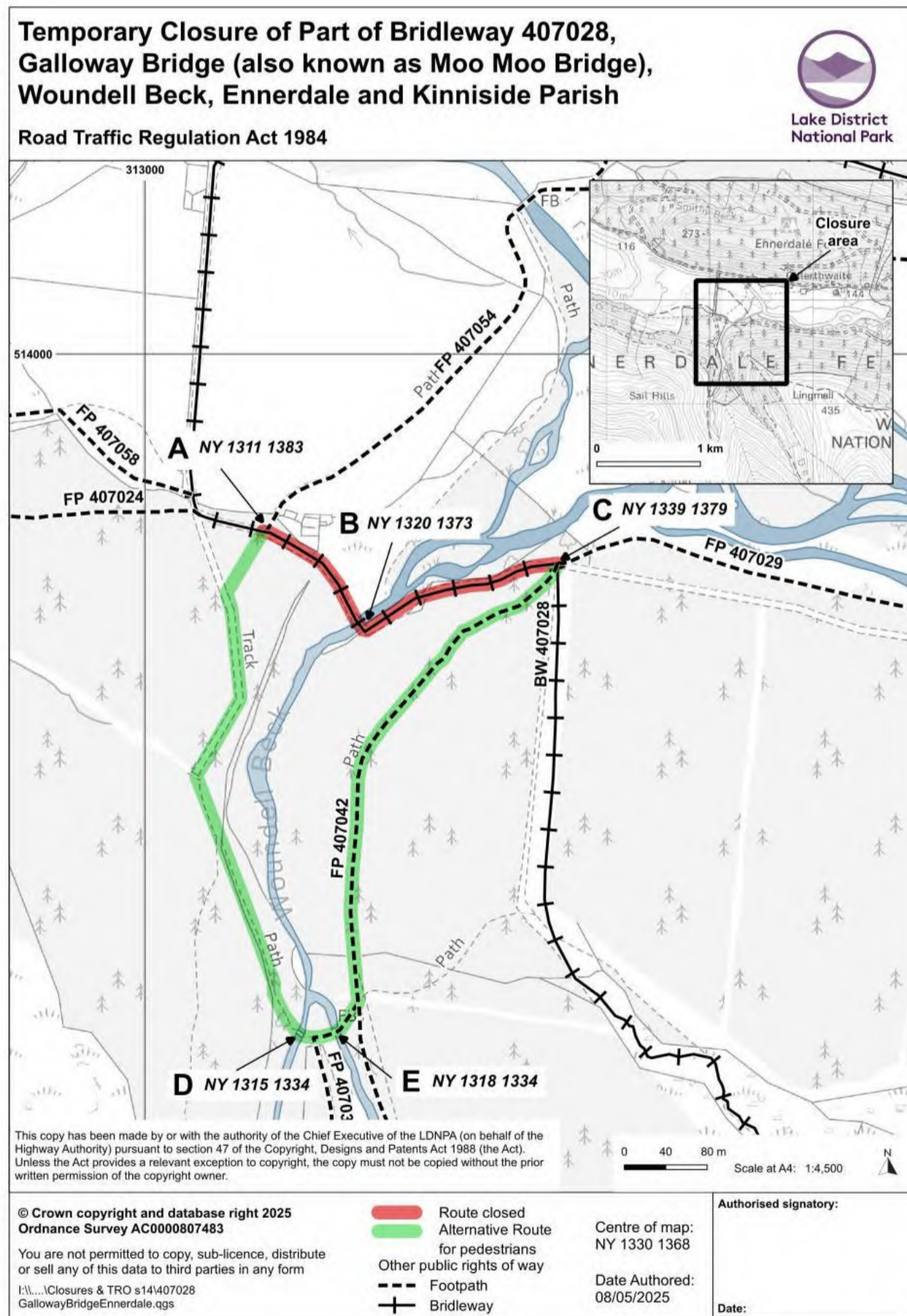
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, BRIDLEWAY 407028, GALLOWAY BRIDGE, ENNERDALE AND KINNISIDE PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters 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 Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	Forestry England (FE) have applied for a temporary closure of a section of bridleway 407028 whilst Galloway Bridge (also known as Moo Moo Bridge) is replaced. The bridge replacement is anticipated to be funded via the Coast to Coast project. An alternative route would be available for pedestrians, but not cyclists or horse riders.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for Bridleway 407028 as shown between Points A-B-C on the plan within the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making the order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (280)	
Date of Report	2 June 2025	
Authorising officer	Ranger Team Leaders' Meeting – 5 June 2025	

TEMPORARY TRAFFIC REGULATION ORDER, BRIDLEWAY 407028, GALLOWAY BRIDGE, ENNERDALE AND KINNISIDE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over part of bridleway 407028 on the approaches to and over Galloway Bridge whilst it is replaced.

Recommendation: *That we issue a Temporary Traffic Regulation Order for Bridleway 407028 as shown between Points A-B-C on the plan within the report.*



Map 1: Location Plan

2 Details of Request

- 2.1 Forestry England (FE) have submitted an application for a temporary closure of bridleway 407028 over Galloway Bridge and its approaches, crossing Woundell Beck in Ennerdale (section to be closed shown in red between points A-B-C on the plan). A couple of photos of the current bridge are included in Annex 1.
- 2.2 In April 2024 FE identified that a couple of the bridge deckboards required replacement and further inspection found that sections of the bridge had begun to rot, primarily at either end close to the abutments. At that time the bridge was not formally part of the right of way (but was generally used as such). In September 2024 an order made by us in 2022 was confirmed by the Secretary of State diverting the bridleway over the bridge.
- 2.3 This bridleway is part of our Miles Without Stiles Ennerdale Forest Road route, and is also commonly used by walkers on Wainwright's Coast to Coast route (though the formal National Trail follows the bridleway along the north side of the River Liza). Although this is not a formal braid of the National Trail, Natural England have agreed to funding the bridge replacement as part of the project, as they have recognised its amenity as part of a loop option connected to the Coast to Coast. Given the overall condition of the bridge, and likelihood that it will deteriorate rapidly in the near future given its age (the existing bridge was installed in 2010), it appears expedient to undertake replacement now whilst funding is available and before the bridge requires closure due to becoming unsafe.
- 2.4 FE have been working closely with our Coast to Coast Project Officers regarding the bridge replacement to enable this to happen as smoothly as possible, with the actual works likely to be undertaken by contractors. It is anticipated that the replacement will take place over the summer of 2025 to fit within the timescales for project funding, though precise dates are yet to be determined. The new bridge will be constructed with steel beams, which will extend its lifespan. Discussions are ongoing with FE regarding how the contracting and funding process will work. Once work is able to commence, it's likely that the bridleway will only need to be closed for a week or two whilst the old bridge is removed and the new bridge installed. The order may last for six months, although it would cease to remain in effect once the works are complete.
- 2.5 Woundell Beck is not fordable here (other than following exceptionally dry weather), and due to the high but relatively narrow abutments it would not be practicable to install a temporary bridge during the works. The works to dismantle and remove the current bridge and install the new one will require use of large machinery and vehicles, making the site hazardous during the works if public access were maintained. Additionally, once the old bridge is removed it will not be practically possible to cross Woundell Beck at this location until the new bridge is largely complete. It therefore appears expedient to close the bridleway to enable the replacement to take place safely and as efficiently as possible.
- 2.6 The surface of the bridleway on its approaches will require reinstatement to its prior condition (or better) if any damage is caused to it by vehicles during the works.

- 2.7 An alternative route crossing Woundell Beck for pedestrians will be available following the route upstream shown between points A-D-E-C on the attached plan in green making use of the 'permitted' path shown by an orange-dashed line on OS mapping and footpath 407042. This route crosses the tributary becks via two footbridges. The reinstatement of footpath 407042 is not yet fully complete following recent forestry extraction works and this path is not as easy to use or accessible as the bridleway (it does not meet Miles Without Stiles standards), it is still likely to be muddy, particularly following wetter weather. Alternatively, the crossing over the River Liza at 'Middle Bridge', approximately 3.5km to the east may be used, depending on individual route choice and start points / destinations.
- 2.8 Unfortunately, there is no nearby alternative available for equestrian users or cyclists, though bridleway journeys between Ennerdale and Wasdale will still be possible via Black Sail Pass.
- 2.9 Notices informing users of the closure and alternative would be displayed at the ends of the closed section of the bridleway, and at the junctions with other nearby public rights of way, and in the two main car parks serving Ennerdale – which is where most people are likely to begin their walk/ride.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Make the Order
 - b) Do not make the Order

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 and 8. A closure of the bridleway will allow the bridge replacement to be carried out safely and efficiently. It's unfortunate, but somewhat inevitable, that this popular bridleway will need to be closed whilst the bridge is replaced. But undertaking this now means the closure period will be kept to a minimum whilst the bridge is actually replaced, rather than a likely more lengthy closure in future. The new structure will be largely pre-fabricated which should mean the closure is as short as possible.

6 Best Value Implications

- 6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumberland Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. As this bridge replacement is being funded by Natural England as part of the National Trail establishment project it will ultimately be cost neutral to the Authority. The adverts will be paid for from the Coast to Coast Project budget, and staff time costs will also be recovered.

8 Risk

- 8.1 The major risk associated with this is if we do not make an order. Woundell Beck could not be safely crossed once the bridge replacement begins. There will be vehicles and large machinery in use during the works, and the physical removal of the old bridge and installation of the new one, all creating hazards to the public if access is maintained.
- 8.2 Although closing popular rights of way is never desirable or popular with the public, I consider the reputational risk to be far higher if we do not replace the bridge now whilst the opportunity exists to undertake the works in a planned way, given the large amount of work required to prepare a bridge replacement. Eventually the current bridge will deteriorate to the point it becomes unsafe and the replacement would need to be planned as part of our regular bridge programme, causing future delays (and the costs met by the Authority).

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) of the Road Traffic Regulation Act 1984; namely because works are proposed works to be executed on or near the road (highway).
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumberland Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger and Coast to Coast project teams, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation Responses

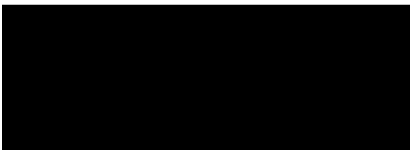
12.1 We carried out a public consultation with interested bodies and individuals including Cumberland Council (the Highway Authority), Parish Council, Local Access Forum and various user groups. We received the following responses:

Consultee	Comment	LDNPA Response
British Horse Society	<i>I see this is a consultation on the temporary closure of this bridge but is the bridge actually safe to use by horse riders now? I was wondering if I should put something on the Cumbria Bridleways Society FB page to alert people because it's a popular route and obviously if riders have trekked up the bridleway and then see the holes they may think it's OK to cross it when in actual fact they probably should stay off it. If I saw the bridge as it is now I wouldn't take my horse across it but turn back but others may think that because there is no closure it's safe to go over and a horse could put it's hoof through.</i>	Confirmed that after our team replaced the deckboards which had failed in 2024, they inspected the rest of the deckboards and they did not show immediate safety concerns. So the bridge should be suitable for use by horses and riders now, though of course if any further broken boards or issues are reported to us we will reinspect and review whether temporary closure is necessary due to the likelihood of danger.
LDNPA Miles Without Stiles Volunteer Coordinator	Query as to the need for the bridge to be replaced over the summer when the route is at its busiest, and that it's a shame this could not wait until Autumn. Suggests clear wording added to the MWS route webpages warning of the closure, and that the only option available to users with mobility equipment is an out-and back route on the forest road.	Confirmed that the timescale for the bridge replacement is due to the contractual / funding related requirements. We will ensure the closure is detailed on our Miles Without Stiles webpages.

<p>Local Access Forum</p>	<p><i>In view of the circumstances you have described we understand the need for this closure and the recommended diversions. The route is used by Coast to Coast walkers and as it becomes a national trail we expect to see more traffic. If the footbridge needs replacing after only 15 years, its short lifespan needs to be examined and we hope its replacement in this location will last longer.</i></p> <p><i>We welcome the efforts to achieve a smooth operation this summer.</i></p>	<p>Confirmed that the design for the new bridge will feature steel beams which should maximise the lifespan of the new structure as far as possible.</p>
<p>Open Spaces Society</p>	<p><i>Problem understood and unsatisfactory nature of diversion route is also noted by the OSS.</i></p> <p><i>We, however, accept this alternative route is making the best of the statutory alternatives but note that a few hardy souls, during dry weather, will probably cross the beck directly without a footbridge!</i></p> <p><i>We trust that the work goes well and the problem is resolved as quickly as possible - we wish the teams well with the work.</i></p>	

13 Summary and Recommendations

13.1 I recommend that we make a TTRO prohibiting all traffic from proceeding over the affected section bridleway 407028 during the works period. This bridge will require replacement at some stage as the current structure is getting old and beginning to deteriorate. It appears logical to replace it in a planned way, keeping the closure period to a minimum and whilst funding is available to enable the replacement to be carried out efficiently.

<p>Authorised by:</p>  <p>.....</p> <p>Ranger Team Leader</p> <p>Date: 5 June 2025</p>

Background Papers	Case file 1410.003 (280)
Author:	William Hinchliffe, Rights of Way Officer
Date Written:	2 June 2025
Version	Final

Annex 1 – Photos of Galloway Bridge (also known as Moo Moo Bridge)

Galloway Bridge in 2018



Failed deckboards in April 2024 (since replaced)



View of the current bridge



And after being built in 2010 – showing more clearly the raised nature of it, and the inaccessibility to users if vehicles are in and around the bridge site replacing it.



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- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority’s financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE FOLLOWED BY CONVERSION TO ORDER, FOOTPATH 348013, BANNERDALE, MUNGRISDALE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters</p> <p>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	A section of footpath 348013 along the River Glenderamackin has been affected by erosion for some time, this has now become so severe that we are concerned there is a likelihood of danger to the public. This report considers whether a temporary closure is necessary. The footpath is surrounded by access land, alternative routes are possible over this.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for the affected section of footpath 348013 and that subsequently we convert this to a six-month Order.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice • Issuing a Notice but not converting it to an Order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (282)	
Date of Report	25 June 2025	
Authorising officer	Ranger Team Leader	

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

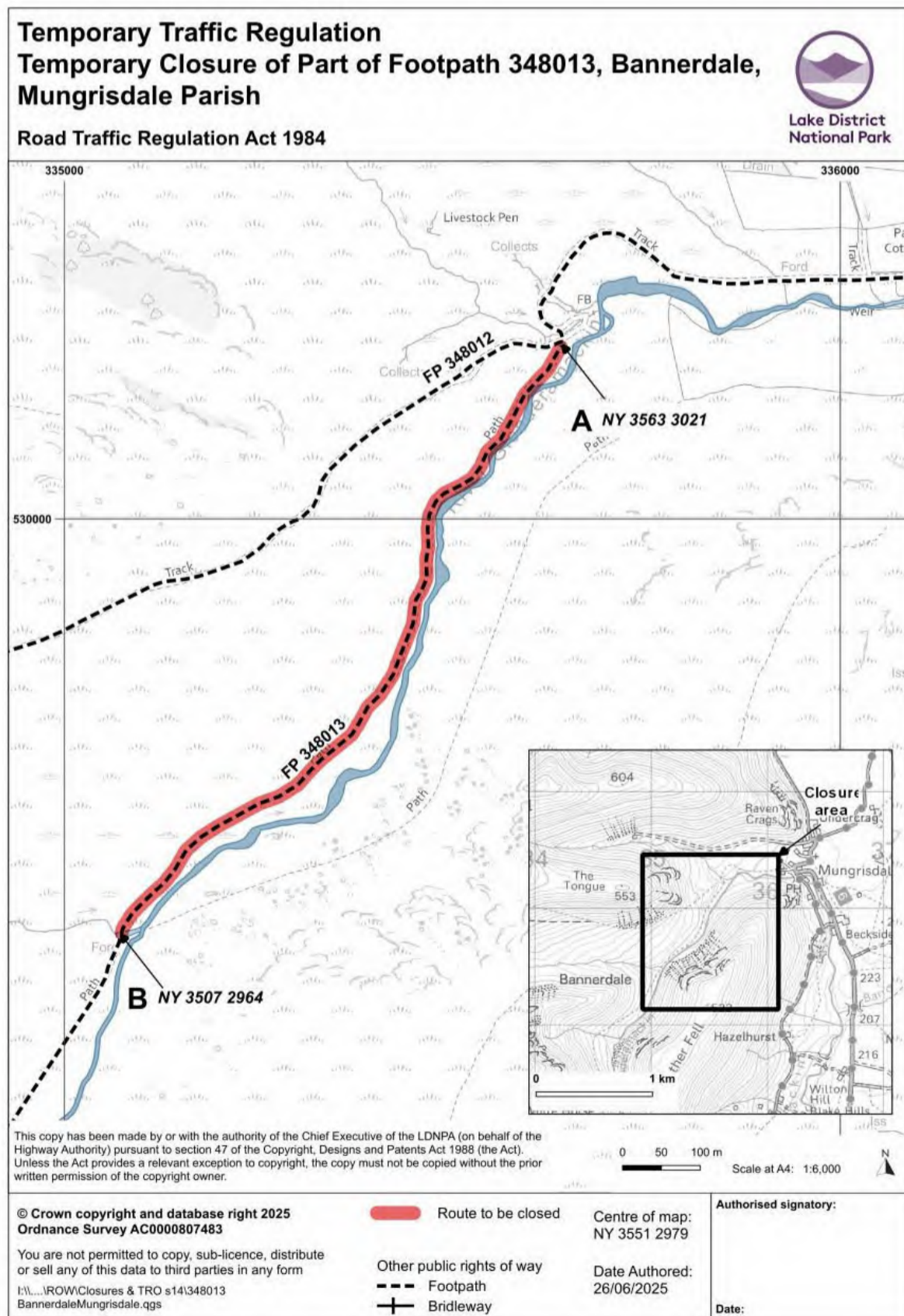
1 Summary

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

Recommendations:

a) *That we issue a Temporary Traffic Regulation Notice for the affected section of footpath 348013*

b) *That we subsequently convert this to a six-month Order when it expires.*



Map 1: Location Plan

2 Details of Request

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

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

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

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership’s Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Issue a Notice and subsequently convert this to an Order when it expires
 - b) Do not issue a Notice
 - c) Issuing a Notice but not converting it to an Order

5 Proposal

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

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

6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure notices and orders, but we are the best placed organisation to do this.
- c) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

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

8 Risk

8.1 The major risk associated with this is if we do not make an order, due to the likelihood of danger to the public (as detailed in Section 2).

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

9 Legal Considerations

9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(b) and 14(2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21

days, and can be renewed for a further 21 days. Section 15.8(b) allows a Notice issued under section 14(2) to be converted into an Order.

- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of Notices and Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.


12 Consultation

- 12.1 There is no requirement to consult upon issuing a Notice, or when converting a Notice to an Order. We will notify the usual interested bodies and individuals including Westmorland and Furness Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups. If significant issues are raised we could reconsider whether to convert the Notice to an Order, or issue another Notice (to allow a further 21 days to consider the options).

13 Summary and Recommendations

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

Authorised by:



.....

Ranger Team Leader

Date: 26 June 2025

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

Annex 1 – Photos of affected section of footpath 348013

Photo of eroded footpath taken 17 June 2025



Photos taken of erosion on 27 June 2024



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 Footpath 577022 at Fallen Yew, Underbarrow & Bradleyfield Parish	
Relevant section of Scheme of Delegation	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 Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	Extensive redevelopment of the properties at Fallen Yew (creating dwellings where there were previously farm buildings) has included the straightening of the main access track, which carried a public footpath. The old access track has also been built over. A diversion of the footpath is suggested to regularise the situation.	
Details of Decision	Recommendation that we make a diversion order for Public Footpath 577022 at Fallen Yew, Underbarrow & Bradleyfield. 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 not make the Order and re-open the definitive line. This is not hugely practicable, and is probably not the best solution for the users of the footpath anyway.	
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: 1412.577.08	
Date of Report	1 July 2025	
Authorising officer	Ranger Team Leader Meeting	
Date	07 July 2025	

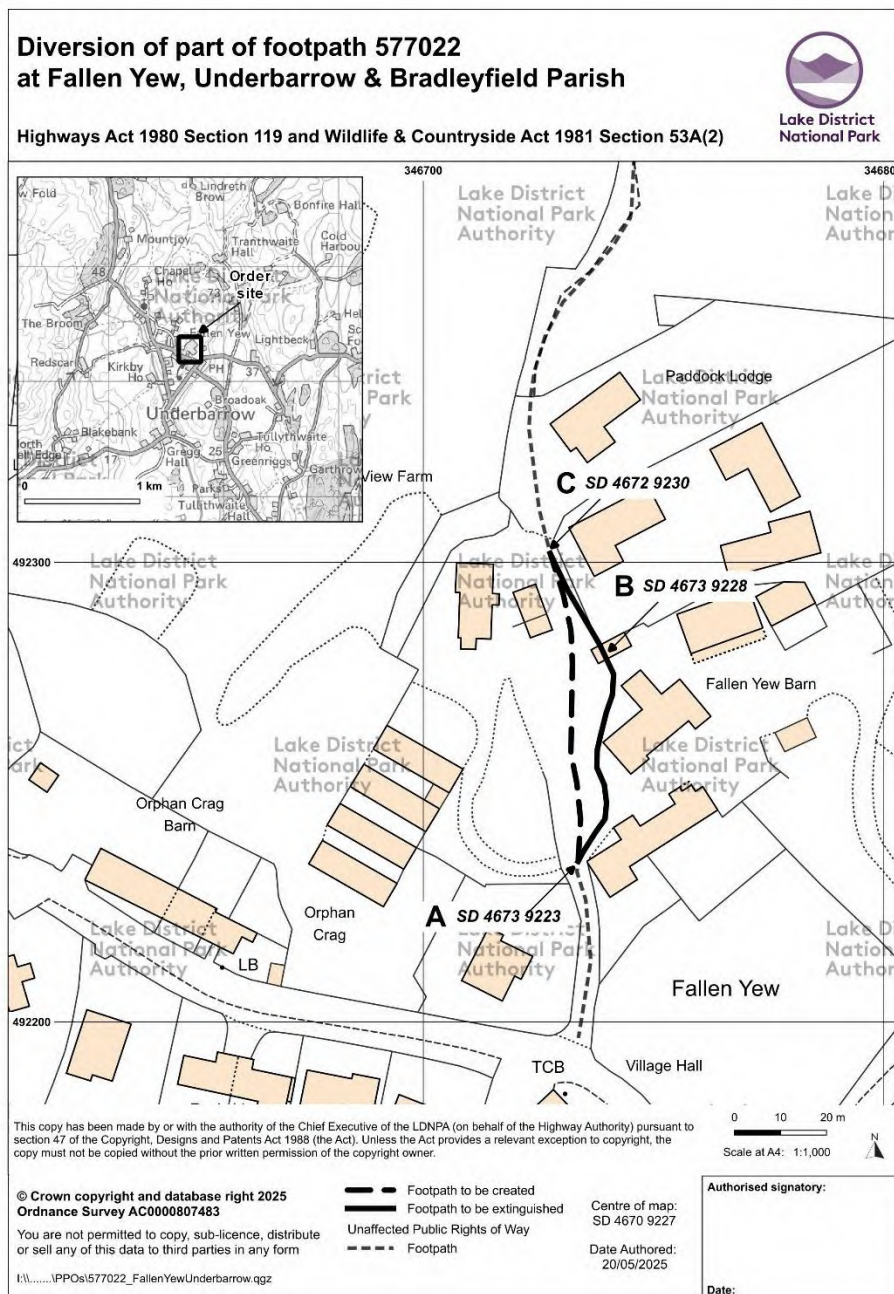
Diversion of Footpath 577022 at Fallen Yew, Underbarrow & Bradleyfield Parish

1 Summary

- 1.1 A Diversion Order is proposed to move the legal line of this footpath from the old access track, which no longer exists on the ground and has been built over, onto the current access track.

Recommendation that:

- a we make a Diversion Order for Public Footpath 577022 replacing A-B-C with A-C as shown on the map below.**
- b we confirm the Order if no objections are received or if those objections received are withdrawn. If objections are received, we forward the Order to the Secretary of State and seek confirmation.**



Map of proposed diversion

1 Background

- 1.1 Over the years there has been a lot of changes at Fallen Yew in Underbarrow. The farm grew over many years, and sometime prior to 2003 chicken sheds were built on the original line of this footpath, which had previously passed through a field. The path was diverted in 2003 so that it followed the then access track, which wiggled its way through the farm buildings and exited to the north into a field.
- 1.2 Over the last five years or so, the farm has ceased to exist, and the chicken sheds have been largely demolished – dwellings have been built in their place. The old barn immediately alongside the old track has also been demolished and rebuilt on seemingly the same footings, or very similar footings.
- 1.3 To provide a straighter and more navigable access road to the new dwellings, the 2003 track was straightened and widened. Following this, a planning application was received for a logstore, and unfortunately, the application site was moved mid-process at the LDNPA's request – and the new logstore was built over what had been the old (2003) access track. This was not picked up by our planners, who assumed that the footpath followed the new track – so the result was that the definitive line as diverted in 2003 was built over.
- 1.4 Following research into the exact alignments and positioning of the path and buildings (Annex 2), and prolonged discussions and negotiations with the two landowners concerned (the 2003 track and the current track are on different landholdings), and with our planners, it was agreed that the most expedient solution was to divert the line of the footpath so that it follows the current access track.



In basic terms, the proposal is to move the path from the red line to the green line.

2 Policy Context

- 2.1. 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.
- 2.2. The Partnership's Plan contains the policies and actions for achieving the aims of the Vision. 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.
- 2.3. 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).
- 2.4. The Strategy & Rangers Service Plan contains the 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.
- 2.5. '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.
- 2.6. 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 have identified this case as being relatively high priority as it resolves an issue partly caused by us, and also prevents potential neighbourly conflicts.

The recommendation delivers value for money in the following ways

- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion is a speedy and pragmatic method of resolving a number of issues in that area.
- b) Processing public path orders is not a **competitive** procedure. Westmorland & Furness 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.
- c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are below.
- d) We have **compared** our casework completion rates with other authorities, and are roughly comparable with other authorities doing this sort of work with similar levels of resources.

5. Options

- a: Make the recommended Diversion Order
- b: Do not make the Diversion Order and re-open the definitive line

6. Proposals

- 6.1. I recommend option 5.1a. Not making an Order would cause the demolition of a logstore that we have given planning permission for, and would also mean walkers would have to follow a rather illogical route, rather than an obvious and easy track.

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 1.
- 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 both the landowner over which the current definitive line runs, and in the interests of the public that we divert this footpath.

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. The proposed route is very slightly shorter, is more direct, and is easier to follow. I therefore consider it is more convenient than the definitive line.

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

8.3.1. The proposal will not impact upon enjoyment of the path as a whole. If anything it could be said to be a benefit as it enables walkers to pass through developed areas more quickly without having to try and work out where a wiggling route runs.

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

8.4.1. The new route runs over an access track to the new dwellings. So, it could be argued that those driving up and down to their houses may be slightly affected by sharing their rights of access with a footpath. But given that it is only a few houses and a lightly used footpath – this impact is exiguous; especially as the undiverted route partly runs along the same track anyway.

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

8.5.1. The new route runs over land in different ownership (owner B) to that of the definitive line (owner A). However, it has also been constructed by owner A to be the main access track to new dwellings being sold by owner B. And therefore there will be constant usage of the track whether it carries a footpath or not. Owner B has accepted the diversion of the footpath, and compensation has been negotiated between the owners – which we are not party to, or involved with.

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. The diversion is 'mid-path' and therefore the termination points are unaffected.

9. Other Considerations Required by Legislation

9.1. *Rights of Way Improvement Plan*

9.1.1. 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

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

9.2. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The proposed route is a relatively flat vehicular access track and suitable for many.

9.3. Impact on the needs of agriculture and forestry – an assessment is required under schedule 6, of the Countryside & Rights of Way Act 2000. There is no identifiable impact – the land is now a residential access track.

9.4. We 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. The proposals do not appear to have any effects on these aspects.

10. Stakeholder Consultation

We have consulted our usual consultees and responses were received from the following stakeholders:

Name of Stakeholder	Consultation Response
Open Spaces Society	The OSS are grateful for this consultation and have previously walked this path. Despite noting that the issue of the erected bin store may have been one which the planners could have picked upon earlier we note the benefits of the proposed diversion which has our support.
Ramblers	Thank you for this information. It makes sense to divert FP 577022 along the alignment AC as it is more direct. I would certainly support this.
Local Access Forum	The diversion to the path is very minor as the route passes through a development in an area of old farm buildings and creates no inconvenience or loss of amenity to users. Approved by the LAF.
Westmorland & Furness Council – Countryside Access Team	In most circumstances I would not view a diversion where the existing route is obstructed by the landowner as in the interest of the public and would not expect the authority to pay any of the costs of processing the order. Nevertheless, I have no objections to this proposed diversion.

Westmorland & Furness Councillor	This makes sense to me.
Utility Companies	No assets affected.

11 Finance Considerations

11.1 Our charging policy is below.

For orders under the Highways Act 1980 that are wholly or partly in the public interest, the charges may be negotiable according to the extent to which the public will benefit from the proposal in relation to the benefit derived by the applicant – SEE BELOW.

- **The total cost of a diversion is the sum of the costs involved in administration, advertising and works on the ground.**
 - **The exact amount to be waived will depend on the circumstances of each case, and will be negotiated with the landowner(s).**
1. Where an order is predominantly or wholly in the interests of the public, up to 100% of the total cost will be waived.
 2. Where an order is partly in the landowner's interest, and partly in the public interest, up to 75% of the total cost will be waived. The higher the level of public interest, the greater the percentage that will be waived.
 3. Where an order is predominantly in the interests of the landowner, but would result in some small public benefit then up to 25% of the total cost may be waived.
 4. Where an order is wholly in the interests of the landowner - none of the total cost will be waived.

11.2 The standard costs for this diversion are £3,150 (mostly staff time), and two adverts in the Westmorland Gazette costing around £250+VAT each. In this instance, the diversion is a mix of landowner and public benefit. The landowner is probably gaining more than the public, so it would fit into category 3, or possibly category 2 – probably somewhere in between.

11.3 However, the circumstances are unusual here, in that the original planning application placed the logstore to the east of Point B, and not impacting upon the path at all – so our Rights of Way staff raised no issues. Our Planners then informed the applicant that they would prefer a different location because of 'massing' issues, and an amendment to the permission was then sought. Unfortunately this amendment was not consulted upon with the Rights of Way staff, and when the Planner visited the site – they incorrectly assumed that the legal line of the footpath was the new access track. They therefore approved the building of the logstore – which then was constructed across the definitive line of the footpath – thereby obstructing it.

11.4 It is very much the case that we have contributed to this issue, and therefore I consider it appropriate that we waive the costs of our time in resolving it. Our Planning Team have agreed to meet the costs of the adverts in the paper.

11.5 Compensation is payable when paths move from one landholding to another – and this has been agreed separately between the two owners – and we will not be involved in any payments of this nature.

12 Risk

12.1 There is a risk that the Diversion Order could be objected to – although I consider this to be extremely low, as it is a very logical proposal and we have received no negative feedback in our consultations.

13 Legal Considerations

13.1 The Diversion Order will be made under s119 of the Highways Act 1980 - 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 & Furness Council. The action strikes a reasonable balance between private and public rights.

14 Human Resources

14.1 The legal work involved in these orders is usually around 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. Although we have probably spent that amount of time already as well – researching the history of the path to work out precisely where the 2003 access track ran. And in negotiating the change with the landowners. The remaining work is probably only around 20 hours.

15 Diversity Implications

15.1 I have not identified any significant diversity issues.

16 Sustainability

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

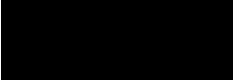
17 Summary

17.1 The proposal will benefit one landowner and the public, and the second landowner will receive agreed compensation. All of those who responded to the consultation are in agreement with the proposals.

17.2 I recommend that we make the necessary Diversion Order to bring this into effect.

Background Papers:	Case file reference 1412.577.08
Author/Post:	Nick Thorne, Senior Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	1 July 2025

Authorised by:

...  ..

Ranger Team Leaders' Meeting

Date...07July 2025.....

Annex 1

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 2

Research / Investigations as to definitive line and relationship to tracks/buildings

FALLEN YEWE – PUBLIC FOOTPATH 577022 DEFINITIVE LINE - MARCH 2024 – updated Jan 2025

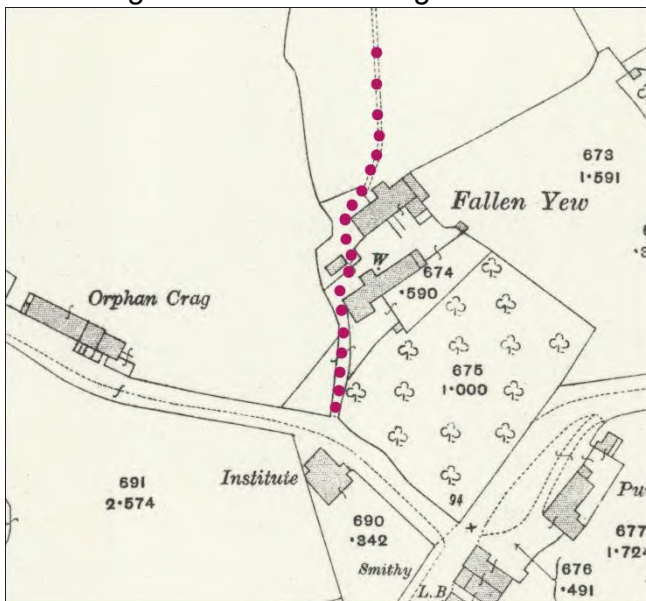


Original Definitive Line of Footpath 577022

As shown on the Cumbria County Definitive Map – relevant date 1 January 1976.
Map base 1:10,560.

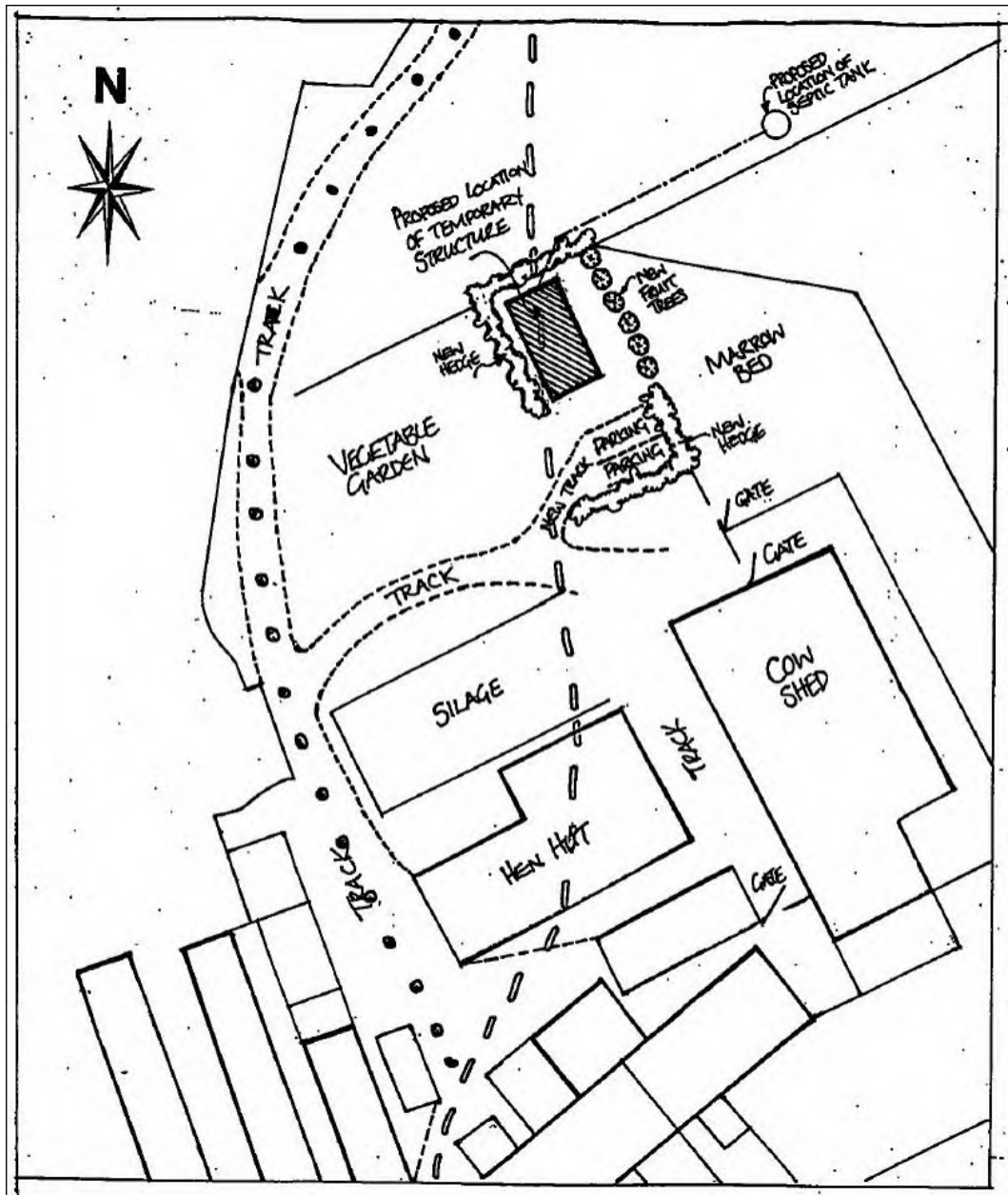


It is generally necessary to use larger scale mapping to determine the precise alignment and the layout of buildings – as the black dashes on a 1:10,560 scale map effectively cover a width of around 10 metres. On the OS 1:2,500 map – red dots show how path must have run through / round the buildings.



Diversion Order 2003

The path was diverted at Fallen Yew in 2003 – as the definitive line had been built over. This was a schematic map of what was on site at that time.



The request for the diversion was to put the footpath onto the track that ran through the site at that time, as can be seen by the consultation letter.

The proposed route follows a surfaced track in good condition, running through the yard. This path provides an easy to follow line around the farm buildings for members of the public, rejoining the definitive line to the north of the farm.

It is considered by this Authority that it may be expedient to promote a diversion order as shown on the attached plan to resolve this issue. Before any decision is taken on this matter by the Head of Park Management, I would be grateful for your views on this proposal so that your comments can be taken into consideration.

A response by the middle of February 2003 would be much appreciated.

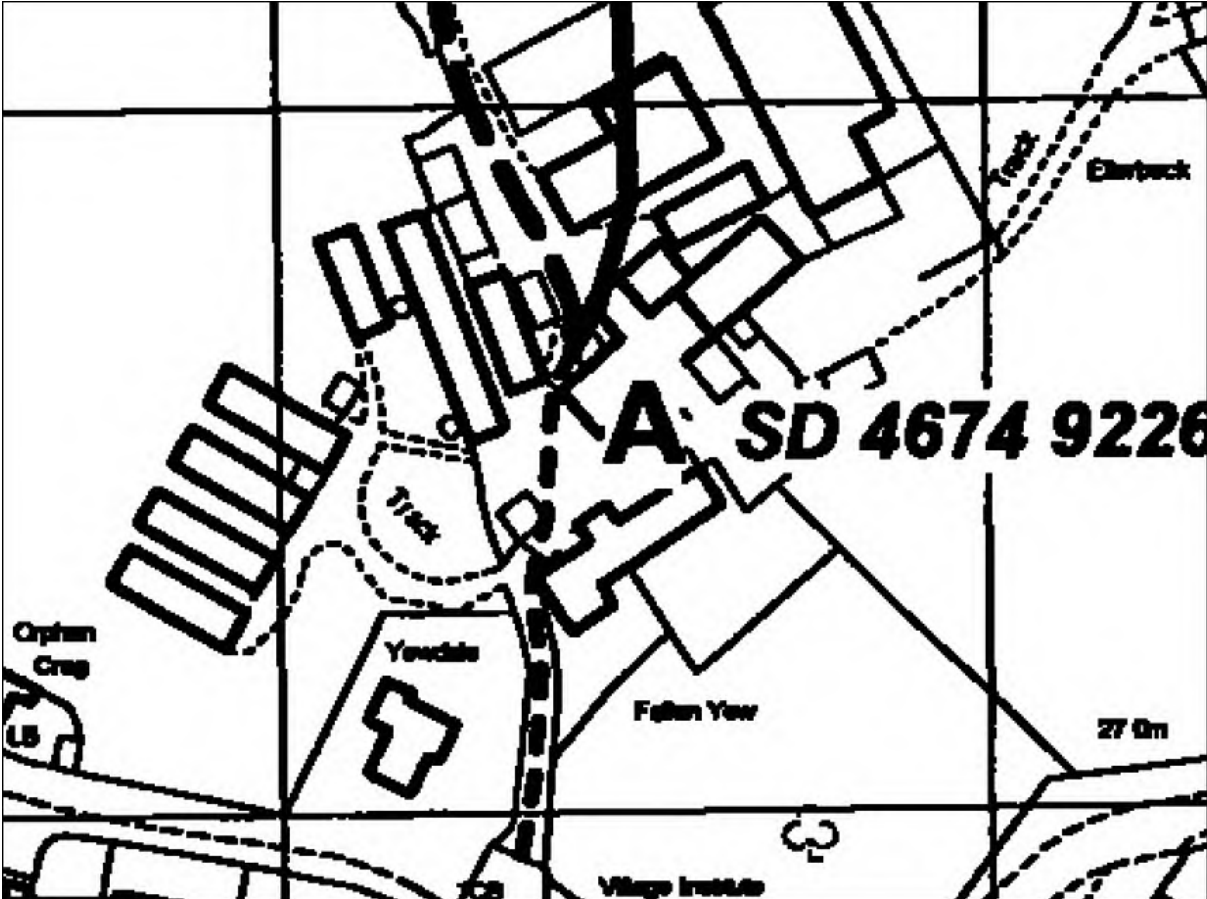
Yours faithfully

The Diversion Order itself described the route as 'following the track'. The minimum width was just that – a minimum. The maximum width would have been the width of the track unless there was any constraining features.

PART 2

Section of footpath as indicated on plan	Description of site of new footpath	Minimum width
Marked with bold black dashes and shown A-B	A new section of footpath 577022 commencing at grid reference SD 4674 9226 (Point A) proceeding generally northwards, following the track around the farm buildings, slightly west of the existing footpath for approximately 119 metres to grid reference SD 4674 9237 (Point B).	1.8 metres

The Diversion Order plan also shows the 'new' definitive line as following the track.



The track in 2003 was as shown on the aerial photos at the time

1995



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2004



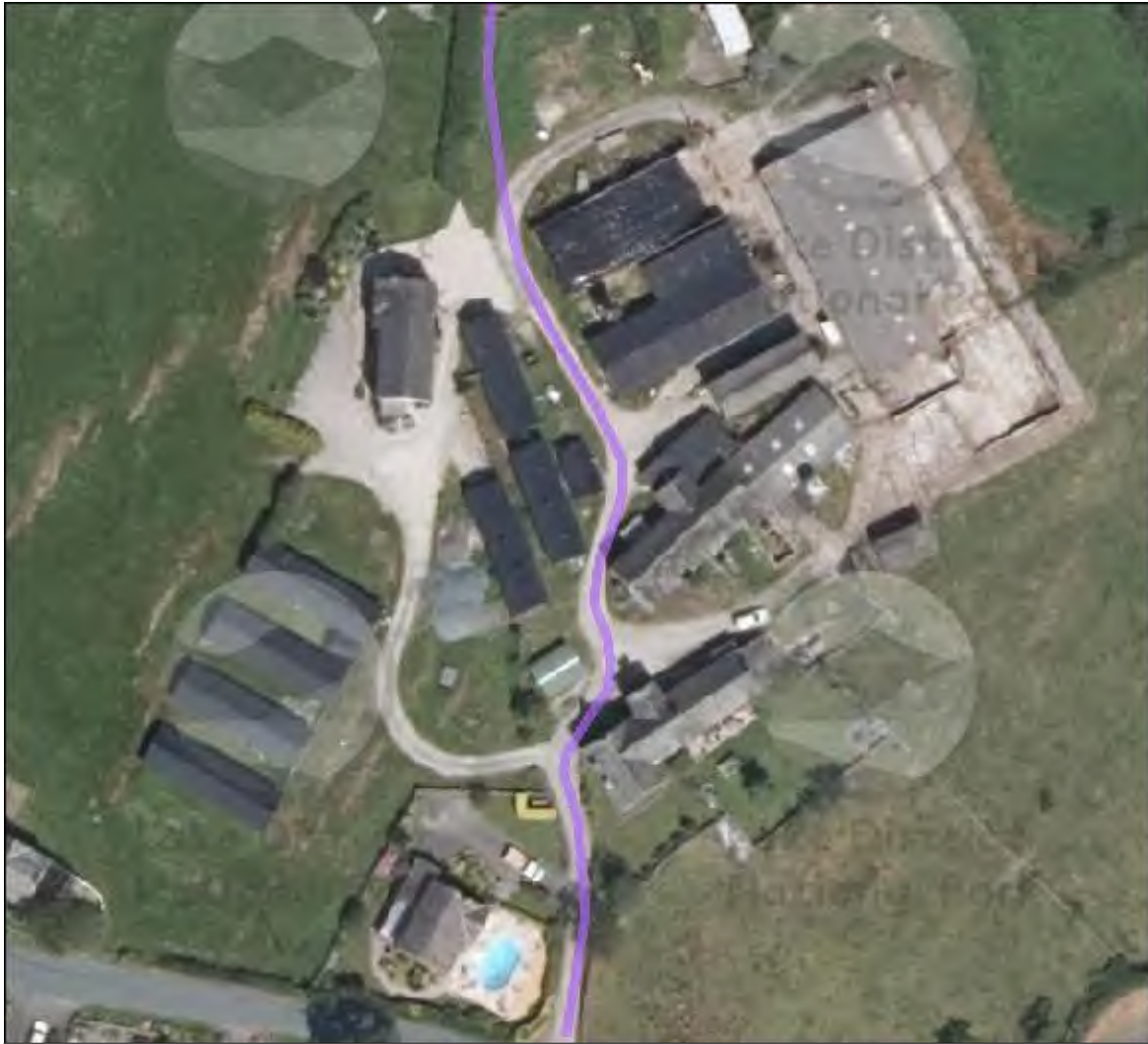
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2009



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2014



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The track remained unchanged between 1995 and 2014. The diversion order of 2003 put the definitive line onto this track. The centre-line of the definitive footpath line is shown in purple.

2022



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The most recent aerial photograph – with the same lines shown. This doesn't yet show the log store or the new dwellings to the north.

Therefore, logic dictates that:

- The original definitive line followed a track between / around the few buildings that were there, and then followed the footpath shown on early edition Ordnance Survey maps within the fields.
- When the land was developed, the footpath in the old fields was obstructed.
- The owner sought and was granted a diversion order in 2003 to resolve this.
- The route for the new footpath (the new definitive line) was along the track that existed through the farm at that time. This track is clearly shown on all aerial photographs between 1995 and 2014.
- This track now no longer exists, and a new track has been created to the west.
- The definitive line has not been diverted onto this track – so remains where it was, which is on the alignment of the old track.

Nick Thorne

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

UPDATE – JANUARY 2025

The Ordnance Survey updated their base mapping on 28 November 2024. They add new data through a combination of satellite imagery, aerial photos, ground surveys and local authority data.

To check the maps we have shown the georeferenced aerial photograph from 2009 – the purple line ran along the then existing track – which carried the diverted public footpath. The purple line is the definitive line of the footpath as from the analysis and assessments made in March 2024.



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The new base map clearly shows the new logstore in relation to the other buildings, and shows the new dwellings to the north.

The purple line is where we concluded that the definitive line ran from the analysis and assessments made in March 2024, and is the same purple line as on the aerial photograph from 2009.



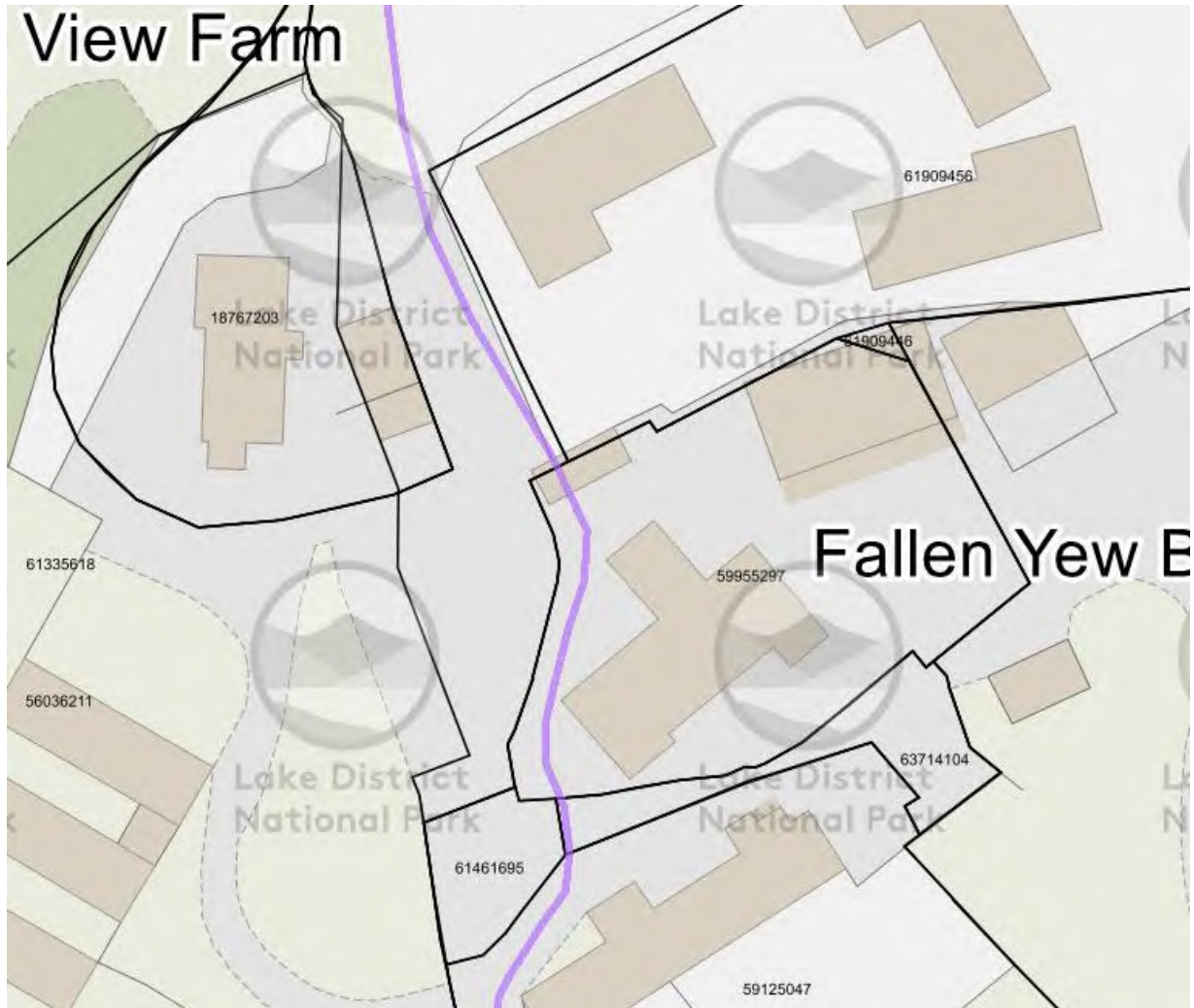
To triple check, we have made the layers slightly transparent. It could not be clearer that the logstore occupies the whole of the 2009 track. Consequently there can be no argument that a) the footpath line on our maps is incorrect, or b) the line of the footpath somehow passes by the logstore.

The logstore has been built over the line of the track that carried the footpath. The legal line of the footpath is therefore fully obstructed.



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The final overlay is the 'cadastral parcels' – which are the land registry parcels. These clearly show that the edge of the land parcel correlates with the edge of the logstore (there is a very slight transpositional drift, but the effect is quite clear). This means that there is no room within this land parcel to divert the footpath around the logstore. Any diversion will mean that the footpath will have to be moved into a different land parcel – which is one owned by the neighbouring property.



The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority’s financial position (£50,000 or over).

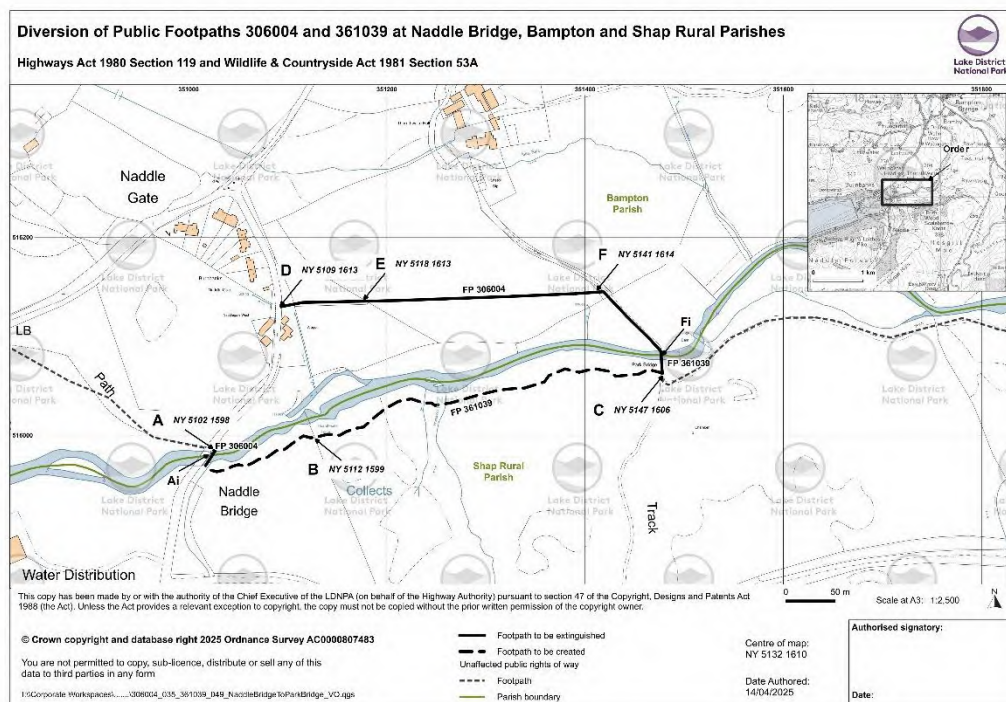
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	Coast-to-Coast Path National Trail – Public Footpaths 306004 Bampton Parish and 361039 Shap Rural Parish	
Relevant section of Scheme of Delegation	This specific decision has been delegated to the Head of Strategy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

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

Summary

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

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



Discussion regarding the representations

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

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

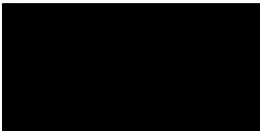
Comments by Head of Service

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

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

Decision by Head of Service

Approved.

Authorised by:


Hanna Latty, Head of Strategy & Ranger Service

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

ANNEX 1

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

From: Ian Brodie <[REDACTED]>

Sent: 19 May 2025 10:19

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

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

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

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

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

Dear Nick

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

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

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

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

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

Best wishes

Ian

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

Dear Ian / OSS

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

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

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

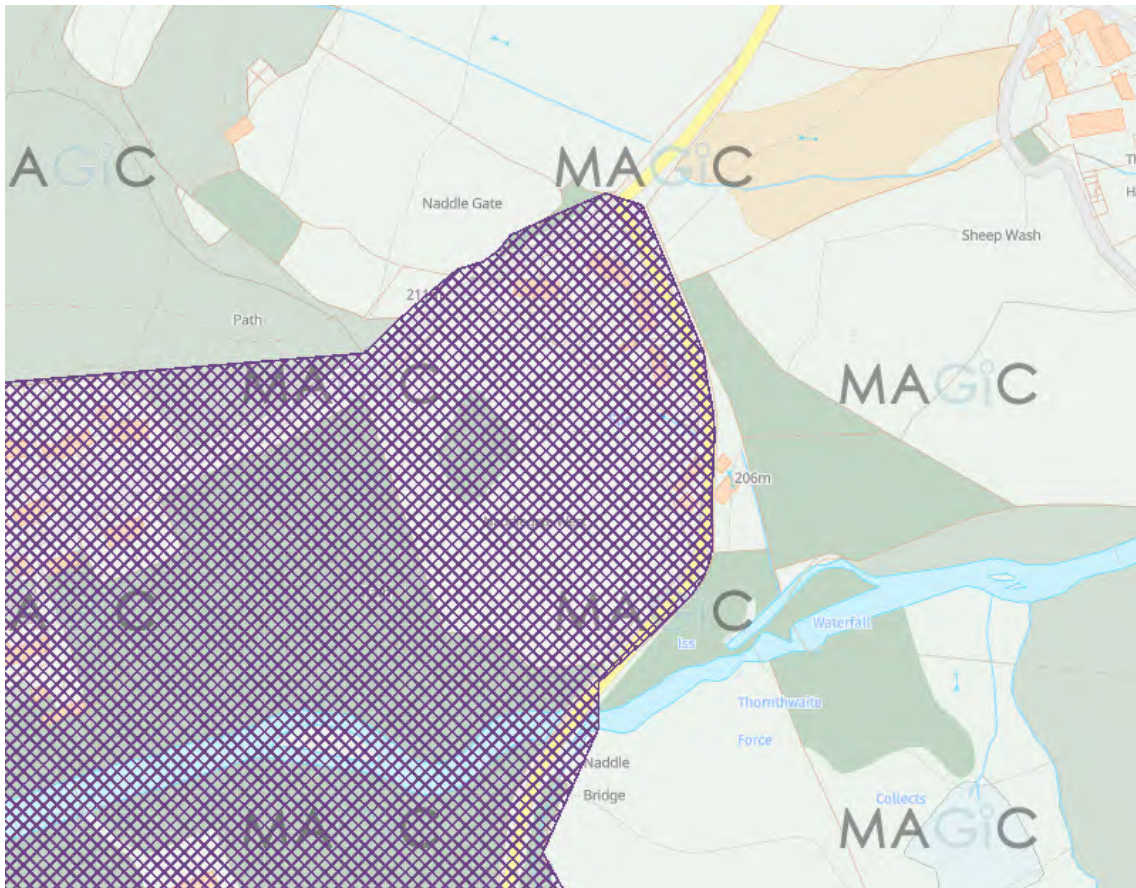
With regard to your final point, if a valid objection is received – then yes, we will certainly include your letter and views in the documentation that goes to the Planning Inspectorate.

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

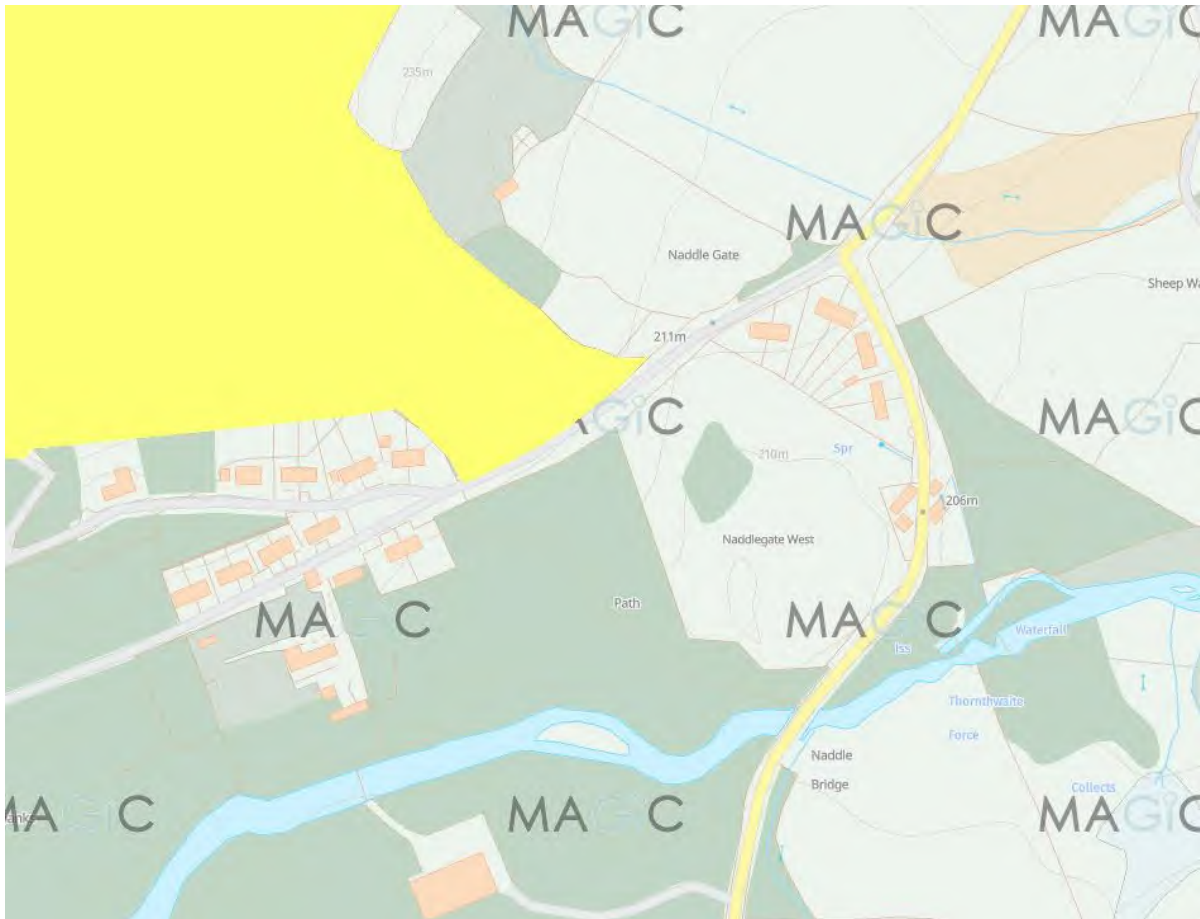
I'm not sure what the other low-level walkers are that you're referring to? For anyone using the Haweswater lakeshore path, the new path is more convenient as it is immediately across the road from the link path through the woods. It's also more convenient for those approaching it along the road from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

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

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



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



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

Nick Thorne

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

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My normal working week is Monday to Thursday

From: Ian Brodie <[REDACTED]>
Sent: 20 May 2025 13:45
To: Nick Thorne <Nick.Thorne@lakedistrict.gov.uk>
Cc: Charlotte Kimber <charlotte.kimber@lakedistrict.gov.uk>; Jo Willmott <Jo.Willmott@lakedistrict.gov.uk>; Lucy McKean <[REDACTED]>; Will Hinchliffe <Will.Hinchliffe@lakedistrict.gov.uk>; Helen Clayton <[REDACTED]>
Subject: Re: Consultation on Potential Diversion of Public Footpaths – Naddle Bridge / Park Bridge / High Park Buildings, Bampton & Shap Rural Parishes

Thanks Nick

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

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

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

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

Regards
Ian

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

Thanks Ian / OSS

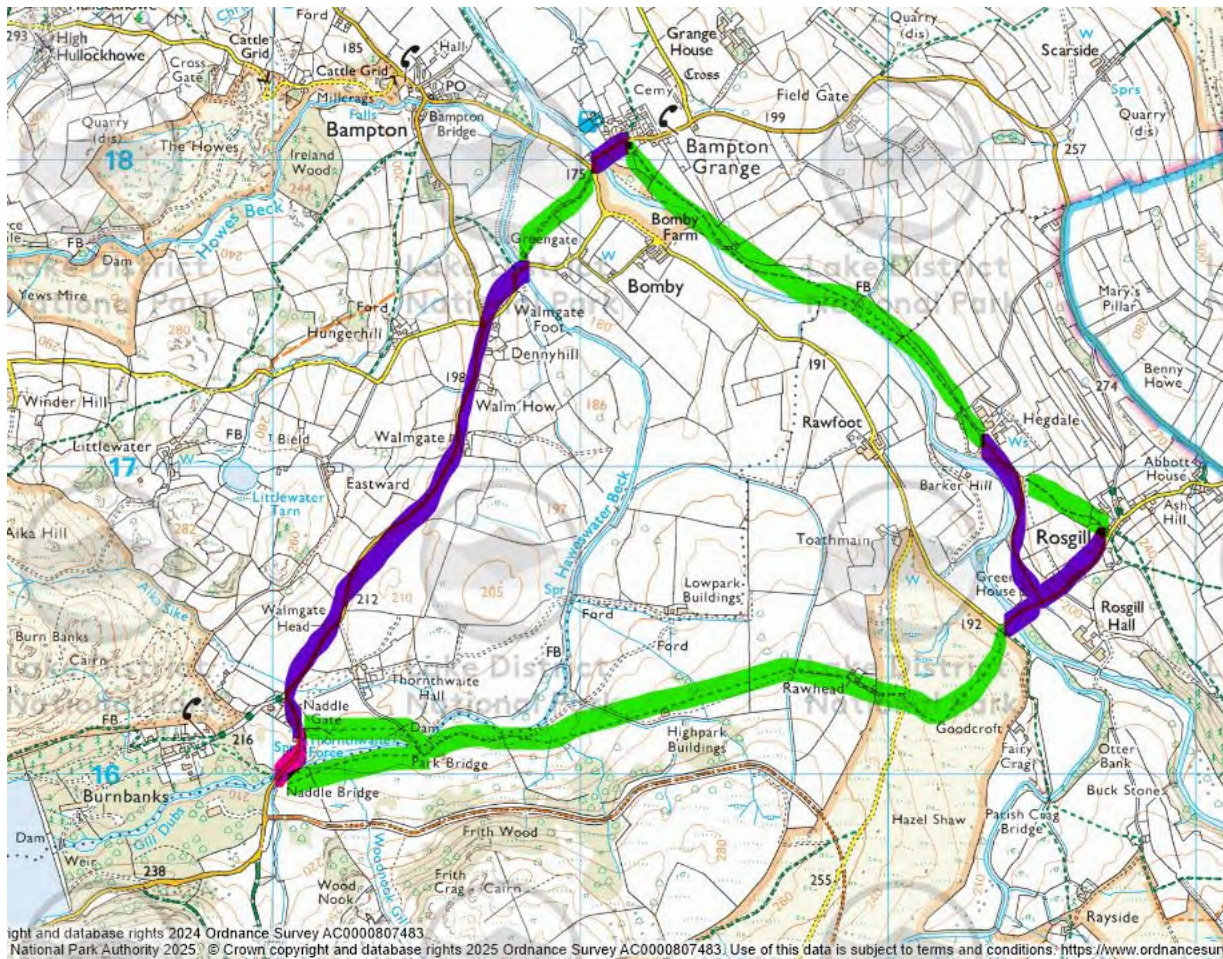
Your point 4 as made was two-fold. It read as: firstly - please pass this letter to the Inspector, and secondly, then following that if there is a valid objection keep us informed. I think you're saying it should have been put the other way round – so it would have read 'If there is an objection, please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

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

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

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

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



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

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

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

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

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

Nick Thorne

Senior Rights of Way Officer

Lake District National Park Authority

01539 792621

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My normal working week is Monday to Thursday

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

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

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

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

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

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

Hope this helps

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

Best wishes

Ian

From: Nick Thorne

Sent: 01 July 2025 10:43

To: Ian Brodie <[REDACTED]>

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

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

Importance: High

Dear Open Spaces Society / Ian

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

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

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

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

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

Many thanks, and I look forward to your response.

Nick Thorne

Senior Rights of Way Officer

Lake District National Park Authority

01539 792621

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My normal working week is Monday to Thursday

From: Ian Brodie <[REDACTED]>

Sent: 01 July 2025 12:07

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

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

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

Importance: High

Dear Nick

Many thanks for this email.

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

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

Best wishes

Ian

The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority’s financial position (£50,000 or over).

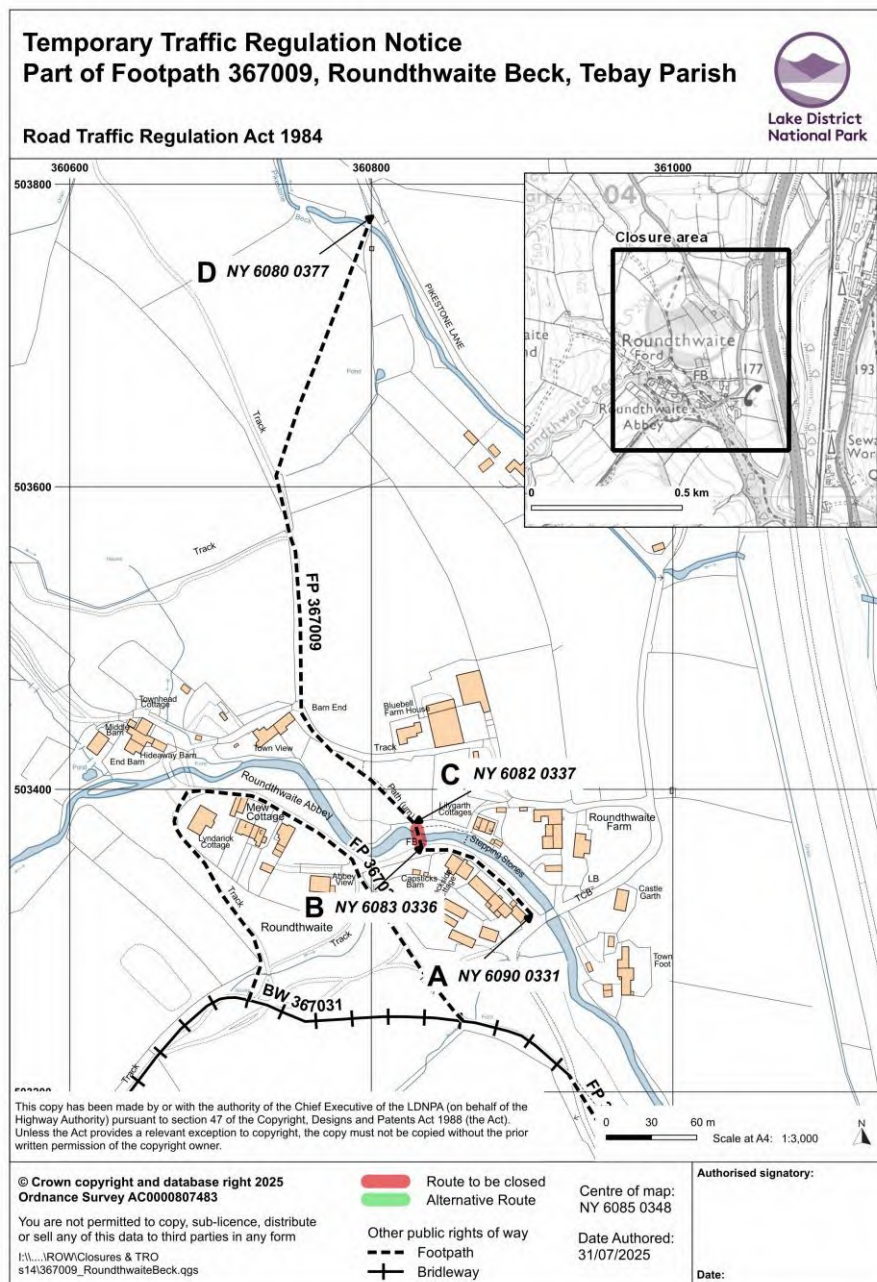
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 367009, ROUNDTHWAITE BECK BRIDGE, TEBAY PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.	
Background	The bridge across Roundthwaite Beck on footpath 367009 is in poor condition, and requires a full replacement by our Ranger team. Works cannot be undertaken safely and easily whilst maintaining public access. We therefore intend to close the bridge and its approaches for the duration of the works.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice prohibiting use of the section of footpath 367009 over the Roundthwaite Beck bridge and its approaches during works to replace the bridge, as shown between points B and C on the plan within the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a closure notice 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (285)	
Date of Report	31 July 2025	
Authorising officer	Senior Rights of Way Officer – 31 July 2025	

TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 367009, ROUNDTHWAITE BECK BRIDGE, TEBAY PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over a bridge and its approaches at Roundthwaite, to enable us to replace it safely and efficiently.

Recommendation: *That we issue a Temporary Traffic Regulation Notice prohibiting use of the section of footpath 367009 over the Roundthwaite Beck bridge and its approaches during works to replace the bridge, as shown between points B and C on the plan.*



Map 1: Location Plan

2 Details of Request

- 2.1 The bridge over Roundthwaite Beck at NY 6083 0336 is in poor condition and requires replacement by our Ranger team. The bridge is 7.3 metres in length, with steel beams and a timber deck and handrails. This sits on stone abutments with a drop to the beck of approximately 2 metres. We do not have a record of when the current bridge was installed – as it was within the ‘extension area’ which became part of the National Park in 2016. We have some emails from the records provided by the council relating to repairs made in 2013, so the bridge is a minimum of 12 years old.
- 2.2 The deck and handrails of the bridge are showing signs of advanced rot, and it appears expedient that we replace them before the deterioration progresses to the extent it becomes unsafe. The steel beams also appear to have some corrosion – and given they are of unknown age and that it is difficult for our Ranger team and volunteers to fully assess the condition of steel features during bridge surveys our Ranger has concluded the beams also require replacement.
- 2.3 Our Ranger has decided on a full replacement of the bridge with a wholly timber construction. The steel beams will be removed and may be kept for use elsewhere if we can establish that they are suitable for reuse. Once works begin it will not be possible for users to cross the bridge until the replacement is complete. There will be vehicles and heavy machinery in use on the relatively confined approaches to the bridge to lift beams and other materials – therefore maintaining public access would introduce hazards to users and hamper the efficiency with which our Ranger team could replace the bridge.
- 2.4 There is no suitable location to install a temporary bridge and no safe ford immediately beside the bridge. There is no nearby suitable alternative route using public rights of way, the only available highway alternative therefore being the surrounding road network. However, there are a couple of tracks through private properties in the vicinity which appear to link with the footpath, and a set of stepping stones a short distance along the beck– the Ranger has been asked to visit and assess the suitability of these as alternatives ahead of the works, and seek the owners’ permission for their use by the public during the works if viable. The plan and notice will be updated to include these accordingly.
- 2.5 The works are anticipated to commence on Monday 4 August 2025 and it is expected the replacement of the bridge will be complete within the 5-day period of a single temporary closure notice for works.
- 2.6 Photos of the bridge from previous surveys in 2022 and 2023 are below:



3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.

- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Issue a temporary closure notice
 - b) Do not issue a temporary closure notice

5 Proposal

- 5.1 I recommend option 4.1a. This will allow the replacement of the bridge to go ahead safely and efficiently. The disruption to the public will be reduced as much as possible by erection of site notices to inform them of the closure (and an alternative included on the notice – if available). We will also inform consultees, users groups, and the landowner of the closure.

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation orders and notices is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure notices, but we are the best placed organisation to issue this notice.
 - c) There is no requirement to undertake **consultation** in relation to temporary closure notices – but we will notify our usual consultees of the closure.
 - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £340 (which covers staff-time, stationery and postage). As this work is to enable us to carry out maintenance on the rights of way network, it is appropriate that we meet all the costs from existing budgets and our own time.

8 Risk

- 8.1 The major risk associated with this is if we do not issue a closure notice. The closure will safeguard potential users of the footpath who may be injured if they attempt to use the bridge and its approaches during the works, in particular there would be concerns about movement of machinery, materials and vehicles immediately beside the bridge creating a hazard to users, along with the physical absence of a safe crossing. If the bridge replacement were not undertaken now there would be an increasing risk of the bridge, which is already in poor condition, becoming unsafe and posing a hazard to users.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path.
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of Notices for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders and Senior Rights of Way Officer.

10 Human Resources

- 10.1 The [legal] work involved in this proposal is approximately 3 hours from members of the Ranger team, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Summary and Recommendations

- 12.1 Although we would rather maintenance was carried out with no interruption to public access, on some occasions it is unavoidable. This bridge is in poor condition and requires replacement to remain safe. As movement of machinery and heavy materials will be taking place on the bridge's approaches during the works I feel that this internal closure request is reasonable and that we should issue the required temporary closure notice. The works should be complete within the 5-day duration of the notice and the Ranger has been asked to assess and seek permission for use of alternatives which are predominantly off the vehicular road.

Authorised by:



Nick Thorne, Senior Rights of Way Officer

Date: 31 July 2025

Background Papers	Case file 1410.003 (285)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	31 July 2025
Version	Final

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

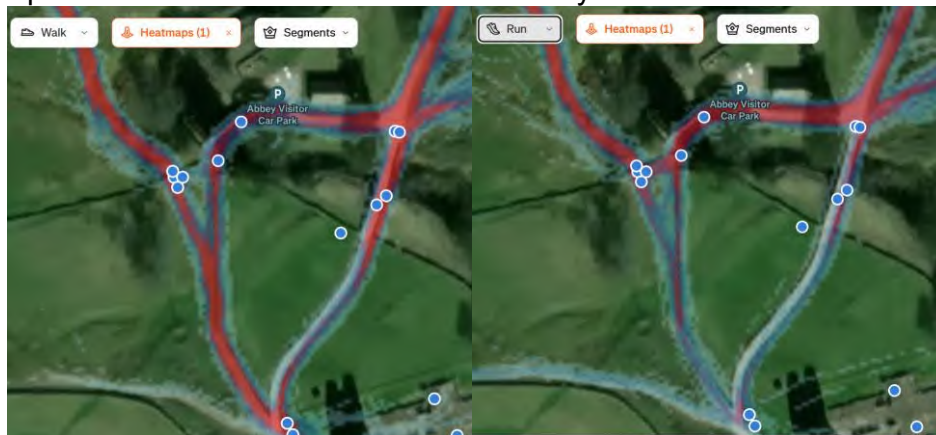
9.1. There are two questions to consider under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.

- 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.

	<i>The comments raised in this consultation are covered in sections 8.2-8.3 and Section 9</i>
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	Shap Parish Council considered the proposed changes to the footpath 361038 at the ordinary meeting 04/03/25 and no objections were raised.
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

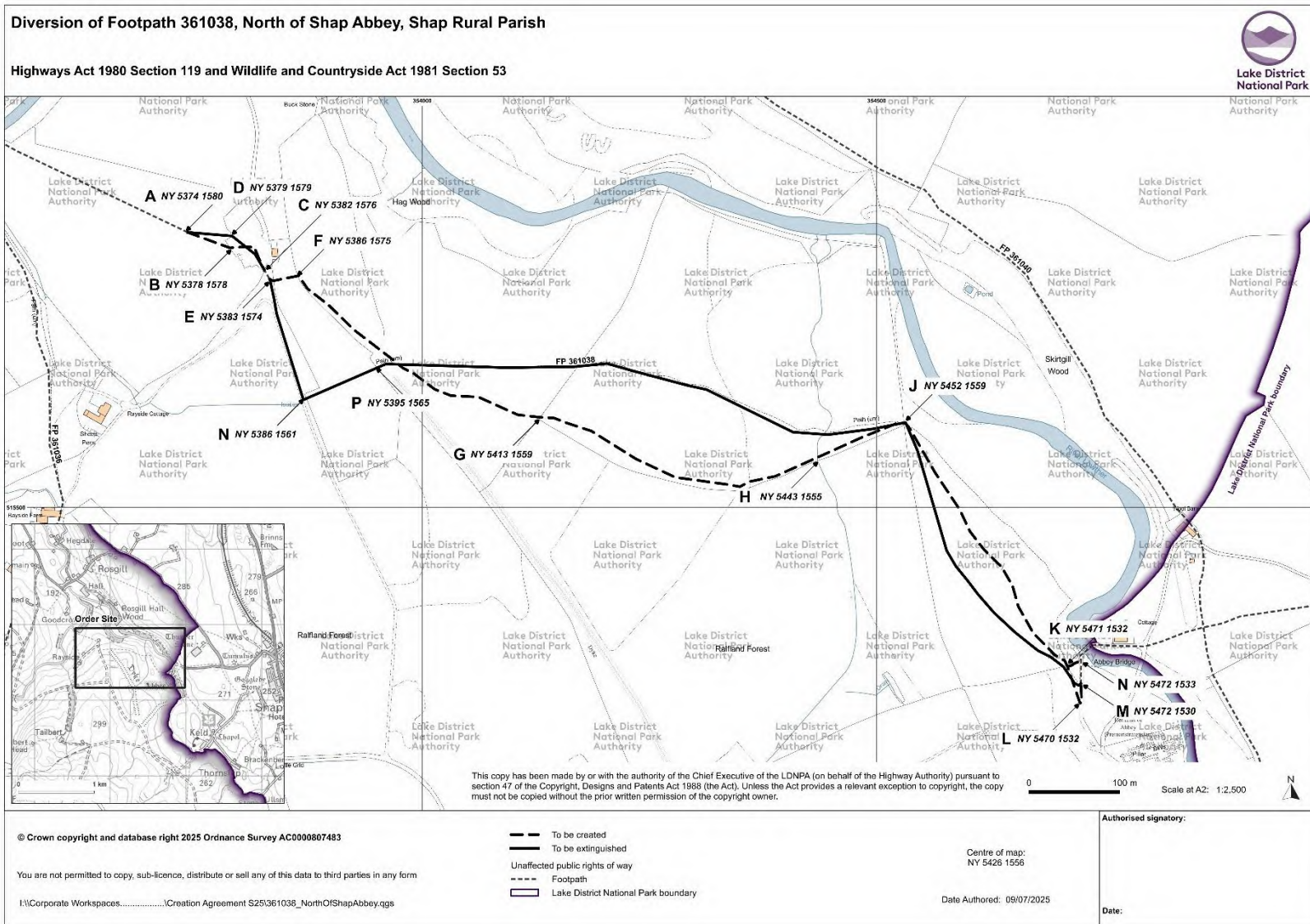
19.1. The proposals will benefit the public, and have come about through successful partnership working. All of those who responded to the consultation are in agreement with the proposals.

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

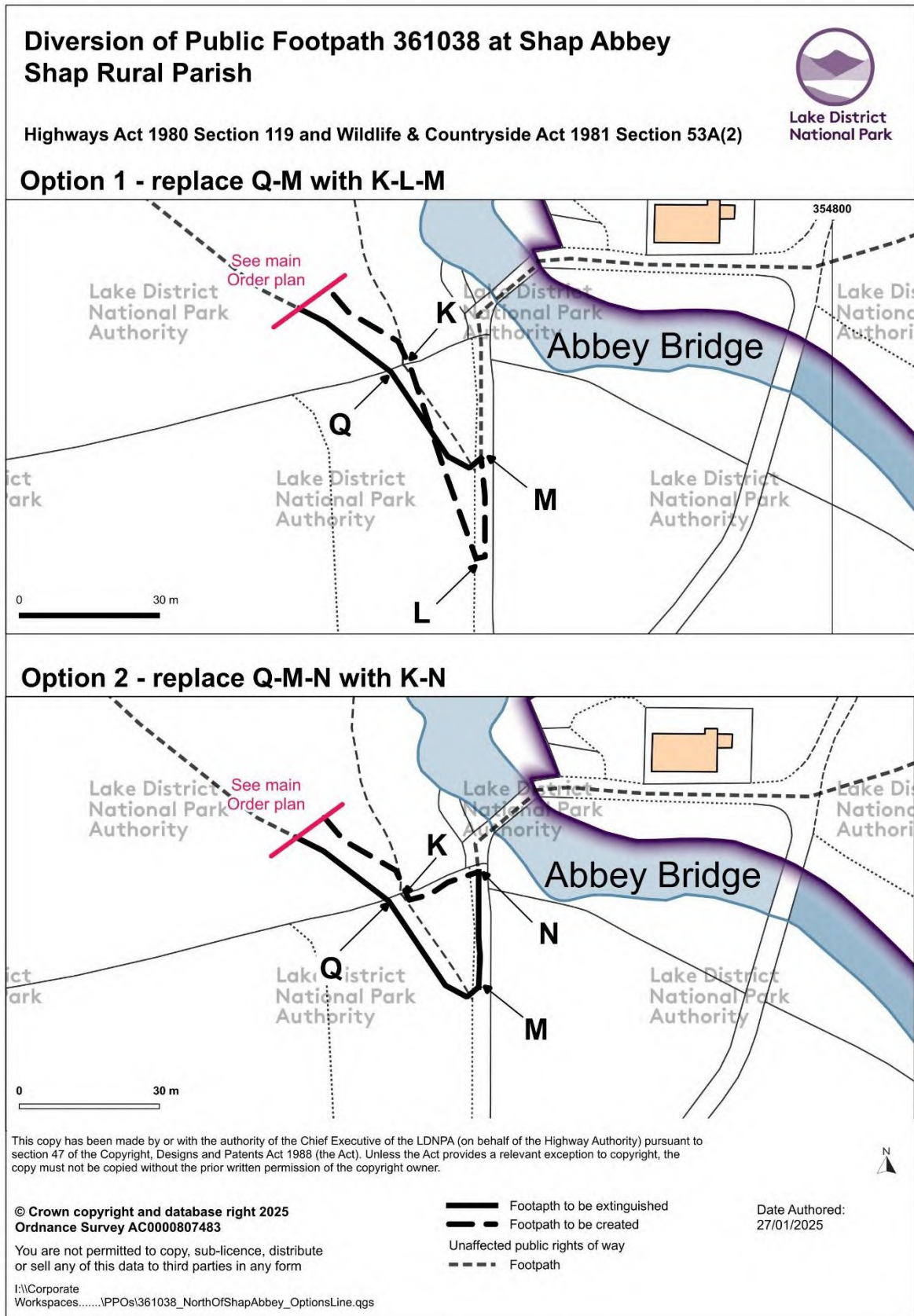
Background Papers:	Case file reference 1412.361.07
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	14 July 2025

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		Route between N and P is very wet and rushy, with multiple desire lines opening up as walkers try to find a drier route
P5		Wall damage at P between the field and the dyke as walkers pass through.
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.

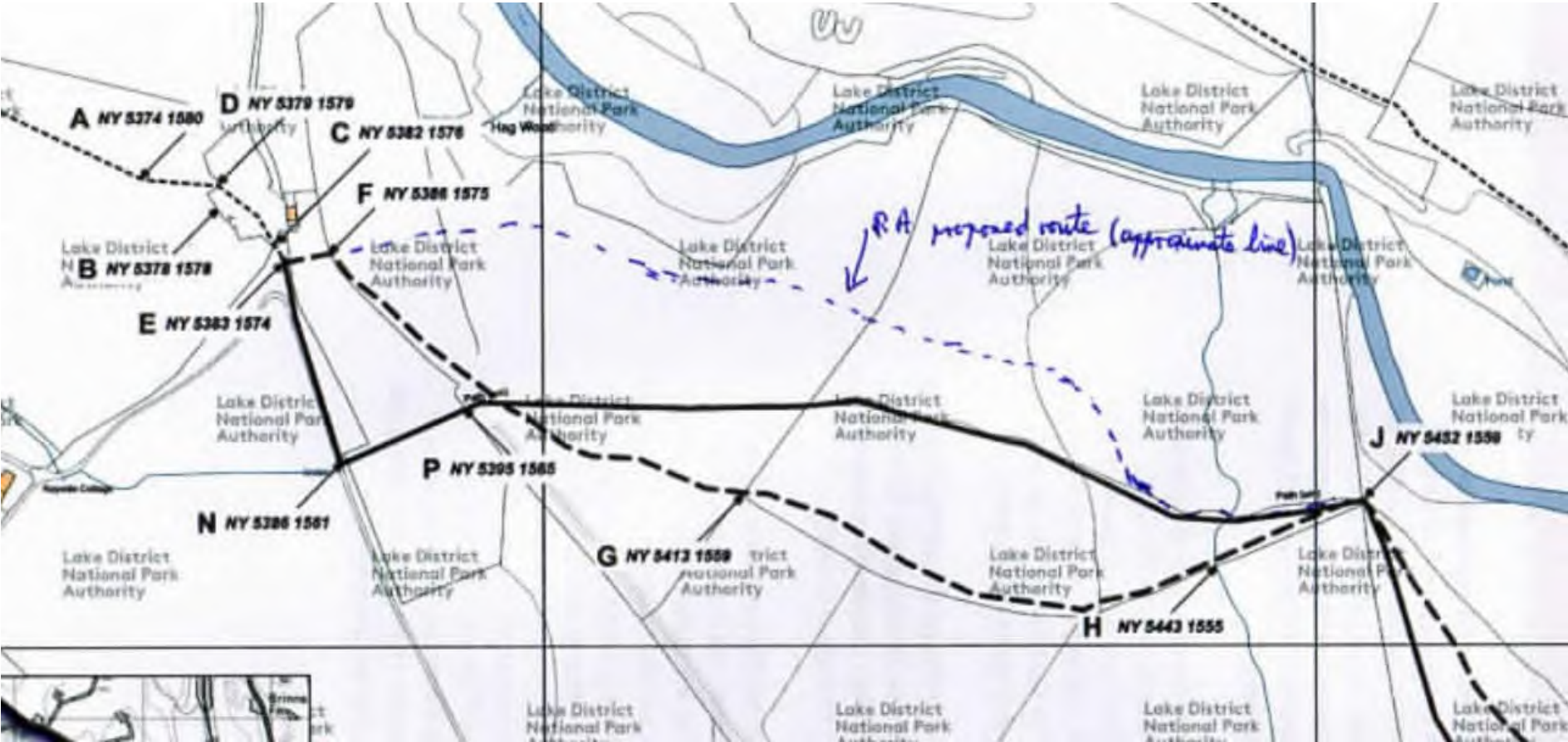
Annex 3

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



The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 345049 / 369026, WALLTHWAITE FARM, MATTERDALE AND THRELKELD PARISHES	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders. 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	<p>The beams of the bridge over Mosedale Beck just west of Wallthwaite Farm are rotting, the structure is currently supported with props but the longer-term solution is to replace the bridge. The bridge carries a public footpath but is also used by farm vehicles and its replacement will therefore be undertaken by the landowner. There would be significant hazards to the public during the works if access were maintained, and no physical way of crossing the beck at this location. There will be no suitable nearby alternative crossing the beck whilst works are underway.</p>	
Details of Decision	<p><i>That we issue a Temporary Traffic Regulation Order over part of Footpath 345049 / 369026, namely the section over the bridge and its approaches shown on the plan within the report.</i></p>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making the order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (283)	
Date of Report	15 August 2025	
Authorising officer	Head of Rangers – Steve Gaskell	

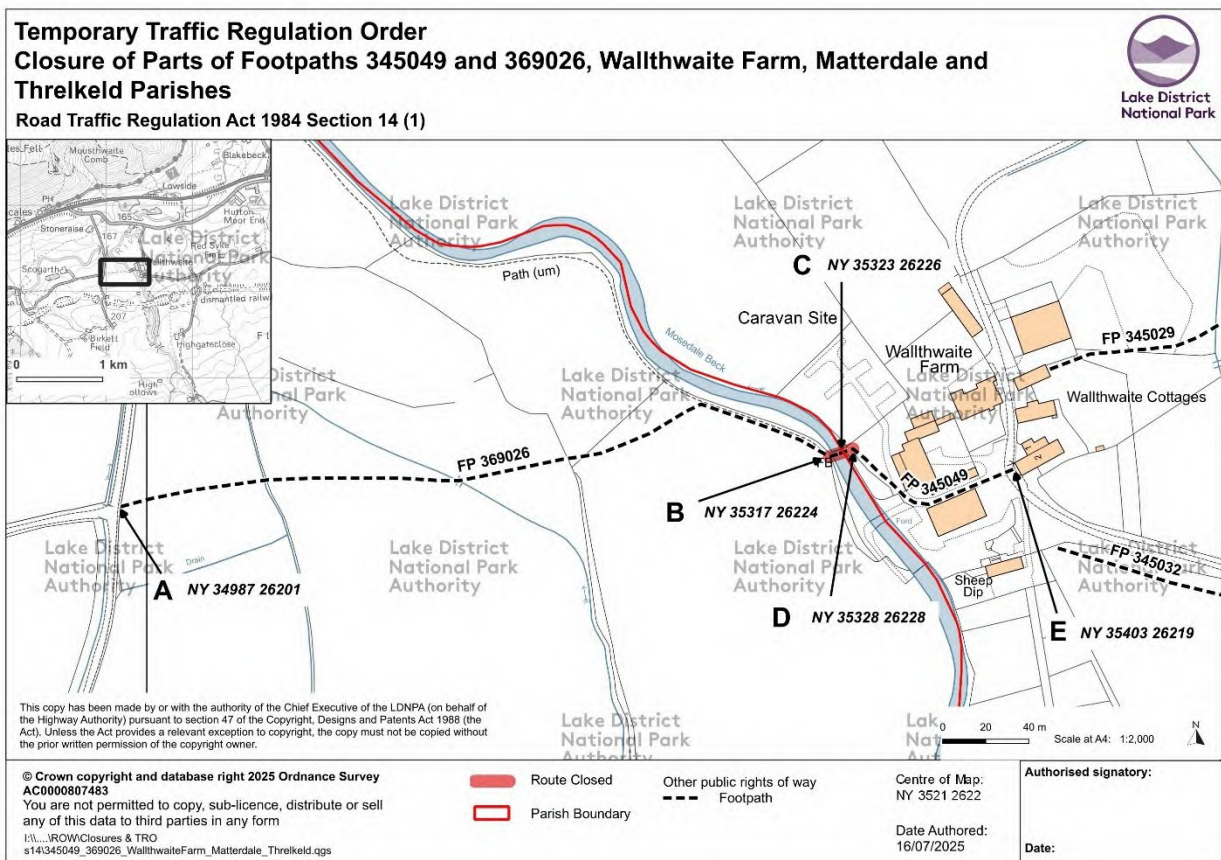
TEMPORARY TRAFFIC REGULATION ORDER, PART OF FOOTPATH 345049 / 369026, WALLTHWAITE FARM, MATTERDALE AND THRELKELD PARISHES

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over the bridge across Mosedale Beck just west of Wallthwaite Farm whilst replacement works are underway.

Recommendation: *That we issue a Temporary Traffic Regulation Order over part of Footpath 345049 / 369026, namely the section over the bridge and its approaches shown on the plan below*

Map 1: Location Plan



2 Details of Request

- 2.1 The beams of the bridge over Mosedale Beck just to the west of Wallthwaite Farm at NY 3532 2622 are showing signs of rot. The bridge is crossed by footpath 345049 / 369026 (the beck forms the parish boundary). The bridge is of a wide design and acrow props have been put in place to support the structure due to its use by tractors and other farm vehicles (we have no immediate concerns regarding its pedestrian use), but this is not a long-term solution and the bridge requires replacement. The landowner has agreed that they will therefore undertake the replacement of the bridge, with a contribution from the National Park Authority commensurate to our costs for a standard footpath bridge. They intend to carry out the replacement of the bridge in September.
- 2.2 When works begin the existing bridge will be completely removed and from this point on there will be no safe way for path users to cross the beck – the abutments are high and the beck is too wide and deep to be safely fordable. There is no suitable point to site a temporary bridge. Additionally, during the works heavy machinery will be in use, presenting hazards to the public if access were maintained. A closure will allow the works to be undertaken safely and efficiently, minimising the duration of disruption for the public.
- 2.3 Although an order may last up to six months, we would expect a bridge replacement such as this only to take a few weeks – depending on the weather and any other issues encountered. The order would remain in effect only until the bridge replacement was complete and the path made safe for public use again. Signage will be erected at either end of the footpath (points A and E on the plan) to make approaching path users aware of the closure.
- 2.4 Unfortunately there is no suitable nearby direct alternative crossing the beck, depending on individual routes alternatives are possible using the surrounding road and rights of way network.
- 2.5 A couple of photos of the bridge are included below for context:





3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership’s Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Make the Order
 - b) Do not make the Order

5 Proposal

- 5.1 I recommend option 4.1a. This will allow the replacement of the bridge to go ahead safely and efficiently. Disruption to the public will be reduced as much as possible by erection of site notices to inform them of the closure and the order will remain in effect only whilst the replacement is underway.

6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure orders, but we are the best placed organisation to make this order.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

7.1 The cost of a temporary closure Order is approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. Our Ranger has agreed with the landowner that we will make a contribution to the replacement of the bridge commensurate to what we would have to spend on a standard pedestrian footbridge, with the owner carrying out the works and meeting the rest of the costs for a bridge design which will allow their continued vehicular use. As a closure for the bridge replacement would be necessary to maintain public footpath access even if we installed just a footbridge as a replacement, it appears appropriate that we meet all the costs for the closure order from existing budgets and our own time.

8 Risk

8.1 The major risk associated with this is if we do not make the order. If the replacement were not undertaken soon there would be an increasing risk of the bridge becoming unsafe and posing a hazard to footpath users. The closure will allow works to replace the bridge to be undertaken safely and efficiently, as explained in Section 2.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path.
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. As this post no longer exists these powers have transferred to the Head of Ranger Service Post. These powers have also been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation Responses

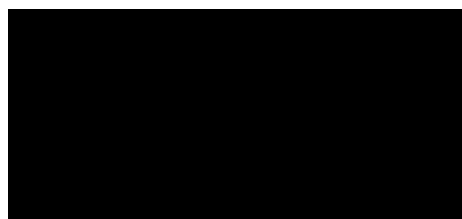
- 12.1 We carried out a consultation with potentially interested bodies and individuals including the Highway Authority – Westmorland and Furness Council, the Parish Council and user groups. We received just the one following response:

Consultee	Comment
Open Spaces Society	<i>Many thanks for consulting the OSS - a Hobson's Choice problem.</i>
	<i>Obviously we hope the work is completed as soon as is practicable. For now we note the position.</i>

13 Summary and Recommendations

- 13.1 This bridge is in poor condition and requires replacement to remain safe for public use. Due to the private vehicular use of the bridge the arrangement which has been agreed by our Ranger for its replacement appears logical – with a contribution from us matching what we would have to spend on a pedestrian footbridge, and the owner meeting the rest of the bridge cost and carrying out the works. As detailed in Section 2 it would be difficult to undertake the replacement safely or efficiently whilst maintaining public access, and there will be no physical crossing possible during the works. As there is no suitable alternative route it is in everyone's interest that the bridge is replaced as efficiently as possible. This request for a closure therefore appears reasonable in my view and I recommend that we make the required order.

Authorised by:



Steve Gaskell
Head of Rangers

Date: 15 August 2025

Background Papers Case file 1410.003 (283)
Author: Will Hinchliffe, Rights of Way Officer
Date Written: 13 August 2025
Version Final

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 Bridleway between Far Easedale and Rosthwaite, with associated extinguishments and creations, Lakes: Grasmere, St Johns Castlerigg and Wythburn, and Borrowdale Parishes	
Relevant section of Scheme of Delegation	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.	
Background	These are some 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 substantial length of which are alterations between Rosthwaite and Grasmere, to ensure the definitive map remains accurate, where the diversion will move the legal line of the public bridleway onto the used and newly pitched, path - together with ancillary consequential orders.	
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 open up the definitive line for full use, which would cost a substantial sum of money and 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 1412.212.08	
Date of Report	27 June 2025	
Authorising officer	Ranger Team Leader Meeting	
Date	3 July 2025	

Diversion of Bridleway between Far Easedale and Rosthwaite, with associated extinguishments and creations, Lakes: Grasmere, St Johns Castlerigg and Wythburn, and Borrowdale Parishes

1 Summary

- 1.1 A Diversion Order is needed to move Public Bridleway 542014/249041/212021 onto the used line, and ancillary extinguishment, creation and diversion orders are needed to ensure the adjoining rights of way have legal connectivity.

Recommendation that:	a	<p><i>we make the following concurrent orders for public bridleways (BW) and footpaths (FP) as shown on Maps 1-7 in Annex 1:</i></p> <p><i>Diversions</i></p> <ul style="list-style-type: none"> • <i>BW 542014 - A-B, C-H, J-K, L-M, N-Q, R-S, T-U, V-X</i> • <i>BW 249041- X-AA-CC</i> • <i>BW 212021 –CC-GG, HH-LL, MM-NN, PP-TT, UU-YY</i> • <i>BW 212025 - QQ-SS</i> <p><i>Creations</i></p> <ul style="list-style-type: none"> • <i>FP 542044 - D-E</i> • <i>FP 212027 - DD-FF</i> <p><i>Extinguishments</i></p> <ul style="list-style-type: none"> • <i>FP 542012 - F-G</i> • <i>FP 542037- X-Y</i> • <i>FP249075 -Y-Z</i> • <i>FP 249051 - BB-EE</i>
	b	<p><i>we confirm the Orders if no objections are received or if those objections received are withdrawn. If objections are received, we forward the Orders to the Planning Inspectorate</i></p>

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 Rosthwaite and Grasmere and is covered in this report. The main proposal covers the diversion of Bridleway 542014/249021/212021. Practical works have recently been undertaken to the route of the public bridleway between Grasmere and Borrowdale, by Fix the Fells contractors, which runs through a peaty ‘bowl’ between Broadstone End and Lining Crag. It was decided to create a sustainable route, aiding users and protecting the sensitive peatland landscape, using flags and subsoiling, together with installing stepping stones to aid crossing the numerous becks in this area.
- 2.5. There are also various ancillary orders proposed to maintain the integrity of the Definitive Map and connectivity of the network. These are essentially minor amendments to ensure that the network of paths adjoining the bridleway have full legal connectivity.
- 2.6. The plans of the proposed creations, diversions and extinguishments (annotated with letters and grid references) are in Annex 1 and Photosheets with the points referred to as P1, P2 etc. in Annex 2.

Section	Proposal	Map No.
A-B	Divert Public Bridleway 542014 onto used line	Map 1
C-D-E-F-H	Divert Public Bridleway (C-G) through the ford at Stythwaite Steps	Map 2
D-Dii-E	Create Public Footpath 542044 over the newly installed footbridge at Stythwaite Steps	Map 2
J-K	Divert Bridleway 542014 onto used route	Map 2
L-M	Divert Public Bridleway 542014 onto used route	Map 3
N-Q, R-S, T-U	Divert Public Bridleway 542014 onto used route.	Map 4
V-X-AA-BB-CC-DD-GG and HH-LL	Divert Bridleway 542014/249041/212021 from V-W-Z-EE-FF-GG onto newly created sustainable route (crossing two parish boundaries and so changing numbers).	Map 5
HH-LL and MM-NN	Divert Bridleway 212021 on to used route	Maps 5 & 6
PP-SS-TT	Divert Bridleway 212021 from PP-RR-TT onto used route	Map 7
UU-XX-YY	Divert Bridleway UU-YY over new bridge with ford to the side	Map 7

- 2.7. The proposal is to divert various sections of Bridleway 542014/249041/212021 from near Grasmere at Point A (NY 3219 0894) onto the clearly used route to Wainwright’s iconic gate stoops near to Point X (NY 2956 1027) on Broadstone Edge. This section is shown in Photos P1 – P9 (Annex 2).
- 2.8. There is the possibility of installing a footbridge near to Point P, however this will not interfere with the legal line of the bridleway.

- 2.9. From Point V at NY 2960 1023 the proposed route follows a newly created sustainable route (crossing the parish boundary so changing numbers). Initially this path is subsoiled (due to the cross slope) and then it is flagged crossing the 'peaty bowl'. A stepping stone crossing, with ford to the side, has been installed at Point AA (NY 2930 1045). The flags allow the path to 'float' on the peat and is a regularly used technique (P10 – P15).
- 2.10. The route then climbs up to Point DD on Greenup Edge (NY 2856 1055). The proposed route DD- GG also follows a line of flags installed in a similar manner to those above (P16 – P18).
- 2.11. Between HH (NY 2834 1127) and YY (NY2677 1339) various diversions are proposed to move the legal line onto the used route (P19 – P26).
- 2.12. At Point XX there is a newly installed footbridge with a ford to the side (P25).
- 2.13. Alongside this 'main' bridleway being diverted, it became clear when surveying the site that there were a few other sections of rights of way that needed to be 'tidied up' as part of this order-making exercise to ensure the joining footpaths still linked legally to the main bridleway.

Section	Proposal	Map No.
F-G	Extinguish short length of FP 542012 F-G so it ends on newly diverted Bridleway above	Map 2
X-Y-Z	Extinguish part of FP 249075/542037 so end joins with newly diverted Bridleway	Map 5
BB-EE	Extinguish part of FP 249051 so end joins with newly diverted bridleway	Map 5
DD-FF	Extend FP 212027 to end on newly diverted bridleway	Map 5
QQ-SS	Divert and extend BW 212025 from QQ-RR onto used route	Map 7

- 2.14. This may appear a complex series of orders but we believe that the proposals will 'tidy up' the definitive map in this area and reduce confusion.
- 2.15. There is a presumption in favour of restoring the original route before considering a legal diversion. This was considered during the site visit when a colleague walked the definitive line in the limited places that it was physically possible. There is no indication that the sections we are proposing to extinguish have been used for decades and it would cost hundreds of thousands to reinstate them. 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 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, Creation and Extinguishment 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, Creation and Extinguishment Orders will enable us to ensure that the Coast to Coast 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 funded from the Coast to Coast project. The flagging and pitching will ensure that any ongoing maintenance requirements are kept to a minimum, reducing costs to the Authority.
- 6.3. If the Diversion Order is not made at this point in time, it is likely that the existing bridleway will continue to fail the Ease-of-Use Survey 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. The proposed route is already used by the public following its completion and there are reducing signs of the definitive line being used (the numerous desire lines are healing, reducing peat erosion). The proposed route now follows a clear well-made, albeit high level, track, between Rosthwaite and Grasmere.
- 8.2.3. It has a sustainable, firm surface, compared with the boggy wet surface of the legal line and is more suitable for users, especially horse riders and cyclists.

- 8.2.4. The proposed Diversion crosses water courses with stepping stones (or bridges) adjacent to splash through fords which are passable in the vast majority of conditions. In contrast the definitive line has no defined crossing points or firm banks and it is far more difficult to determine the depth of the water. The water courses are ill-defined especially where the legal route crosses 'peaty bowl' and substantial damage, including peat erosion, was occurring to the banks through users trying to find suitable crossing points.
- 8.2.5. Taking these considerations into account the proposed route is not substantially less convenient to the public.
- 8.2.6. In addition, the difference in length between the two routes is minimal (300 metres) in the context of this diversion and the National Trail.
- 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 will improve public enjoyment of the path as a whole. The flagged and pitched path is obvious to follow and easy under foot/hoof/wheels. 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 is no impact on the land over which the right of way is to be created. It already carries the used routes and therefore if the order were to be confirmed there would be no change on the ground.
- 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. The diversion is 'mid-path' and therefore the termination points are unaffected.

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 orders are simply for short lengths of path which are needed to ensure that the public can legally access the diverted route of the Bridleway and adjacent paths.

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 use the route as part of the Coast to Coast however the close proximity to Grasmere and Rosthwaite means that the routes have the potential to be used for circular walks. Extending these short sections of path ensures that these routes have a legal basis and are protected going forward.

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

9.4.1. The landowners are the Lowther Estate, United Utilities and National Trust. They have been consulted and are accepting of the proposed diversion, creation and extinguishment orders.

10. **Grounds and Tests for Extinguishment**

10.1. There is only one reason in law for the extinguishment of a right of way (section 118, Highways Act 1980), namely; where it appears to the Authority that it is expedient to stop up (extinguish) the path on the ground that it is not needed for public use.

10.2. A number of other issues must be considered before confirmation is made, as discussed below.

10.3. *The extent to which it appears that the path or way would, apart from the order, be likely to be used by the public.*

10.4. The proposed extinguishment orders are simply to remove short 'spurs' of rights of way which extend beyond the proposed diverted line of the 'main' bridleway. These 'spurs' are unlikely to be used if the bridleway is diverted however the land remains open access land, by virtue of it being Registered Common, and the public may still choose to use these 'spurs' although it is unlikely.

10.5. *The effect the extinguishment would have on the land crossed by the path.*

10.6. The extinguishment will have no effects on the land crossed by the path. As above, the land remains registered common and therefore will be available to use if the public wish. However the creation of the pitched and flagged path has already led to the recovery of the vegetation around the peat pans by reducing erosion, and so the extinguishment may have a positive impact on the landscape.

11. Other Considerations Required by Legislation

11.1. *Rights of Way Improvement Plan*

- 11.1.1. 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 .
- 11.1.2. 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).
- 11.2. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. This section of the route is not particularly usable by all – but it is difficult to see how this could be reasonably adjusted. An accessibility audit of the entire Coast to Coast has been undertaken by David Burgess, who is a wheelchair and handbike user.
- 11.3. There are no physical changes currently proposed along the route, however any improvements might be accompanied by funding.
- 11.4. 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.
- 11.5. 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 geographical features and the amenity of the countryside.
- 11.6. The proposals do not appear to have any effects on these aspects as the physical works associated with the diversion of the Public Bridleway were designed to protect the landscape, and the proposed diversion will be simply moving the legal line onto the used route, requiring no landscape changes. If we re-opened the definitive line, it would create a new trod in the landscape, and engineering works would be required to cross the beck. This would merely replicate what is already there (which would remain) – and would therefore double the visible impact on the landscape.
- 11.7. Natural England, Cumbria Wildlife Trust, the Authority's Archaeology and Cumbria Geoconservation have been consulted about the proposals and have not raised any objections.

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

- 12.1. *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.
- 12.2. *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.
- 12.3. *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 otto a minimum. Furthermore, the vast majority of the rights of way changes will be on the Coast to Coast National Trail and therefore will be eligible for future funding opportunities for maintenance.
- 12.4. *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
- 12.5. *Impacts on Outstanding Universal Values* - None have been identified. The World Heritage Site Co-ordinator has been consulted and has raised no issues.

13. Stakeholder Consultation

We have consulted our usual consultees as listed below.

- *Cumberland Councillor*
- *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*
- *Lakes Parish Council*
- *St Johns and Castlerigg Parith Council*
- *Borrowdale Parish Council*

Responses were received from the following stakeholders:

Name of Stakeholder	Consultation Response
Andy Sims Westmorland and Furness Council	No comments
Roland Seber, Cycling UK	The proposal sounds fine. The whole route needs to be cyclable and a bridleway.
Ian Brodie, Open Spaces Society	Is supportive of the diversion and ancillary orders but had some queries about the flagging on common land.

14. Finance Considerations

14.1. These orders are fully funded externally by the Coast to Coast National Trail project.

15. Risk

15.1. 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.

16. Legal Considerations

16.1. The Diversion Order will be made under s119 of the Highways Act 1980, the Creation Order under Section 26, and the Extinguishment Order under s.118. 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 and Cumberland Councils. The action strikes a reasonable balance between private and public rights.

17. Human Resources

17.1. 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.

18. Diversity Implications

18.1. I have not identified any significant diversity issues.

19. Sustainability

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

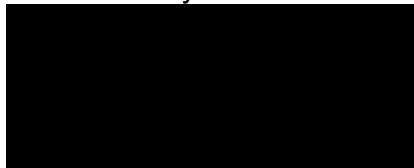
20. Summary

20.1. 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.

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

Background Papers:	Case file reference 1412.212.08
Author/Post:	Charlotte Kimber, Coast to Coast Public Paths Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	27 June 2025

Authorised by:

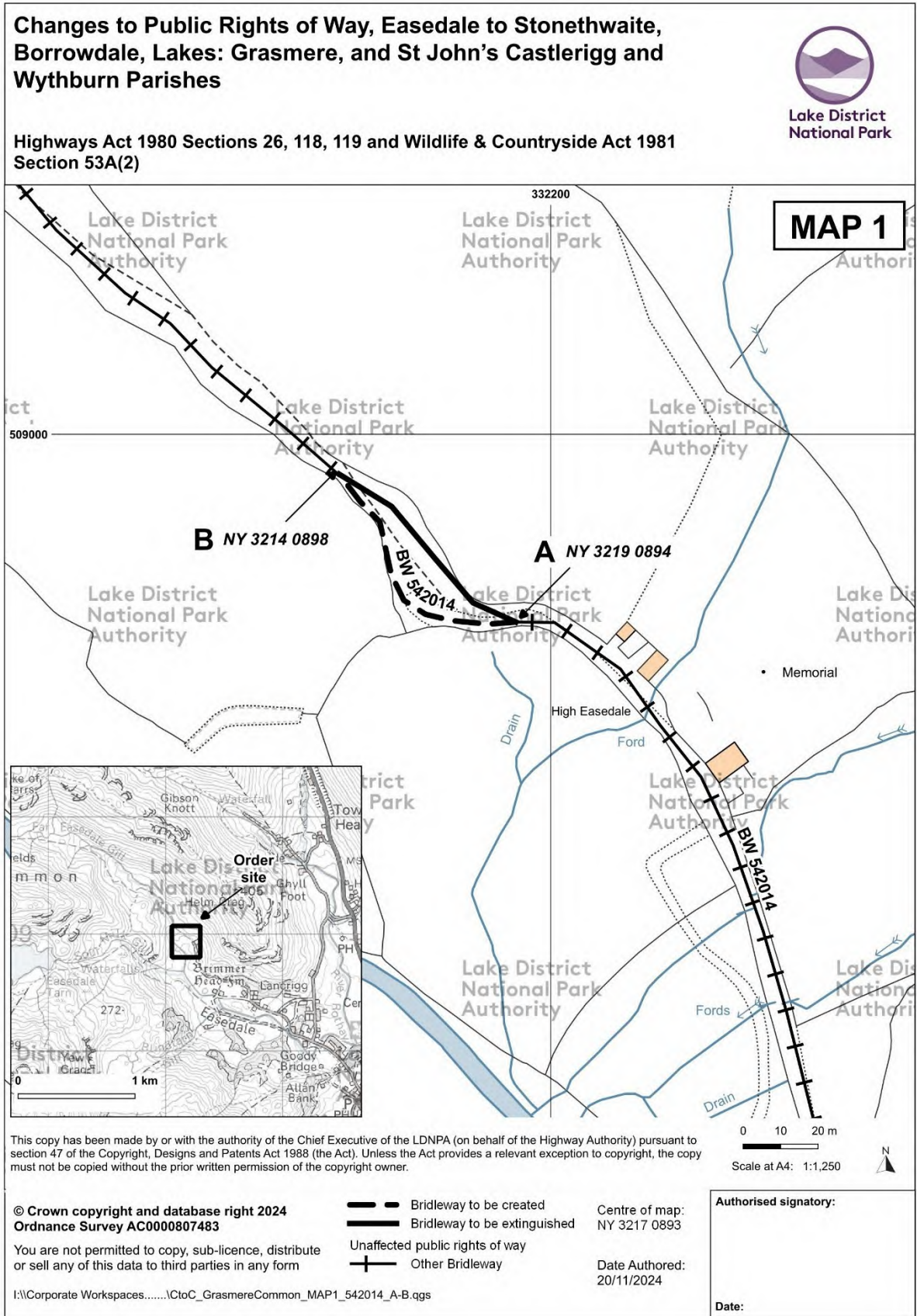


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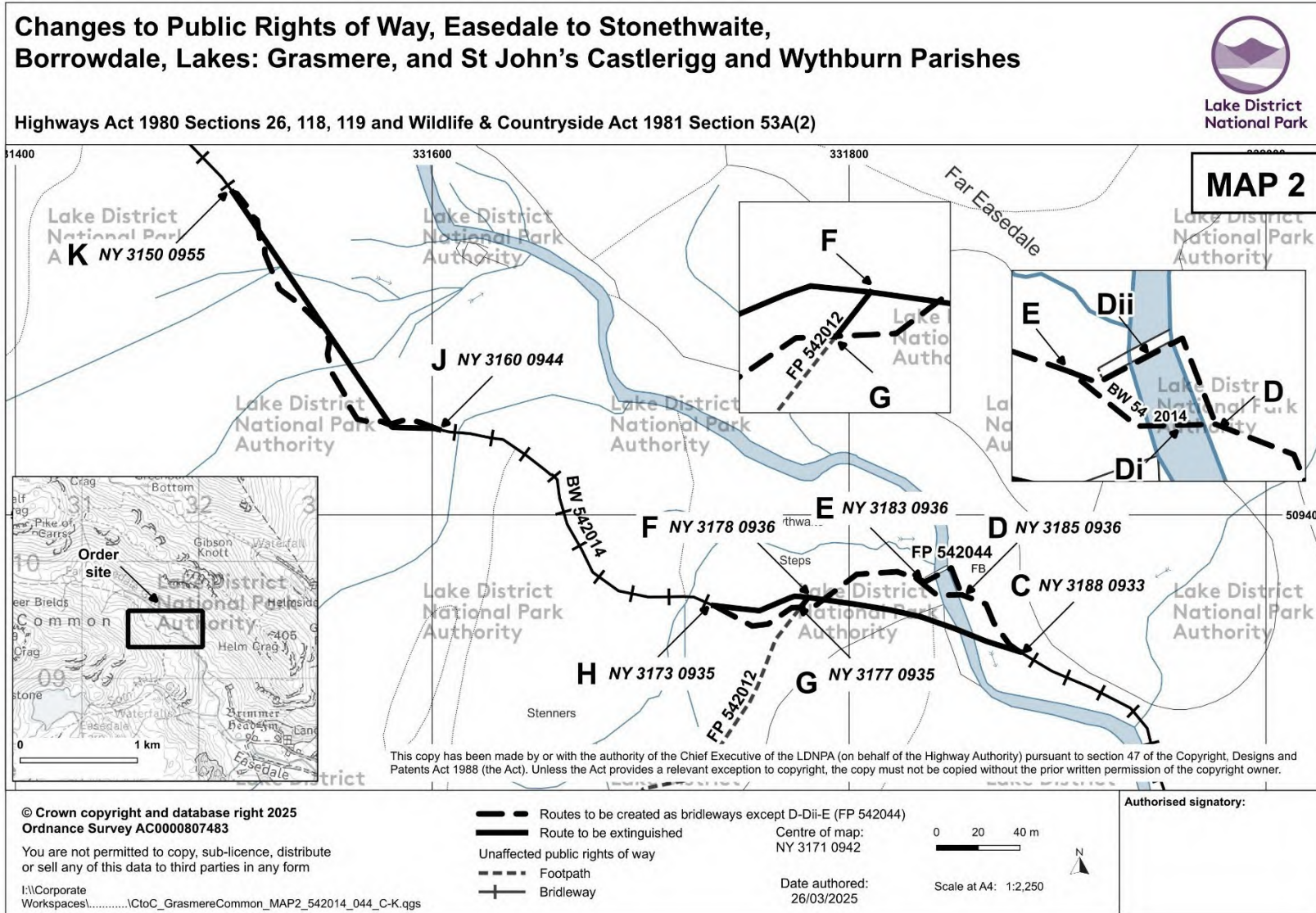
Ranger Team Leaders' Meeting

Date.....3 July 2025.....

Annex 1
Map 1

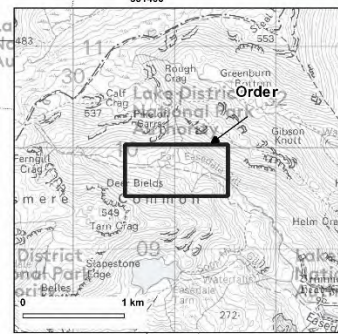
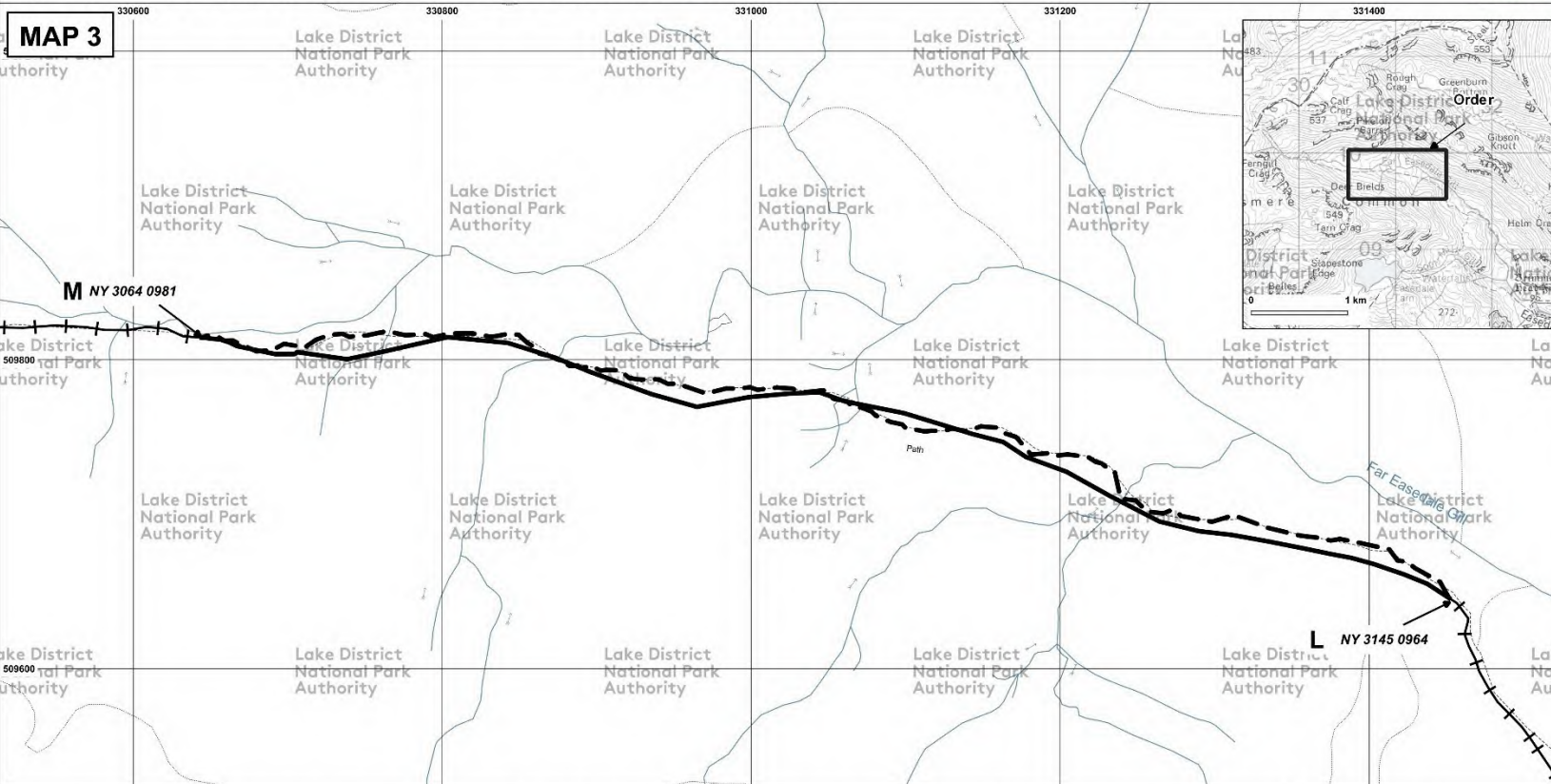


Map 2



Map 3

**Changes to Public Rights of Way, Easedale to Stonethwaite,
 Borrowdale, Lakes: Grasmere, and St John's Castlerigg and Wythburn Parishes**
 Highways Act 1980 Sections 26, 118, 119 and Wildlife & Countryside Act 1981 Section 53A(2)



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- Bridleway to be created
- Bridleway to be extinguished
- Unaffected public rights of way
- - - Footpath
- + — Bridleway

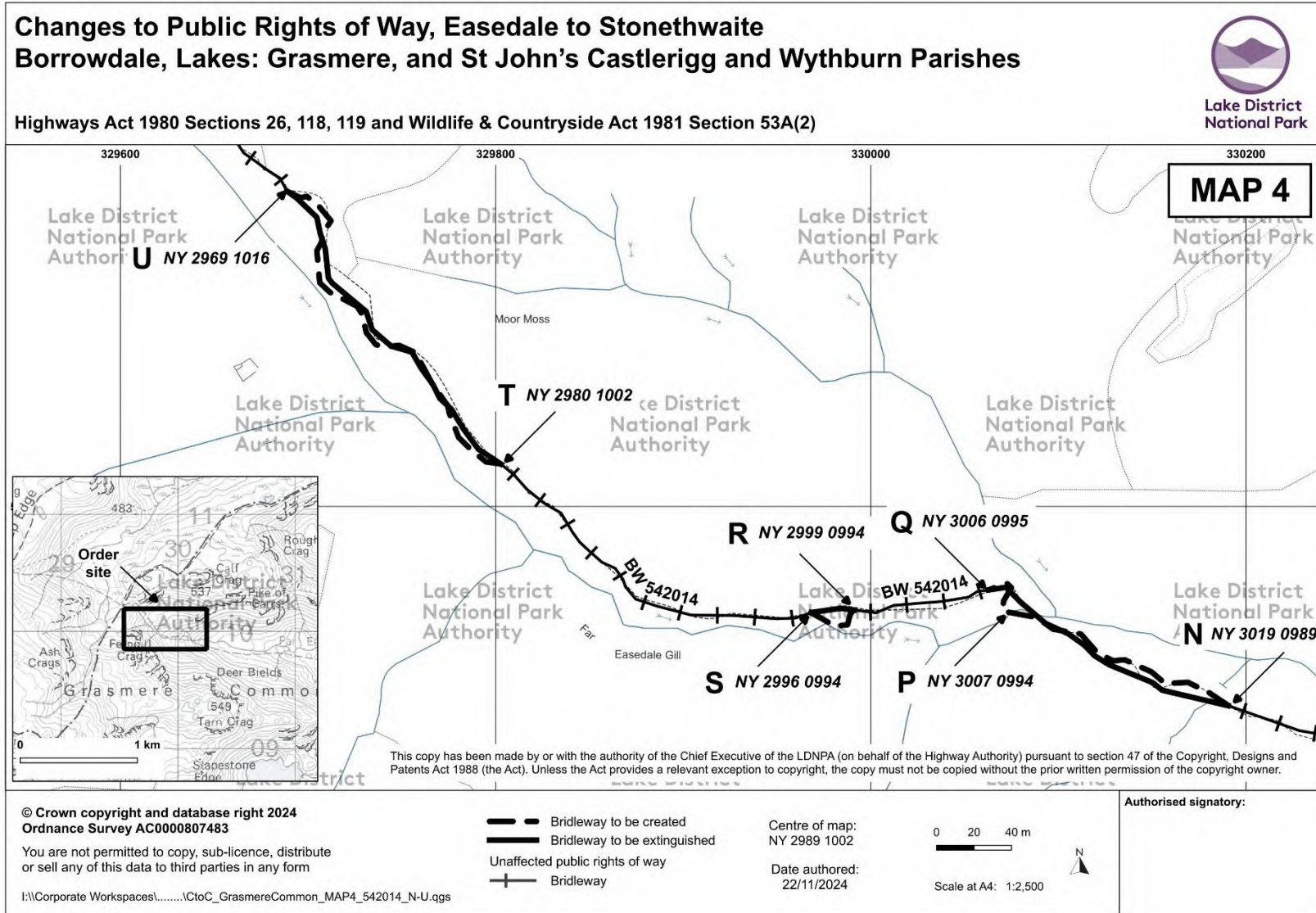
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 NY 3102 0977

Date Authored:
 22/11/2024

Authorised signatory:

 Date:

Map 4



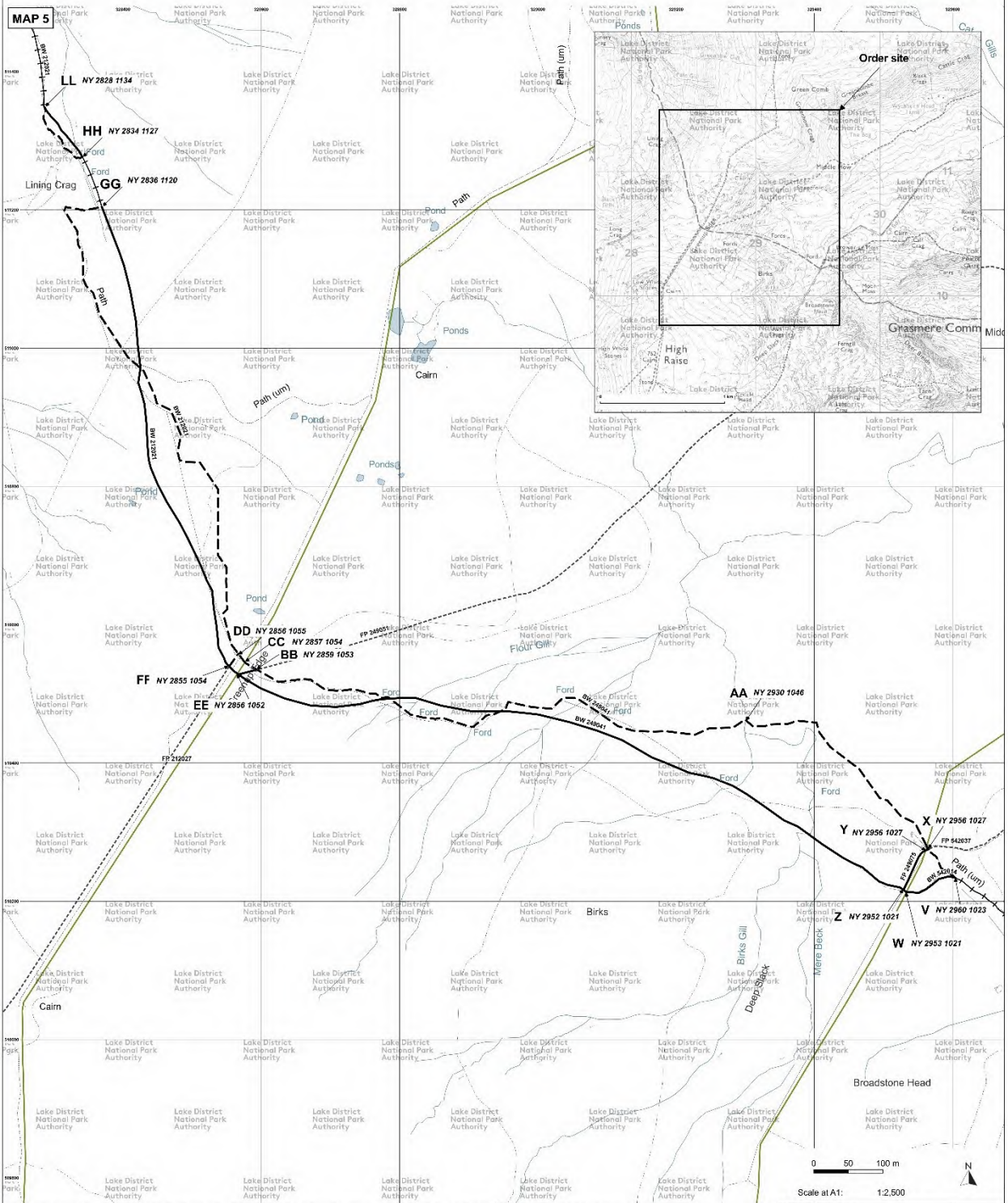
Map 5

**Changes to Public Rights of Way,
Easedale to Stonethwaite,
Borrowdale, Lakes: Grasmere, and St John's Castlerigg and Wythburn Parishes**

Highways Act 1980 Sections 26, 118, 119 and Wildlife & Countryside Act 1981 Section 53A(2)



Lake District National Park Authority



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- Footpath to be created (FF-DD)
- Bridleway to be created (V-GG and HH-LL)
- Route to be extinguished
- Parish boundary
- Unaffected public rights of way
- Other Footpath
- Other Bridleway

Centre of map: NY 2895 1062

Date Authored: 22/11/2024

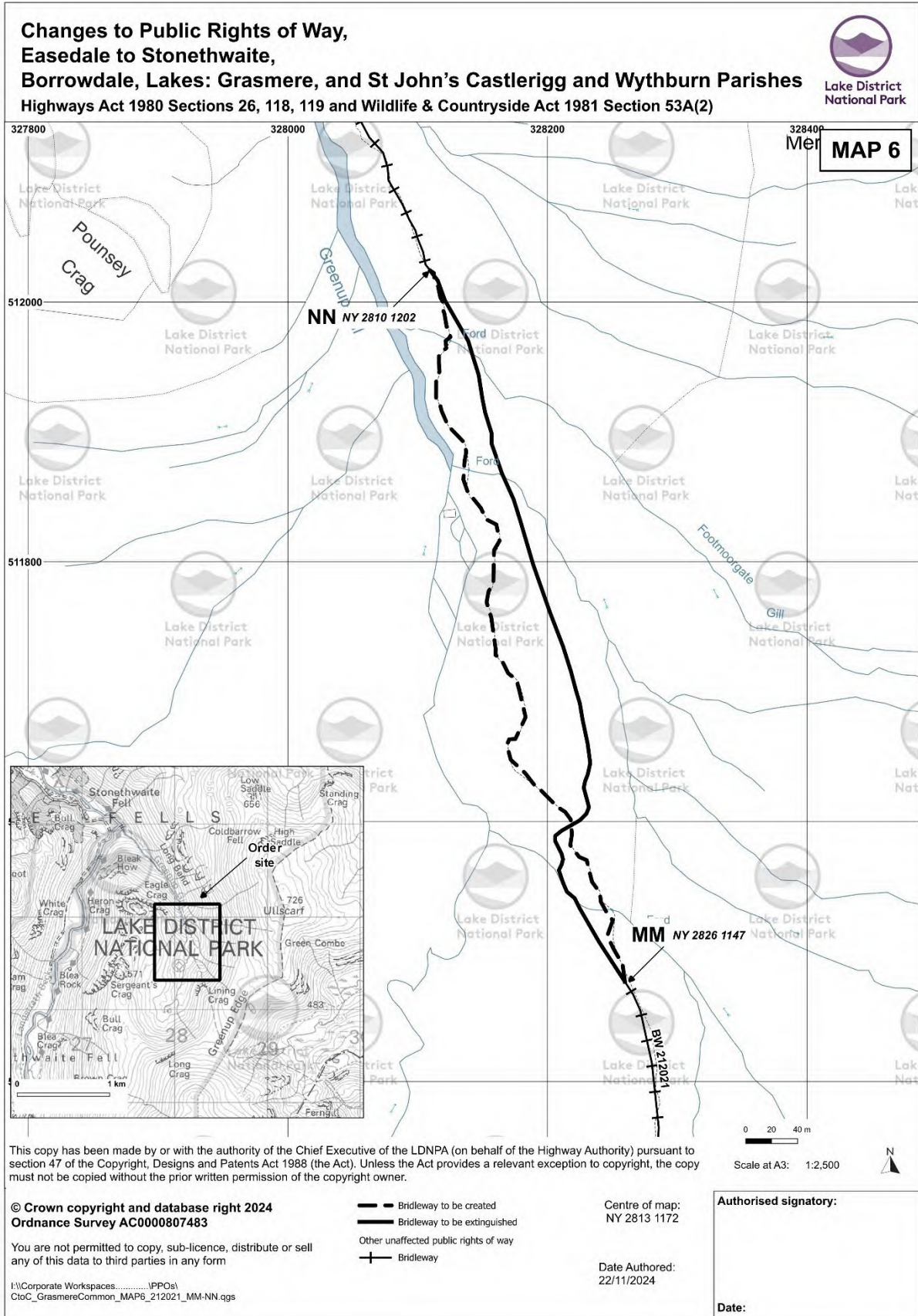
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Date:

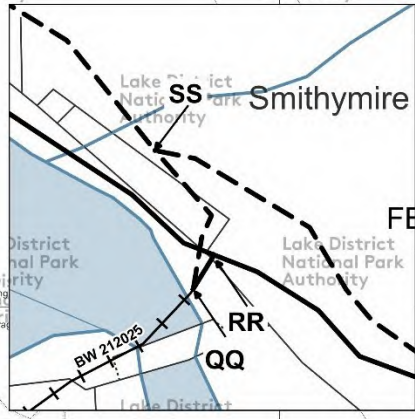
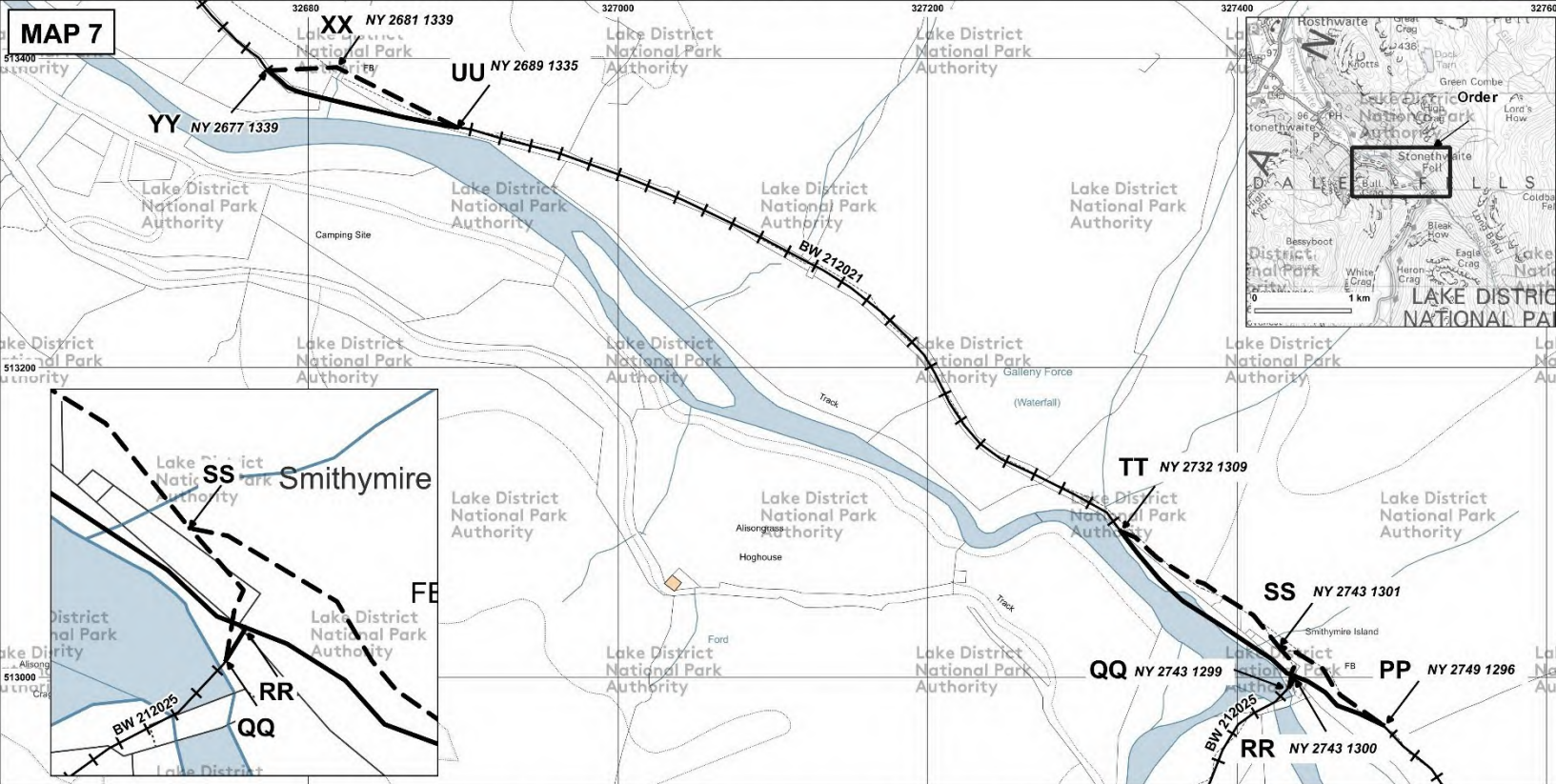
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Map 6

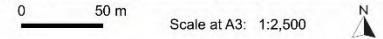


Map 7

**Changes to Public Rights of Way,
Easedale to Stonethwaite, Borrowdale, Lakes: Grasmere, and St John's Castlerigg and Wythburn Parishes**
Highways Act 1980 Sections 26, 118, 119 and Wildlife & Countryside Act 1981 Section 53A



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- Bridleway to be created
- Bridleway to be extinguished
- Unaffected public rights of way
- Footpath
- Bridleway

Centre of map:
NY 2710 1318

Date Authored:
22/11/2024

Authorised signatory:

Date:

Annex 2 Photos -

Site visit photos – Bridleway from Far Easedale to Stonethwaite, via Lining Crag and Greenup Edge

Map 1 High Easedale

P1



Definitive line crosses a small rocky outcrop whereas used route passes to the west, close to Point A

Map 2 Stythwaite Steps

P2



Definitive line crossing the stream as indicated close to Point D

P3



A footpath will be created over the footbridge with a bridleway diverted to ford the stream near the bridge, preserving the stepping stones.

P4



Example of definitive line as indicated with clearly used line to the right of the photo

Maps 3 and 4 – Grasmere Common

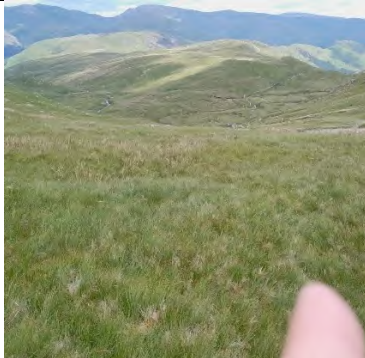
P5



Further example of direction of definitive line being indicated with a clearly used route, close to Point U.

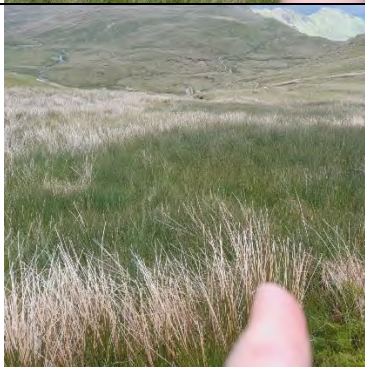
Map 5 – Broadstone Head to Greenup Edge and on to Lining Crag

P6

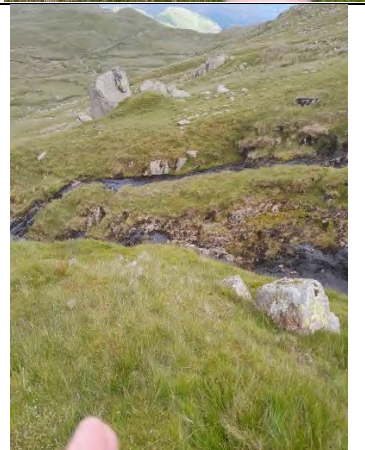


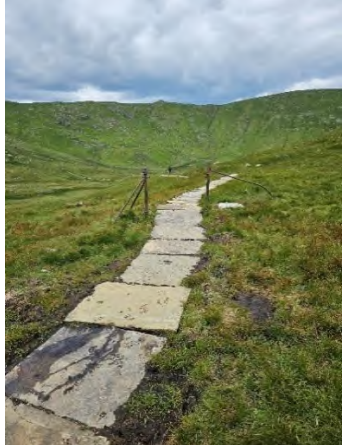



Indicative photos showing definitive line looking southwards from Greenup Edge towards Broadstone Head (Point CC towards Point X)


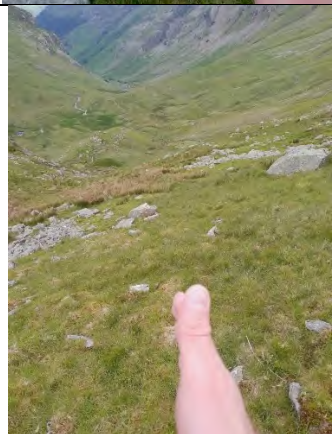

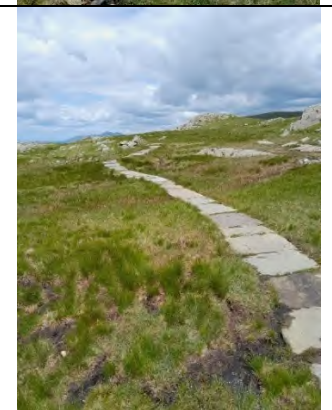
P7



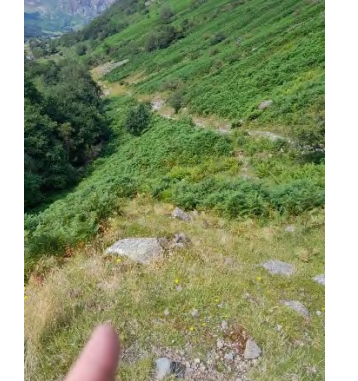







P8



P9		<p>Proposed route passing through Wainwright's iconic gate stoops at Broadstone Head near Point X looking northwards towards Peaty Bowl.</p>
P10		<p>Line of subsoiled path and flags descending north west wards from Broadstone Head at Point X into 'Peaty Bowl' (Point AA) with Greenup Edge in the distance</p>
P11		<p>Example of stepping stones, with ford to the side, on newly pitched path</p>
P12		<p>Indicative photos showing the definitive line with no signs of use on the ground between Greenup Edge and Lining Crag. Photos are arranged south to north, however are taken facing south. Definitive line looking east south eastwards Lining Crag, Point GG towards Point CC.</p>

P13		
P14		
P15		
P16		Proposed route with new slabs at the top of Greenup Edge in the area of Point CC looking towards Lining Crag

P17		Continuation of flagged section on proposed route at Lining Crag
P18		End of newly laid flags at Point GG on , Lining Crag looking north towards Stonethwaite
Map 6 Approaching Stonethwaite		
P19		Photo looking northwards towards Stonethwaite showing the definitive line being indicated, and the current used route visible to the right/centre of the photo close to Point MM
P20		Photo looking southwards back up hill towards Point MM showing definitive line indicated running through bracken and the pitched, used route.

Map 7 Stonethwaite		
P21		Photo taken close to Point PP where the definitive line diverges from the proposed route
P22		Wicket Gate on current definitive line at Point RR
P23		Current definitive line following the riverbank to the North West of Point RR
P24		Existing route of definitive line at Point UU

P25	 A photograph showing a newly replaced wooden footbridge crossing a stream. The bridge has a simple wooden railing and is surrounded by large, grey rocks in the water. The background shows green trees and a grassy bank.	Recently replaced footbridge at XX with ford to the side
P26	 A photograph of a dirt path on a grassy hillside. The path is made of loose stones and dirt. In the background, there are rolling hills and a few people walking. A stone wall is visible on the right side of the path.	Photo taken from point YY, looking East South East, with the proposed route towards XX to the left and the definitive line following the wall to the right.

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.

The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

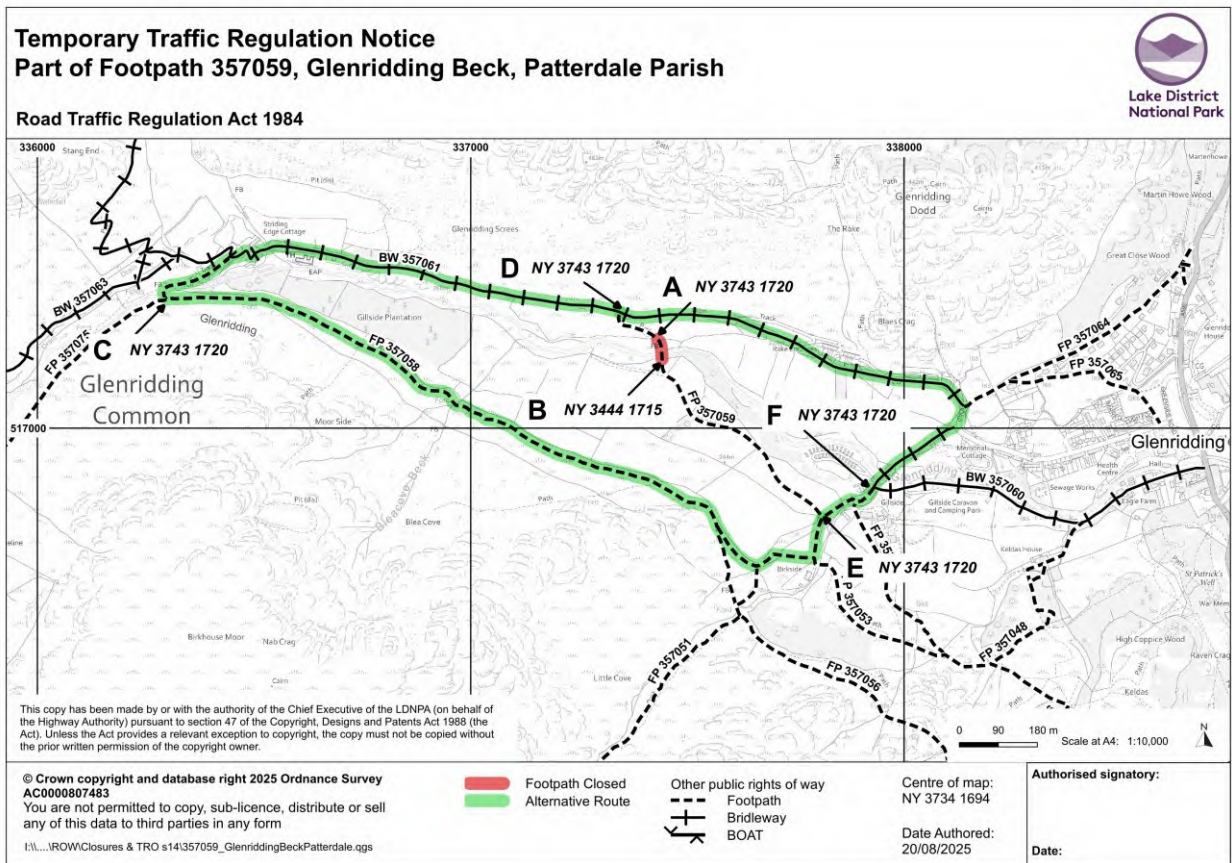
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 357059, GLENRIDDING BECK, PATERDALE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</p> <p>ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders and the Senior Rights of Way Officer.</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 the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	The bridge across Glenridding Beck on footpath 357059 is in poor condition, and requires replacement by our Ranger team. Works cannot be undertaken safely and easily whilst maintaining public access. We therefore intend to close the bridge and its approaches for the duration of the works.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice prohibiting use of the section of footpath 357059 across the bridge over Glenridding Beck and its approaches during works to replace the bridge, as shown between points A and B on the plan within the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a closure notice 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (288)	
Date of Report	20 August 2025	
Authorising officer	Nick Thorne, Senior Rights of Way Officer – 20 August 2025	

TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 357059, GLENRIDDING BECK, PATERDALE PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over a bridge across Glenridding Beck, and its approaches, on footpath 357059, to enable us to replace it safely and efficiently.

Recommendation: *That we issue a Temporary Traffic Regulation Notice prohibiting use of the section of footpath 357059 across the bridge over Glenridding Beck and its approaches, during works to replace the bridge, as shown between points A and B on the plan.*



Map 1: Location Plan

2 Details of Request

- 2.1 The bridge over Glenridding Beck at NY 3744 1717 is in poor condition and requires replacement by our Ranger team. The bridge is approximately 8.25 metres in length, the current structure is wooden (including beams), but was constructed on top of earlier metal beams which had been left in situ from a previous bridge. These metal beams now appear to be rusty. The bridge sits on stone abutments with a drop to the beck of approximately 2.7 metres. There have been a number of issues identified in recent years which have required work by our team (including broken handrails, rotten uprights and deckboard ends decaying / splitting). The underside of the upstream wooden beam is also rotting. Given the deterioration of the bridge it appears expedient that we replace it before this progresses to the extent it becomes unsafe (which would necessitate a longer closure).
- 2.2 Once works begin it will not be possible for users to cross the bridge until the replacement is complete. There will be vehicles and machinery in use on the relatively confined approaches to the bridge to lift beams and other materials – therefore maintaining public access would introduce hazards to users and hamper the efficiency with which our Ranger team could replace the bridge. Once the existing bridge has been removed there will be no easy crossing point at this location – there is no suitable point to site a temporary bridge and the banks are quite high. Although some users may be able to ford the beck nearby this would not be a suitable alternative for the majority (it would also involve climbing over fences unless these were also removed – which appears superfluous given the presence of other alternative routes).
- 2.3 Footpath 357059 is wholly encircled by other rights of way (with other crossings of the beck at Rattlebeck Bridge and just west of the Youth Hostel) – signage will be installed at suitable points to make users aware of the closure and users will be able to identify the alternative route which is most convenient for them. Site notices will be erected at least at points C, D, E & F on the plan, and the Ranger will be asked to put further site notices anywhere else they deem necessary or helpful to the public.
- 2.4 The works are anticipated to commence on Tuesday 26 August 2025 and it is expected the replacement of the bridge will be complete by Friday 29 August 2025 (less than the 5-day period of a single temporary closure notice for works).
- 2.5 Photos of the bridge from previous surveys / inspections in 2022 and 2023 are provided below for context:



Red circle is from an inspection identifying issue with uprights / handrails



Abutment and beams



Rot of the upstream beam

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Issue a temporary closure notice
 - b) Do not issue a temporary closure notice

5 Proposal

- 5.1 I recommend option 4.1a. This will allow the replacement of the bridge to go ahead safely and efficiently. The disruption to the public will be reduced as much as possible by erection of site notices to inform them of the closure and availability of alternative routes. We will also inform consultees, user groups, and the landowner of the closure.

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation orders and notices is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure notices, but we are the best placed organisation to issue this notice.
 - c) There is no requirement to undertake **consultation** in relation to temporary closure notices – but we will notify our usual consultees of the closure.
 - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure notice are approximately £340 (which covers staff-time, stationery and postage). As this work is to enable us to carry out maintenance on the rights of way network, it is appropriate that we meet all the costs from existing budgets and our own time.

8 Risk

- 8.1 The major risk associated with this is if we do not issue a closure notice. The closure will safeguard potential users of the footpath who may be injured if they attempt to use the bridge and its approaches during the works, in particular there would be concerns about movement of machinery, materials and vehicles immediately beside the bridge presenting a hazard to users, along with the physical absence of a safe crossing. If the bridge replacement were not undertaken now there would be an increasing risk of the bridge, which is already in poor condition, becoming unsafe and posing a hazard to users.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path.
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of Notices for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. These are now exercisable by the Head of Ranger Service as the previous Head of Service post has ceased to exist. The powers have also been sub-delegated to the Ranger Team Leaders and Senior Rights of Way Officer.

10 Human Resources

- 10.1 The [legal] work involved in this proposal is approximately 3 hours from members of the Ranger team, and 0.5 hours from the GIS technician. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

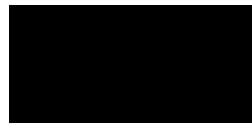
11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Summary and Recommendations

- 12.1 Although we would rather maintenance was carried out with no interruption to public access, on some occasions it is unavoidable. This bridge is in poor condition and requires replacement to remain safe. As movement of machinery and heavy materials will be taking place on the bridge's approaches during the works I feel that this internal closure request is reasonable and that we should issue the required temporary closure notice. The works should be complete within the 5-day duration of the notice and suitable alternative routes will be available.

Authorised by:



Nick Thorne, Senior Rights of Way Officer

Date: 20 August 2025

Background Papers	Case file 1410.003 (288)
Author:	Will Hinchliffe, Rights of Way Officer
Date Written:	20 August 2025
Version	Final

The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

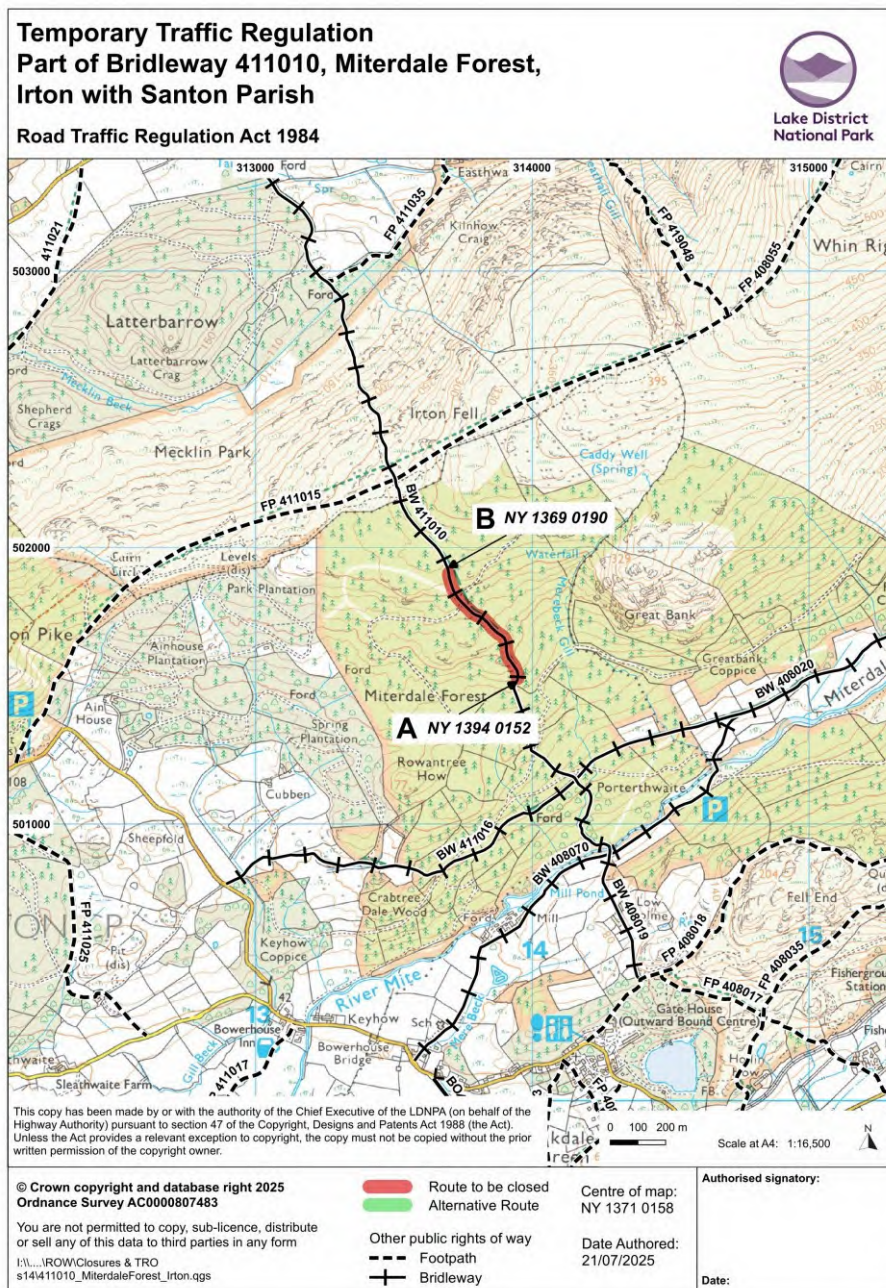
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, BRIDLEWAY 411010, MITERDALE FOREST, IRTON WITH SANTON PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</p> <p>ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</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 Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	Forestry England (FE) have made an application for a temporary closure of part of bridleway 411010 to enable their contractors to undertake felling of crop trees in line with their forest plan. There will be no suitable alternative route available during these works.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Order for Bridleway 411010 shown between Points A and B on the plan within the report.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making the order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (284)	
Date of Report	29 August 2025	
Authorising officer	Steve Tatlock, Ranger Team Leader	

TEMPORARY TRAFFIC REGULATION ORDER, BRIDLEWAY 411010, MITERDALE FOREST, IRTON WITH SANTON PARISH

1 Summary

- 1.1 This report recommends the temporary prohibition of all traffic over part of bridleway 411010 within Miterdale Forest to enable forestry harvesting operations to be undertaken safely and efficiently.

Recommendation: *That we issue a Temporary Traffic Regulation Order for Bridleway 411010 shown between Points A and B on the plan*



Map 1: Location Plan

2 Details of Request

- 2.1 Forestry England (FE) have submitted an application for a temporary closure of part of bridleway 411010 through Miterdale Forest, shown on the plan between points A and B. They intend to undertake clear felling of crop trees in the area traversed by the bridleway, in line with their forest plan for Miterdale. FE anticipate the works commencing in November and that they may take around six months. The order would cease to remain in force if the works were completed prior to its expiry. The order could also be extended beyond six months with the authorisation of the Secretary of State. FE are the relevant Access Authority for this land and will also be issuing a direction (restriction) on open access during the works.
- 2.2 The works will be undertaken by contractors using a harvester and forwarder. The felled timber will then be stacked and removed from the site by lorries using the forest road which intersects the bridleway at several points. FE are of the view that it will not be possible to safely manage continued public access on the bridleway through the site whilst the works are underway due to felling taking place immediately alongside it (below the minimum safe distance for felling), along with the movement of vehicles / heavy machinery throughout the area and along the forest road. Due to the volume of trees being felled and difficulties with maintaining a clear line of sight across the area FE's assessment is that access cannot be safely maintained by utilising banks persons. Given that the works will be taking place through the winter months there may be works ongoing in darkness exacerbating the difficulties with visibility.
- 2.3 Unfortunately there would be no suitable nearby alternative route available for the public during the closure. We queried with FE whether the forest road through the site may be viable as an alternative but they responded that this would entail significant risk to the public with the road also being used by vehicles and machinery during the works and timber stacking taking place. FE have confirmed that whenever feasible they do intend to make the route safe before weekends and bank holidays during the closure period so the public can still use the bridleway during these times. Additional signage will be necessary to inform the public of this.
- 2.4 Given the lack of an alternative I concur with the Parish Council's feedback during the consultation that careful placement of notices informing users of the closure will be necessary. We will inform FE where site notices must be placed. This will include at either end of the closed section of the bridleway, and also either end of the bridleway in Nether Wasdale and Eskdale Green, and on other connecting public rights of way and nearby parking places (such as Irton Pike). We will also require FE (or their contractors) to inspect the site notices at regular intervals to ensure they remain in place and replace any that go missing.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.

- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Make the Order
 - b) Do not make the Order

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in sections 2 and 8. A closure of the bridleway will allow FE to carry out felling safely and efficiently in line with their forest plan. There would be significant hazards to the public if the bridleway remained open when works are underway, and this would also be detrimental to the efficiency with which FE's contractors could complete the felling and extraction. It is unfortunate that there will not be an alternative route, but in this case there does not appear to be a suitable option available. This will be somewhat mitigated by the bridleway being made safe for public use during weekends and bank holidays.

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumberland Council can also process temporary closure orders, but we are the best placed organisation to make this order.
 - c) We have carried out the required **consultations**.
 - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. These costs will be met by Forestry England.

8 Risk

- 8.1 The major risk associated with this is if we do not make an order. There would be significant risks to users on the bridleway during the felling, processing and extraction works from both machinery / vehicle movements and trees being felled and stacked. It would be difficult to manage continued public access with banks persons due to the length of the route and works potentially taking place after dark – visibility for the contractors and path users would be poor. Making the order should minimise the risks arising due to FE's works by restricting the public's use of the route and putting signage in place to make users aware it is closed.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) of the Road Traffic Regulation Act 1984; namely because works are proposed works to be executed on or near the road (highway).
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumberland Council. As this post no longer exists these powers have transferred to the Head of Ranger Service Post. These powers have also been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation Responses

- 12.1 We carried out a public consultation with interested bodies and individuals including Cumberland Council (the Highway Authority), Parish Council, Local Access Forum and various user groups. We received the following responses:

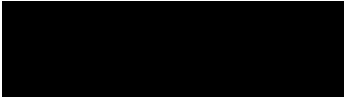
Consultee	Comment	LDNPA Response
Irton with Santon Parish Council	<p><i>At the parish meeting last night the councillors discussed the proposed closure.</i></p> <p><i>It was felt that the proposed closure is actually part of a much used walking route by locals and tourists.</i></p> <p><i>Whilst we understand the needs of Forestry we ask if there is perhaps an alternative?</i></p> <p><i>If this isn't the case then clear signage needs to be put in place that the footpath is closed way before people get there. i.e at the bottom of Irton Pike and perhaps the route from Eskdale and Wasdale. It is also important to the parish that the time scales for this project are adhered to and that we are kept up to date with the progress.</i></p>	<p>Confirmed that we had queried the potential availability of an alternative route on the forest road with FE and that we would pass on the Councillors' comments and see if they can re-consider any way of maintaining a safe alternative route through the forest during the works.</p> <p>If this won't be possible, agreed that very clear signage will be needed on all approaching routes to ensure the public are made aware of the closure and not unduly inconvenienced.</p> <p>Confirmed we will also ask FE to keep us informed as to the progress of the works and any</p>

		<p>changes to their expected timescales.</p>
<p>Cumbria Bridleways Society</p>	<p><i>Whilst Cumbria Bridleways Society have no specific comment to make about the temporary closure of the BW to enable felling to take place, a couple of our committee members, who have knowledge of this BW, say that it is in a very poor condition along with a section of BW across Irton Fell which is very badly eroded (both sections circled on the attached map). In addition, I was approached by a lady at a equestrian event, where CBS had a stand, who said that the bridleways through the Forestry Commission land in this area were 'being trashed' by forest vehicles and then large jagged stone was being used to cover some of the path making it most unsuitable for horses to use. I am afraid I can't give you a location of where exactly this has happened, which I know is not very helpful to you.</i></p> <p><i>Cumbria Bridleways Society wonder if FE will reinstate this bridleway to a usable condition so equestrians can ride it once the felling work is complete and/or open up some of the forest roads in this area? CBS is fully supportive of the agricultural and forestry industry and we would be more than willing to meet with any landowner to discuss what we can do to assist them to deliver improved access. We would much rather provide advice about suitable surfaces etc to a landowner before work is commenced than to discover that equestrian access to bridleways is being lost due to unsuitable surface dressing being used or the failure to maintain/repair them.</i></p> <p><i>Likewise, as a volunteer with the BHS, I can say that the BHS would also be delighted to meet with any landowner that might want to discuss an access project or improvement. Both the BHS and CBS have a limited amount of funds, that could on application, be</i></p>	<p>Confirmed that the section of the bridleway north of the forest down Irton Fell is outside FE's ownership so any surface repairs required there would probably be for the LDNPA unless the landowner or other private use has caused damage. Ranger for West area copied into reply to make them aware of this.</p> <p>Confirmed that we will remind FE that they are responsible for reinstating the bridleway after the works to a condition at least as accessible for users as it was beforehand.</p> <p>Thanked CBS for offer to discuss or meet with FE regarding surfacing works / treatments they could use (ideally prior to their works) which would be appropriate for equestrian use, and the help and advice the CBS or BHS may be able to offer with this. Confirmed we will highlight that re-surfacing of the bridleway with jagged stone would not be appropriate if this would make a previously usable route unsuitable for horses then we would have to treat this as an obstruction.</p> <p>Confirmed we will ask FE if they could clarify what other public access is available here (beyond the standard pedestrian open access), and whether the forest roads are (or could be made) accessible to equestrian users – and highlight that the BHS / CBS would be happy to discuss this further with them too.</p>

	<i>made available to fund some small scale works.</i>	
Interested member of public	<p><i>Having walked this route a couple of years ago I found it in a terrible state and wouldn't have wanted to negotiate this on a horse.</i></p> <p><i>In my experience of the forestry work done in Broughton Moor forest, the BWs were obliterated and new tracks really opened up again by cyclists forcing their way through, sometimes by passing fallen trees.</i></p> <p><i>I think we should ask for a commitment at the end of the work for them to re instate the BW in a suitable condition to be used by all and maybe also allow use of the forest tracks created.</i></p>	Confirmed that we will highlight to FE the requirement to reinstate the bridleway to a suitable standard after the works and that as far as possible it would be better that they avoided damaging the bridleway surface or leaving it obstructed in the first place.

13 Summary and Recommendations

13.1 I recommend that we make a TTRO prohibiting all traffic from proceeding over the affected section of bridleway 411010 during the works period. It would be unreasonable to not allow a closure to enable the felling which is in line with FE's forest plan, and there will be significant hazards present during the works. A closure will allow FE to carry out these works efficiently and without causing a danger to the public. It is unfortunate that there is no suitable alternative available, but we will ensure site notices are suitably located to make the public aware of the closure. We will impress upon FE the need to reinstate the bridleway to a suitable standard as soon as possible on completion of the works.

Authorised by:


 Ranger Team Leader
 Date: 4 September 2025

Background Papers Case file 1410.003 (284)
 Author: William Hinchliffe, Rights of Way Officer
 Date Written: 29 August 2025
 Version Final

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	SECTION 33 ROAD TRAFFIC ACT CONSENT – MALCOLM WILSON RALLY 7 MARCH 2026
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</p> <p>ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</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 the Highway Authorities) 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	The Malcolm Wilson Rally is an annual motor sports event which uses routes over Forestry England land in Grizedale Forest (west of the Hawkshead to Satterthwaite road), Whinlatter Forest and Wythop Woods. On some occasions routes at Broughton Moor have also been used but the organisers do not intend to use these in 2026. A number of public rights of way are crossed or used by the event, and therefore Section 33 consent (Road Traffic Act, 1988) is required to authorise a motor vehicle trial to be held on public rights of way.
Details of Decision	Consent is granted subject to the usual conditions.
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is well run, and no incidents have arisen during past events. The landowner (Forestry England) is happy to host the event, and the public paths will be marshalled. A Temporary Traffic Regulation Order (TTRO) over affected rights of way and open access restrictions (issued by Forestry England) will also be in effect during the event. A query has been raised by one of our consultees (Open Spaces Society) in relation to our policy on such activities and their impact on public amenity – this has been passed to the Ranger Team Leaders for consideration as to whether further discussion on our approach is warranted and to decide who would make a strategic decision regarding this.

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	William Hinchliffe, Rights of Way Officer
Background Papers	File Reference 1480.007
Date of Report (letter)	4 September 2025
Authorising officer(s)	Ranger Team Leaders' Meeting
Date	4 September 2025



**Lake District
National Park**

Ronnie Sandham
Secretary to the Malcolm Wilson Rally

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9 September 2025

Our Reference: WH/1480.007

Dear Ronnie

Section 33 Consent for Malcolm Wilson Rally 2026

Thank you for supplying details of the proposed route of the next Malcolm Wilson Rally.

The following sections of public footpaths and bridleways will be used by vehicles, as listed in schedules 1 and 2 and shown on maps 1-3 below:

Saturday 8 March 2025 – all routes in Grizedale West, Whinlatter Forest and Wythop Woods

We grant consent under Section 33 of the Road Traffic Act 1988 for these footpaths and bridleways to be used by vehicles taking part in the 2026 Malcom Wilson Rally subject to the conditions listed overleaf.

If you have any queries about this matter, please contact Will Hinchliffe, Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk).

Yours sincerely

[REDACTED]

Steve Gaskell

Ranger Team Leader

Direct: 01539 792604

Email: Steven.Gaskell@lakedistrict.gov.uk

You (the event organisers) shall:

1. Repair any significant damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Arrange for marshals, over 18 years of age, to be posted at the agreed locations. Marshals must be aware of radio locations for communication.
4. Arrange for notice of any Traffic Regulation Order to be displayed in a prominent position at each end of the length of road to which the order relates and at the points at which it will be necessary for traffic to diverge from the right of way, stating the effect of the order and, where applicable, the alternative route or routes available for traffic (locations shown on signing maps provided). Each notice shall be displayed throughout the period during which the order is in force and you shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the order remains in force or are promptly replaced as often as occasion requires during that period.
5. Remove the signs after the event has finished.
6. Remove litter deposited on any affected footpath or bridleway during the event.
7. Report any accidents or near miss incidents involving spectators or public rights of way users to us within 48 hours of any event.
8. Take all reasonable safety precautions to protect members of the public using or intending to use any footpaths or bridleways irrespective of the formal closure of these routes to the public.

SCHEDULE 1 – Grizedale West

Parish	Right of Way		From (SD)	To (SD)
Colton	BW	511084	309 925	315 928
Colton	BW	511055	306 924	310 937
Colton	BW	511085	314 923	312 925
Coniston	FP	512002	318 970	324 971
Coniston	BW	512003	317 953	320 947
Coniston	FP	512004	312 949	317 951
Coniston	BW	512005	323 951	318 950
Coniston	BW	512006	318 944	323 951
Coniston	FP	512047	324 956	329 971
Coniston	FP	512061	329 976	327 984
Coniston	BW	512066	318 970	325 955
Hawkshead	BW	529005	338 963	342 964
Hawkshead	FP	529006	342 975	339 966
Hawkshead	FP	529007	336 965	337 968
Hawkshead	FP	529019	339 973	339 986
Hawkshead	BW	529039	341 965	344 978
Hawkshead	FP	529041	329 971	330 976
Satterthwaite	FP	566001	307 946	312 949
Satterthwaite	BW	566002	310 937	318 944
Satterthwaite	FP	566003	319 933	318 943
Satterthwaite	BW	566004	323 951	337 963
Satterthwaite	FP	566005	335 963	336 965
Satterthwaite	BW	566006	337 924	330 927
Satterthwaite	BW	566007	328 923	333 942
Satterthwaite	FP	566026	322 909	334 920
Satterthwaite	FP	566027	326 906	328 923
Satterthwaite	BW	566030	325 955	330 942
Satterthwaite	BW	566031	335 943	315 928
Satterthwaite	BW	566032	314 923	336 919
Satterthwaite	BW	566033	323 923	317 930
Satterthwaite	FP	566038	334 963	336 955

SCHEDULE 2 –Whinlatter Forest (Darling How and Thornthwaite) & Wythop Woods

	Right of Way		From (NY)	To (NY)
Above Derwent	FP	201004	211 280	217 276
Above Derwent	BW	201065	213 284	215 282
Above Derwent	BW	201006	212 047	217 250
Lorton	FP	242017	181 256	189 262
Lorton	FP	242023	181 255	181 256
Lorton	FP	242024	181 254	181 256
Wythop	FP	264002	204 305	204 305
Wythop	BW	264003	207 290	213 284
Wythop	FP	264005	199 306	202 305
Wythop	FP	264009	207 281	212 280
Wythop	FP	264012	204 305	202 306

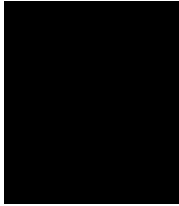
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- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure 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	SECTION 33 ROAD TRAFFIC ACT CONSENT – GRIZEDALE STAGES RALLY SATURDAY 6 DECEMBER 2025
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</p> <p>ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</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 the Highway Authorities) 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	<p>The Grizedale Stages Rally is an annual event run by the Furness & District Motor Club which has been running for over 30 years. A number of public paths are crossed or used by the event, this year taking place only over land in Grizedale Forest, all owned by Forestry England. Section 33 consent (Road Traffic Act, 1988) is required to authorise a motor vehicle trial to be held on public rights of way.</p>
Details of Decision	Consent is granted subject to the usual conditions.
Details of alternative options considered and rejected.	<p>Not granting consent. This would be unreasonable – the event is well run, and no significant incidents have arisen during past events. Last year's event was cancelled in advance on safety grounds due to the arrival of Storm Darragh, in line with the organiser's Safety and Incident Management Plan which includes a Severe Weather Protocol. The landowner (Forestry England) is happy to host the event, and the public paths will be marshalled. A Temporary Traffic Regulation Order (TTRO) over affected rights of way and open access restrictions (issued by Forestry England) will also be in effect during the event (consultation on the TTRO is currently underway). A query has also been raised by one of our consultees (Open Spaces Society) in relation to our policy on such activities and their impact on public amenity – this has been passed to the Ranger Team Leaders for consideration as to whether further discussion on our approach is warranted and to decide who would make a strategic decision regarding this.</p>

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None
Author and contact details of report	William Hinchliffe, Rights of Way Officer
Background Papers	File Reference 1480.006
Date of Report (letter)	4 September 2025
Authorising officer(s)	Ranger Team Leaders' Meeting
Date	05 September 2025

Graham Parker
Grizedale Stages Rally



**Lake District
National Park**

05 September 2025

Our Reference: WH/1480.006

Dear Graham

Section 33 Consent for Grizedale Stages Rally 2025

Thank you for supplying details of the proposed route of this year's rally.

The following sections of public footpaths and bridleways will be used by vehicles, as listed in Schedules 1 and 2 and shown on Maps 1 and 2 below:

Saturday 6 December 2025 – all routes in Grizedale West (west of the Hawkshead to Satterthwaite road) and all routes in Grizedale East (east of the Hawkshead to Satterthwaite road and south of the U5050) listed in Schedules 1 and 2 and shown on maps below.

We grant consent under Section 33 of the Road Traffic Act 1988 for these footpaths and bridleways to be used by vehicles taking part in the 2025 Grizedale Stages Rally subject to the conditions listed overleaf.

If you have any queries about this matter, please contact Will Hinchliffe, Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk).

Yours sincerely



Steve Tatlock

Ranger Team Leader

Direct: 01539 724555

Email: Steven.Tatlock@lakedistrict.gov.uk

You (the event organisers) shall:

1. Repair any significant damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Arrange for marshals, over 18 years of age, to be posted at the agreed locations. Marshals must be aware of radio locations for communication.
4. Arrange for notice of any Temporary Traffic Regulation Order to be displayed in a prominent position at each end of the length of road to which the order relates and at the points at which it will be necessary for traffic to diverge from the right of way, stating the effect of the order and, where applicable, the alternative route or routes available for traffic (locations shown on signing maps provided). Each notice shall be displayed throughout the period during which the order is in force and you shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the order remains in force or are promptly replaced as often as occasion requires during that period.
5. Remove the signs after the event has finished.
6. Remove litter deposited on any affected footpath or bridleway during the event.
7. Report any accidents or near miss incidents involving spectators or public rights of way users to us within 48 hours of any event.
8. Take all reasonable safety precautions to protect members of the public using or intending to use any footpaths or bridleways irrespective of the formal closure of these routes to the public.

SCHEDULE 1 – Grizedale East

Parish	Right of Way	From (SD)	To (SD)
Satterthwaite	BW 566008	354 937	338 926
Satterthwaite	BW 566011	339 921	349 917
Satterthwaite	BW 566012	343 918	345 913
Satterthwaite	BW 566021	345 952	354 940
Satterthwaite	FP 566028	337 945	350 941
Satterthwaite	FP 566029	347 931	353 932

SCHEDULE 2 – Grizedale West

Parish	Right of Way	From (SD)	To (SD)
Colton	BW 511055	306 924	310 937
Colton	BW 511084	309 925	315 928
Colton	BW 511085	314 923	312 925
Coniston	BW 512066	318 970	325 955
Coniston	FP 512002	318 970	324 971
Coniston	BW 512003	317 968	320 947
Coniston	FP 512004	312 949	317 951
Coniston	BW 512005	323 951	318 950
Coniston	BW 512006	318 944	323 951
Coniston	FP 512047	324 956	329 971
Coniston	FP 512061	329 976	327 984
Hawkshead	BW 529005	338 963	342 964
Hawkshead	FP 529006	342 975	339 966
Hawkshead	FP 529007	336 965	337 968
Hawkshead	FP 529019	339 972	339 986
Hawkshead	BW 529039	341 965	349 980
Hawkshead	FP 529041	329 971	330 976
Satterthwaite	FP 566001	307 946	312 949
Satterthwaite	BW 566002	310 937	318 944
Satterthwaite	FP 566003	319 933	318 943
Satterthwaite	BW 566004	323 951	337 963
Satterthwaite	FP 566005	335 963	336 965
Satterthwaite	BW 566006	337 924	330 927
Satterthwaite	BW 566007	328 923	333 942
Satterthwaite	FP 566026	334 920	322 909
Satterthwaite	FP 566027	326 906	328 923
Satterthwaite	BW 566030	325 955	330 942
Satterthwaite	BW 566031	335 943	315 928
Satterthwaite	BW 566032	314 923	336 919
Satterthwaite	BW 566033	323 923	317 930
Satterthwaite	FP 566038	334 963	336 955

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 - 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	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – LAKES TWO DAY TRIAL, OCTOBER 2025	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</p> <p>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 the Highway Authorities) 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	The Lakes Two Day Trial is an off-road motorbike trial held in the Duddon and Bootle areas over a weekend every October. It has been running for many years. A number of public paths are crossed or used, and consent under Section 33 of the Road Traffic Act is required to authorise the event to utilise these public rights of way.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. This would be unreasonable – the event is generally well run, and popular. The landowners are happy to host the event, the public paths will be marshalled, and public access will be maintained.	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	Case File 1480.019	
Date of Report	16 September 2025	
Authorising officer(s)	Steve Tatlock, Southern Ranger Team Leader	
Date	17 September 2025	



Lake District
National Park

Nigel Birkett

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

17 September 2025

Dear Nigel

Our Reference: 1480.019

Lakes Two Day Trial – 4 - 5 October 2025: Section 33 Consent, Road Traffic Act 1988

Thank you for providing the details of this year’s Lakes Two Day Trial, and your request for section 33 consent to run this motorcycle event on or across public rights of way.

For the event planned for 4 and 5 October 2025 we grant consent under Section 33 of the Road Traffic Act 1988 for the sections of rights of way listed to be crossed or used by riders on motorcycles at slow speeds taking part in the trial subject to the conditions set out overleaf. The main condition is, as ever, the need to get permissions from all the affected landowners – which I understand you have already done.

Saturday 4 October 2025

A	BW 430016	Little Fell	Crossed by event
B	BW 430016	Butcher’s Breast	Event runs along for around 600m
C	FP 402015	Copycow	Event runs along for 675 metres
D	BOAT 402016	Copycow	Crossed by event

Sunday 5 October 2025

FP 520052	Bridge End	Crossed by event
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You have confirmed that marshals will be present wherever the route crosses or uses a public right of way. Signage to make the public and participants aware on approach to where the event route crosses or uses a public right of way should also be in place.

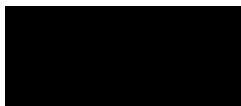
If you have any queries, please don’t hesitate to get in touch with Will Hinchliffe, Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk).

Conditions of Authorisation.

You (the event organisers) shall:

1. Repair any damage to the surface of the rights of way, or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Ensure that chicanes are in place to slow riders down on all footpaths and bridleways crossed or used by the trial. Riders are to stop if any users of rights of way are approaching crossing points.
4. Arrange for marshals to be posted on every footpath or bridleway affected by the event (at locations specified on the event route maps) to warn people of the presence of motor cycles and to ensure that point 3 is complied with.
5. Arrange for warning signs to be posted at all points where rights of way are affected (these should say something like: 'Motorcycle Event Ahead' – and be dated; they must not say 'warning, exercise caution' or other such wording likely to deter users), and ensure that all such signs are removed from the site at the close of the event.
6. Not exceed 180 competitors.
7. Ensure that all motorcycles are silenced according to the British Standards for road use.
8. Liaise with Ray Millard, Ranger (07554 227489), to enable him to check the site before and after the event to ensure that the above conditions have been complied with.
9. Remove litter deposited on any affected footpath or bridleway during the event.
10. Ensure that all gates are closed at the end of the event.
11. Take photographs before and after the event and pass to the LDNPA so that any damage to the ground can be monitored.
12. Obtain any other permits or authorisation necessary for the event to comply with legislation relating to motor events both on and off the public highway.

Yours sincerely



Steve Tatlock, Ranger Team Leader (South)

Direct: 01539 724555

Email: steve.tatlock@lakedistrict.gov.uk

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 - 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	AUTHORISATION OF NEW GATE, FOOTPATH 405014, CUMBLANDS, DRIGG AND CARLETON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders. 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 Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a representation to authorise a new gate in a proposed new fenceline across a public footpath for the purposes of preventing the ingress and egress of stock between two distinct sections of a field being entered into an agroforestry Countryside Stewardship scheme.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not to grant authorisation	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	1410.002 – includes application form and authorisation letter	
Date of Report	19 September 2025	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	23 September 2025	

Brief Summary of reasoning

The landowner at Cumblands Farm has made a representation via their agent for authorisation to install a new pedestrian wicket gate at SD 0867 9749 on footpath 405014 (see Annex 1 location plan). As part of a proposed agroforestry Countryside Stewardship scheme they intend to install a new fence across the field through which the footpath runs. The land is used to graze Limousin-Angus cross, Pedigree Beef Shorthorn and Blue-Grey cattle, and over-wintered Herdwick sheep, and the fence is intended to implement the grazing regime recommended by Natural England. The northern part of the field is higher and flatter and more suited to grazing by the Limousin-Angus cross cattle, the southern part of the field is sensitive saltmarsh habitat and more suited to light grazing by native breeds at particular times of the year.

It is also proposed to undertake low density tree-planting on part of the grazed land, specifically on a strip of steeper ground between the saltmarsh and upper part of the field. Some of this will be reinstating a historic orchard with new planting of fruit trees. The individual trees will be protected by post-and-rail or post-and-wire shelters until sufficiently mature. We have given a reminder that the planting must not obstruct or encroach on the public footpath, or otherwise negatively impact on its ease of use and the owner's agent has confirmed they will leave a suitable 'corridor' of land around the footpath unplanted.

A gate is necessary in the proposed new fenceline to maintain public access along the footpath whilst preventing stock movement between the two distinct areas of the field. This reason would fit within the purposes for which we may authorise a new gate on a public right of way under Section 147 of the Highways Act 1980 (Annex 2), appearing expedient to aid agricultural efficiency by preventing the ingress and / or egress of stock.

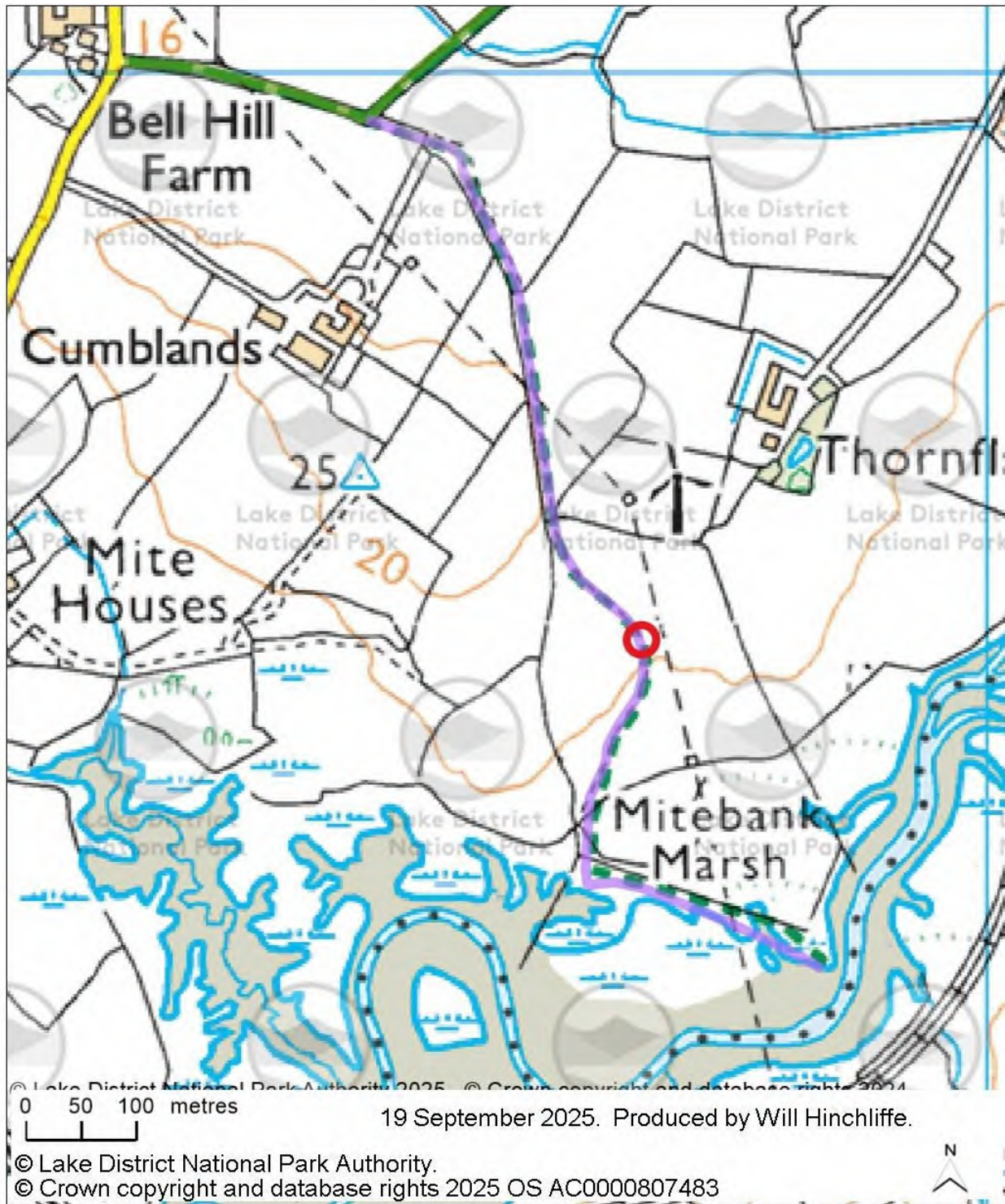
The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society website here: <https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf>) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. The owner is seeking authorisation for a 1.2m pedestrian wicket gate to LDNPA 2011 standards (Annex 3). This appears appropriate, being the least restrictive option at this location which will meet the agricultural need.

The gate will be necessary for this purpose only whilst the land remains in agricultural use for grazing stock. Therefore, this authorisation will cease if the land use changes or there is a substantive change to the grazing regime which would render the gate no longer necessary to prevent stock ingress / egress between the two sections of the field.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for a pedestrian wicket gate at this location.

Will Hinchliffe, Rights of Way Officer, 19 September 2025

Annex 1 – Location plan showing requested gate location (red circle)



Annex 2 – Section 147, Highways Act (1980)

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
(b) in the case of any other footpath or bridleway, the highway authority.

- (2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

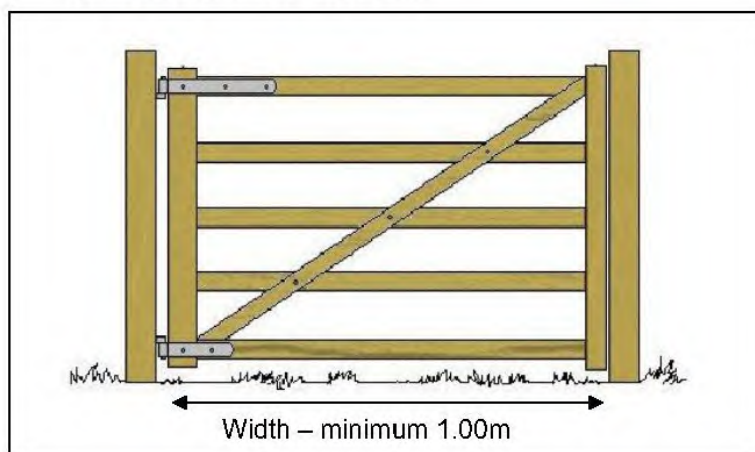
(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

- (3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.
- (4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.
- (5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.
- (6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

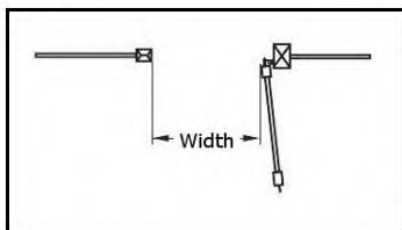
LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

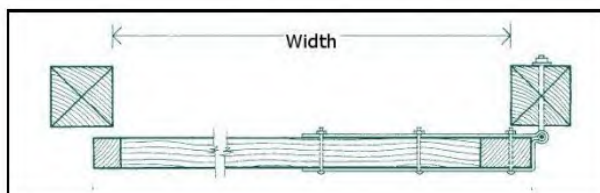


- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)





Lake District
National Park

[REDACTED] Hodgson
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

30 September 2025

Dear Mr Hodgson

Our Reference: 1410.002

**Authorisation of new gate across Public Footpath 405014,
Cumblands, Drigg and Carleton Parish**

Thank you for your application to erect a new gate across the above footpath. On behalf of the Lake District National Park Authority, I authorise the installation of the following:

- Pedestrian wicket gate over Footpath 405014 at SD 0867 9749 (see Annex A location plan)

The authorised gate will prevent the ingress and egress of stock between the two distinct sections of this field where a new fenceline is proposed as part of a Countryside Stewardship scheme, to enable different grazing regimes to be implemented in each section.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of many users and the authorisation is therefore subject to the conditions below:

- The gate shall meet the LDNPA structures standard 2011 (included with this letter – Annex C) for a 1.2m pedestrian wicket gate, complying with the least restrictive option suitable for the purpose.
- You will maintain the gate in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from you. This gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for the gate's safe maintenance lies with the landowner.
- The authorisation is granted whilst the agricultural need for a gate at this location remains. If the land use changes or the grazing regime is substantially changed such that the gate is no longer necessary to prevent ingress or egress of stock then the gate must be removed to restore uninterrupted passage.

Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structures will remain an unauthorised obstruction.

If you have any queries please contact the Area Ranger, Richard Frank, on 07909 213252, or Rights of Way Officer, Will Hinchliffe, on 01539 792696.

Yours sincerely



Steve Tatlock

Ranger Team Leader

Direct: 01539 792733

Email: steve.tatlock@lakedistrict.gov.uk

Landowner Confirmation

- I am the owner of the land shown on the plan attached to this letter.

- I agree to the above conditions

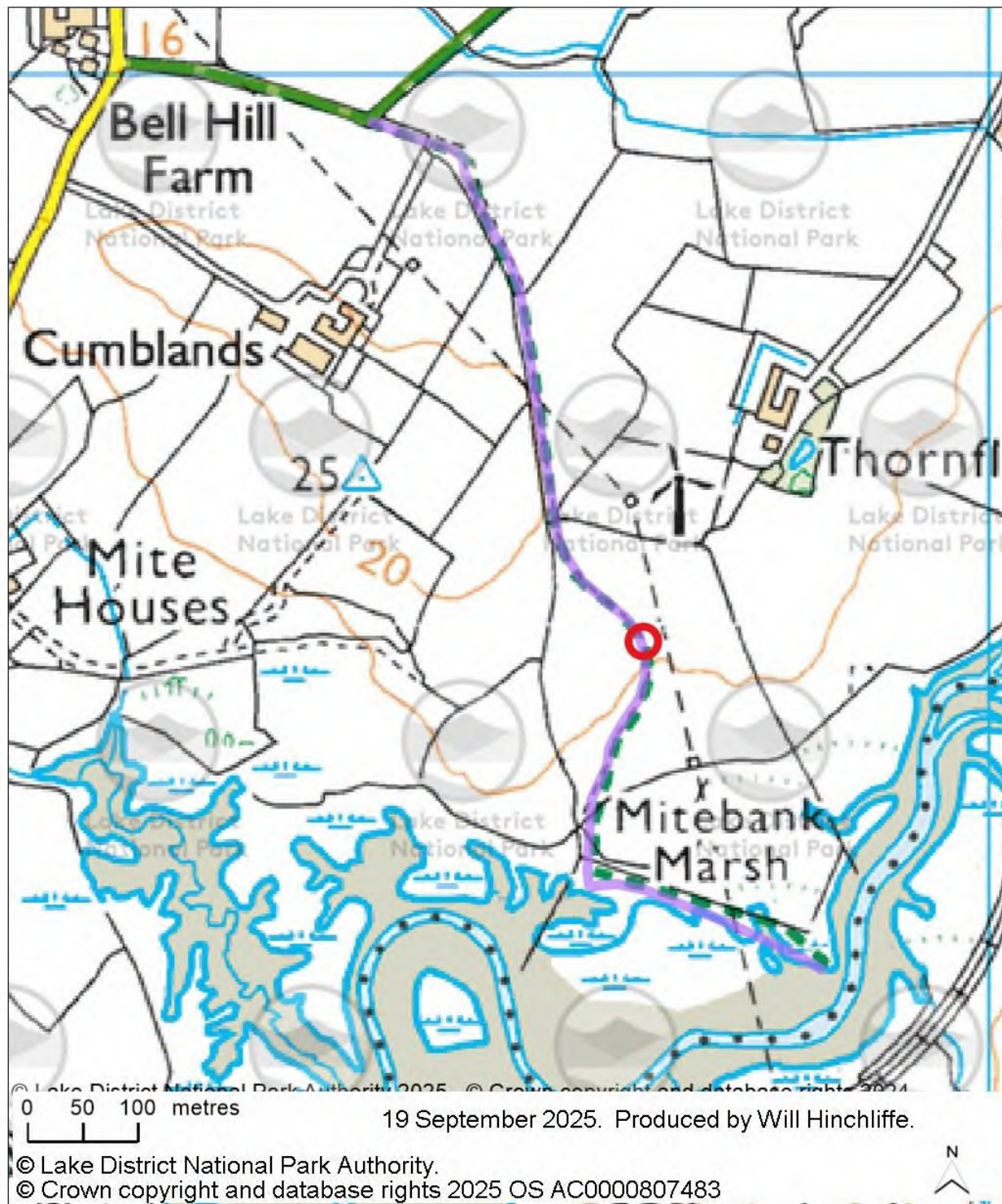
Print name

Signature

Date

.....

Annex A – Location plan showing gate location (red circle)



Annex B – Section 147, Highways Act (1980)

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

(7) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
- (b) in the case of any other footpath or bridleway, the highway authority.

(8) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

(9) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.

(10) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.

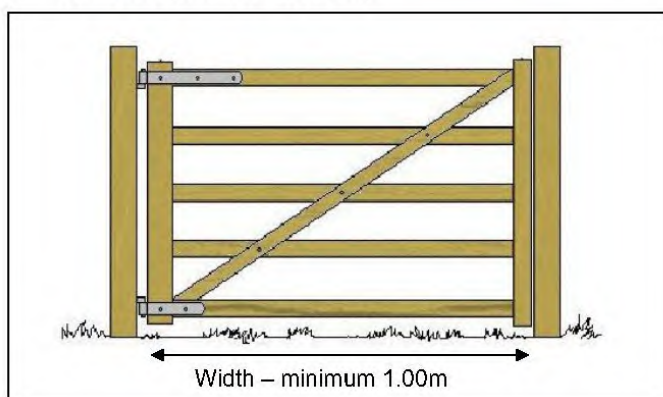
(11) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.

(12) Nothing in this section prejudices any limitation or condition having effect apart from this section.

Annex C – LDNPA Pedestrian Wicket Gate Standard (2011)

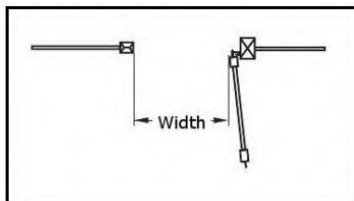
LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

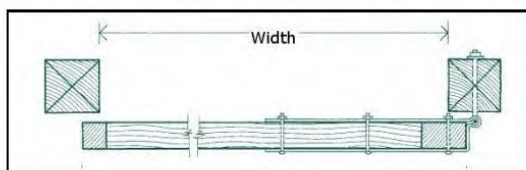


- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)



The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to:
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 220050, DALEGARTH / HASSNESS, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders, and for Traffic Regulation Notices sub-delegated to the Senior Rights of Way Officer.</p> <p>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 Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	In May 2025 a large rock fell onto the popular lakeshore path below Dalegarth / Hassness. In September we issued a Notice (subsequently extended by a second Notice) closing the affected section of the footpath as the owners could not guarantee the safety of the rockface. The owner arranged an interim survey of the rockface and the surveyor has recommended a full survey and scaling. Contractors have commenced rock scaling works to mitigate the risk – but these are only anticipated to be completed beyond the expiry of the original Notice.	
Details of Decision	<i>That we issue a 5-day Temporary Traffic Regulation Notice for works for the affected section of footpath 220050</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice • Converting the current Notice (due to likelihood of danger) to an Order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Will Hinchliffe, Rights of Way Officer	

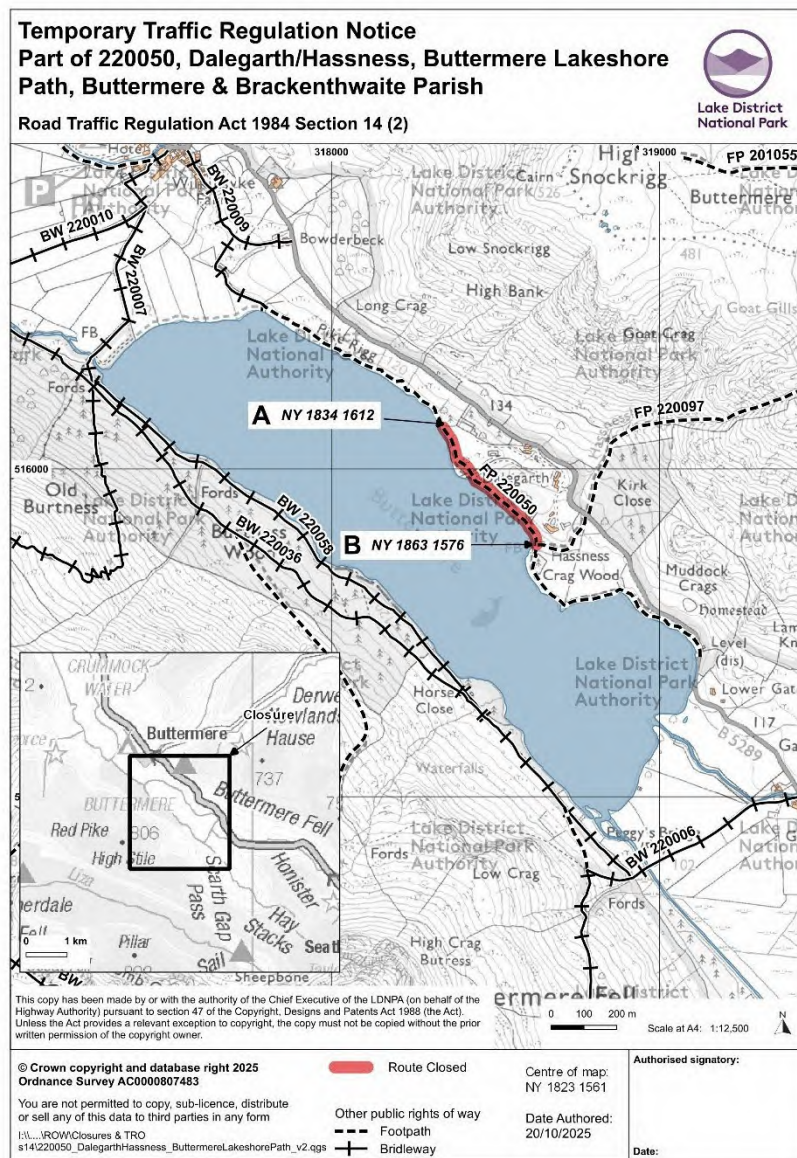
Background Papers	Case file 1410.003 (289)
Date of Report	20 October 2025
Authorising officer	Head of Ranger Service

TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 220050, DALEGARTH / HASSNESS, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH

1 Summary

1.1 This report recommends we issue a Notice temporarily prohibiting all traffic over part of footpath 220050 to enable scaling works to mitigate the risk of rockfall resulting from potentially unstable rock upslope of the footpath

Recommendations: a) we issue a Temporary Traffic Regulation Notice for the affected section A-B of footpath 220050;



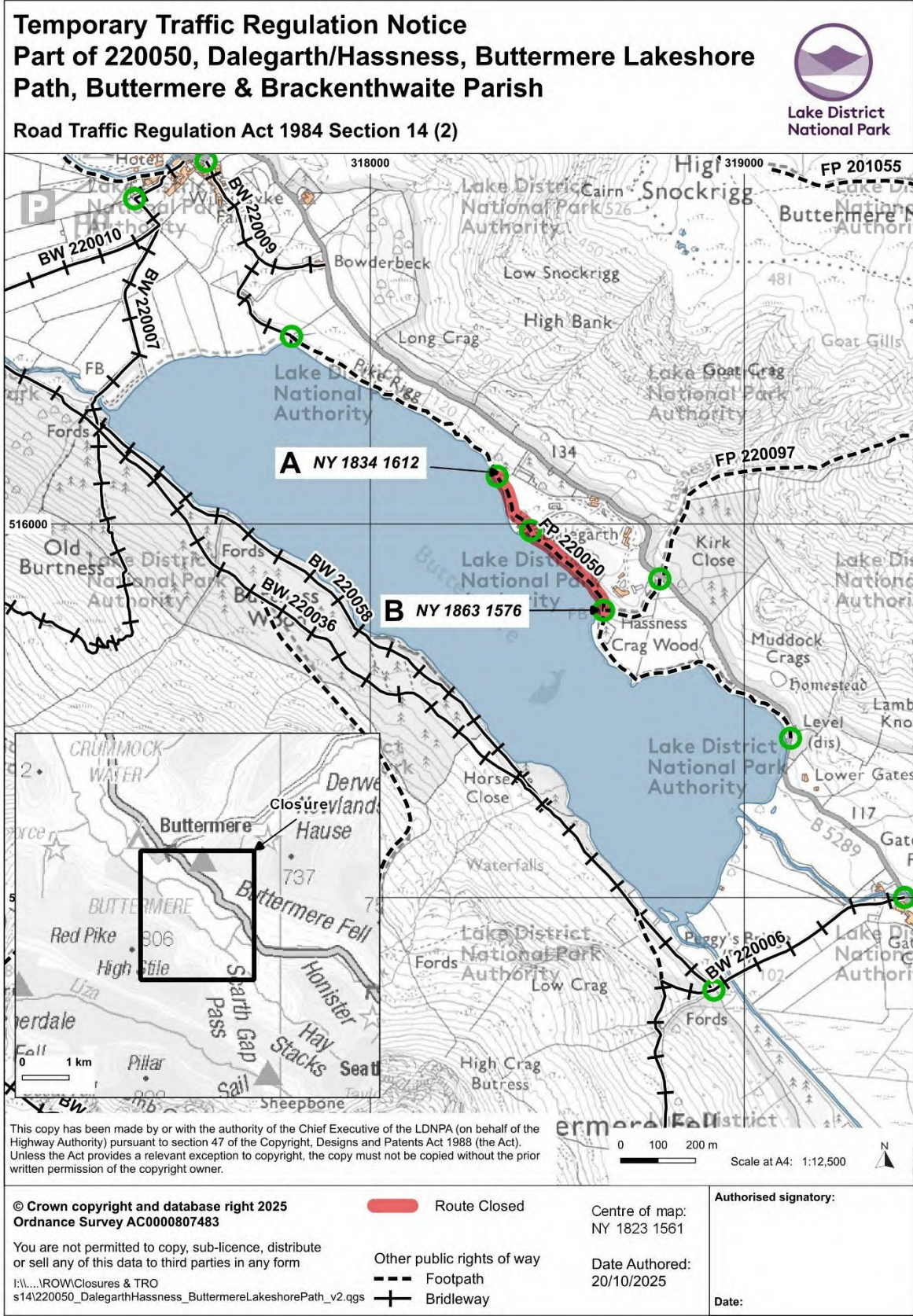
2 Details of Request

- 2.1 In May 2025 a large rock fell onto the popular lakeshore path below Dalegarth / Hassness. In September the owner commissioned an interim survey of the rockface and the surveyor recommended a full survey and scaling. As they could not guarantee the safety of the rockface, the owners requested that the path be closed until this full survey and scaling had been carried out. We issued a (21-day) temporary closure Notice due to the likelihood of danger to the public and subsequently issued a second Notice extending this for a further 21-day period.
- 2.2 The owner's contractors have now begun scaling works to remove potentially unstable rock upslope of the path – they anticipate eventually removing around 20 tons of rock. The owner has also arranged for an assessment by a Geotechnical Engineer. The Engineer has confirmed that it appears the rockfall which occurred was due to 'root-jacking' of the rock by trees. They have identified a remaining large slab of rock (approximately 4 x 1.5 x 1.5m) which is sited on a steep plane and with a very dilated open joint at the back which presents a significant rock fall hazard to the path. They have recommended that until the unstable rock is removed the path is kept closed.
- 2.3 It is possible that in the process of removing the unstable rock damage will be sustained to the path surface. If this does occur the owner will be responsible for reinstating / repairing the surface, they are aware of this requirement.
- 2.4 The owner's rock scaling contractors are preparing plans to remove the remaining loose rock (including the large slab – which will require specialist equipment), but this is expected to take until Friday 24 October to be completed, and the current Notice expires on 21 October. They are also planning to undertake tree works in coming months to reduce the risk from further root-jacking of the rock – but do not envisage these necessitating further closure(s) of the footpath.
- 2.5 There is no suitable alternative route through the landholding or which could be agreed through the grounds of the neighbouring properties. This means that if walkers wish to continue around the lake without retracing their steps, they will have to use the Buttermere to Gatesgarth road. We will therefore ensure that signs are erected at various points around the lake, such as at the beginnings of the lakeshore path, in the car parks and so on. This will bring the issue to the attention of walkers, who will then be able to decide whether to proceed on the road, or choose a different walk. Signage locations are overleaf.
- 2.6 The owners (supplemented by updates from the Authority's own volunteers) have highlighted that there have been issues with walkers not paying heed to the closure and continuing through the site. The contractors intend to erect Heras fencing to prevent this, and are providing banks persons whilst scaling works are underway. To further discourage use of the closed path the owners have asked us to consider increasing the extent of the closure to a point further northwest along the shore where there is a kissing gate which could provide a clear point at which access could be restricted. They believe reaching the closure earlier along the path will lead to fewer users attempting to proceed through the site having got so far along the lakeshore.

- 2.7 To enable these works to be carried out safely it appears expedient to issue a Notice for works to enable the remaining rock scaling to be undertaken safely and efficiently. Alternatively, we could convert the current Notice to an Order – but as the primary purpose of further extending this closure is to enable the works to mitigate the risk of rockfall, and these are expected to be completed within the 5-day timescale of a Notice for works, it appears more appropriate in my view to issue a Notice rather than convert the closure to an Order. This will also enable us to implement the change to the extent of the closure requested by the owner.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership’s Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.



Suggested Signage Locations

4 Options

4.1 The options are to:

- a) Issue a Notice for works
- b) Do not issue a Notice
- c) Converting the current Notice (due to likelihood of danger) to an Order

5 Proposal

5.1 I recommend option 4.1a for the reasons set out in section 2.

6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumberland Council can also process temporary closure notices and orders, but we are the best placed organisation to do this.
- c) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

7.1 The standard costs of a temporary closure Notice are approximately £340 (which covers staff-time, stationery and postage). The landowners will be meeting all these costs.

8 Risk

8.1 The main risk associated with this is if we do not make a Notice or Order. If a closure does not remain in effect there will be a risk to footpath users from rockfall. This risk will be most significant whilst scaling works are underway – it would be extremely dangerous to allow users to continue to utilise the footpath whilst rock is being actively dislodged upslope by contractors.

8.2 A secondary risk is reputational. This is a popular path with no suitable alternative other than the road and we have been made aware that some users have continued to walk along the closed section despite the closure notices and fencing erected to discourage its use. Clearly some users have been of the view that the closure was superfluous. However, now that works are actually being undertaken scaling unstable rock it appears likely that most reasonable users would be understanding of the need for the closure.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) and 14(2) of the Road Traffic Regulation Act 1984; namely because works are being or are proposed to be executed on or near the road. Such a Notice can last for 5 days.
- 9.2 It is not possible to issue a third Notice extending a closure because of the likelihood of danger to the public. It would only be possible to further extend the closure on the same grounds by converting the Notice to an Order. However, the Department for Transport (on behalf of the Secretary of State) have previously provided us advice that it is acceptable to issue a new Notice immediately replacing the current Notice on its expiry providing that the new Notice is for a different reason / ground.
- 9.3 The Head of Ranger Service has delegated powers to authorise the making of Notices and Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumberland Council. These have been sub-delegated to the Ranger Team Leaders and to the Senior Rights of Way Officer.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation

- 12.1 There is no requirement to consult upon issuing a Notice. We will notify the usual interested bodies and individuals including Cumberland Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups.

13 Summary and Recommendations

- 13.1 The landowner has identified a likelihood of danger to the public from potential rockfalls that they consider cannot be mitigated until a full survey and rock scaling has taken place, and this is scheduled for mid-October 2025.
- 13.2 The Head of Ranger Service has considered the matter, and has consulted our legal services team. The recommendation is to issue a Notice now, as a precautionary matter, then carry out a risk assessment to see if the notice can be removed and the path re-opened. And if not – to issue a second Notice reassess the matter after the full survey and scaling has taken place.

Background Papers Case file 1410.003 (289)
Author: Will Hinchliffe, Rights of Way Officer
Date Written: 20 October 2025

Version Final

Authorised by:



Steve Gaskell, Head of Ranger Service

Date: 20 October 2025

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 - 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	AUTHORISATION OF NEW GATE, FOOTPATH 558017, ASHES LANE, NETHER STAVELEY PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders. 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a representation to authorise a new gate across a public footpath to prevent the egress of stock from an area of a field which will be enclosed by a proposed new fenceline	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not to grant authorisation	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	1410.002 – includes application form and authorisation letter	
Date of Report	7 October 2025	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	10 October 2025	

Brief summary of reasoning

The owner of the land in the vicinity of Ashes Lane (the U5317 road) and footpath 558017 has made a representation to us for authorisation to install a new gate at SD 4720 9689 just to the northeast of where the footpath crosses the lane (see Annex 1 location plan). They intend to install a new section of fencing along the eastern side of Ashes Lane in order to create a triangular stock enclosure within the field. Once constructed they intend to keep sheep / rams within this.

In order to make the new enclosure stockproof but retain public access along the footpath a gate is necessary will be necessary within the new fenceline. This reason would fit within the purposes for which we may authorise a new gate on a public right of way under Section 147 of the Highways Act 1980 (Annex 2), appearing expedient to aid agricultural efficiently by preventing the ingress and / or egress of stock. The below sketch plan shows what the owner intends with the new fence (blue line) extending across the footpath (purple, with red circle marking location of requested gate) to link with an existing fence installed relatively recently (orange):



Alternatively, the owner could install fencing along the northwestern side of the footpath, negating the need for a gate. However, with there already being a fence along its southeastern side, this would create a fenced corridor for the path which would potentially feel quite oppressive and unsightly within this context. If no other furniture hindering accessibility were encountered on this path this option may still be more preferable, but as there is already a kissing gate at the northeastern corner of this field on the footpath (and further gates or stiles beyond that depending on route choice), it appears to me that a new gate at the requested location (particularly as it will be of a more accessible design than the kissing gate in the northeast corner of the field) should not prevent anyone from using this footpath who otherwise could have. Therefore it appears more appropriate in my view that we authorise a gate at this location.

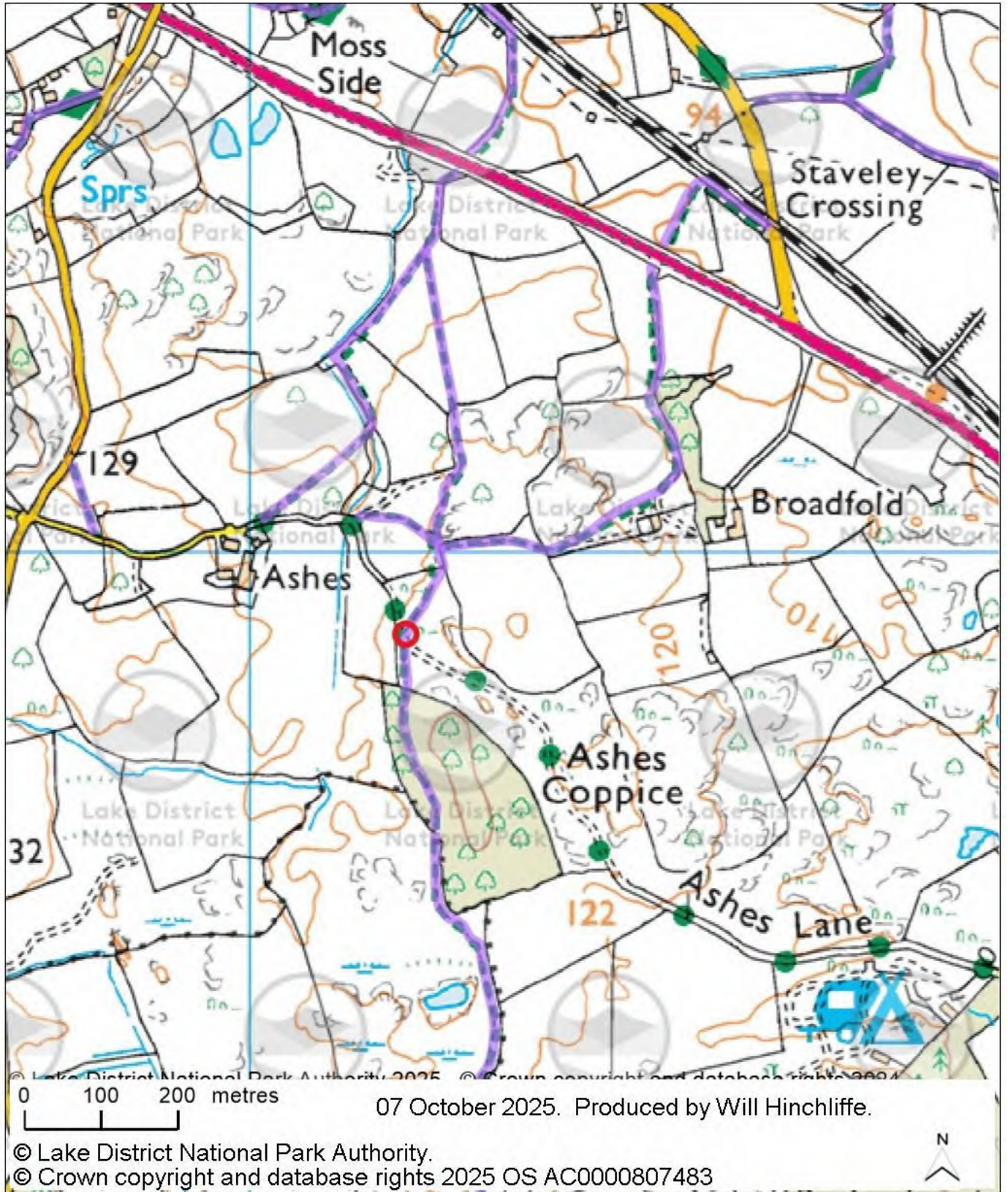
The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society website here: <https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf>) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. This authorisation would be for a 1.2m pedestrian wicket gate to LDNPA 2011 standards (Annex 3) as this is the least restrictive option which should meet the agricultural need.

The gate will be necessary for stock control only whilst the land remains in agricultural use for grazing stock. Therefore, this authorisation will cease if the land use changes or there is a substantive change to the grazing regime which would render the gate no longer necessary to prevent stock ingress / egress from the triangular enclosure within the field.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for a pedestrian wicket gate at this location.

Will Hinchliffe, Rights of Way Officer, 7 October 2025

Annex 1 – Location plan showing requested gate location (red circle)



Annex 2 – Section 147, Highways Act (1980)

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
(b) in the case of any other footpath or bridleway, the highway authority.

- (2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

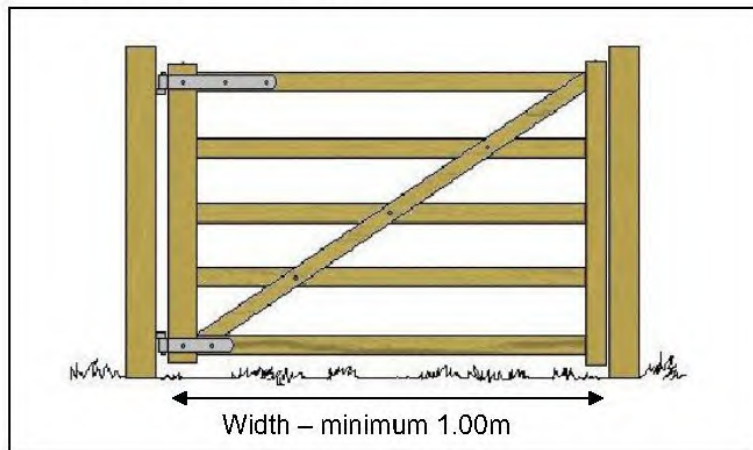
- (3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.
- (4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.
- (5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.
- (6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

Annex 3 – LDNPA Pedestrian Wicket Gate Standard (2011)



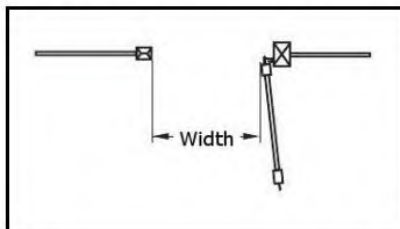
LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

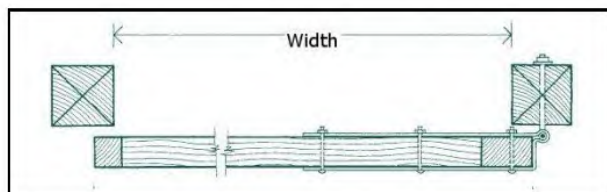


- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)





Lake District
National Park

Mr [REDACTED] Peacock

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 October 2025

Dear Mr Peacock

Our Reference: 1410.002

**Authorisation of new gate across Public Footpath 558017,
Near Ashes Lane, Nether Staveley Parish**

Thank you for your application to erect a new gate across the above footpath. On behalf of the Lake District National Park Authority, I authorise the installation of the following:

- 1.2 metre pedestrian wicket gate over Footpath 558017 at SD 4720 9689 (see Annex A location plan)

The authorised gate will prevent the egress of stock from the triangular section of this field which you are intending to enclose by installing a fence along the eastern side of Ashes Lane.

Please do bear in mind that because your proposed new fencing will run adjacent to a highway used by vehicular traffic, the height of the fence (and gate) must not exceed 1 metre unless planning permission for the development has been obtained (for any further advice regarding this please contact our Planning team).

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of many users and the authorisation is therefore subject to the conditions below:

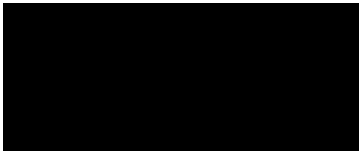
- The gate shall meet the LDNPA structures standard 2011 (included with this letter – Annex C) for a pedestrian wicket gate, complying with the least restrictive option suitable for the purpose.
- You will maintain the gate in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from you. This gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.

- Liability for the gate's safe maintenance lies with the landowner.
- The authorisation is granted whilst the agricultural need for a gate at this location remains. If the land use changes or the grazing regime is substantially changed such that the gate is no longer necessary to prevent ingress or egress of stock then the gate must be removed to restore uninterrupted passage.

Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structures will remain an unauthorised obstruction.

If you have any queries please contact the Area Ranger - Matt Croney, on 07920 086355, Ranger – Dave Bell, on 07747 767156, or Rights of Way Officer - Will Hinchliffe, on 01539 792696.

Yours sincerely



Steve Tatlock

Ranger Team Leader

Direct: 01539 792733

Email: steve.tatlock@lakedistrict.gov.uk

Landowner Confirmation

- I am the owner of the land shown on the plan attached to this letter.

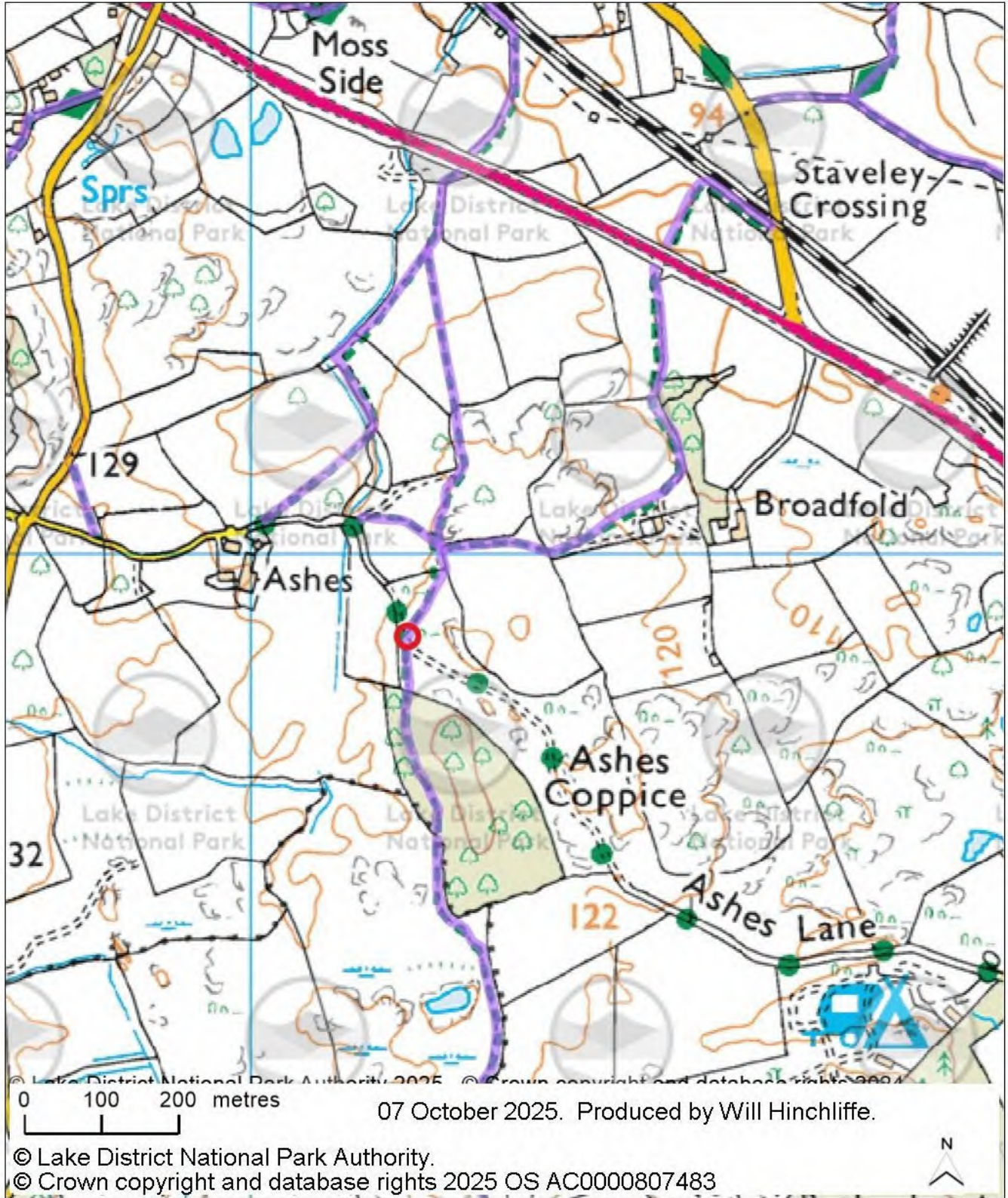
- I agree to the above conditions

Print name

Signature

Date

Annex A – Location plan showing gate location (red circle)



Annex B – Section 147, Highways Act (1980)

Section 147 Highways Act 1980

Power to authorise erection of stiles etc. on footpath or bridleway.

(7) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
- (b) in the case of any other footpath or bridleway, the highway authority.

(8) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

(9) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.

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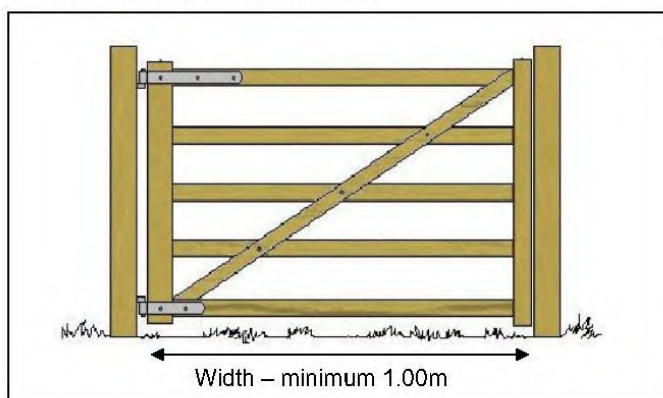
(12) Nothing in this section prejudices any limitation or condition having effect apart from this section.

Annex C – LDNPA Pedestrian Wicket Gate Standard (2011)



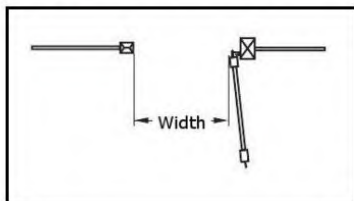
LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

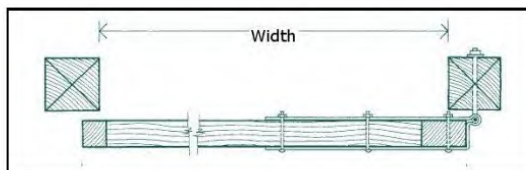


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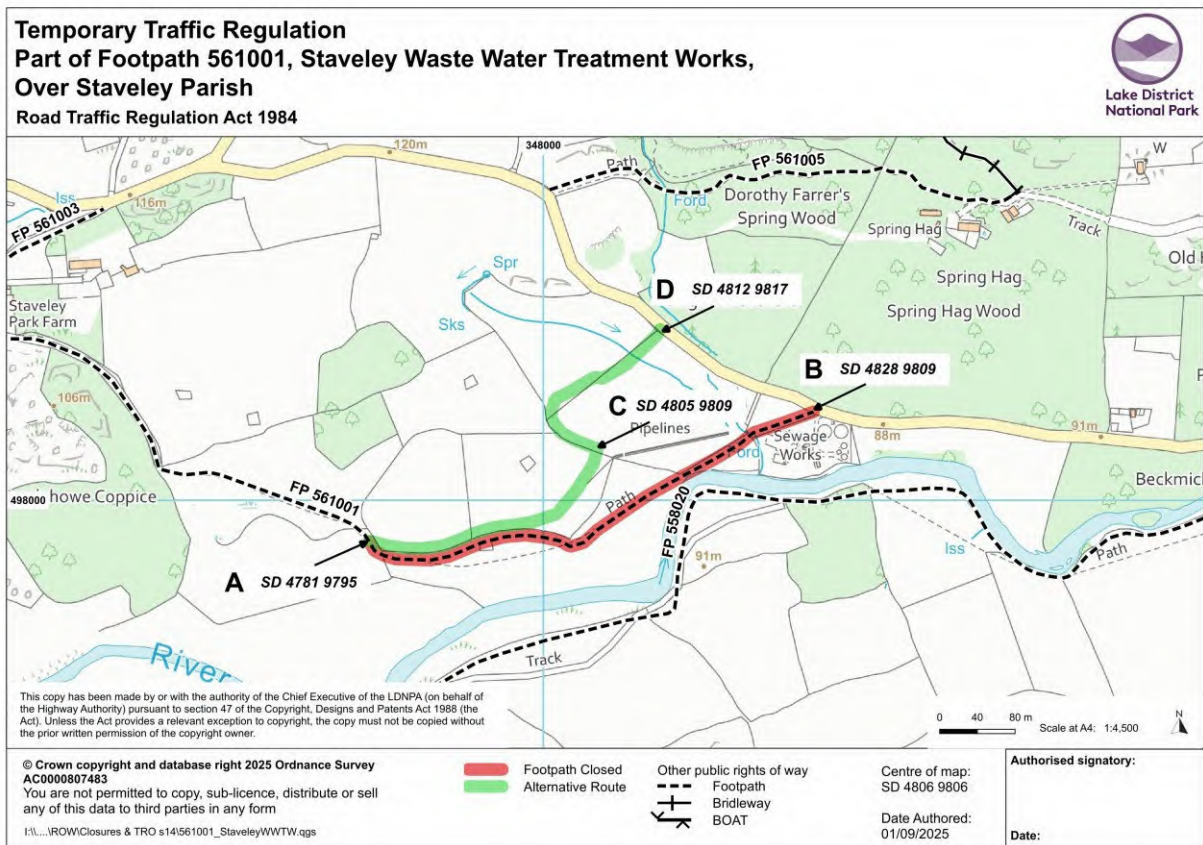
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 561001, STAVELEY WASTE WATER TREATMENT WORKS, OVER STAVELEY PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders. 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	United Utilities (UU) and their contractors have made an application for a temporary closure of part of footpath 561001, to enable works to be undertaken to install a new sewage pipeline. An alternative route will be available during these works, though this will be less convenient than the footpath. It is anticipated that the works period is likely to be around 12 months, and therefore an extension of the Order will be necessary.	
Details of Decision	<i>That we make a Temporary Traffic Regulation Order for part of footpath 561001, as shown between Points A and B on the plan.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making the order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (284)	
Date of Report	8 October 2025	
Authorising officer	Steve Tatlock, Southern Ranger Team Leader	

TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 561001, STAVELEY WASTE WATER TREATMENT WORKS, OVER STAVELEY PARISH

1 Summary

1.1 This report recommends the temporary prohibition of all traffic over part of footpath 561001 to enable the installation of a new sewage pipeline between Staveley Waste Water Treatment Works (WWTW) and the village to be undertaken safely and efficiently.

Recommendation: *That we make a Temporary Traffic Regulation Order for part of footpath 561001, as shown between Points A and B on the plan.*



Map 1: Location Plan

2 Details of Request

- 2.1 United Utilities' (UU) contractor has submitted an application for a temporary closure of part of footpath 561001 in the vicinity of Staveley WWTW as shown between points A and B on the plan. The closure would be in place whilst UU and their contractors install a new sewage pipeline from the village to the WWTW and carry out upgrades to the treatment works itself. The footpath crosses the pipeline at two locations; just southeast of point A, and close to the WWTW. The affected section of the footpath (approximately 525 metres in length) is also within the construction easement at either end – UU intend that a 30 metre wide strip along the pipeline will be fenced off whilst the project is underway and this will physically obstruct the footpath.
- 2.2 During the closure heavy machinery and vehicles will be in use to install the pipeline, creating hazards for the public if access were maintained and there will be excavations / trenching along the closed section. Maintaining public access would also have a significant impact on the efficiency with which the works could be undertaken.
- 2.3 It is anticipated that works affecting the footpath will begin in November 2025, and that their duration is likely to be approximately 12 months. It is therefore almost certain that we would need to seek an extension of the Order from the Secretary of State (we can only make the Order for an initial period of six months).
- 2.4 An alternative route (particularly necessary here given the popular nature of this path and expected duration of the closure) is being made available as depicted between points A-C-D on the plan – passing through adjacent fields and meeting the road to the northwest of the footpath (where a field gate is already present with a reasonable sized verge before joining the road). This route has been agreed by UU with the landowner. Our Ranger has inspected the alternative route and highlighted a couple of locations where works will be required prior to the order coming into effect (replacement of a gate just east of point A, and a gate to be installed in the vicinity of point C) in order to make the alternative route suitable. The contractors have been provided with our gate specifications. A slight adjustment of the originally proposed alternative route has been agreed to avoid the more reedy / boggy patches within the fields through which the alternative route passes. Despite this the alternative will still not be as convenient or easy to use as the footpath – but it does appear the most suitable alternative which can be made available. Signage will be erected to make the public aware of the closure, with additional directional signage for the alternative route.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.

- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Make the Order
 - b) Do not make the Order

5 Proposal

- 5.1 I recommend option 4.1a for the reasons set out in section 2. A closure of the footpath will allow UU and their contractors to carry out their planned works safely and efficiently. It appears it will be necessary for us to apply for an extension beyond the initial six-month duration of the Order.

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation orders is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure orders, but we are the best placed organisation to make this order.
 - c) We have carried out the required **consultations**.
 - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage) plus the cost of two newspaper adverts. These costs will be met by United Utilities' contractors. The costs for processing the anticipated extension of the Order (£220, plus cost of one newspaper advert) will also be met by United Utilities or their contractors.

8 Risk

- 8.1 The major risk associated with this is if we do not make an order for the reasons detailed in 2.2 - there would be significant risks to users of the footpath from machinery and vehicle movements during the works, and hazardous open excavations within the construction easement.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) of the Road Traffic Regulation Act 1984; namely because works are proposed works to be executed on or near the road (highway).
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the making of orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. As this post no longer exists these powers have transferred to the Head of Ranger Service Post. These powers have also been sub-delegated to the Ranger Team Leaders' Meetings.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation

- 12.1 We carried out a public consultation with interested bodies and individuals including Westmorland and Furness Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups.
- 12.2 We received the one following response from the Open Spaces Society (OSS):

Many thanks for consulting the Open Spaces Society on this proposed temporary closure order. We have, in recent months, walked this path.

On the face of the proposal with the offer of an alternative route, subject to the undertaking of path furniture works identified by your colleague, looks satisfactory.

However, we wonder if the proposed works may offer other opportunities. These will depend upon the longer-term future for the sewage works which we are unsure whether or not they are fully compliant with discharge standards and the consequent quality of water in the River Kent SSSI. Will UUpLc be undertaking further works at this WWTW? If so what is the time frame and what effect will this have on PROW network.

In considering the context of fp 561001 we would argue:

a) the links with footpaths to the east, [575032] through Beck Mickle woods (Woodland Trust site) reaches the road some distance from your point B although you can walk further through the wood on a permissive path and this reduces your total road walking distance. Whilst this road is not heavily used by vehicles walkers have to be constantly aware of cycle usage with the various poor sightline. There is a need to consider future better links with this PROW.

b) people walking from the north on 561005 have also some road walking to undertake to join the path under consideration [561001].

c) the line of 561001 between the sewage works and Staveley Park farm whilst reasonable underfoot takes you away from the river and would offer greater benefit stop walkers.


There is also, a planning issue, of the mess immediately west of your point B. Can we please ask you to ascertain whether or not UUplc intend to do further works at Staveley WWTW and, if so, over what time period? Any such works are certain to have an impact of the PROW network here but also offer opportunities to better site 561001 nearer the river by the existing site of the works.

That all said, should the works go ahead as an individual scheme then we can see little option but to accept the valued offer of an alternative route on this very well used PROW.

- 12.3 In response we confirmed that UU had previously raised the possibility of a (permanent) diversion of this footpath as they were considering extending the overall area of the WWTW, but they have since confirmed that all their planned development of the site will be within the existing boundary. I confirmed that our understanding is that these works are intended to reduce the frequency of discharges and address sewer flooding – but for a more detailed explanation of the works it would be best to request this from UU directly. I confirmed that in our email correspondence with UU / contractors they have stated that the whole project is anticipated to be complete by May 2027, though in their TTRO application the works requiring closure of the footpath were estimated at around 12 months.

13 Summary and Recommendations

- 13.1 I recommend that we make a TTRO prohibiting all traffic from proceeding over the affected section of footpath 561001 during the works period (subject to UU and their contractors completing the works required to make the alternative route usable). It would be unreasonable to not allow a closure to enable these works to install a new sewage pipeline and upgrade the WWTW, and there will be significant hazards present during the works. A closure should allow UU and their contractors to carry out these works efficiently and without causing a danger to the public. An alternative route will be available, and although less convenient than the footpath, it appears the best available option to retain public access during the works period.

Authorised by:

.....
Ranger Team Leader
Date: 15 October 2025

Background Papers	Case file 1410.003 (286)
Author:	William Hinchliffe, Rights of Way Officer
Date Written:	8 October 2025
Version	Final

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	SECTION 33 ROAD TRAFFIC ACT 1988 CONSENT – Vintage Sports Car Club – Lakeland Trial, 8 November 2025	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</p> <p>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 the Highway Authorities) 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	The Lakeland Trial is a one-day time schedule event for up to 110 pre-1941 road cars in the Darling How / Wythop areas of Forestry England land at Whinlatter Forest, at Buttermere, and at Honister Slate Mine. It has been running for many years. A number of public rights of way are used or crossed to reach the trial sites, and one bridleway (220003 at Honister) is used as part of the hill trial. Section 33 consent (Road Traffic Act 1988) is therefore required to authorise a motor vehicle trial to be held on public rights of way.	
Details of Decision	Consent is granted subject to the usual conditions.	
Details of alternative options considered and rejected.	Not granting consent. See explanation and discussion overleaf.	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	File Reference 1480.013	
Date of Report (letter)	8 October 2025	
Authorising officer(s)	Ranger Team Leader Meeting	
Date	10 October 2025	

VINTAGE SPORTS CAR CLUB – LAKELAND TRIAL

This annual trial is for up to 110 pre-1941 road registered cars, and takes place in Wythop Woods, Darling How (Whinlatter Forest), Honister and near Buttermere and Crummock Water. It is generally well-run and has been held for many years without significant issues arising. The organiser has provided the permissions given by relevant landowners, along with maps of the event route, and other documentation relating to the event (Motorsport UK permit, risk assessment, event safety management plan).

The route for this year's event is the same as that used during previous editions, including last year. Several public rights of way are crossed or used as access, and one bridleway at Honister is used as part of the hill trial.

In 2021 we received a complaint which was closed following the end of the formal process. Various additional / revised conditions have since been included in our Section 33 consent relating to signage and marshalling for the event. The organisers were also reminded that the conditions must be strictly adhered to. Staff then attended the event in 2022 to ensure these conditions were complied with and they were satisfied that monitoring of subsequent events was not required for the time being.

Given the above considerations– I recommend that we give approval authorising the use of the specified public rights of way during this event

Will Hinchliffe, Rights of Way Officer, 8 October 2025



Lake District
National Park

[REDACTED] Tarring
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15 October 2025

Dear Mr Tarring

**Vintage Sports Car Club – Lakeland Trial, 8 November 2025
Section 33 Road Traffic Act 1988 Consent.**

Thank you for contacting us about this year's event. I note that the following public paths are affected, as shown on the attached route maps:

As part of the event:

- BW 220003, Honister (Drumhouse)

Crossed or used as access only:

- FP 264002 / 264005 / 264012, Peel Wyke / Wythop
- FP 242017/024, Darling How

For the event planned for 8 November 2025, the National Park Authority grants consent under Section 33 of the Road Traffic Act (1988) for these sections of footpath and bridleway to be used by vehicles taking part in the Vintage Sports Car Club Trial subject to the conditions below.

In addition to the general conditions overleaf – the consent is granted based on the following specific information provided in respect of the Drumhouse section:

- The speed of the cars on the hill climbs is likely to be no more than 20mph;
- Cars will be dispersed throughout the day (9am – 4pm);
- There will be around 20 marshals on the 600 metres of the Drumhouse event route. These marshals will spot and inform any walkers approaching the route from the open access land, and any walkers, cyclists or horse-riders on the bridleways itself.
- Marshals will only allow a car to begin the hill climbs if the bridleway is clear.

- Members of the public using the bridleway will be informed of the event by the marshals. If the public wish to continue along the bridleway, cars will not be allowed to start the climb. Alternatively, it is acceptable for the public to be asked (not demanded) to wait for the car to complete the climb before continuing.

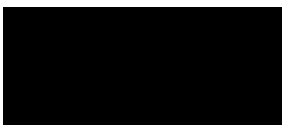
If you have any queries, please don't hesitate to get in touch with Will Hinchliffe, Rights of Way Officer (will.hinchliffe@lakedistrict.gov.uk, 01539 792696).

Conditions of Authorisation

You (the event organisers) shall:

1. Repair any significant damage to the surface of the footpaths and bridleways or to any walls, fences, stiles, bridges, gates or other wayside fixtures caused by the event. If this is not done within a reasonable time after notice has been given, we (the National Park Authority) shall have the right to carry out the work and charge the cost to you.
2. Indemnify us against any legal liability in respect of any claim arising out of this authorisation and any expense to which we may be put in defending any claims.
3. Arrange for marshals to be posted on the rights of way to warn people of the presence of motor vehicles and stop the competitive sections if necessary - at the locations identified on the attached maps for Wythop and Darling How, and mass marshalling at Fleetwith Drumhouse. Marshals should wear high visibility vests or clothing to ensure they're clearly identifiable to participants and rights of way users.
4. Erect warning signs (or substantially to the like effect) at the locations shown on the attached maps, and elsewhere as considered useful.
5. Remove the signs after the event has finished.
6. Remove litter deposited on any affected footpath or bridleway during the event.
7. Report any accidents or near miss incidents involving spectators or public rights of way users to us within 48 hours of any event.

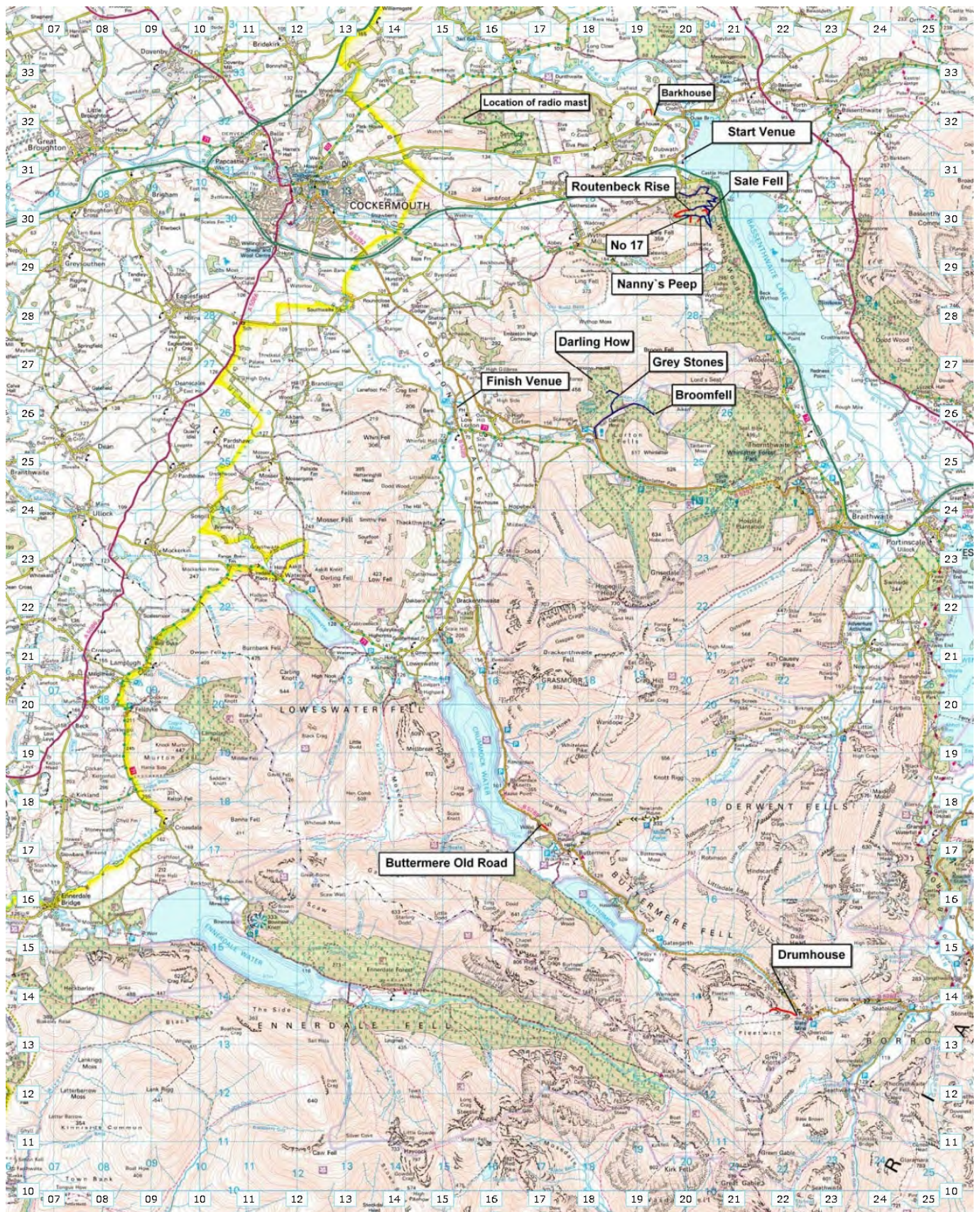
Yours sincerely

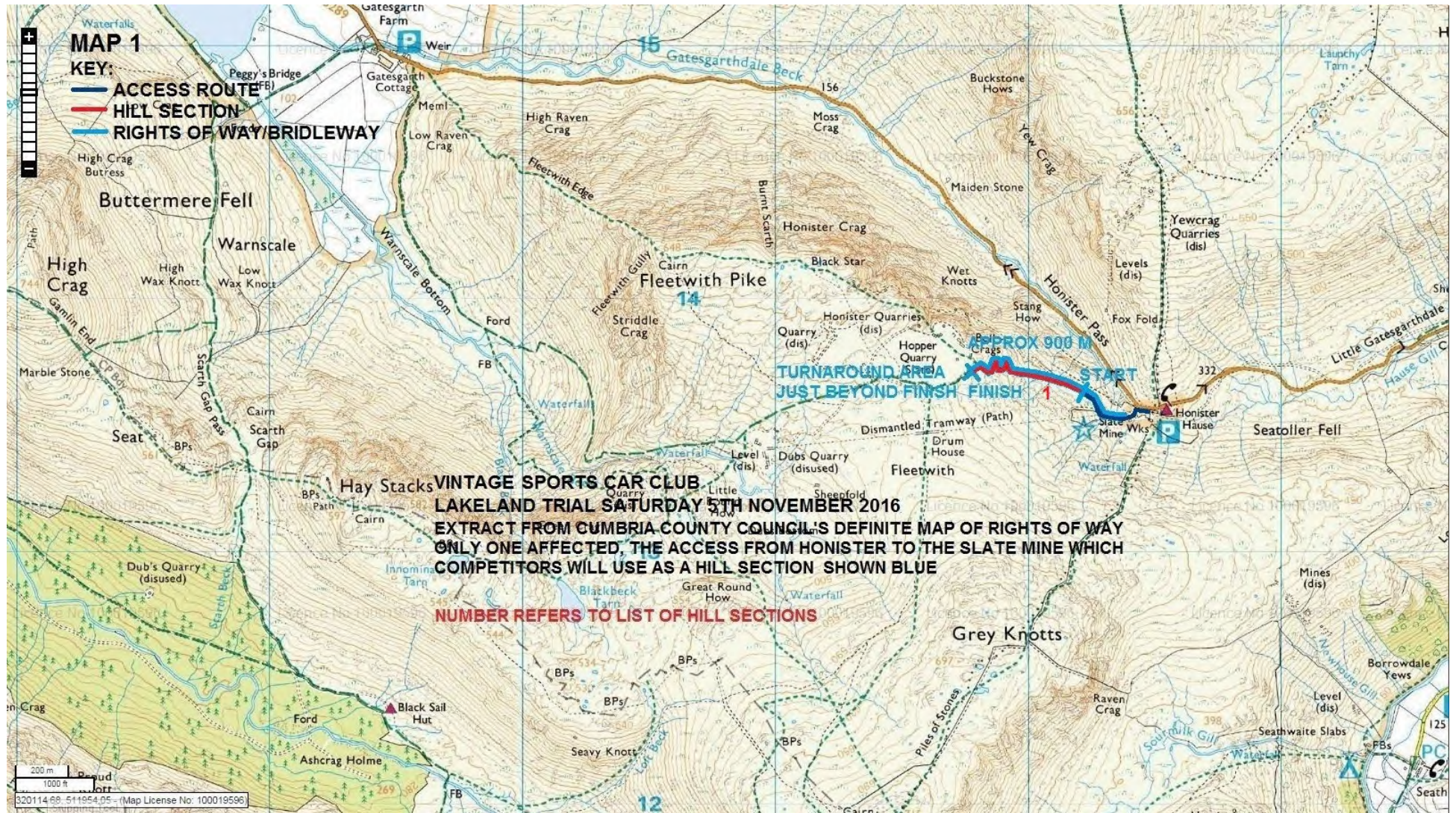


Steve Gaskell, Head of Ranger Service
Direct: 01539 792604

Email: steven.gaskell@lakedistrict.gov.uk

Route Maps (blue = access, red = competitive stage)





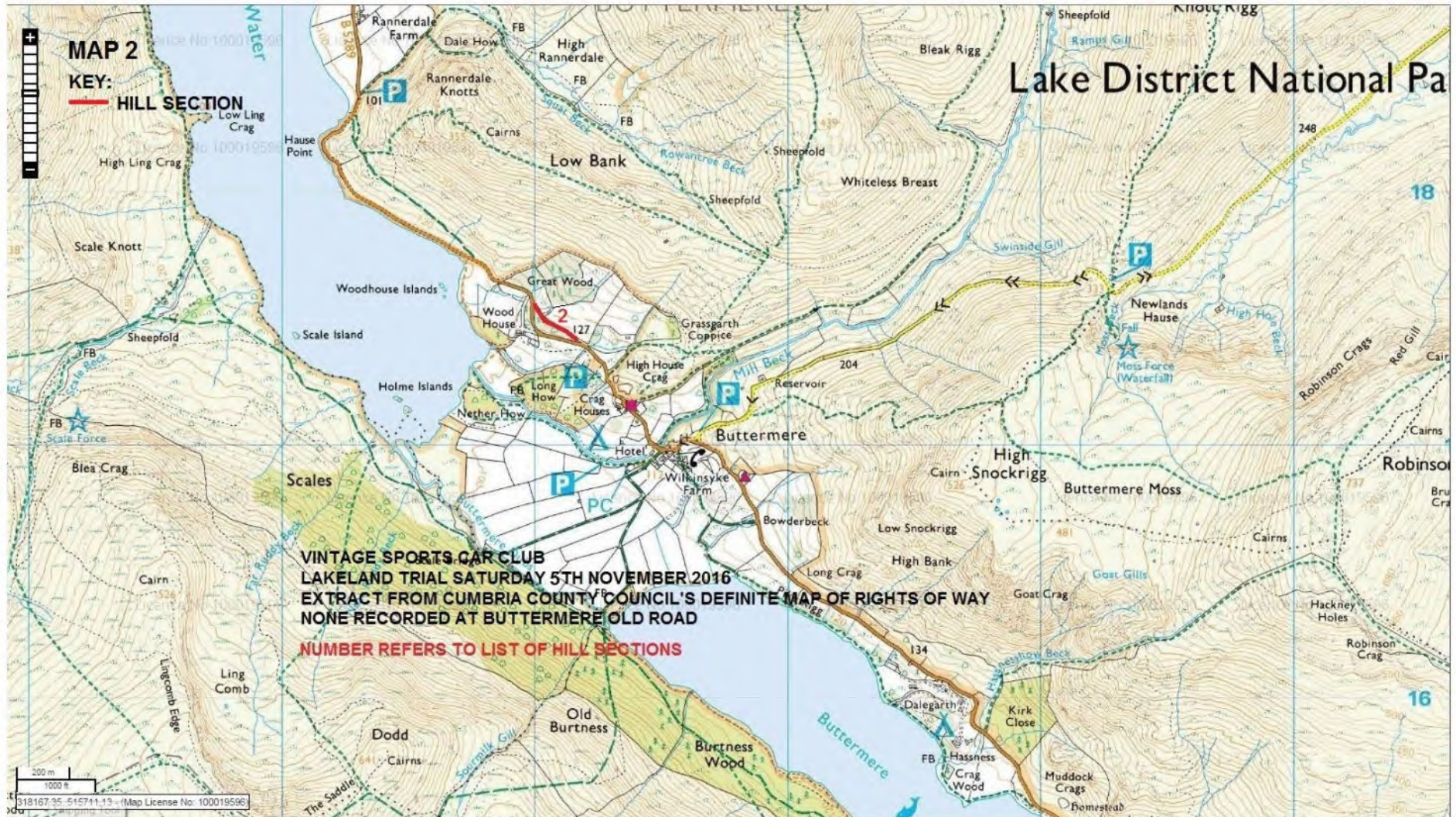
MAP 1

- KEY:**
- ACCESS ROUTE
 - HILL SECTION
 - - - RIGHTS OF WAY/BRIDLEWAY

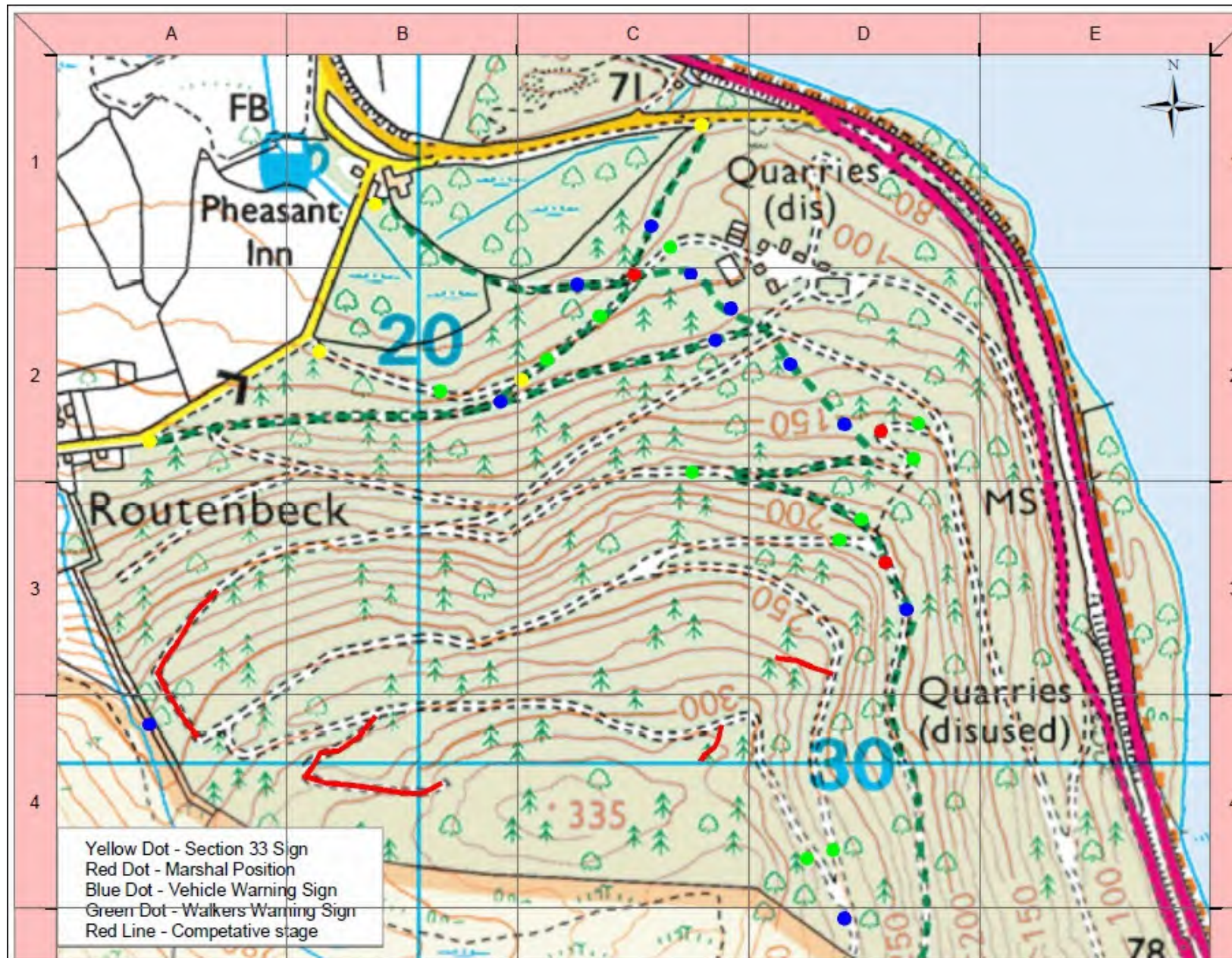
**VINTAGE SPORTS CAR CLUB
 LAKELAND TRIAL SATURDAY 5TH NOVEMBER 2016
 EXTRACT FROM CUMBRIA COUNTY COUNCIL'S DEFINITE MAP OF RIGHTS OF WAY
 ONLY ONE AFFECTED, THE ACCESS FROM HONISTER TO THE SLATE MINE WHICH
 COMPETITORS WILL USE AS A HILL SECTION SHOWN BLUE**

NUMBER REFERS TO LIST OF HILL SECTIONS

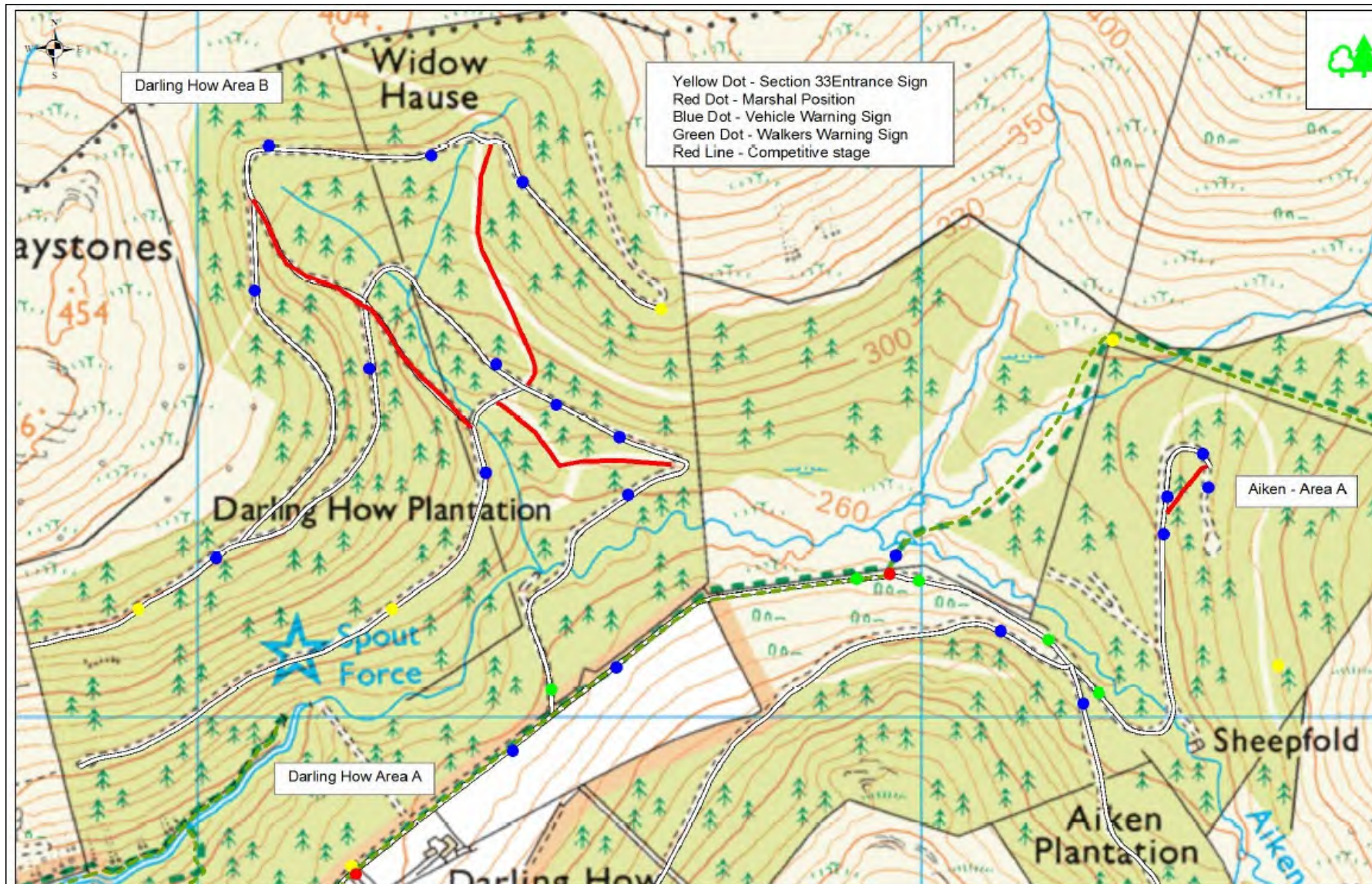
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Signage and Marshal Location Maps for Wythop



Signage and Marshal Location Maps for Darling How



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	PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE FOREST, WYTHOP WOODS AND WHINLATTER FOREST FOR MOTOR SPORT EVENTS	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</p> <p>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 the Highways Authorities) 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	The Grizedale Stages Rally and Malcolm Wilson Rally are major motor rallies which run annually in the Lake District. The organisers of the rallies have requested that we close rights of way in the vicinity of the routes to protect the public from danger during the events.	
Details of Decision	That we make a Temporary Traffic Regulation Order for the rights of way affected by the Grizedale Stages and Malcolm Wilson Rallies in the areas of Grizedale Forest, Wythop Woods and Whinlatter Forest, to be in force for six months, but operative only on the three dates as specified in section 2.2 of the report.	
Details of alternative options considered and rejected.	To allow the events to take place without a closure order in place.	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	William Hinchliffe, Rights of Way Officer	
Background Papers	Case file: 1410.003 (287)	
Date of Report	30 September 2025	
Authorising officer	Ranger Team Leaders' Meeting	
Date	1 October 2025	

PROPOSED TEMPORARY TRAFFIC REGULATION ORDER FOR FOOTPATHS AND BRIDLEWAYS IN GRIZEDALE FOREST, WYTHOP WOODS AND WHINLATTER FOREST FOR MOTOR SPORT EVENTS

1 Summary

1.1 This report recommends the temporary prohibition of traffic over footpaths and bridleways to protect the public from danger whilst motor sport events take place.

Recommendation that: *We make a Temporary Traffic Regulation Order for the areas affected by the Grizedale Stages and Malcolm Wilson Rallies in the areas of Grizedale Forest, Wythop Woods, and Whinlatter Forest – to be in force for six months, but to be operative only on three dates as specified in section 2.2 of this report.*

2 Details of Request

2.1 Two major motor rallies run annually in the Lake District - the Grizedale Stages Rally and the Malcolm Wilson Rally:

- The Grizedale Stages Rally (GSR) will take place on Saturday 6 December 2025 on both the eastern and western sides of Grizedale Forest
- The Malcolm Wilson Rally (MWR) will take place on Saturday 7 March 2026. The setting up for Grizedale and Whinlatter stages will take place on the Saturday, whereas in Wythop Woods signs and tapes closing off the paths will be done the evening before. Therefore, we have agreed that it would be wise to extend the closure to the afternoon of Friday 6 March 2026 at Wythop Woods.

2.2 In summary:

Grizedale Stages Rally Saturday 6 December 2025 (from 00:01 for 24 hours)	Grizedale West: all routes west of the Hawkshead to Satterthwaite road. Grizedale East: all routes east of the Hawkshead to Satterthwaite road (and south of the U5050).
Malcolm Wilson Rally Friday 6 March 2026 (Wythop Woods from 12:00 noon for 36 hours)	Wythop Woods: various footpaths and bridleways.
Malcolm Wilson Rally Saturday 7 March 2026 (Grizedale West and Whinlatter from 00:01 for 24 hours, Wythop Woods continuation from 6 March until 23:59 on 7 March)	Grizedale West: all routes west of the Hawkshead to Satterthwaite road. Whinlatter Forest: Various footpaths and bridleways Wythop Woods: various footpaths and bridleways.

- 2.3 The motor rally organisers (also in consultation with Forestry England (FE), the landowner) have requested that we close the rights of way affected by the rallies (as shown on the maps attached at Annex 2). The closures would be to protect the public from the likelihood of danger presented by fast-moving vehicles taking part in the rallies. We have worked with the organisers and landowners for many years and have closed the footpaths and bridleways throughout the forests, as requested, on these previous occasions.
- 2.4 The closures will be clearly signed and FE will put information on their website to highlight the dates on which the rallies will be held. Prior to last year the Grizedale Stages Rally was held over two days, with closures for one side of the forest on each day. For this year the organiser is again planning for the event to take place on just one day as they are of the view this presents the minimal disruption or potential for confusion for the public.
- 2.5 As in previous years, to ensure that we carry out the necessary closure work within the legal requirements and as efficiently as possible, we have agreed to make one order covering both rallies. This will save time and costs for both us and the organisers.
- 2.6 The order will be written so that it is clear that the paths are only closed during the events and when the site notices are in place. The paths will be open and unaffected at all other times. The routes to be used are identical to those covered by the temporary closure order made last year. A list of affected rights of way can be found in Annex 1 of this report.
- 2.7 There are no possible alternative routes for the public to use when the rallies are taking place. However, we will publicise the order by email to local bodies, such as parish councils, user groups, tourist information centres, the youth hostel association, outdoor education centres, and so on. The order will also be displayed on our website and notices published in local newspapers.
- 2.8 FE as the landowner and Relevant Authority for open access land in woodland and forestry areas are also working with the rally organisers and will be responsible for granting temporary open access restrictions (if they decide to do so) over the areas affected by the rallies. This will also be signed on the ground and shown on the Natural England Open Access website.
- 2.9 Motorsport events which make use of public footpaths, bridleways or restricted byways must have authorisation under Section 33 of the Road Traffic Act (1988). We have already given this authorisation for these two events.

3 Policy Context

- 3.1 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.

- 3.2 The Partnership's Plan contains the policies and actions for achieving the aims of the Vision. 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.
- 3.3 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. It seeks an outcome that provides high-quality and unique experiences for visitors within a stunning and globally significant landscape: experiences that compete with the best in the international market to strengthen the tourism sectors across the National Park.
- 3.4 The Strategy & Ranger 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.
- 3.5 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are:
- a) to make an order to close the public rights of way directly affected by the rallies
 - b) to allow the events to take place without a closure order in place.

5 Proposal

- 5.1 I recommend option 4.1a for the reasons outlined in sections 2 and 8, which in summary are:
- to protect the public against danger from fast-moving vehicles
 - to safeguard the event organisers against an injury claim.

6 Demonstrating Best Value

6.1 The best value implications are as follows:

- 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. As Highway Authorities Cumberland Council and Westmorland and Furness Council can also process temporary closure orders, but we are the best-placed organisation to make this order as it involves closures in both Authority areas.
- c) We have carried out the required **consultations**.
- d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

6.2 I consider that this work is relatively good value for money. We provide this service, the public are protected, and the organisers meet our costs.

7 Finance Considerations

7.1 The costs of this temporary closure order are estimated to be £3,330 which includes:

- Staff-time (administration), stationery, postage and so on
- Advertising costs: three advertisements – in two newspapers to cover all areas (notice of intention; order; reminder for March closure ahead of MWR)
- Staff time – Ranger time and travel to check site closure notices (2 days total).

7.2 The two event organisers will meet the costs of the order equally between them- £1665 each.

8 Risk

8.1 The major risk associated with this is if a closure order were not made. The order will safeguard the public against potential incidents whilst public rights of way are in use by fast-moving vehicles. It will also safeguard the event organisers and landowners against claims from users if they were hurt using these paths through collision with vehicles involved in the rallies.

8.2 If any such claims were submitted we may be held to be partly responsible for being aware of the danger to users and not taking the necessary action to protect them. Having responsibility for the rights of way network in the National Park, we could not justifiably allow these events to run without a closure order in place, given the vehicle speeds.

9 Legal Considerations

- 9.1 We have delegated powers to temporarily restrict or prohibit the use of footpaths and bridleways under section 14 of The Road Traffic Regulation Act 1984 in our Agency Agreements with Cumberland and Westmorland and Furness Councils. We also have the ability to make closure orders in our own right under section 72 of the Natural Environment and Rural Communities Act 2006.
- 9.2 The Head of Strategy & Ranger Service (now exercisable by the Head of Ranger Service as that post has ceased to exist) has delegated powers to authorise the issue of Notices and the making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984. This has been sub-delegated to the Ranger Team Leaders' Meeting.
- 9.3 Traffic can be restricted or prohibited for a number of reasons, including danger to the public (section 14(1)(b) Road Traffic Regulation Act 1984).

10 Human Resources

- 10.1 The work involved in this proposal is approximately 50 hours from members of the Ranger Teams, and less than one hour from the Solicitor. The work involved is part of our day-to-day duties.

11 Sustainability

- 11.1 I have not identified any significant economic or social effects that will affect sustainability. There is an issue regarding environmental sustainability – as noted by the Open Spaces Society in their response during the consultation (see 12.4) there is a potential for the surfaces of ROW to be damaged during the rallies. Although not directly related to the order making process, any damage to the rights of way caused by the events is to be made good promptly by the organisers and FE.

12 Stakeholder Consultation

- 12.1 As with previous years, consultation for this year's events included; user groups, all affected parish councils and the councils (Highway Authorities). A full table of responses received (and our comments on them) is included in 12.4.
- 12.2 On previous occasions some user groups have raised concerns that motorsports are not an appropriate activity within the National Park. The Open Spaces Society have noted their concerns in this regard this year (as they did last year) – and their comments have been passed to the Ranger Team Leader / Head of Ranger Service to discuss and respond. This is a strategic matter and not directly related to this decision whether to temporarily close public rights of way on the basis of the likelihood of danger to the public.

12.3 Satterthwaite Parish Council raised some concerns that the TTRO could be utilised on additional dates or for additional events / purposes due to its six month duration. I have assured them that we would not authorise this without a further consultation and decision-making process, which would carefully consider the impact of additional large-scale events on local communities.

12.4 Consultation responses received and LDNPA responses (where applicable):

Consultee	Comment	LDNPA Response
Hawkshead Tourist Information Centre	<i>Looks like a sensible proposal to me, to keep the public safe. I would advise any visitors wishing to spectate either of the Events to follow the instructions published on the Rally's official websites.</i>	
Westmorland and Furness Council Countryside Access Team	<i>No objections or comments</i>	

Open Spaces Society	<p><i>Whilst accepting these dates proposed for rallies are in the relative quieter walking season the net effect is to create a significant number of cul-de-sac paths which could significantly affect many walkers, cyclists and equestrian users of the PROW network in these various areas.</i></p> <p><i>We are also concerned about the surface damage which will occur to some less sustainable parts of these routes. Whilst we understand any necessary repairs should be undertaken by the Rally organisers, it could mean that surface repairs will not occur within an acceptable period of time.</i></p> <p><i>A year or so ago Steve Tatlock assured us that a review of such activities would be considered by the appropriate policy team within the LDNPA. This does not appear to have occurred, if it has we have had no feedback. The OSS asks if you will please consult through the appropriate mechanisms within the npa to review your policy as to such intrusive and disruptive activities.</i></p>	<p>Noted concerns raised regarding the impact of these events on public use and the potential for damage of the surfaces of rights of way. Confirmed the expectation that the organisers / landowner must promptly repair any damage caused following the events, and that if this were not done it may be taken into consideration when granting Section 33 authorisation for future editions of the events. Noted that we have not had any significant issues reported or identified following previous editions of the rallies.</p> <p>Point raised regarding the Park's policy towards these events has been passed on to the Ranger Team Leader / Head of Ranger Service for strategic consideration and response, however this is outside the remit of this decision whether it is appropriate to make a temporary closure order on the basis of a likelihood of danger to the public.</p>
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<p>Satterthwaite Parish Council</p>	<p><i>This was discussed at the Council meeting on the 8th September and concerns were raised regarding the blanket approach to the dates suggested. While we realise that the 6 months is to cover the dates of the rallies only, we are concerned that does leave scope for further closures without consultation on other dates during these 6 months.</i></p> <p><i>As a small rural village, any such closures can cause a significant delay to travelling out of the village to other areas, often meaning lengthy diversions and always detrimental to our local tradespeople and businesses, holidaymakers and families.</i></p> <p><i>The Council are happy to support the actual dates for the events and their associated closure, but on an individual basis, on the specific dates only.</i></p> <p><i>Thank you for the opportunity to reply.</i></p>	<p>Noted the concerns of the Parish Council and sought to reassure that the order does not allow the rally organisers (or any other event organiser) to freely utilise the closure order at any other times or for any other purposes than those which will be specified within the order.</p> <p>Highlighted that motorsport events utilising PRow also require authorisation under Section 33 of the Road Traffic Act (1988) and that we would not authorise additional events to be run utilising this TTRO without a further consultation and decision-making process (which would give due weight to any concerns raised regarding the impact of large-scale events on the local community)..</p> <p>In response the Parish Council highlighted an example of an open access restriction near Bogle Crag (FE would be the Relevant Authority for access restrictions at this location) which was issued for the purpose of logging but following which permanent barriers appear to have remained. Confirmed that the restriction near Bogle Crag was not issued by the LDNPA and that there should be no expectation that a closure of a PRow made for a specified purpose would be applied at other times for another purpose.</p>
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13 Recommendation

13.1 We make a temporary closure order to cover both motor rally events, in force only on the dates during which the events are taking place, as detailed in 2.2.

Background Papers:	Case file reference 1410.003 (287)
Author/Post:	William Hinchliffe, Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	30 September 2025

Authorised by:



.....
Ranger Team Leader

Date: 1 October 2025

Annex 1 - Route Descriptions

All the public footpaths and bridleways in the affected areas will be included in the order, as listed below. The affected areas are also shown on the relevant maps in Annex 2.

Grizedale East - Grizedale Stages Rally (Saturday 6 December 2025) only

Parish	Right of Way	From (SD)	To (SD)
Satterthwaite	BW 566008	354 937	338 926
Satterthwaite	BW 566011	339 921	349 917
Satterthwaite	BW 566012	343 918	345 913
Satterthwaite	BW 566021	345 952	354 940
Satterthwaite	FP 566028	337 945	350 941
Satterthwaite	FP 566029	347 931	353 932

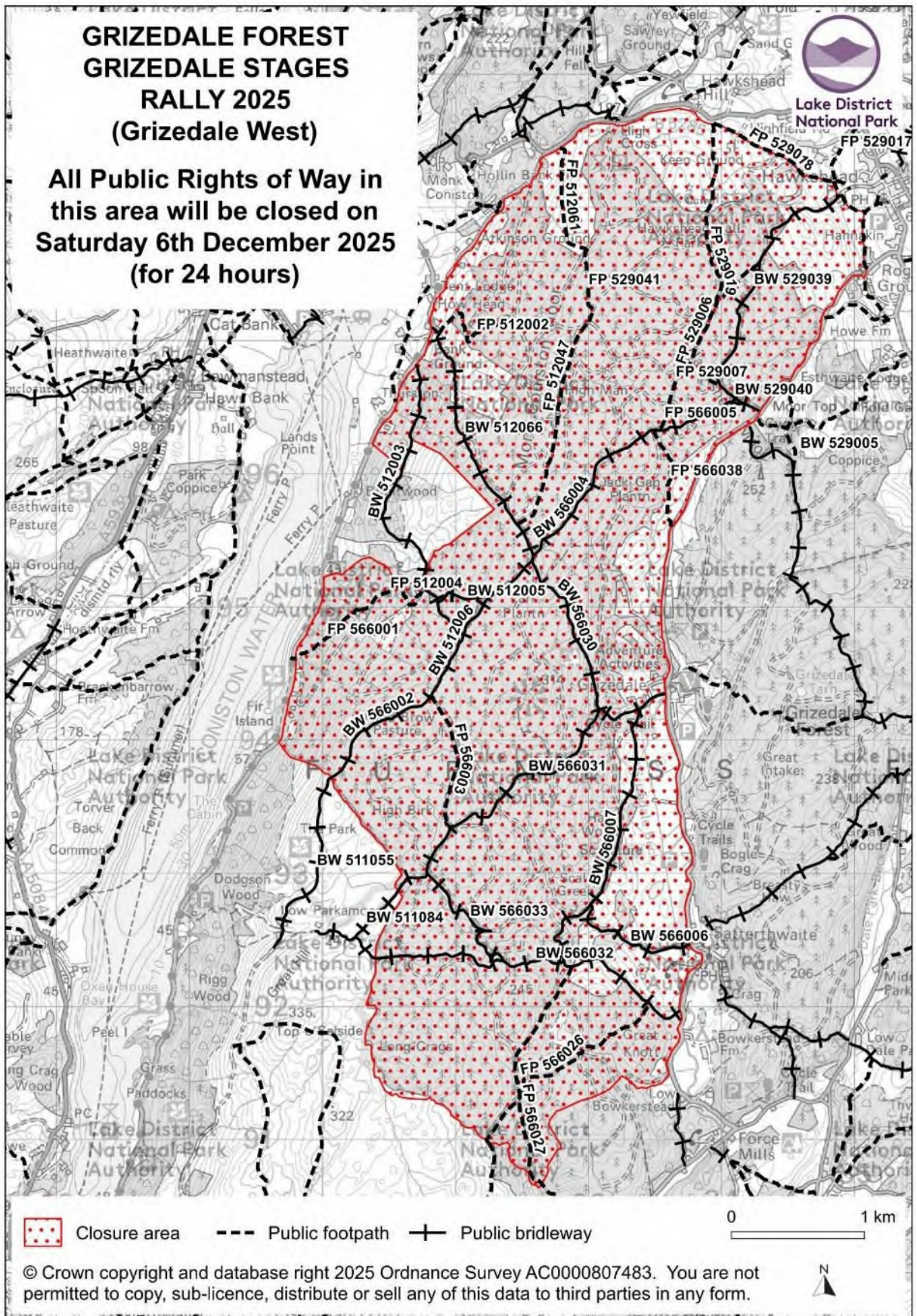
Grizedale West - Grizedale Stages Rally (Saturday 6 December 2025) & Malcolm Wilson Rally (Saturday 7 March 2026)

Parish	Right of Way	From (SD)	To (SD)
Colton	BW 511084	309 925	315 928
Colton	BW 511055	306 924	310 937
Colton	BW 511085	314 923	312 925
Coniston	FP 512002	318 970	324 971
Coniston	BW 512003	317 953	320 947
Coniston	FP 512004	312 949	317 951
Coniston	BW 512005	323 951	318 950
Coniston	BW 512006	318 944	323 951
Coniston	FP 512047	324 956	329 971
Coniston	FP 512061	329 976	327 984
Coniston	BW 512066	318 970	325 955
Hawkshead	BW 529005	338 963	342 964
Hawkshead	FP 529006	342 975	339 966
Hawkshead	FP 529007	336 965	337 968
Hawkshead	FP 529019	339 973	339 986
Hawkshead	BW 529039	341 965	344 978
Hawkshead	FP 529041	329 971	330 976
Satterthwaite	FP 566001	307 946	312 949
Satterthwaite	BW 566002	310 937	318 944
Satterthwaite	FP 566003	319 933	318 943
Satterthwaite	BW 566004	323 951	337 963
Satterthwaite	FP 566005	335 963	336 965
Satterthwaite	BW 566006	337 924	330 927
Satterthwaite	BW 566007	328 923	333 942
Satterthwaite	FP 566026	322 909	334 920
Satterthwaite	FP 566027	326 906	328 923
Satterthwaite	BW 566030	325 955	330 942
Satterthwaite	BW 566031	335 943	315 928
Satterthwaite	BW 566032	314 923	336 919
Satterthwaite	BW 566033	323 923	317 930
Satterthwaite	FP 566038	334 963	336 955

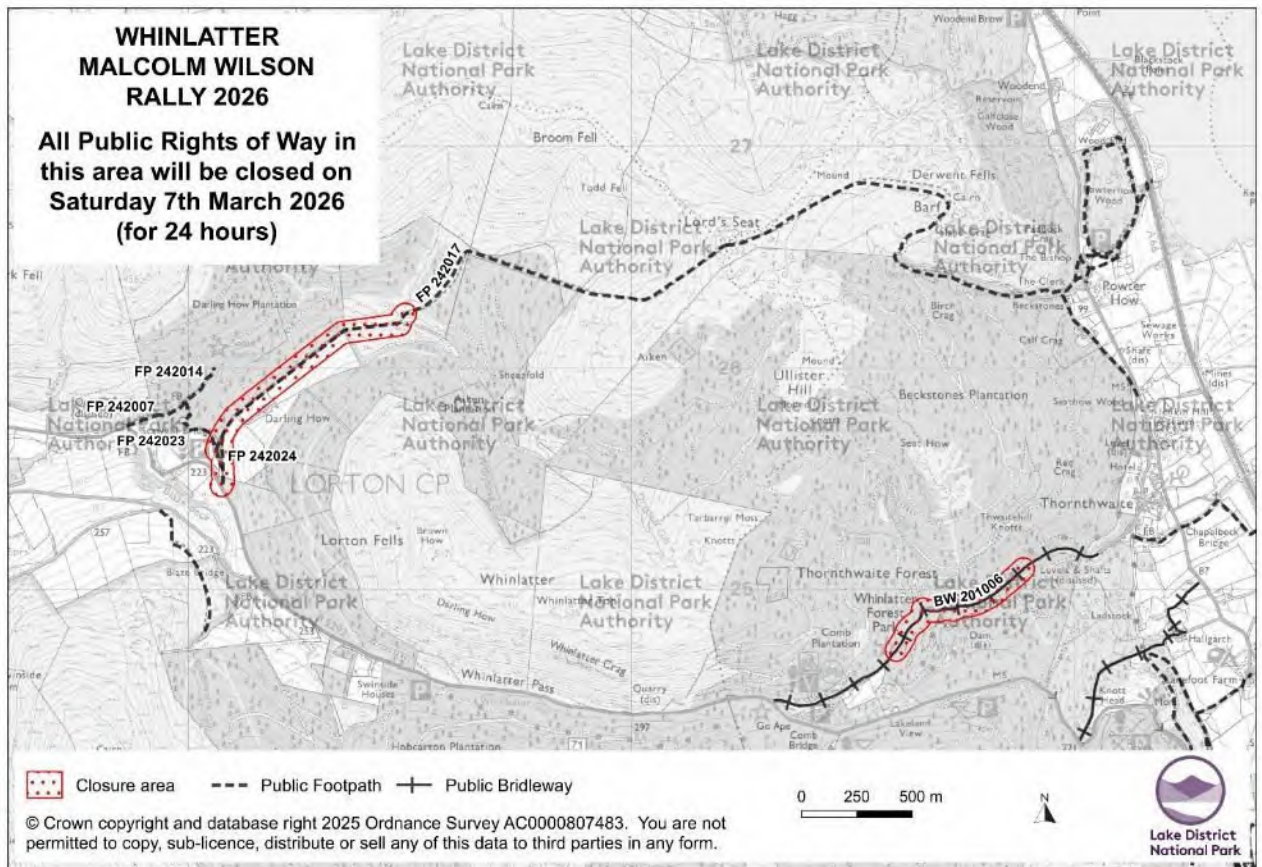
Wythop Woods and Whinlatter Forest - Malcolm Wilson Rally only (Whinlatter Forest
Saturday 7 March 2026, Wythop Woods from 12:00 on Friday 6 March 2026 until
23:59 on Saturday 7 March 2026)

Parish	Right of Way	From (NY)	To (NY)
<i>Above Derwent</i>	<i>FP</i>	<i>201004</i>	<i>211 280</i>
<i>Above Derwent</i>	<i>BW</i>	<i>201006</i>	<i>212 047</i>
<i>Above Derwent</i>	<i>BW</i>	<i>201065</i>	<i>213 284</i>
<i>Lorton</i>	<i>FP</i>	<i>242017</i>	<i>181 256</i>
<i>Lorton</i>	<i>FP</i>	<i>242023</i>	<i>181 255</i>
<i>Lorton</i>	<i>FP</i>	<i>242024</i>	<i>181 254</i>
<i>Wythop</i>	<i>FP</i>	<i>264002</i>	<i>204 305</i>
<i>Wythop</i>	<i>BW</i>	<i>264003</i>	<i>207 290</i>
<i>Wythop</i>	<i>FP</i>	<i>264005</i>	<i>199 306</i>
<i>Wythop</i>	<i>FP</i>	<i>264009</i>	<i>207 281</i>
<i>Wythop</i>	<i>FP</i>	<i>264012</i>	<i>204 305</i>

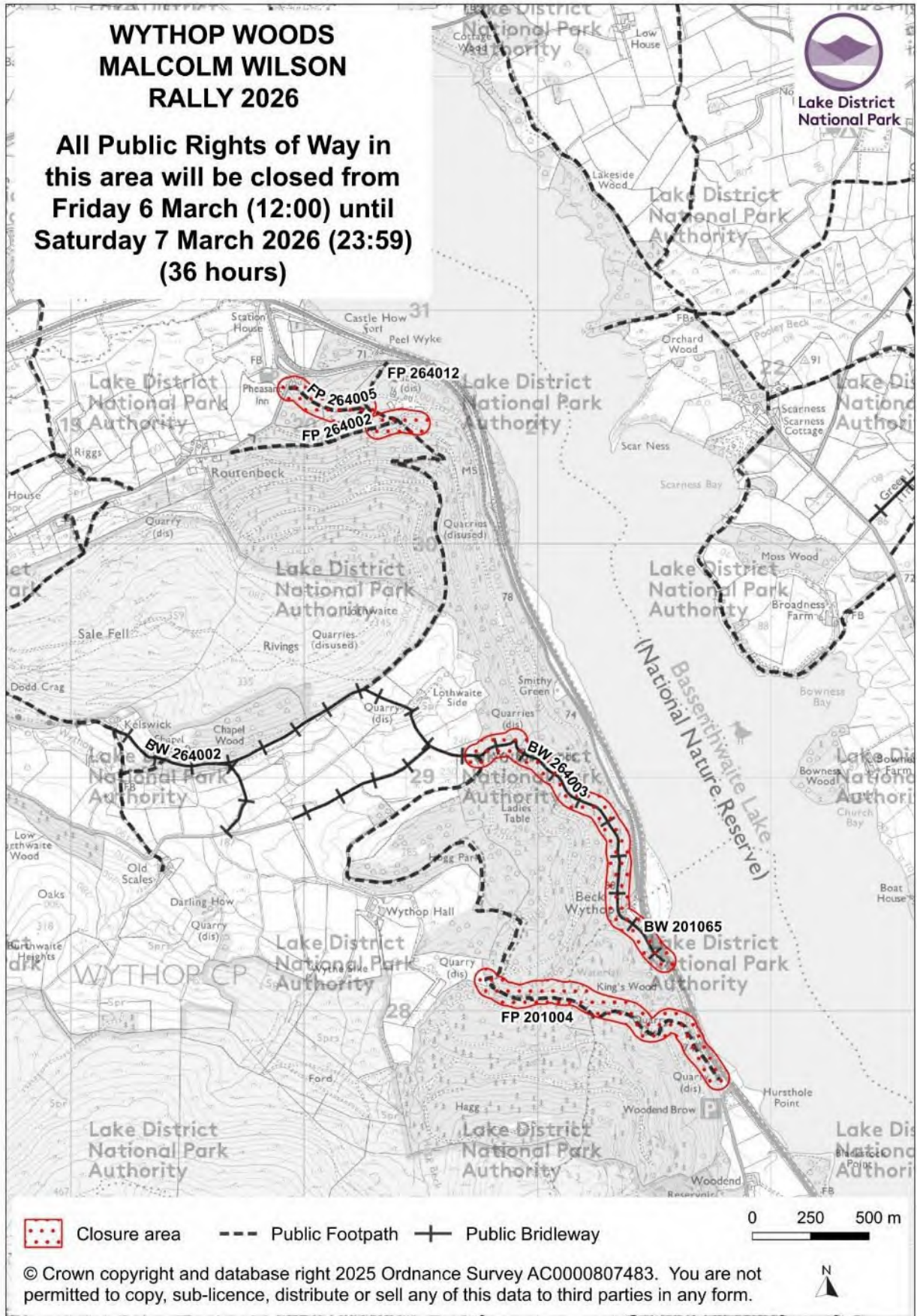
Map 2: Grizedale Forest West (Grizedale Stages & Malcolm Wilson Rallies – same closures in place for both events)



Map 3: Whinlatter Forest (Malcolm Wilson Rally)



Map 4: Wythop Woods (Malcolm Wilson Rally)



The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to:
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 220050, DALEGARTH / HASSNESS, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders, and for Traffic Regulation Notices sub-delegated to the Senior Rights of Way Officer.</p> <p>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 Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	<p>In May 2025 a large rock fell onto the popular lakeshore path below Dalegarth / Hassness. In September we issued a Notice (subsequently extended by a second Notice) closing the affected section of the footpath as the owners could not guarantee the safety of the rockface. The owner arranged an interim survey of the rockface and the surveyor has recommended a full survey and scaling. Contractors have commenced rock scaling works to mitigate the risk – but these are only anticipated to be completed beyond the expiry of the original Notice.</p>	
Details of Decision	<p><i>That we issue a 5-day Temporary Traffic Regulation Notice for works for the affected section of footpath 220050</i></p>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice • Converting the current Notice (due to likelihood of danger) to an Order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Will Hinchliffe, Rights of Way Officer	

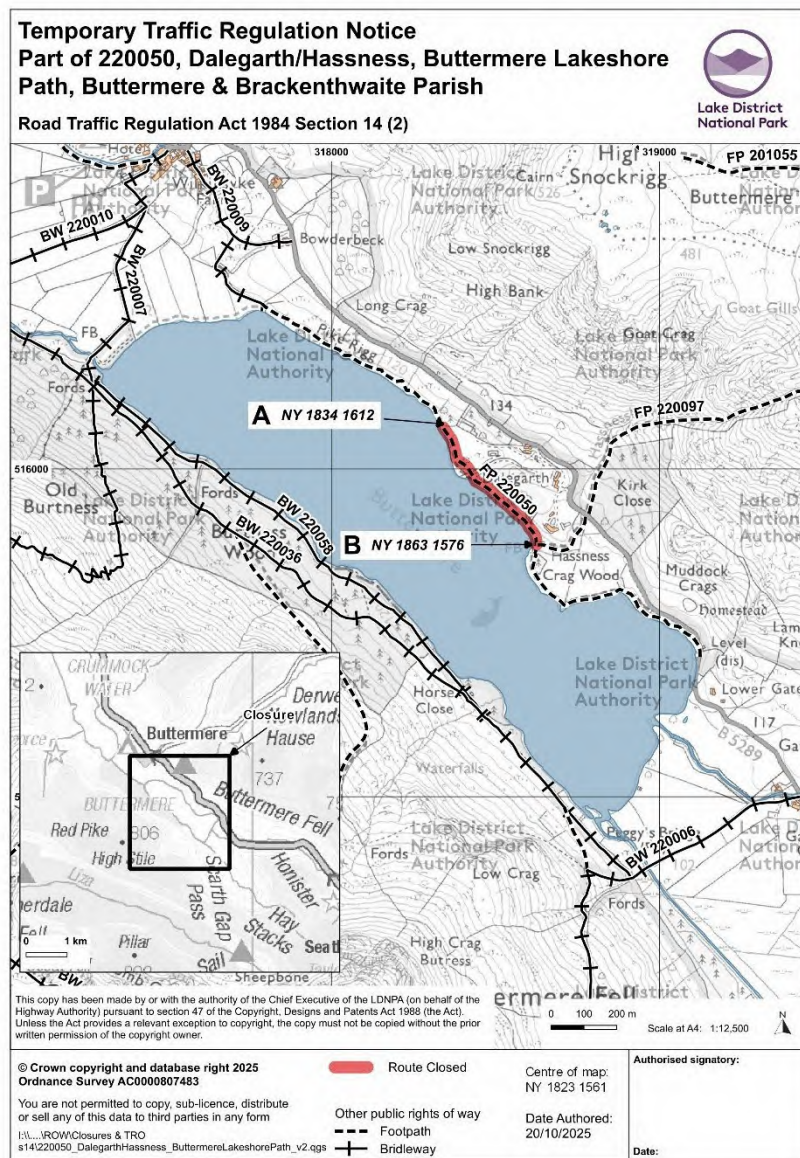
Background Papers	Case file 1410.003 (289)
Date of Report	20 October 2025
Authorising officer	Head of Ranger Service

TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 220050, DALEGARTH / HASSNESS, BUTTERMERE LAKESHORE, BUTTERMERE & BRACKENTHWAITE PARISH

1 Summary

1.1 This report recommends we issue a Notice temporarily prohibiting all traffic over part of footpath 220050 to enable scaling works to mitigate the risk of rockfall resulting from potentially unstable rock upslope of the footpath

Recommendations: a) we issue a Temporary Traffic Regulation Notice for the affected section A-B of footpath 220050;



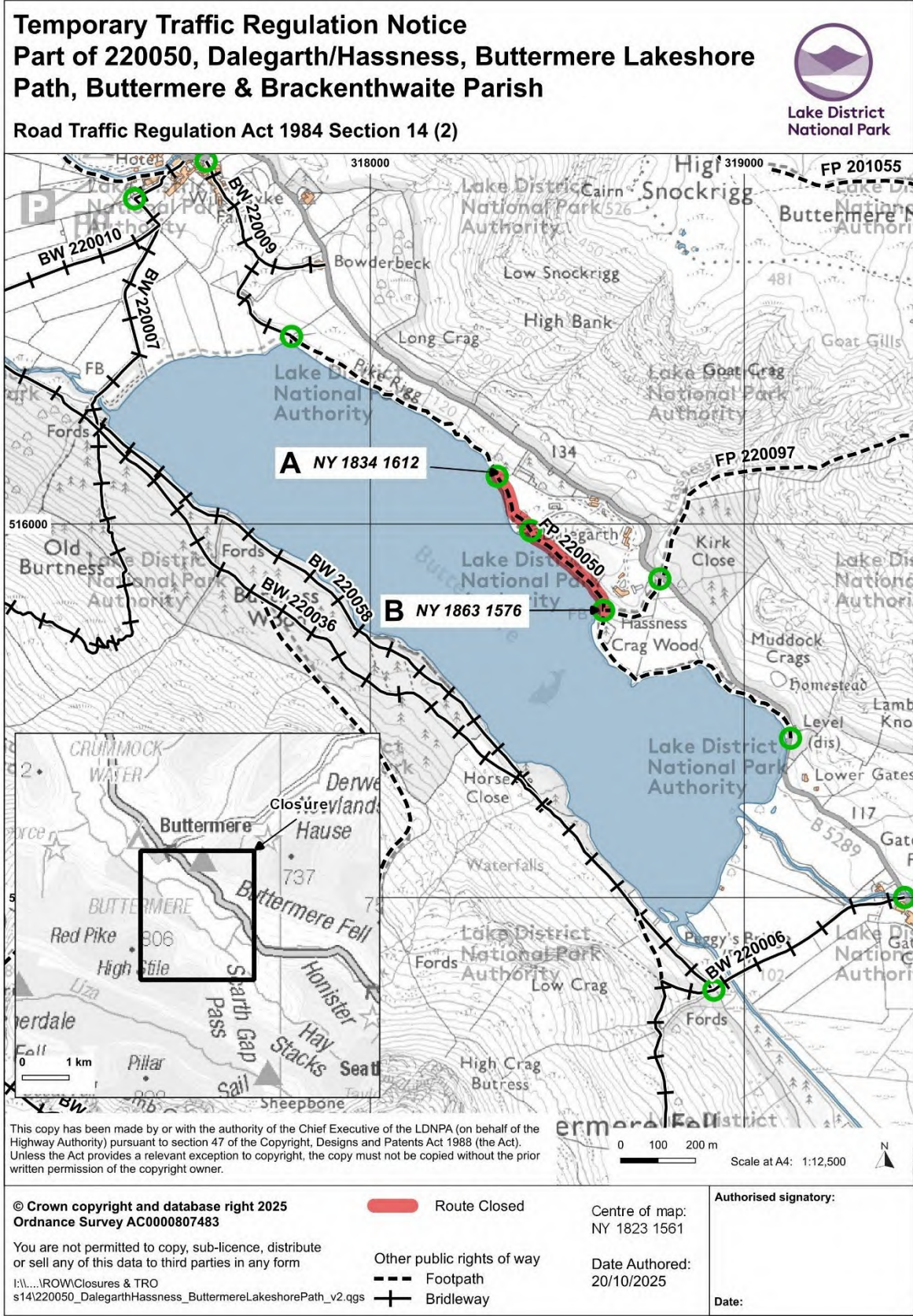
2 Details of Request

- 2.1 In May 2025 a large rock fell onto the popular lakeshore path below Dalegarth / Hassness. In September the owner commissioned an interim survey of the rockface and the surveyor recommended a full survey and scaling. As they could not guarantee the safety of the rockface, the owners requested that the path be closed until this full survey and scaling had been carried out. We issued a (21-day) temporary closure Notice due to the likelihood of danger to the public and subsequently issued a second Notice extending this for a further 21-day period.
- 2.2 The owner's contractors have now begun scaling works to remove potentially unstable rock upslope of the path – they anticipate eventually removing around 20 tons of rock. The owner has also arranged for an assessment by a Geotechnical Engineer. The Engineer has confirmed that it appears the rockfall which occurred was due to 'root-jacking' of the rock by trees. They have identified a remaining large slab of rock (approximately 4 x 1.5 x 1.5m) which is sited on a steep plane and with a very dilated open joint at the back which presents a significant rock fall hazard to the path. They have recommended that until the unstable rock is removed the path is kept closed.
- 2.3 It is possible that in the process of removing the unstable rock damage will be sustained to the path surface. If this does occur the owner will be responsible for reinstating / repairing the surface, they are aware of this requirement.
- 2.4 The owner's rock scaling contractors are preparing plans to remove the remaining loose rock (including the large slab – which will require specialist equipment), but this is expected to take until Friday 24 October to be completed, and the current Notice expires on 21 October. They are also planning to undertake tree works in coming months to reduce the risk from further root-jacking of the rock – but do not envisage these necessitating further closure(s) of the footpath.
- 2.5 There is no suitable alternative route through the landholding or which could be agreed through the grounds of the neighbouring properties. This means that if walkers wish to continue around the lake without retracing their steps, they will have to use the Buttermere to Gatesgarth road. We will therefore ensure that signs are erected at various points around the lake, such as at the beginnings of the lakeshore path, in the car parks and so on. This will bring the issue to the attention of walkers, who will then be able to decide whether to proceed on the road, or choose a different walk. Signage locations are overleaf.
- 2.6 The owners (supplemented by updates from the Authority's own volunteers) have highlighted that there have been issues with walkers not paying heed to the closure and continuing through the site. The contractors intend to erect Heras fencing to prevent this, and are providing banks persons whilst scaling works are underway. To further discourage use of the closed path the owners have asked us to consider increasing the extent of the closure to a point further northwest along the shore where there is a kissing gate which could provide a clear point at which access could be restricted. They believe reaching the closure earlier along the path will lead to fewer users attempting to proceed through the site having got so far along the lakeshore.

2.7 To enable these works to be carried out safely it appears expedient to issue a Notice for works to enable the remaining rock scaling to be undertaken safely and efficiently. Alternatively, we could convert the current Notice to an Order – but as the primary purpose of further extending this closure is to enable the works to mitigate the risk of rockfall, and these are expected to be completed within the 5-day timescale of a Notice for works, it appears more appropriate in my view to issue a Notice rather than convert the closure to an Order. This will also enable us to implement the change to the extent of the closure requested by the owner.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership’s Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.



Suggested Signage Locations

4 Options

4.1 The options are to:

- a) Issue a Notice for works
- b) Do not issue a Notice
- c) Converting the current Notice (due to likelihood of danger) to an Order

5 Proposal

5.1 I recommend option 4.1a for the reasons set out in section 2.

6 Best Value Implications

6.1 The Best Value implications are:

- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
- b) Processing temporary traffic regulation orders is not a **competitive** procedure. Cumberland Council can also process temporary closure notices and orders, but we are the best placed organisation to do this.
- c) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

7.1 The standard costs of a temporary closure Notice are approximately £340 (which covers staff-time, stationery and postage). The landowners will be meeting all these costs.

8 Risk

8.1 The main risk associated with this is if we do not make a Notice or Order. If a closure does not remain in effect there will be a risk to footpath users from rockfall. This risk will be most significant whilst scaling works are underway – it would be extremely dangerous to allow users to continue to utilise the footpath whilst rock is being actively dislodged upslope by contractors.

8.2 A secondary risk is reputational. This is a popular path with no suitable alternative other than the road and we have been made aware that some users have continued to walk along the closed section despite the closure notices and fencing erected to discourage its use. Clearly some users have been of the view that the closure was superfluous. However, now that works are actually being undertaken scaling unstable rock it appears likely that most reasonable users would be understanding of the need for the closure.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this right of way is within section 14(1)(a) and 14(2) of the Road Traffic Regulation Act 1984; namely because works are being or are proposed to be executed on or near the road. Such a Notice can last for 5 days.
- 9.2 It is not possible to issue a third Notice extending a closure because of the likelihood of danger to the public. It would only be possible to further extend the closure on the same grounds by converting the Notice to an Order. However, the Department for Transport (on behalf of the Secretary of State) have previously provided us advice that it is acceptable to issue a new Notice immediately replacing the current Notice on its expiry providing that the new Notice is for a different reason / ground.
- 9.3 The Head of Ranger Service has delegated powers to authorise the making of Notices and Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Cumberland Council. These have been sub-delegated to the Ranger Team Leaders and to the Senior Rights of Way Officer.

10 Human Resources

- 10.1 The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and much of it has already been undertaken.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability.

12 Consultation

- 12.1 There is no requirement to consult upon issuing a Notice. We will notify the usual interested bodies and individuals including Cumberland Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups.

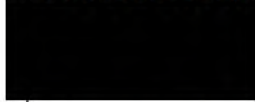
13 Summary and Recommendations

- 13.1 The landowner has identified a likelihood of danger to the public from potential rockfalls that they consider cannot be mitigated until a full survey and rock scaling has taken place, and this is scheduled for mid-October 2025.
- 13.2 The Head of Ranger Service has considered the matter, and has consulted our legal services team. The recommendation is to issue a Notice now, as a precautionary matter, then carry out a risk assessment to see if the notice can be removed and the path re-opened. And if not – to issue a second Notice reassess the matter after the full survey and scaling has taken place.

Background Papers Case file 1410.003 (289)
Author: Will Hinchliffe, Rights of Way Officer
Date Written: 20 October 2025

Version Final

Authorised by:



Steve Gaskell, Head of Ranger Service

Date: 20 October 2025

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	CREATION OF FOOTPATH 511098, YMCA TO STOTT PARK HEIGHTS (THE BROWS), COLTON PARISH	
Relevant section of Scheme of Delegation	PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Strategy & Ranger Service 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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those explaining adequately the nature of the concerns and meet the legal considerations defined by the Highways and Planning Acts.	
Background	The current owners of the woodland between YMCA and Stott Park Heights (The Brows) have kindly offered to convert an old permitted path into a public footpath to give it long-term protection and security.	
Details of Decision	<i>To enter into a creation agreement to formally create a public footpath (511098) between the road at the YMCA and Stott Park Heights.</i>	
Details of alternative options considered and rejected.	Not to enter into an agreement	
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	None	
Date of Report	5 August 2025	
Authorising Officer	Steve Tatlock, Ranger Team Leader (South)	
Date	Team Leaders' Meeting – 11.08. 2025	

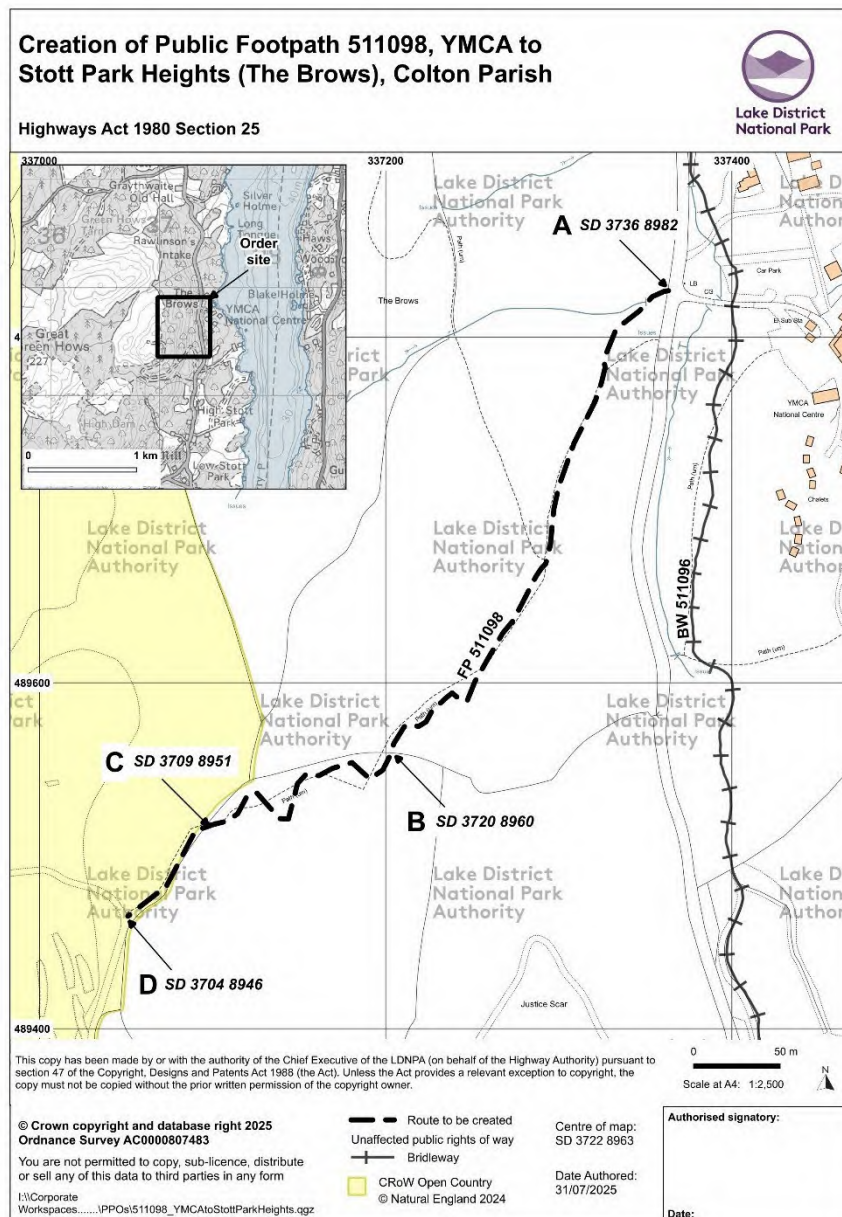
CREATION OF FOOTPATH 511098, YMCA TO STOTT PARK HEIGHTS (THE BROWS), COLTON PARISH

1 Summary

1.1 The current owners of the woodland between YMCA and Stott Park Heights (The Brows) have kindly offered to convert an old permitted path into a public footpath to give it long-term protection and security. This report discusses whether to enter into an agreement with the owners and accept their offer on behalf of the public.

Recommendation that:

- a** We enter into a formal agreement to create a public footpath between the road at the YMCA and Stott Park Heights, as shown on the map below.
- b** We publicly thank the landowners for their kind offer (press release and newspaper advert).



Map of proposed public footpath

2 Background

- 2.1 The current owners of the woodland between YMCA and Stott Park Heights (The Brows) have kindly offered to convert an old permitted path into a public footpath to give it long-term protection and security. As staff, we are very pleased, as the establishment of this permitted path is something we were involved in around 20 years ago when it was then owned by the YMCA. The path will link nicely to our new West Windermere Way, and provide additional circular routes incorporating the new roadside link. It will also give an additional more adventurous formal link from High Dam northwards and to the lakeshore.
- 2.2 The route is shown on the map above – it runs between the gate on the roadside (A) and the open access land, where it joins the main track (D) from which there are various routes up to Stott Park Heights, High Dam, and so on.
- 2.3 Following the first version of this report, the Team Leader visited the site to look at the proposed works and costsings, to determine whether it was Value for Money to proceed. It was – and so works were carried out in May 2025. This involved mainly signage and replacing / repairing many of the old wooden steps which have decayed over the years and are now not hugely usable, along with repairing / replacing a few drains.
- 2.4 The proposal has come about through successful partnership working and the Farming in Protected Landscapes Project.



A portion of the path running through attractive woodland.



An example of some of the old steps that have now been replaced
(the top step is higher than it looks)



New steps and graded path replacing the above

3 Policy Context

- 3.1 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.
- 3.2 The Partnership's Plan contains the policies and actions for achieving the aims of the Vision. 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.
- 3.3 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. It seeks an outcome that provides high-quality and unique experiences for visitors within a stunning and globally significant landscape: experiences that compete with the best in the international market to strengthen the tourism sectors across the National Park.
- 3.4 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.
- 3.5 'Out There' our Access and Recreation Strategy 2023-2028 has four main priority themes, including:
- Improve – to make the access network fit for purpose and meeting the needs of modern day users. Continue to develop, where external funding is available, a network of bridleways and footpaths to encourage more people to ride, wheel or walk between settlements and key attractions and to link settlements outside the National Park boundary to the Lake District.
 - Manage and Maintain – to continue with the statutory functions of reviewing and updating the definitive map by processing diversion and modification orders and legal casework.
- 3.6 This proposal helps fulfil many of these aims – in particular, improving the access network and connecting key attractions.
- 3.7 Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
- 3.8 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 1.

4 Demonstrating Best Value

- 4.1 **Work Programme and Relevance to This Case:** this project has come from the landowner as part of a wider project, and as a consequence it is a high priority case as we need to respond in a timely fashion to avail ourselves of the opportunity.
- 4.2 The best value implications are:
- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed agreement will benefit the public but will incur expense to ourselves / the public.
 - b) Processing public path agreements is not a **competitive** procedure. Westmorland & Furness Council can also process orders / agreements, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
 - c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are later in the report. The whole project has come about through effective partnership working and good relations with the landowners over a number of years.
 - d) There is little to **compare** to in respect of this type of proposal.
- 4.3 I consider that the proposal is good value for money. It is a path we developed some 20/25+ years ago, and will create good links.

5 Options

- 5.1 a: enter into a creation agreement
b: do not enter into a creation agreement

6 Proposals

- 6.1 I recommend option 5.1a. It will make this path publicly maintainable, will protect it in perpetuity, create good links and will mean that it is shown on Ordnance Survey maps.

7 Grounds and Tests for a Creation

- 7.1 There are no specific legal tests relating to entering into creation agreements – but it is logical to consider the creation order tests to examine whether it is expedient for us to carry out this process.
- 7.2 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.
- Is there a need for the new path?
 - 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?

7.3 Is there a need for the new path?

7.3.1 There is not a specific demand for this path, although it is used by the public (and we observed this on our site visit), which would imply a latent (if small) demand.

7.3.2 The map below shows how the new route (red) fits in with the existing network, the open access land (ochre) and the new West Windermere Way (blue).

Extract from the Definitive Map for Cumbria (relevant date: 1 January 1976)

Proposed Path (red)



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0 100 200 300 400 metres



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

7.4.1 The actual levels of future usage and demand may well depend partly upon what happens to the YMCA land/property which has been sold. If this is developed with visitors in mind, then this path will be an extremely convenient way to quickly get into the low fells. Even if it is not, it will still receive use as part of a through route involving the lakeshore path to the north of the YMCA.

7.4.2 In addition, the new route will offer a greater number of options for circular walks from the newly developed West Windermere Way (southern portion) – and in particular, will give walkers an additional way to get back to High Dam and the car parking areas there.

7.5 *How will it affect the rights of those with an interest in the land?*

7.5.1 The landowners fully support the creation of these routes, and are keen for people to enjoy their woodland.

8 Other Considerations Required by Legislation

8.1 *Rights of Way Improvement Plan*

8.1.1 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), or in our case currently, our 'Out There' strategy and our 'Active Travel' suggestions.

8.1.2 The bottom part of this route was a specific ROWIP suggestion ('footpath link') put forward by the public, which scored quite highly. In addition it fits within a number of actions and within the general ethos of the ROWIP and Out There, as mentioned earlier. A 'pin' was added to the Active Travel webpage for something close to this location, but unfortunately no details of the proposal were captured. However, it mentions cycling – so is unlikely to relate to this path.

8.2 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. This path is not particularly suitable for many with limited mobility..

8.3 The impact on the needs of agriculture and forestry is required to be assessed under schedule 6 of the Countryside & Rights of Way Act 2000. The landowners actively manage this woodland and do not consider that the path will impact upon this.

8.4 We 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. The proposals do not appear to have any effects on these aspects.

9 Consultation Responses

9.1 We have consulted our usual consultees and a few have responded.

Westmorland & Furness Council	1 – Sounds good to me! 2 – No objection or comments on the proposals.
Wainwright Society	Fully supportive of the proposals for the reasons set out in your email [<i>basically the background section of this report</i>].
Open Spaces Society	<p>Many thanks for this interesting email and for consulting the OSS on this possible footpath creation. We have previously used this route and, albeit some time ago, orienteered in this area.</p> <p>The OSS very much welcome this proposal. As you note the potential link to High Dam is there both over the s1 CROW access land and on a few desire (possibly some deer) lines. In the longer term a more formal link path from High Dam to point D would be welcome in order to better inform users that such a route can be walked prior to their visit, especially for people who find walking over this access land as difficult.</p> <p>We note that the terrain is better suited to a footpath than a bridlepath.</p>
Colton Parish Council	Colton Parish Council is a favour in principle of developments of this kind as they are very much in tune with our Community Plan.

10 Finance Considerations

10.1 The proposal is entirely in the public benefit. Therefore, I consider that it is appropriate that the authority meet the entire legal costs, which are approximately £3,300 (mainly staff costs).

Task	Explanation	Cost
Legal and Administration work	This includes all the Authority's legal and administrative costs in negotiating, making and confirming an order.	£3,150
ADVERTISING	One advert placed in local newspaper	£150

10.2 The landowners have provided a new roadside gate – which we have installed for them. We also identified a number of places where the wooden steps installed 20-30 years ago needed replacing with wood or stone, and at least one drain had collapsed and small side ditches had become filled in.

10.3 Following a site visit by the Team Leader to approve the rough costings, all this work, including new signage at either end has now been carried out – the costings as below.

10.4 The Ranger has costed this work as below.

Item	Number	Cost per unit	Cost
Digger hire	1	£1,100	£1,100
Field Ranger on digger for improvements and steps	220 hours (30 days)	£175 per day	£5,250
Pipes / Stone and so on			£10
<i>Field Ranger – waymarking & fingerposts</i>	<i>2 – 1 day</i>	<i>£175 per day</i>	<i>£350</i>
<i>Waymarks and Fingerposts</i>	3	£100	£300
TOTAL	31 days Field Ranger Time & Materials / Hire		£7,310

10.5 Although this looks quite a high amount, no work had been done (that we are aware of) since its establishment around 20 years ago – and so it's likely that this work will have a similar lifespan – especially the replacement of some steps with a regarded zig-zag path (effectively making the investment around £375 a year). It has been done to a slightly higher standard than some paths, as part of its purpose is to link the West Windermere Way and High Dam, so attracting less experienced walkers.

11 Risk

11.1 There is little risk – other than the future maintenance liability being unsustainable if budget cuts are suffered.

12 Legal Considerations

12.1 The agreement will be made under section 25 of the Highways Act 1980 and we are able to enter agreements under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The action strikes a reasonable balance between private and public rights.

13 Human Resources

13.1 The legal work involved in this proposal is approximately 50 hours from members of the Ranger teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken. The practical work is as outlined above, and will be built into our work programmes over the next year.

14 Diversity & Sustainability Implications

14.1 I have not identified any significant diversity, environmental, economic or social effects.

15 Summary

- 15.1 The proposal will benefit the public, and has come about through successful partnership working and landowner relationships over many years. All of those who responded to the consultation are in agreement with the proposals.
- 15.2 I recommend that we enter into the necessary creation agreement to bring this into effect. I also recommend that we publicly thank the landowners in the required newspaper advert, but also through a press/web release. Working with them has been a pleasure.

Background Papers:	Case file reference 1412.511.19
Author:	Nick Thorne, Senior Rights of Way Officer
Date Written:	5 August 2025
Version	Final

Authorised by:



Steve Tatlock, Ranger Team Leader

Date: Team Leaders' Meeting, 11.08.2025

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.

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

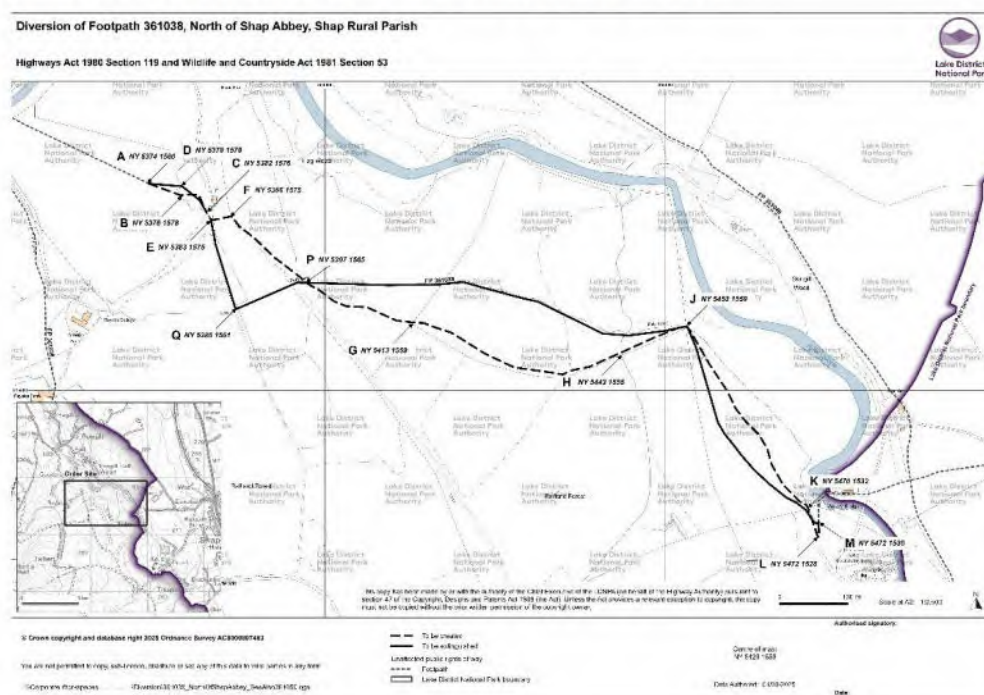
Summary

- 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.

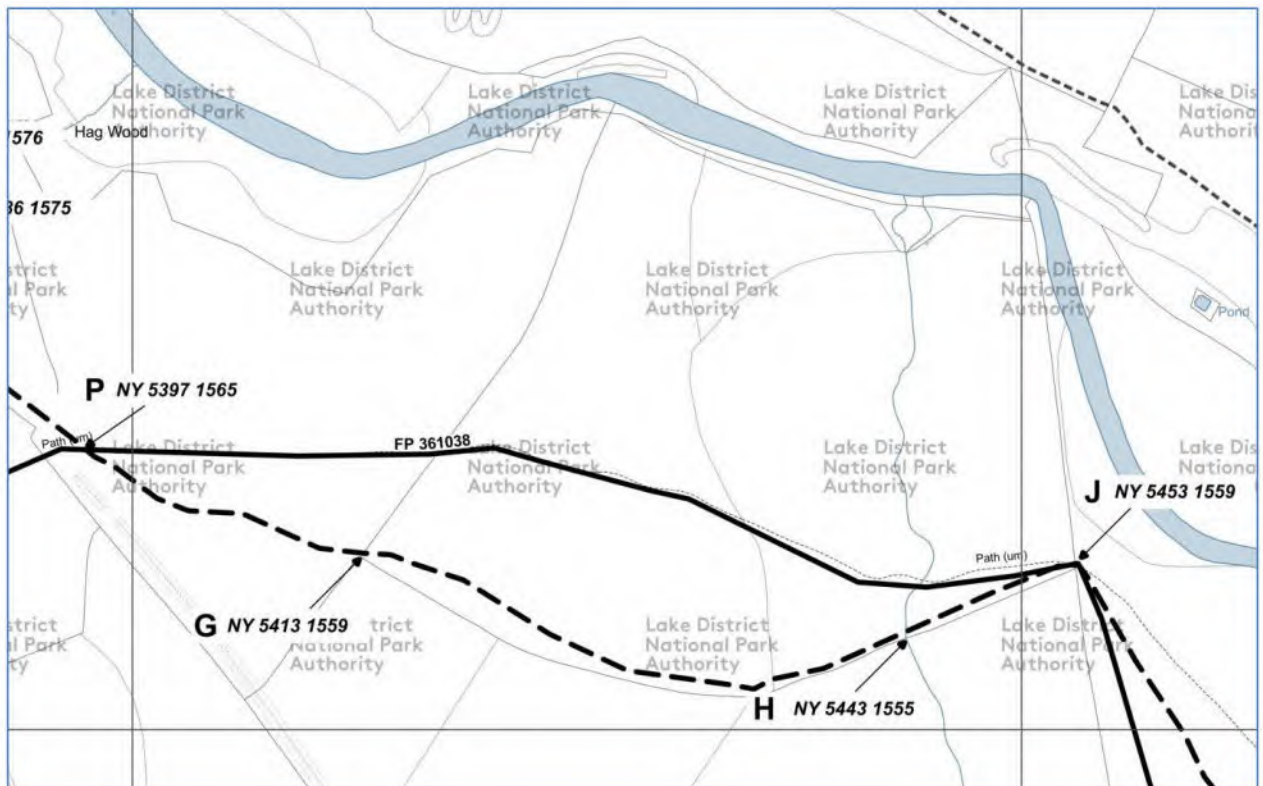
Recommendation:	a <i>we abandon the Diversion Order made on 4 September 2025 and make a new Order for part of Footpath 361038 in Shap Rural Parish replacing A-D-C with A-B-C, E-Q-P with E-F-P, and J-M with J-K-L-M between Lowther Barn and Shap Abbey as shown on the map below;</i>
	b <i>we confirm the 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)

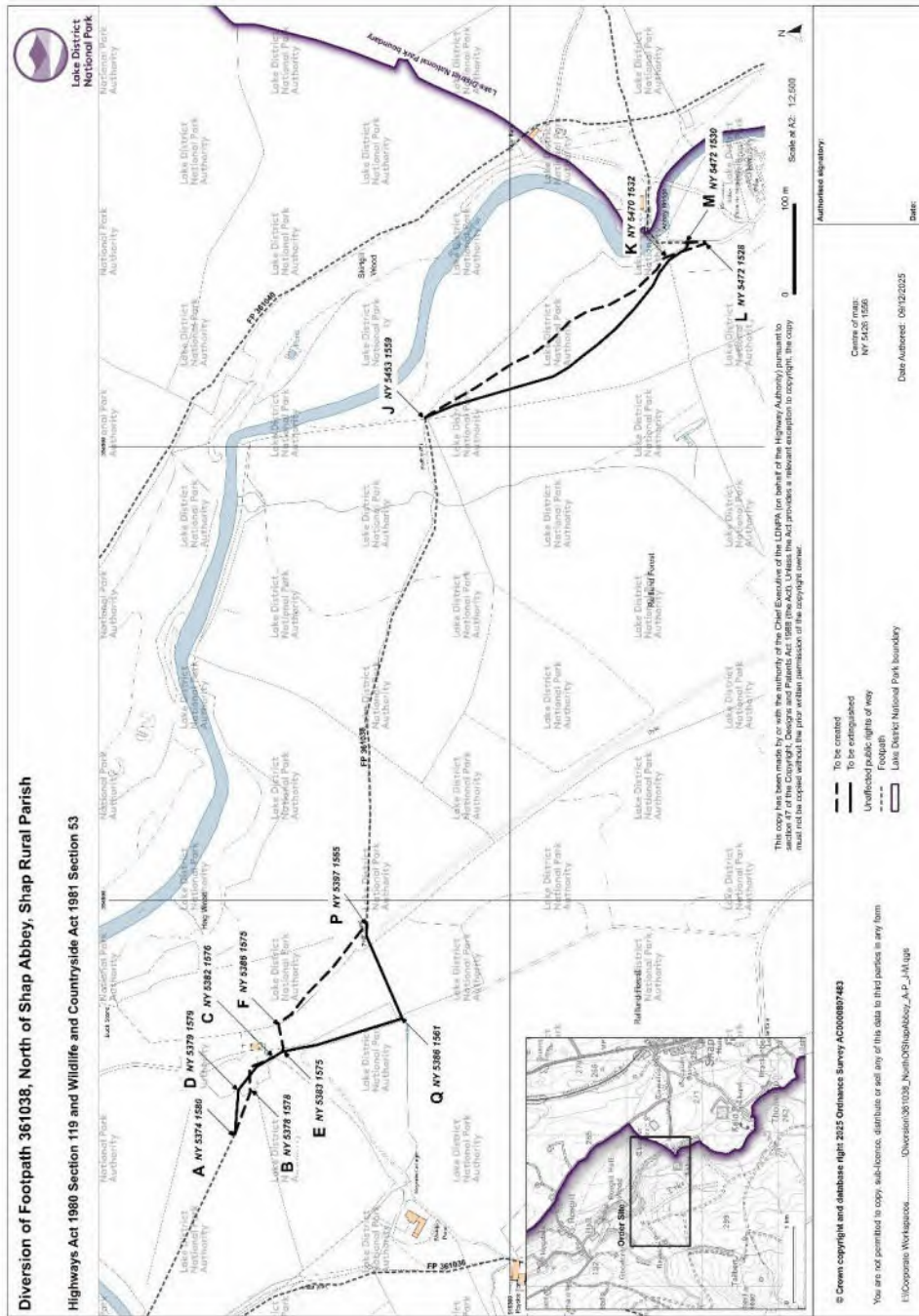


Possible bridge site or stepping stones



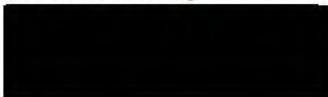
Summary

- 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.....

The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

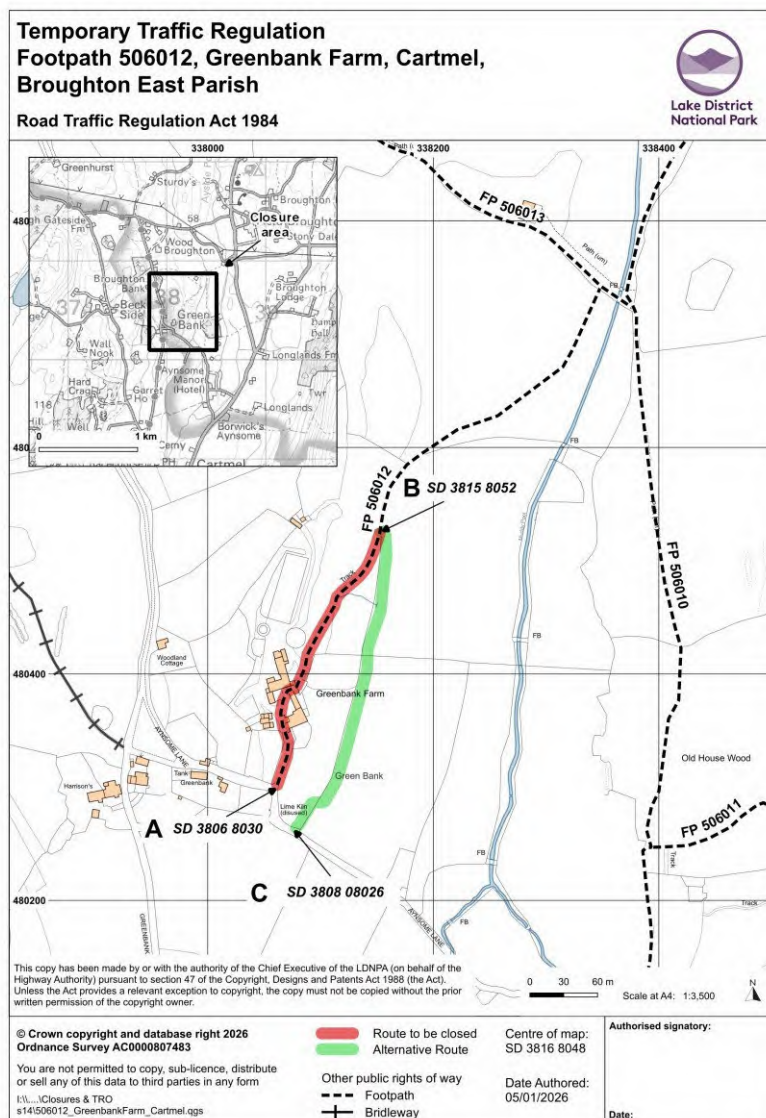
Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE AND ORDER, FOOTPATH 506012, GREENBANK FARM, CARTMEL, BROUGHTON EAST PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders. Rights of Way and Access Matters All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	A barn immediately adjacent to Footpath 506012 is unstable, and a Structural Engineer has assessed that there is a risk of imminent collapse, presenting a significant risk to footpath users. The owner has requested a temporary closure of the footpath until the building can be made safe.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice over Footpath 506012 due to the likelihood of danger from building collapse, and that if necessary we either issue a second Notice (if it appears likely remedial works to make the structure safe will be complete within this timeframe), or convert the Notice to an Order if it appears the works will require a longer closure period.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice 	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (290)	
Date of Report	5 January 2026	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	5 January 2026	

TEMPORARY TRAFFIC REGULATION NOTICE AND ORDER, FOOTPATH 506012, GREENBANK FARM, CARTMEL, BROUGHTON EAST PARISH

1 Summary

1.1 This report recommends the temporary prohibition of traffic over part of Footpath 506012 (between points A and B) as there appears a likelihood of danger to the public due to the potential for an unstable barn immediately alongside the footpath to collapse. Due to the likelihood that it will not be possible to sufficiently mitigate the risk within 21 days, it is also recommended that in due course we either issue a second Notice, or convert the Notice to an Order (whichever appears most expedient).

Recommendation: *That we issue a Temporary Traffic Regulation Notice over Footpath 506012 due to the likelihood of danger from building collapse, and that if necessary we either issue a second Notice (if it appears likely remedial works to make the structure safe will be complete within this timeframe), or convert the Notice to an Order if it appears the works will require a longer closure period.*



2 Details of Request

- 2.1 We have been contacted by the owner of Greenbank Farm near Cartmel who has requested the temporary closure of Footpath 506012. The footpath passes through the farmyard and through a passage at the northeast corner of the yard between a shippen barn and stable barn (this passage was previously roofed). It has been identified that structural movement of the stable barn building has taken place in the immediate vicinity of the footpath. The buildings at the property are of considerable age, the farmhouse and cottage are Grade 2 Listed Buildings dating from at least the 17th Century.
- 2.2 The stonework of the stable barn has been assessed by building contractors and a structural engineer and they have concluded that there is a risk that the barn may collapse imminently, which would present a significant risk and likelihood of danger to anyone on the footpath. The owner has provided a report from a Loss Adjuster following their engineer's inspection of the barn. The issues appear to have stemmed from a lean-to internal dividing wall which has caused ongoing movement and destabilisation of the structure, exacerbated by a lack of mortar. A large visible crack has opened up near the corner of the barn (visible in photos provided by the owner – see Appendix A). It appears the earthquakes which occurred on 3 and 19 December 2025 appear to have revealed the issues (though the engineer has highlighted that the issues were pre-existing).
- 2.3 The owner has therefore requested a temporary closure of the footpath. Remedial works are scheduled to begin on 5 January 2026 with scaffolding to be erected (on the footpath). It is anticipated that the works will involve bringing down three internal walls and the southeast corner of the barn (the corner which the footpath passes) and then rebuilding them. The roof will also need to be supported during this process.
- 2.4 An early estimate is that the works may take around 12 weeks. The works will require use of lime mortar – which may push back the schedule because it is not recommended to apply lime mortars at times when the temperature may fall below 5°C. A closure due to the likelihood of danger may last up to 21 days. It therefore appears likely that there will be a need to issue a further Notice, or convert the Notice to an Order. The owner has been asked to discuss the footpath closure with their contractors, specifically as to whether the scaffolding and initial works may be able to make the structure safe to the degree that the footpath (or a sufficient part of its width to enable passage) could be made available again to avoid the need for the footpath to remain closed for the whole period of the remedial works.
- 2.5 The owner has suggested an alternative route which begins from Aynsome Lane (a short distance along the road from the end point of the footpath) and passes through fields to the east of the property and rejoins the footpath north of the property, as shown on the plan between points B and C.
- 2.6 Site notices will be displayed at either end of the footpath, and at the end of the closed section (point B on the plan) where it meets the alternative route. We will also erect directional signage to aid path users with following the alternative route. The owner has confirmed they will discuss with their contractors any fencing or other measures necessary to prevent walkers continuing on the dangerous section of the footpath whilst the closure is in effect.

3 Policy Context

- 3.1 A key outcome of the Vision for the Lake District National Park 2006 – 2030 is a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved. Our Partnership's Plan is the Management Plan for the Lake District National Park which contains our policies for achieving the aims and desired outcomes for the Vision.
- 3.2 There is no specific action or policy relating to temporary closures, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

4 Options

- 4.1 The options are to:
- a) Issue the Notice
 - b) Do not issue the Notice

If option a) is authorised then consideration can also be given to:

- c) If the building cannot be made safe within 21 days, a further Notice to be issued, or the Notice converted to an Order, depending on the likely timescale for remedial works

5 Proposal

- 5.1 I recommend options 4.1a and 4.1c for the reasons outlined in sections 2 and 8. Currently there appears to be a significant likelihood of danger to the public due to the potential for collapse of the barn. It appears unlikely that it will be possible for works to progress to the point that the likelihood of danger will have been removed within the 21 day period of a first Notice – and that therefore a second Notice, or conversion of the Notice to an Order will be necessary. An alternative route will be made available and signed.

6 Best Value Implications

- 6.1 The Best Value implications are:
- a) The **challenge** is for us to effectively manage the network and inform the public of relevant issues.
 - b) Processing temporary traffic regulation notices and Orders is not a **competitive** procedure. Westmorland and Furness Council can also process temporary closure notices and Orders, but we are the best placed organisation to make this notice.
 - d) We have **compared** our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.

7 Finance Considerations

- 7.1 The costs of a temporary closure Notice are approximately £340 which covers staff-time, stationery and postage. In this instance it is likely that a second Notice or conversion to an Order (approximately, £1,060 plus the cost of one advert) will be necessary. As this situation has come about unexpectedly and the applicant has been prompt in reporting the potential danger to the public to us, I would recommend we consider waiving some of the costs of the full process. In this instance I would propose that if a second Notice or an Order is required, then the costs of the latter work be waived up to the value of the Notice fee (that is – we charge for the first Notice as normal – but reduce the amount of the charge for a second Notice or Order process by the equivalent sum).

8 Risk

- 8.1 The major risk associated with this is if we do not issue the Notice. There would be a significant likelihood of danger to footpath users if the barn building were to collapse or shed masonry on to the right of way. The building has undergone structural movement and an engineer has concluded that there is a risk of imminent collapse.
- 8.2 Once works begin to address the structural issues scaffolding will be erected within the footpath and there will be hazards associated with these works including an ongoing risk of structural collapse, machinery use and movement of materials on the right of way, risk of materials being dropped from the scaffolding and the use of lime mortar.

9 Legal Considerations

- 9.1 The relevant grounds for restricting or prohibiting traffic on this path is within section 14(1)(b) and 14(2) of the Road Traffic Regulation Act 1984; namely because of the likelihood of danger to the public. Such a Notice can last for 21 days. If the likelihood of danger remains beyond that time we may issue a further notice, or convert the notice to an Order.
- 9.2 The Head of Strategy & Ranger Service has delegated powers to authorise the issuing of Notices and making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984, and under our Agency Agreement with Westmorland and Furness Council. These have been sub-delegated to the Ranger Team Leaders.

10 Human Resources


- 10.1 The initial work involved in this proposal is approximately nine hours from members of the Ranger Service. The work involved is part of our day-to-day duties, and much of it has already been undertaken. Issuing a second notice, or conversion of the notice to an Order will entail further work by the Ranger Service, GIS technician and Authority Solicitor.

11 Sustainability

- 11.1 I have not identified any significant environmental, economic or social effects that will affect sustainability due to this temporary closure.

12 Consultation

- 12.1 There is no requirement to consult upon issuing a Notice. We will notify the usual interested bodies and individuals including Westmorland and Furness Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups.

Authorised by:  Steve Tatlock, Ranger Team Leader Date...5 January 2026.....

Background Papers

Author:

Date Written:

Version

Case file 1410.003 (290)

Will Hinchliffe, Rights of Way Officer

5 January 2026

FINAL

Appendix A: Images provided by the owner

View of the barn from the footpath facing westwards – the footpath passes between the two buildings. A large crack can be seen in the masonry of the first storey -



View eastwards along the footpath between barns -



Internal view of the corner of the barn – the crack can again be seen -



The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 542021 AND UNRECORDED WAY GENERALLY USED AS PART OF FOOTPATH 542021, TENTERS PATH, GRASMERE, LAKES (GRASMERE) PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service (and exercisable by the Head of Ranger Service as that post has ceased to exist), and sub-delegated to Ranger Team Leaders.</p> <p>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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	The surface of Footpath 542021 has become uneven and we have received funding via DEFRA's Access For All Programme for re-tarmacking works. To enable the planned works to be carried out safely and efficiently a temporary closure appears necessary. The works are anticipated to take around two weeks and an alternative route will be available via a footway and road.	
Details of Decision	<i>That we make a Temporary Traffic Regulation Order over Footpath 542021, and the unrecorded way generally used as part of Footpath 542021, to enable works to re-tarmac the path's surface</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not making an Order 	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest		None
Author and contact details of report	Will Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (291)	
Date of Report	2 February 2026	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	2 February 2026	



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Temporary Traffic Regulation Order – Authorisation Report: 2 February 2026

Footpath 542021 and unrecorded way generally used as part of Footpath 542021

Page 1

TEMPORARY TRAFFIC REGULATION ORDER, FOOTPATH 542021 AND UNRECORDED WAY GENERALLY USED AS PART OF FOOTPATH 542021, TENTERS PATH, GRASMERE, LAKES (GRASMERE) PARISH

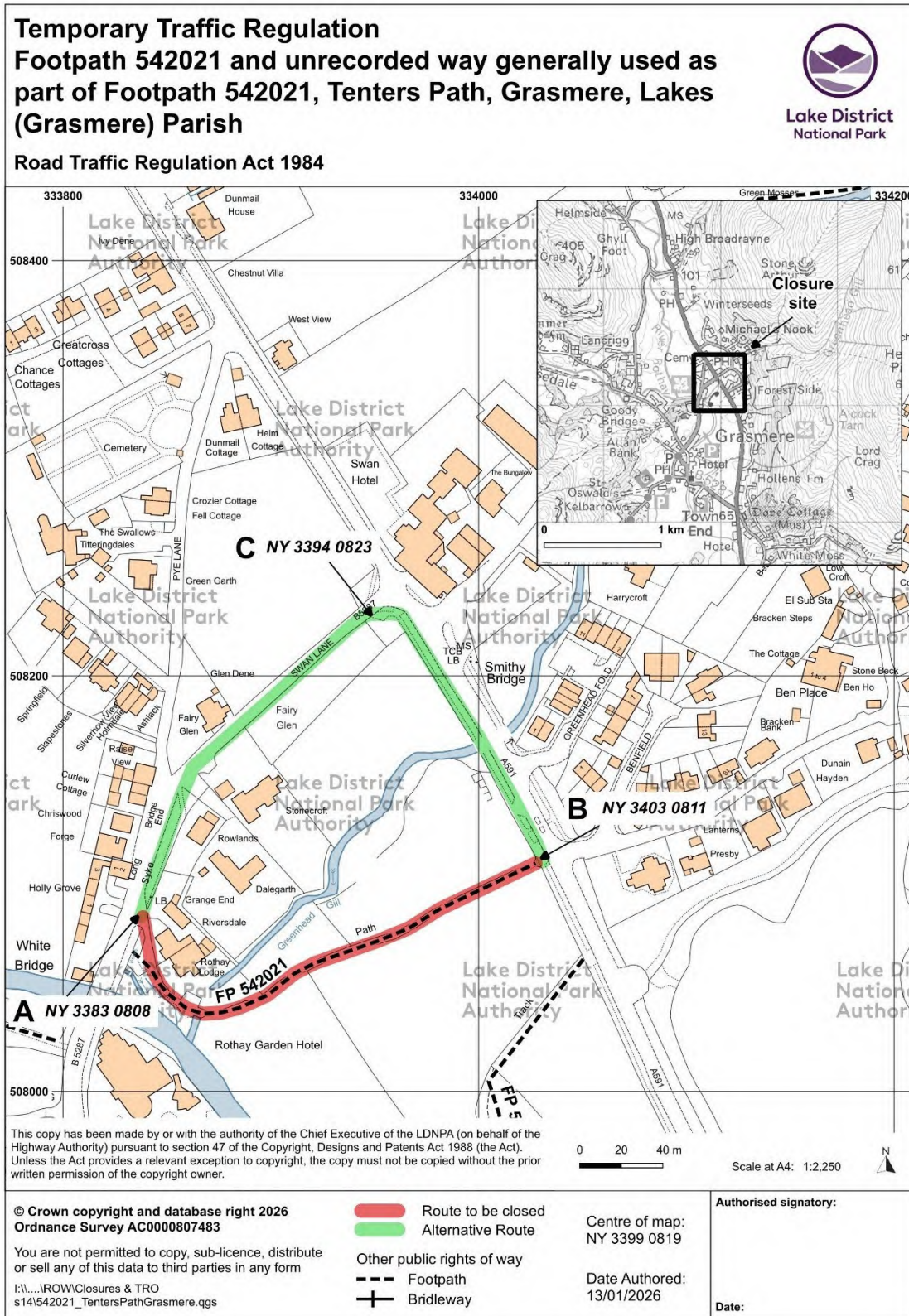
Summary

1. This report recommends the temporary prohibition of all traffic over footpath 542021 (known as the Tenters Path), and the unrecorded way generally used as part of footpath 542021, to enable works to re-tarmac the path's surface.

Recommendation that:

We make a Temporary Traffic Regulation Order for footpath 542021, and the unrecorded way generally used as part of footpath 542021, as shown between points A and B on the plan

Map 1: Location Plan



Background

2. The surface of the Tenters Path at Grasmere is very old and in a poor state of repair. We have received reports of a couple of incidents where members of the public have fallen on the uneven surface. The current tarmac is of a very basic standard, with no sub-base beneath the tarmac. Our Ranger has therefore prepared a job for a contractor to dig out the existing path surface, build up an MOT sub-base then re-surface this with tarmac. This should result in an improved surface which is less prone to becoming uneven in future. Funding is in place for these works from DEFRA's Access For All programme, and the works must be completed before the end of March to meet the terms of the funding.
3. During the works the full width of the path will be obstructed by the digging up and re-laying of the path. The path is very narrow and confined for much of its length, with no verge available which walkers could use to circumnavigate the works. There will also be vehicles and machinery in use for the works which would present a hazard if the path remained open to the public. The new tarmac surface will not be suitable for walking on until it has dried / cured.
4. It therefore appears appropriate to make an Order temporarily closing this footpath to enable these works to be carried out safely and efficiently. It is anticipated that the works will commence in late February or early March, and that they will take around two weeks. Our Ranger has aimed for these dates as they will avoid the path being closed during school holidays. Although an Order may remain in effect for up to six months, the closure would be in force only until the works are complete and the new surface ready for use.
5. Map 1 above shows the path to be closed (in red between points A and B), and the most direct available alternative route (in green between points A, C and B). The alternative route utilises Swan Lane and the footway along the A591. Part of Swan Lane has no pavement – the Countryside Access team at Westmorland and Furness Council have been consulted about use of this and confirmed that they are supportive of our suggestion to indicate this as an

alternative route, given that it is realistically the alternative which will be used by pedestrians whilst the footpath is closed. There is already frequent use of this road by walkers, and there is an existing 'pedestrians in road' type triangular hazard sign at the junction of Swan Lane and Pye Lane. As suggested by the Westmorland and Furness Councillor who responded to our consultation, it appears logical that a similar sign is erected close to point C whilst the works are ongoing and the contractors will be asked to provide this.

Policy context

Links to Vision and Management Plan

6. 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.

Links to Business Plan

7. There is no specific action or policy relating to temporary closures within the Business Plan, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

Options

8. The options are to:
 - a) Make a Temporary Traffic Regulation Order
 - b) Do not make an Order

Proposals

9. I recommend option 8a for the reasons set out in the Background section. A closure of the footpath will enable the proposed re-tarmacking works to be undertaken safely and efficiently. The path will be wholly obstructed during much of the works, and without a closure it would be difficult practically to

carry out the re-surfacing. The closure should only be in effect for a couple of weeks, and an alternative route is available.

Stakeholder consultation

10. We have carried out a consultation with interested bodies and individuals, including Westmorland and Furness Council (the Highway Authority), the Parish Council, Local Access Forum and various user groups.
11. We received the following responses:

Name of stakeholder	Consultation response
Open Spaces Society	The OSS recognise the need for this work and accept the TCO as necessary especially, although by road, there is an alternative route suggested.
Westmorland and Furness Councillor	It seems impractical to proceed with this work if the signage isn't clear. Can we do something to improve the signage at the White Bridge end (village end)? Enhanced signage from The Swan bus stop would be greatly beneficial. The number of people walking on the road down the narrow Swan Lane is quite dangerous, as many seem unaware that a footpath runs parallel to this road into Grasmere Village.

Demonstrating best value

12. **Challenged** – the challenge is for us to effectively manage the network and inform the public of relevant issues.
13. **Compared** – we have compared our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.
14. **Consulted** – we have carried out the required consultations.
15. **Compete** – processing Temporary Traffic Regulation Orders is not a competitive procedure. Westmorland and Furness Council can also process temporary closure Orders, but we are the best-placed organisation to make this order.

Finance considerations

16. The costs of a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage), plus the cost of two newspaper adverts. As this work is to enable us to carry out maintenance on the rights of way network, it is appropriate that we meet all the costs from existing budgets and our own time.

Risk

17. The major risk associated with this is if we do not make an Order. As discussed in paragraph 3 there would be hazards to members of the public from machinery and vehicle movements, and the path surface will be disturbed during the works.

Legal considerations

18. The relevant ground for prohibiting traffic on this path is within Section 14 of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path (Section 14 (1)).
19. Part of this closure would be over a section of the path which is not the recorded definitive line of the public right of way. This anomaly is at the western end of the footpath, where it meets the B5287, with the definitive line meeting the road approximately 15 metres south-southwest of the route generally in use - this appears to have been a longstanding issue. Section 142 (1) of the Road Traffic Regulation Act 1984 empowers the closure of 'any length of highway or of any other road to which the public has access', which would include this section of path. This anomaly is recorded in our systems and in future we may consider whether it is appropriate to make an Order to resolve this or seek to reinstate the recorded definitive line.
20. The Head of Strategy and Ranger Service has delegated powers (now exercisable by the Head of Ranger Service as that post has ceased to exist) to authorise the issue of Notices and the making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984. This has been sub-delegated to the Ranger Team Leaders.

Human resources

21. The work involved in this proposal is approximately 15 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

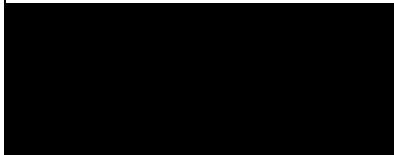
Diversity implications

22. I have not identified any issues relating to diversity as a result of the making of a TTRO, or a decision not to.

Sustainability

23. I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:



.....
Ranger Team Leader

Date: 2 February 2026

Background papers:	Case file 1410.003 (291)
Author / Post:	Will Hinchliffe, Rights of Way Officer
Responsible Director:	Steve Ratcliffe, Director of Sustainable Development
Date written:	2 February 2026

The Openness of Local Government Bodies Regulations 2014 require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
 - i) grant permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	TEMPORARY TRAFFIC REGULATION NOTICE, FOOTPATH 212045, SCALECLOSE FOOTBRIDGE, BORROWDALE PARISH	
Relevant section of Scheme of Delegation	<p>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</p> <p>ANNEX 4 - Functions delegated to Head of Ranger & Strategy Service, and sub-delegated to Ranger Team Leaders and Senior Rights of Way Officer.</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 Cumberland Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and Planning Acts.</p>	
Background	The footbridge over Scaleclose Gill which carries Footpath 212045 is in poor condition and requires replacement. To enable our Ranger team to undertake the replacement safely and efficiently, and prevent the risk that members of the public will try to use the incomplete new bridge during installation, a short-term temporary closure appears necessary. The works are anticipated to take five days or less, and an alternative route will be available via another footbridge on open access land.	
Details of Decision	<i>That we issue a Temporary Traffic Regulation Notice for part of Footpath 212045 to enable works to replace the footbridge over Scaleclose Gill.</i>	
Details of alternative options considered and rejected.	<ul style="list-style-type: none"> • Not issuing a Notice 	
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	Will Hinchliffe, Rights of Way Officer	
Background Papers	Case file 1410.003 (292)	
Date of Report	9 February 2026	
Authorising officer	Jack Holmes, Ranger Team Leader	
Date	9 February 2026	



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Lake District National Park Authority
Temporary Traffic Regulation Notice – Authorisation Report: 9 February 2026
Footpath 212045 – Scaleclose Footbridge

Page 1

TEMPORARY TRAFFIC REGULATION NOTICE, PART OF FOOTPATH 212045, SCALECLOSE FOOTBRIDGE, BORROWDALE PARISH

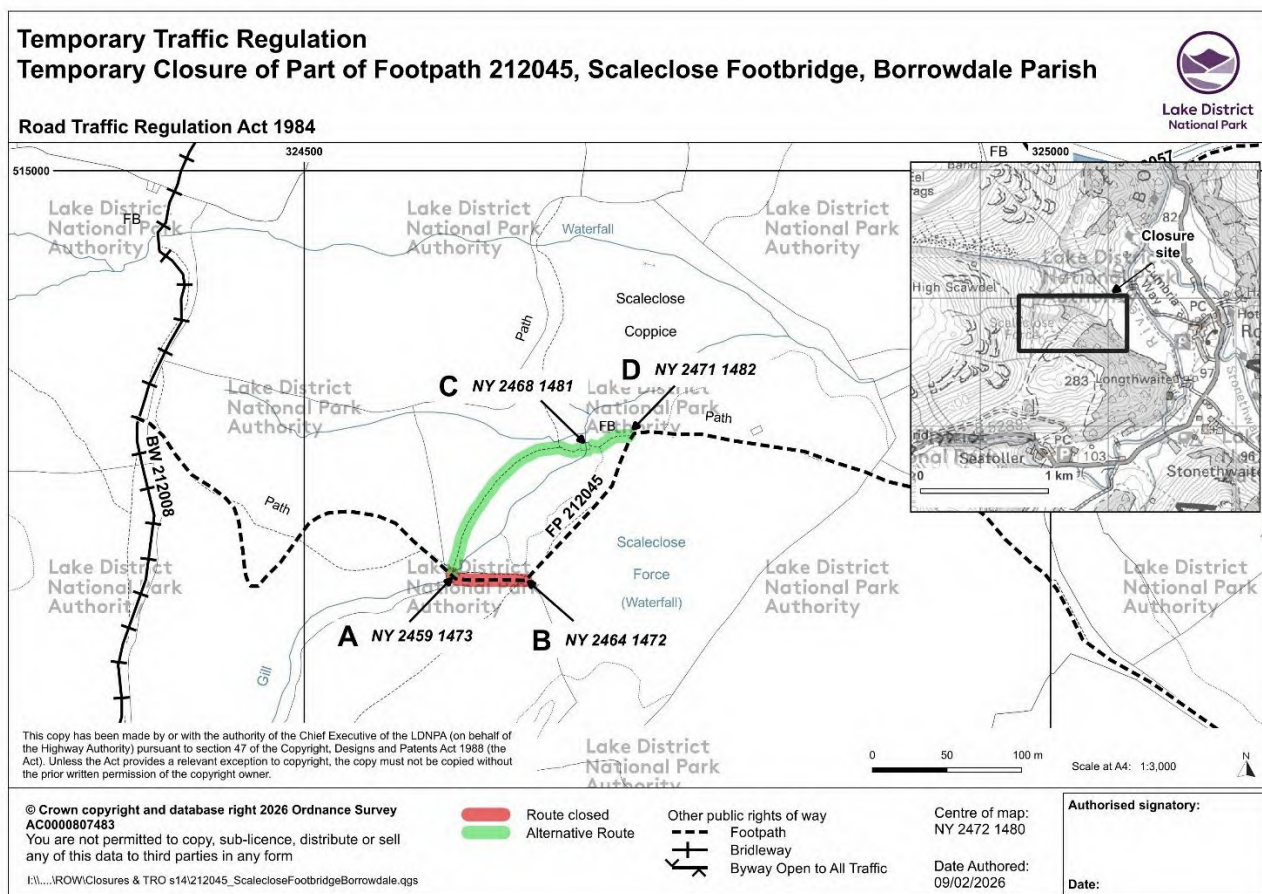
Summary

1. This report recommends the temporary prohibition of traffic on a section of footpath 212045 over the footbridge at Scaleclose Gill, and its approaches, to enable us to carry out works to replace the bridge safely and efficiently.

Recommendation that:

We issue a Temporary Traffic Regulation Notice for part of footpath 212045 to enable works to replace the bridge, as shown between points A and B on the plan

Map 1: Location Plan



Background

- The footbridge over Scaleclose Gill, at NY 2460 1472, is in poor condition and requires replacement by our Ranger team. The current bridge was installed in 2007. Over the last four years our team have carried out a number of jobs to repair rotting uprights and deckboards, and rot has also been identified in the beams. It now appears prudent to replace the whole bridge due to its deterioration and the likelihood the structure will not remain safe much longer (which would necessitate a longer closure). This replacement has been included in our planned bridge work programme for 2026.
- Once the old bridge has been removed it will not be possible for users to safely cross Scaleclose Gill via the footpath until the replacement is complete – the gill is steep and rocky, with a significant drop from the banks to the beck,

and strong water flow after rainfall, so it is not suitable for fording. Installation of the new bridge will not be possible in a day, and therefore the partially complete bridge will be unattended at times – the greatest risk if the footpath were to remain open throughout would be that members of the public may try to cross via the new bridge before it is complete. Additionally, closing the bridge will enable our team to carry out the replacement (which will include use of heavy machinery / equipment) efficiently, with minimal disturbance.

4. It therefore appears appropriate to issue a Notice temporarily closing the section of the footpath over the bridge and its approaches to enable these works to be carried out. It is anticipated that the duration of the works will be five days or less, and currently the team are aiming to carry out the replacement in the week commencing 2 March 2026. Completing the works at this time will avoid the replacement taking place during school holidays. This is reliant on the delivery of materials to site by helicopter in February – if this is postponed due to the weather then the works date may also need to be delayed. The notice will only be issued once we know when the works will actually commence and will come into effect on that date.
5. Map 1 above shows the section of path to be closed - in red between points A and B. Keeping the section between points B and D open appears appropriate as there is a well-used trod across open access land which continues southwest from point B which would otherwise be cut off. An alternative route will be available as shown between points A, C and D – via a trod over open access land and footbridge maintained by the National Trust (who are the landowner here).
6. Site notices will be installed at either end of the closed section of footpath and on the approaches (point D and the junction of the footpath with bridleway 212008). Directional signage may also be needed to aid path users with following the alternative route.

7. Photos of the bridge are provided below for context:

From the North -



From the South –



Photo taken after replacement of deckboards and upright in 2024 –



Policy context

Links to Vision and Management Plan

8. 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.

Links to Business Plan

9. There is no specific action or policy relating to temporary closures within the Business Plan, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

Options

10. The options are to:
 - a) Issue a Temporary Traffic Regulation Notice
 - b) Do not issue a Notice

Proposals

11. I recommend option 10a for the reasons set out in the Background section. A closure of the footpath will enable the proposed bridge replacement to be undertaken safely and efficiently. Path users will be made aware that the bridge is undergoing replacement, and the likelihood anyone will attempt to use the new bridge before it is complete will be mitigated with the availability of an alternative route.

Stakeholder consultation

12. There is no requirement to consult when issuing temporary closure notices. However, as this closure is being planned ahead, we will send a notification email to our usual interested parties (Parish Council, Highway Authority, user groups and so on) to make them aware of the upcoming closure.

Demonstrating best value

13. **Challenged** – the challenge is for us to effectively manage the network and inform the public of relevant issues.
14. **Compared** – we have compared our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.
15. **Consulted** – we have carried out the required consultations.
16. **Compete** – processing Temporary Traffic Regulation Notices is not a competitive procedure. Cumberland Council can also process temporary

closure Orders, but we are the best-placed organisation to make this order, particularly in this case where the closure will facilitate our works to maintain the rights of way network.

Finance considerations

17. The cost of issuing a temporary closure Notice is approximately £340 (which covers staff-time, stationery and postage), plus the cost of two newspaper adverts. As this work is to enable us to carry out maintenance on the rights of way network, it is appropriate that we meet all the costs from existing budgets and our own time.

Risk

18. The major risk associated with this is if we do not close the footpath whilst the bridge replacement works are underway. As discussed in the Background section there would be a significant risk to any members of the public who attempted to use the new bridge whilst installation is ongoing. There would be additional hazards to members of the public during the works due to the use of heavy machinery / equipment, and movement of materials, and for our staff in having to manage the approach of members of the public to the site whilst carrying out the works.

Legal considerations

19. The relevant grounds for restricting or prohibiting traffic on this path is within Section 14(1) or (2) of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path.
20. The Head of Strategy and Ranger Service has delegated powers to authorise the issue of Notices for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984. This has been sub-delegated to the Ranger Team Leaders and Senior Rights of Way Officer.

Human resources

21. The (legal) work involved in this proposal is approximately 3 hours from members of the Ranger team, and 0.5 hours from the GIS Officer. The work involved is part of our day-to-day duties, and most of it has already been undertaken.

Diversity implications

22. I have not identified any issues relating to diversity which would result from the issuing of this Notice, or a decision not to.

Sustainability

23. I have not identified any significant environmental, economic or social effects that will affect sustainability relating to this proposal.

Authorised by:



Jack Holmes, Ranger Team Leader (North)

Date: 9 February 2026

Background papers:	Case file 1410.003 (292)
Author / Post:	Will Hinchliffe, Rights of Way Officer
Responsible Director:	Steve Ratcliffe, Director of Sustainable Development
Date written:	9 February 2026



Lake District
National Park

Openness of Local Government Bodies Regulations 2014

These 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 FOOTPATH 510004, KNOTT COTTAGE (HARROWSLACK), CLAIFE 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 and sub-delegated to a Ranger Team Leader.</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 Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the</p>

	<p>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	<p>During a planning application process, an issue with a previous diversion order was noted – where the mapped route appears to be inside the garden wall, when the intention was that the path (as on the ground) would run outside the wall. We propose to rectify this with a new diversion order.</p>
Details of Decision	<p>To divert the section of FP 510004 at Knott Cottage (previously Harrowslack) between points A & B to the line in use to the south of the new garden wall.</p>
Details of alternative options considered and rejected.	<p>Not to divert the path.</p>
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	<p>None</p>
Author and contact details of report	<p>Nick Thorne, Senior Rights of Way Officer</p>
Background Papers	<p>Case file 1412.510.11</p>
Date of Report	<p>18 February 2026</p>
Authorising officer	<p>Ranger Team Leader Meeting</p>
Date	<p>19 February 2026</p>



Diversion of Footpath 510004, Knott Cottage, Claife Parish

Summary

1. During a planning application process, an issue with a previous diversion order was noted – where the mapped route appears to be inside the garden wall, when the intention was that the path (as on the ground) would run outside the wall. We propose to rectify this with a new diversion order.

Recommendation:

- a. **We make a diversion order to realign public footpath 510004 between points A & B as shown on the plan on page 2 of this report; and**
- b. **We confirm the orders if no objections are received or if those objections received are withdrawn.**

Background

2. This footpath was diverted in 2009 to remove the definitive line of the path from the garden areas of Sawrey Knotts and Knott Cottage (Knott Cottage was then known as Harrowslack or the Stables). The proposal was to move the mapped line to the walked line, just to the south of the garden wall. During the process the owner of Harrowslack requested that the section south of their property be moved very slightly even further south, as they planned to move their garden wall.
3. This was agreed. But between the owner, and differing staff members there appears to have been some misunderstanding or miscommunication. The initial proposal was to level an area of land and to move the wall a metre or two, leaving a 1.8 metre path outside the wall - but it ended up being moved three

metres, leaving a below par width for the footpath. And also meaning that the mapped route was once again inside the garden wall. Although this wasn't the intention, and it is a little uncertain precisely where the legal line of the footpath now is (that is – whether it's the mapped line or the used and intended line).

4. During a recent planning application submitted by the new owner, this came to light. Following discussions and consultations, it is now proposed to rectify any possible confusion and remove any potential problems being stored up for the future by formally diverting the path again – so that the exact correct alignment is known and fixed.

Policy context

Links to Vision and Management Plan

5. 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.
6. The Management Plan contains the policies and actions for achieving the aims of the Vision. 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.

Links to Business Plan

7. 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).

Links to other strategic plans

8. The Ranger Service Plan contains the 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.
9. '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.
10. This proposal will slightly improve the existing walked line.
11. Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
12. 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 covered in the discussions below.

Options

13. Ranger Team Leaders are presented with the following options:

- a. Divert the footpath as suggested; or
- b. Open up the mapped line by removing the high garden wall.

Proposals

14. I recommend 4.1a. It resolves the identified issue, retains the privacy of the owner's property, and is accepted by our consultees.

Stakeholder consultation

15. Our standard consultees have been contacted. We have had little response, which could indicate that those consulted are generally happy with the proposal. Those who did respond are listed below.

Open Spaces Society	<p>We have walked the path a couple of times in recent years.</p> <p>The OSS have no objection to the proposed diversion subject to the necessary works being undertaken to a standard acceptable to the LDNPA in advance of the Order coming into force.</p>
Claife Parish Council	<p>Support the application – so long as the path is at least 1.0m wide and maintained that width <i>[it will be 1.5-1.8m surfaced width]</i>.</p>

Demonstrating best value

17. **Work Programme and Relevance to This Case:** this proposal has come about through a planning application being submitted. If not resolved, it may unnecessarily delay any implementation of any planning permission that may be granted – through no fault of the applicant. It was therefore decided to expedite the matter.
18. **Challenged –** The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion is a speedy and pragmatic method of resolving this issue.
19. **Compared –** We have **compared** our casework completion rates with other authorities, and we appear to carry out the same sort of numbers of cases as other similar sized authorities. The diversion will align the definitive map and situation on the ground and will improve our ‘ease-of-use’ performance indicator if the path is selected for survey in the future.
20. **Consulted –** We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are at section 6.
21. **Compete –** Processing public path orders is not a **competitive** procedure. Westmorland & Furness / 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.

Finance considerations

22. The staff and administrative costs for a standard diversion such as this are £3,150, and two adverts in the Westmorland Gazette costing around £300+VAT each. As the matter appears to have been partly caused by our past actions, it is appropriate that we waive these costs and meet the advertising costs ourselves. The landowner has offered to widen the existing path using plant machinery, and will surface it with quarry waste similar to the current surface. Thus the actual costs of the proposal are shared.

Risk

23. The main risk with any diversion order is that objections will be received, which could lead to the LDNPA incurring the costs of submitting the matter to the Secretary of State. Prior consultation is the best way of mitigating this risk – and I consider that the risk is very low.

Legal considerations

24. The order will be made under section 119 of the Highways Act 1980 and we are able to make orders under this section 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 do such orders through our Agency Agreement with Cumbria County Council. The action strikes a reasonable balance between private and public rights.

Human resources

25. The work involved in this proposal is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.

Diversity implications

26. I have not identified any significant diversity implications. The path is already well used, and this will not change. The widening of the existing walked route will actually make it more usable for those with pushchairs and so on.

Sustainability

27. I have not identified any significant environmental, economic or social effects.

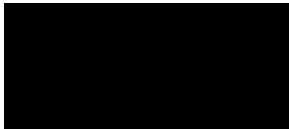
Background papers Casefile 1412.510.11, and previous diversion 1412.510.07

Author / Post Nick Thorne, Senior Rights of Way Officer

Responsible Director Stephen Ratcliffe, Sustainable Development

Date written 18 February 2026

Authorised by:



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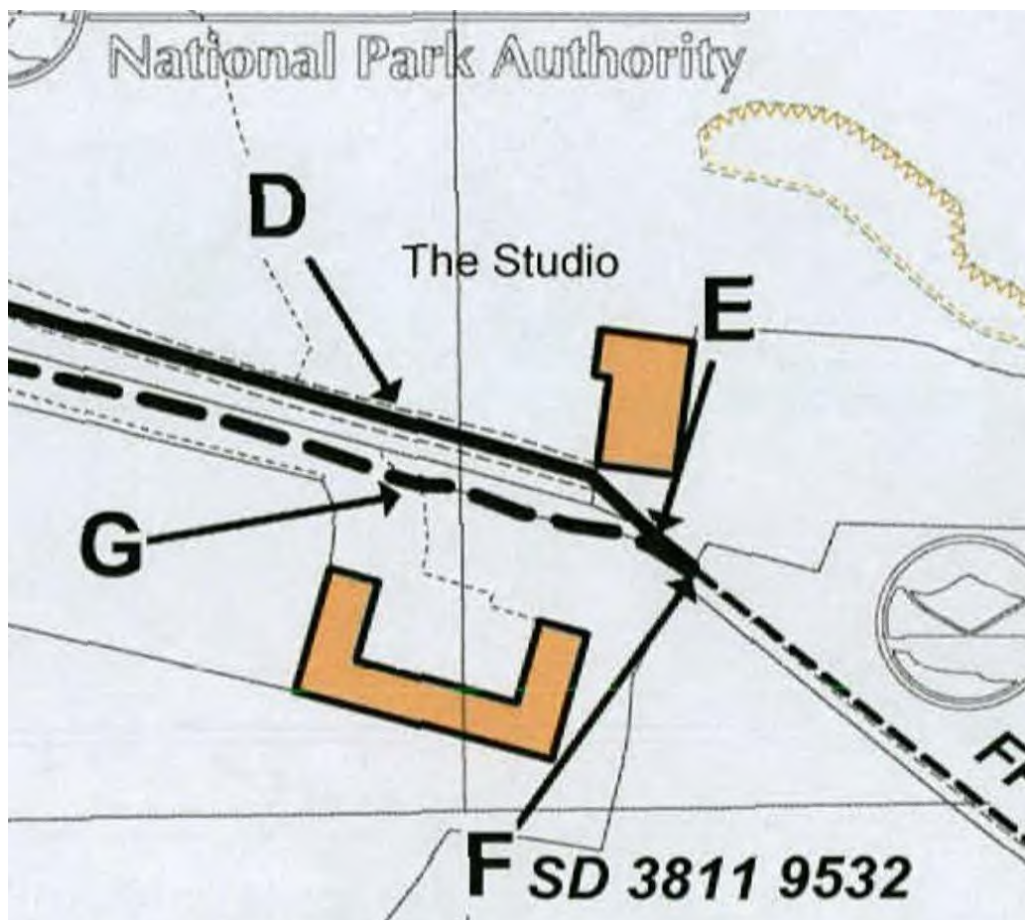
Ranger Team Leaders

Date 18/02/2026

Annex 1: Discussion

What is being proposed, and why?

1. In 2009, footpath 510004 was diverted to remove it from the garden area of Sawrey Knotts, and Harrowslack / The Studio / The Stables (what is now known as Knott Cottage). The diversion at this section is shown below between G & F.



2. During the discussions, the then owner mentioned that they were proposing to move the garden wall slightly to the south. The initial authorisation report stated that this would be a 'metre or so'. To ensure that the width of 1.8 metres as stated in the diversion order was provided, the owner removed some of the banking that was to the south. The work following this is shown on the photograph below.



3. The proposal as understood by the rights of way team was that the wall on the left would be moved outwards a metre or so, leaving a good 1.8 metres between the new wall and the base of the bank on the right. However, this seems not to have been the understanding of the landowner and our Ranger who was discussing the matter on site. The eventual result was that the wall was actually moved around three metres – leaving a narrower path between the wall and the bank. Over time, this has become slightly narrower still through slippage from the bank and general overgrowth. The secondary result was that, although the diversion order plan would have accommodated the minor move, the result of the larger move was that the mapped line was now to the north of the garden wall. The physical situation in December 2025 can be seen below. The path is to the right of the wall.



4. When planning application 7/2025/5571 was submitted, we noticed this anomaly. The situation was basically that the mapped line was inside the garden, although those involved in the 2009 diversion clearly intended, and thought, that it would be outside the garden. Which was indeed where everyone has used it for the last 15 years. The anomaly has basically come about through a misunderstanding or miscommunication and lack of full discussion and adherence to the diversion order plans in 2009. No fault can be attributed, it is just one of those things – but we have a mapped line in a different place than the ‘real’ line. And the real line is slightly substandard.
5. After discussing this with the planner and the landowner, it was agreed that the best solution would be to divert the path onto the walked route, and improve the walked route through widening and resurfacing. This would resolve any issues that may arise from any uncertainties as to where the actual legal line of the public footpath is. It would also end up with a better actual path than currently exists. We will end up with a level path roughly where shown in red on the photograph below.



Grounds for Diversion

6. 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.
7. 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:
 - in the interests of the owner, lessee or occupier of the land crossed by the path, OR
 - in the interests of the public.
8. I consider that it is expedient in the interests of both the landowner and the public. It will remove and clarify any residual risk that the legal line of the footpath is in the garden by clearly placing the mapped line outside the substantial garden wall. It will also bring about an improvement to the surface and width of the current walked line – which couldn't be achieved without that clarification.

Tests for Diversion

- 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.

9. *Will the new path be substantially less convenient to the public?*- 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. Taking these considerations into account I do not consider that there is any loss in convenience from this minor change.
10. *What is the effect of the diversion on public enjoyment of the path or way as a whole?* - I do not consider that there is any change in enjoyment from the current situation. The walked route is arguably more enjoyable to most than going into, then out of someone's garden.
11. *Would the order affect other land served by the existing right of way?* - There are no other rights along the path that we are aware of.
12. *Is there any effect of the new right of way on land over which it is created?* - The land concerned is all in the same ownership, and the owners are happy with the proposals.
13. *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?* - The diversion is 'mid-path' and so the termination points are unaffected.
14. *Other factors relating to our policies* - One of our policies is to maintain the historic integrity of the network. The original (pre-2009) line of the path was in fact the old road through Sawrey, which was stopped up in the 1850s. The character and nature of that route had been eroded long before our 2009 diversion, and this current change will not affect this any further.



Lake District
National Park

Lake District National Park Authority: Openness of Governance
Creation Order, Glenridding Dodd: Authorisation Report

17/02/2026

The Openness of Local Government Bodies Regulations 2014

These require that officers keep and publish 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).

Creation of Public Footpath 357083, Glenridding Dodd, Patterdale Parish

Relevant section of Scheme of Delegation

PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS - ANNEX 4 - Functions delegated to Head of Ranger Service and sub-delegated to Ranger Team Leaders.

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 Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.

Background

A popular route from Greenside Road to the summit of Glenridding Dodd has recently been worked on extensively by Fix the Fells. The Lake District National Park Authority and the National Trust own all of the land and there would appear to be several benefits in dedicating this path as a public right of way.

Details of Decision

To make an Order to create a public footpath (357083) from Greenside Road to the summit of Glenridding Dodd.

Details of alternative options considered and rejected

Not to make an Order.

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest

None

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Author and contact details of report	Will Hinchliffe, Rights of Way Officer
Background Papers	Case file 1412.357.05
Date of Report	23 February 2026
Authorising officer	Ranger Team Leader Meeting
Date	18 March 2026



Creation of Footpath 357083, Glenridding Dodd, Patterdale Parish

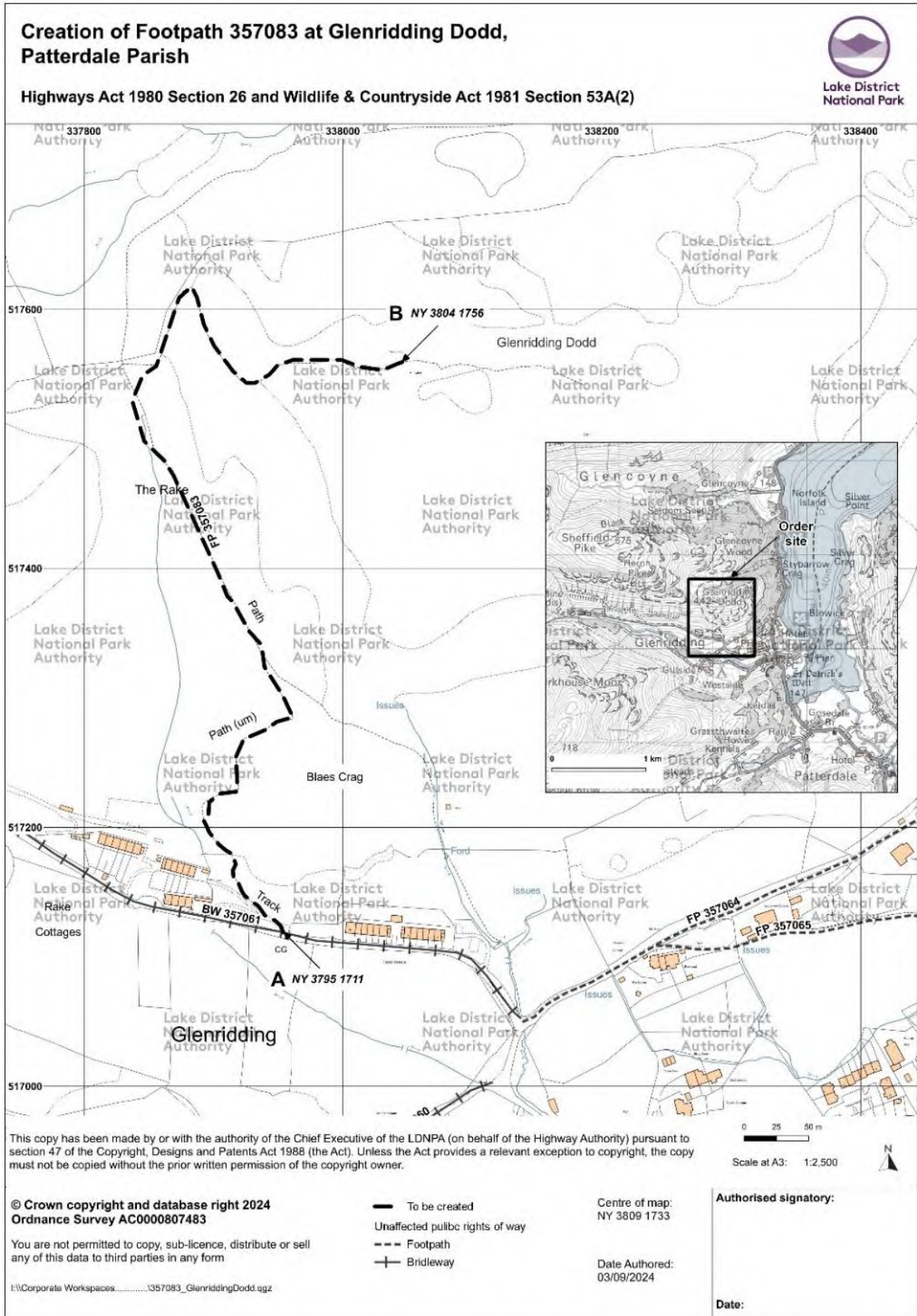
Summary

1. A popular route from Greenside Road (Bridleway 357061) to the summit of Glenridding Dodd has recently been worked on extensively by Fix the Fells to address erosion and create a more sustainable and easier to use surface. The Lake District National Park Authority and the National Trust own all of the land the route passes over. Although most of the route is already open access land, there would appear to be several benefits in this path to an excellent viewpoint becoming a public right of way.

Recommendations that:

- a **We make an Order creating Footpath 457083 from Greenside Road to the summit of Glenridding Dodd as shown A-B on the map overleaf; and**
- b **We confirm the Order if no objections are received or if those objections are withdrawn. If objections are received, we make a further decision on whether to submit the Order to the Planning Inspectorate for determination, or abandon the Order**

Plan 1 – Proposed Creation Order Plan



Background

2. This report considers a proposal to create a public footpath on the most commonly used route up Glenridding Dodd. The fell is situated just to the north of Glenridding village and its summit stands at 442 metres (1,450 feet). Due to its proximity to the village, and offering a short (but strenuous) walk which provides excellent views of Ullswater and the surrounding fells, the route of the proposed footpath is already very popular with walkers. Routes up the Dodd were described in Wainwright's guide to The Eastern Fells – he noted in his guide (first published 1955) that the paths up Glenridding Dodd appeared overgrown and neglected due to lack of use (his description included a route essentially the same as the proposed footpath, which he described as the most straightforward). Seventy years later this route has evidently gained a great deal more popularity (no doubt in part due to the fell being a 'Wainwright').

3. A combination of rainfall and heavy use of the route had led to sections of the surface (particularly those with the steepest gradients) becoming severely eroded and very loose underfoot. In some places scars approaching five metres wide had formed on the path. Preventing erosion of material from the path is particularly desirable at this location as it runs close to the boundary of the Helvellyn and Fairfield Site of Special Scientific Interest (SSSI) and Lake District High Fells Special Area of Conservation (SAC). A short section (approximately 42 metres) towards the top of the path is within the SSSI / SAC. In 2024 Fix the Fells pitched approximately 80 metres of the steepest section of the route using stone from Glencoyne, and undertook other minor surfacing works over the whole route – making the path far easier and safer to use, and more resilient to erosion. Before and after photos of the works have been included in Annex 2. The works were in part funded through the Westmorland and Furness Shared Prosperity Fund and a contribution from the Ramblers' Sharpe Legacy.

4. The plan above shows the route of the proposed public footpath. All but approximately 20 metres of the route (immediately off Greenside Road) is

over access land (most of the path is within Glenridding Common) so there is an existing right of public access to walk most of the route, the benefits of making this route a public right of way are considered in the Discussion section of this report.

Policy context

Links to Vision and Management Plan

5. 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.

6. The Management Plan contains the policies and actions for achieving the aims of the Vision. 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.

Links to Business Plan

7. 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).

Links to other strategic plans

8. The Strategy & Rangers Service Plan contains the 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.

9. 'Out There', our Access and Recreation Strategy 2023-2028 (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.
10. This proposal helps fulfil some of these aims – specifically mainly under the Improve theme. Creating a footpath here could be expected to meet the goals / outcomes of more people walking on a public right of way which connects a key settlement (Glenridding) with an attraction (the summit of Glenridding Dodd - a 'Wainwright' which offers superb views of Ullswater and the surrounding fells). This is also a relatively short walk directly from a settlement – providing opportunities for health and wellbeing benefits which fit both under the Improve and Integrate themes.
11. Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
12. 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 1.

Options

13. The following options are possible:
 - a) Make the recommended Creation Order
 - b) Do not make an Order

Proposals

14. I recommend option 13a). Making this popular path a public right of way will protect it in perpetuity, make it publicly maintainable (protecting the surface created by Fix the Fells and funded by external grants), and will aid with navigation, particularly for less experienced fellwalkers, as the route will be signed and shown on Ordnance Survey maps. All of those who responded to the consultation (paragraph 40) were supportive of the proposal.

Discussion

Grounds and Tests for a Creation Order

15. There are two questions to consider under Section 26 of the Highways Act (1980), 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.
 - Is there a need for the new path?
 - 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

Is there a need for the new path?

16. This route provides a relatively short, but demanding, route from the Greenside Road bridleway on the outskirts of Glenridding, to the top of Glenridding Dodd. The Dodd is a popular destination as it is one of the fells described in Wainwright's guidebooks, and provides excellent views of Ullswater and the surrounding landscape. There is therefore a clear need for a route to the summit to be available to the public.
17. More nuanced in this case is whether there is a need for most of this route to be made a public right of way. Almost all of the land which this route crosses already has open access, so there is an existing public right to use the path.

18. At the southern end of the route, the first 20 metres or so from Greenside Road (point A) are over land with no formal public access – so there is a strong rationale for this section to be made a public footpath to create a right of access to the rest of the path and surrounding access land.
19. Some of the grant funding (from the Ramblers' Sharpe Legacy) enabling Fix the Fells' work on the path was on the condition that the route became a public a right of way. There are several additional reasons why our Fix the Fells Ranger, Area Ranger and myself have arrived at the view that there is a need to create a public footpath over the full path up Glenridding Dodd. Broadly these reasons are to do with ease of navigation and the greater protection of the public's interest in the path which a public right of way provides.
20. Some, but not all, of the proposed route is already shown on Ordnance Survey (OS) 1:25,000 mapping as a physical trod (a black-dashed line). The creation of a public right of way would mean that the whole route was clearly shown on OS (and other providers') mapping – providing information and confidence to walkers who were not familiar with this location that a path is available via this route.
21. We could also have considered including in the Creation Order the continuation of the trod shown on OS mapping to the north side of Glenridding Dodd alongside Mossdale Beck. However, the significant erosion warranting Fix the Fells' involvement had been focussed on the proposed Creation Order route. The proposed route also appears to be the most popular route up Glenridding Dodd - Strava Metro data supports this, recording 1465 Strava users for the six months July – December 2025 on an 'edge' section on the proposed route, compared with 590 users for the same period on the 'edge' section for the trod alongside Mossdale Beck. There appears a greater need to make the more popular and easily-accessed route from Glenridding a public right of way.
22. The Highway Authority, and the Lake District National Park Authority (LDNPA) under our agency agreement, are under a duty to provide signage / waymarking where public rights of way leave a metalled road - Greenside

Road would be considered a metalled road as it is a made-up surface; a mix of degraded tarmac and stone aggregate. Although we have already installed a fingerpost here (and could continue to choose to do so), creating a public right of way would create a duty for us to maintain a fingerpost (and provide waymarking or signage elsewhere on the route if it appears necessary to aid walkers unfamiliar with the locality), which should protect the public interest in having this route signed in future.

23. Contributing to the value of a clearly mapped and signed public footpath here, the current OS 1:25,000 mapping shows an orange-dashed permitted path and also a physical trod (marked with black-dashed line) up the eastern side of Blaes Crag (to the east of the proposed footpath route), both of these are over land which does not have a public right of access. During our consultation a local resident highlighted that the physical trod shown on current OS mapping crosses a fence and wall and follows a steep gully which is subject to erosion. Like many 'permitted' routes the orange-dashed path has never been subject to a formal agreement between ourselves and the landowner. This route is now blocked and does not appear to have been usable in many years. This would generally be a matter for the landowner to address with the OS (though we will highlight this redundant route to them), but having the easiest to use route (the proposed footpath) clearly identifiable on their mapping is likely to aid most walkers in choosing to use the footpath and avoid the frustration of attempting to use routes which are difficult or impassable.
24. Creating a public right of way will mean the path surface becomes publicly maintainable, this will address the need for a well-maintained and easy to use path here, and not just a public right of access. There will be the added legal protections for the route of it being a public highway, including; a duty on the Highway Authority (and the LDNPA under our agency agreement with them) to remove obstructions, making it an offence to wilfully obstruct the highway, it will not be possible to divert or stop up the route without a legal Order and so on. Becoming a public right of way will also mean the path is surveyed at regular intervals and any issues identified as part of our survey programme.

25. Given Fix the Fells' expertise working on routes of this nature, it is likely they will continue to undertake the majority of future maintenance (if necessary) should any further erosion issues be identified. Their focus is primarily on tackling erosion associated with public rights of way use in the fells. It is expected that the work already completed by Fix the Fells should contribute considerably to its future sustainability, meaning the future maintenance needs are likely to be relatively minimal.
26. It is unlikely there would be any opposition or issue with future Fix the Fells work on the route as the land is owned by the National Trust and the LDNPA (who are both part of the Fix the Fells partnership), and the route has already been worked on by Fix the Fells, but having this path as a public right of way may simplify them undertaking or prioritising future work here with a clear remit to do so.

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

27. The physical path already exists (and has now been improved) and so for those living locally who are already familiar with the route there would be little or no immediate change in convenience or enjoyment from the route becoming a public footpath. The chief benefits to the public of making the path a right of way are also those constituting the need for this, discussed in paragraphs 22 - 26; the greater legal protections, maintenance duty and ease of navigation for the many visitors who plan walks from Glenridding.
28. Improving ease of navigation would also be in the interest of the owners of the properties along Greenside Road. Although the land is open access and so the public have a right to wander freely – the residents of these properties have raised with our Rangers that frequently there have been issues with walkers who are trying to find a route to Glenridding Dodd searching around the properties. Whilst these users are entitled to circumnavigate the properties – this does not generally appear to have been their intention, they simply wished to find a path up towards Glenridding Dodd – so having a clearly signed and mapped route for those wishing to find this will reduce the need for the local residents to assist walkers with doing so.

29. The responses to our consultation (paragraph 40) from local residents, user groups and the Highway Authority were unanimously supportive of the proposal to make this route a public right of way – reinforcing the case that this route is valued and worth protecting for public use.
30. The gradient, width and surface of this route mean that in my view the path is currently only suitable as a public footpath. There may be existing equestrian access rights over the Common which would be unaffected by the route becoming a public footpath, but due to the gradients involved it appears unlikely this route would be of much amenity for use by equestrians or cyclists. Equestrian and cycling user groups were included in our consultation and did not respond to state that they felt this route warranted consideration as a bridleway or restricted byway.

How will it affect the rights of those with an interest in the land?

31. The creation of this route as a public right of way would not appear to have any negative effect on the rights of those with an interest in the land. The section of the route from point A to approximately NY 3784 1750 is owned by the LDNPA (approximately 488 metres of the route) and the National Trust own the land from approximately NY 3784 1750 to the summit at point B (approximately 348 metres). Both the LDNPA and National Trust are organisations with a remit to seek to protect and improve public access – so this proposal would meet these goals. The National Trust Estate and Ranger teams, and the National Trust's tenants, have confirmed they have no issue with the creation of this route as a public right of way over their land.
32. Much of the route is also over land which is part of Glenridding Common. The path already physically exists, and the work by Fix the Fells has provided a more clearly defined route than the badly eroded (and widening) scars which were developing previously. The majority of users are now likely to choose to stick to the footpath, which should lead to reduced footfall and erosion of the surrounding land in future, benefitting the landowners and those with rights on the common.

Other Considerations Required by Legislation

33. Before confirming a Public Path Creation 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
34. The proposals meet the general aims within the Access & Recreation Strategy (as discussed in the Policy section earlier), in particular the making of orders to reflect match current demand/usage and to suit modern needs (page 12).
35. Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. Although it is a relatively short route and accessible from a popular visitor hub, this route is not particularly accessible for users with limited mobility, due to its gradient. The works completed by Fix the Fells have made the steeper sections of the path less loose underfoot, and given the topography have probably made this route as accessible as a route up Glenridding Dodd in this vicinity could be. The future maintenance duty which would come from making this route a public right of way should ensure that the route remains suitable for its expected user and is not allowed to degrade.
36. Impact on the needs of agriculture and forestry – Assessment is required under schedule 6, of the Countryside & Rights of Way Act 2000, and this also fits under our policy of considering the concerns of those managing the land when making changes to the public path network. None of the land here is used for forestry. Broadly the lower section of the route is over land dominated by bracken, and the upper section is through land which is heather-covered, with some areas of loose scree. The land owned by the LDNPA is part of Glenridding Common and does carry grazing rights. As mentioned in paragraph 32 there would not appear to be any negative effect on agricultural interests resulting from making this route a public right of way – the path already exists, and if anything the works to reduce erosion and define the path can generally

be expected to reduce footfall on the surrounding land, potentially benefitting grazing.

37. 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. As with the impact on agriculture, the chief impact on the landscape, biodiversity and physiographic features of the land would appear to be minimal, and if anything, beneficial. As noted above, more of the walkers heading up Glenridding Dodd can be expected to choose to use the path which Fix the Fells have improved and defined, with a view to reducing erosion and stabilising the path. As mentioned in paragraph 3 this is particularly desirable here as a short section of the route (approximately 42 metres) is within a SSSI / SAC. The path already physically exists so the SSSI / SAC won't be significantly affected by making it a public right of way. The introduction of a maintenance duty means the route will continue to be surveyed and maintained by the LDNPA under our agency agreement, and if erosion or other issues arise we will consider any works necessary.
38. Impacts on Outstanding Universal Values (OUVs) – This proposal would appear only to enhance opportunities to enjoy various OUVs of the Lake District World Heritage Site. The maintenance / protection of the path as a public right of way, and improved ease of navigation to an excellent viewpoint, should enable more visitors to enjoy the beauty of the natural landscape, physical attributes and character of Ullswater, one of the '13 valleys' recognised in the Lake District's World Heritage Site inscription. There are also opportunities along the path to view aspects of the use of the surrounding land – the agro-pastoral use and management of the land as Common, and historic remains of the nearby Greenside mine workings, a key local industry in the past.

Stakeholder consultation

39. We have consulted our usual consultees including Westmorland and Furness Council (the Highway Authority), relevant user bodies, interested parties and utility companies – along with others whom have requested to be consulted.
40. We received the following responses:

Name of stakeholder	Consultation response (and LDNPA comments)
Judith Derbyshire, Westmorland and Furness Councillor	<p>I am happy with this proposal, although I would be interested to know the response from Patterdale PC as they know the area and the route much better than I. I had heard the route has become popular post-Covid with visitors wanting to get up onto the Dodd to wildcamp and see the sunrise.</p> <p>--</p> <p>LDNPA response – The Parish Council were included in the consultation, and evidently distributed this to local residents based on the other responses received, but did not provide a response to the consultation themselves.</p>
Tim Clarke, Friends of the Ullswater Way Trustee	<p>Have just seen your recent note, distributed by the Patterdale Parish Council.</p> <p>Great initiative. Well done!</p>
Local resident	<p>The new 'footpath' to Glenridding Dodd is a great idea to formalise the route. It is much improved and well signed we use it regularly living close by.</p> <p>Hopefully as part of the formalisation of the route maps can be updated and the path over Blaes Crag removed as this goes over private property over a fence and a wall and up a steep gully which erodes quickly.</p>

<p>Local resident</p>	<p>I think this is a very good idea. I have been climbing Glenridding Dodd with friends and family for over 25 years and have seen the current path in all weathers and states. It would certainly benefit from improvement.</p> <p>I have one of the holiday cottages on Halton Terrace. We used to see lots of confused hikers walking along the back of our houses or wandering around the parking spaces looking for a path. The new signing put up by Suzy Hankin last year has been a huge benefit.</p> <p>Improving the path and signing fully supported by me.</p>
<p>Open Spaces Society</p>	<p>Many thanks for consulting the OSS on this proposed creation of a footpath up Glenridding Dodd. The author of has previously walked the route.</p> <p>The OSS welcome the proposed creation of this much used route. We note the gradient would indicate some emerging surface sustainability issues which we suspect your email recognises as it raises the need for maintenance. We would welcome the proposed way forward with such matters.</p> <p>Where the route is on registered common land the OSS would appreciate prior consultation on any future surfacing works as we are keen for the LDNPA to keep within the requirements of s16 of the Commons Act, 2006. However, we suspect most re-surfacing will not require a solution which takes the works into the realm of s16.</p>
<p>The Ramblers</p>	<p>Thank you for your email consulting us on the proposed footpath creation.</p>

	<p>We strongly welcome this creation, as this path is popular, and making it a right of way will make it publicly maintainable.</p> <p>We have walked this path many times, the last time in November, when we noted that work had been done on the path. As you mention we supported this work with a grant, as we thought it was an important path.</p>
Westmorland and Furness Council Countryside Access Team	Westmorland and Furness Council support this proposed creation.
The Wainwright Society	<p>AW, writing in his 1955 Pictorial Guide to the Eastern Fells, touched on some of the challenges of ascending Glenridding Dodd from Glenridding. He wrote then that it was not easy to find a route that did not involve a minor trespass.</p> <p>We would support the proposed creation of a public footpath. Good to see the work being carried out by Fix the Fells.</p>

Demonstrating best value

Work Programme and Relevance to This Case:

41. Physical works to improve the path have already been carried out by Fix the Fells. These works initially came about after our Area Ranger identified that the route was becoming heavily eroded and that there have been navigational issues for walkers wishing to use the path. In addition to the funding condition attached to the grant from the Ramblers, our Fix the Fells Ranger, Area Ranger and the LDNPA Rights of Way Officers have discussed the route and felt that there were strong reasons why creating a public right of way here would be in the public interest and serve to protect the path into the future.

42. **Challenged** – The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed creation of a public footpath would protect the public interest and enjoyment of this route without significant financial or staff implications, effectively only the cost of the legal work to create a public right of way.
43. **Compared** – We have **compared** our casework completion rates with other authorities, and our rate of processing these sorts of orders is roughly comparable.
44. **Consulted** – We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses are above. The proposal has arisen through the partnership between a number of organisations.
45. **Compete** – Processing public path orders is not a **competitive** procedure. Westmorland & Furness can also process Creation orders and agreements, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
46. I consider that the proposal is good value for money. Funding for the physical works on the path was obtained by Fix the Fells and these have already been carried out. The costs to the Authority / public will only be those associated with the making of a Creation Order. The benefits of making this path a public right of way are discussed in the Discussion section.

Finance considerations

47. The proposal is entirely in the public benefit and has arisen through discussions with our partner organisations Fix the Fells and the National Trust. External funding for the practical works was sought and grants were awarded by the Westmorland and Furness Shared Prosperity Fund and the Ramblers' Sharpe Legacy. The Ramblers' grant (£2000) was subject to the path being dedicated as a public right of way on completion of the works – this

grant would need to be returned to the Ramblers if we did not create the route as a public right of way.

48. I consider it appropriate that the authority meet the whole of the legal costs of the Creation Order, which are approximately £3,150 (mainly staff costs, much of this work has already been undertaken), plus the cost of two adverts in the Westmorland Gazette at the Order-making stage (likely to be in the region of £300+VAT each). So a total of approximately £3,870.
49. No immediate physical works are required by the LDNPA to bring the path up to a suitable condition. Making this Creation Order should safeguard an asset already created by Fix the Fells (the improved path surface). As discussed above, any future works which become necessary are likely to be undertaken by Fix the Fells (other than replacement of the fingerpost). Their work is generally paid for through fund-raising and grants. It is anticipated that the future maintenance cost to the LDNPA / Highway Authority would be very minimal, as the recent works have made the path surface more resilient and sustainable.

Risk

50. There is little risk, other than the future maintenance liability being unsustainable if budget cuts are suffered. Future monitoring and maintenance of this public footpath would become the responsibility of the LDNPA under our agency agreement with the Highway Authority (if this arrangement continues) to maintain the public rights of way network and would be managed in the same way as other public rights of way.
51. There is a risk that the proposed Creation Order may be objected to, in which case we would need to decide whether to abandon the Order or submit the Order to the Secretary of State for determination. This risk has been mitigated as far as possible through consultation, the response to this consultation was unanimously supportive and it appears unlikely this Order would attract objections.

52. With all Creation Orders there is a risk that a claim for compensation for depreciation in the value of the interest of a person in the land could be made. However, the landowners here are the LDNPA and National Trust, who have worked together on this proposal. All of the land owned by the National Trust already has a right of public access. The National Trust Ranger team, Estate team and their tenants have confirmed that the proposal to make this route a public right of way raises no issues for them. The graziers also have an interest in the land, but have not voiced opposition to the proposal, and as mentioned in paragraph 32 any impact of the recent works and creation of a public right of way would, in my view, be more likely to benefit grazing than cause any disbenefits.

Legal considerations

53. The order will be made under section 26 of the Highways Act 1980 and we are able to make orders under this section 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 do such orders through our Agency Agreement with Westmorland & Furness Council. The action strikes a reasonable balance between private and public rights.

Human resources

54. The work involved in this proposal is approximately 60 hours from members of the Ranger teams, one hour from our GIS Officer, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.

Diversity implications

55. I have not identified any significant diversity or social effects resulting from this proposal. This path is potentially likely to be accessed by a higher than average proportion of visitors with less experience of hillwalking, as it is situated close to a busy visitor hub, and offers a relatively short route to a

'Wainwright' and fantastic views. The route being signed and shown on maps as a public footpath may instil greater confidence for these users who may not be as comfortable or familiar with using paths over access land, or which aren't shown in full on maps.

Sustainability

56. I have not identified any significant environmental, economic or social effects which would result from this proposal. The work already completed by Fix the Fells should reduce future erosion on the land surrounding this path and decrease the need for future maintenance of the route.

Background papers	Case file reference: 1412.511.19
Author / Post	Will Hinchliffe, Rights of Way Officer
Responsible Director	Stephen Ratcliffe, Sustainable Development
Date written	23 February 2026

Authorised by:



Jack Holmes, Ranger Team Leader (North)

Date: 18/03/2026

Annex 1: 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 discussion part of the paper.

- 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 2: Comparative 'Before and After' photos of works on the footpath completed by Fix the Fells





The Openness of Local Government Bodies Regulations 2014

These require that officers keep and publish 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).

Temporary Traffic Regulation Order, Public rights of way affected by west coast pylon re-cabling

Relevant section of Scheme of Delegation

PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS - ANNEX 4 - Functions delegated to Head of Ranger Service and sub-delegated to Ranger Team Leaders.

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 Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.

Background

We have received an application from Electricity North West's contractors to temporarily close various public rights of way which will be affected by works to install new cables between pylons on the west coast power line which is being upgraded.

Details of Decision

To make an Order temporarily closing affected public rights of way whilst re-cabling works are being undertaken.

Details of alternative options considered and rejected

Not to make an Order.

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest

None

Lead Director	Steve Ratcliffe, Director of Sustainable Development
Author and contact details of report	Will Hinchliffe, Rights of Way Officer
Background Papers	Case file 1410.003.293
Date of Report	17 March 2026
Authorising officer	Ranger Team Leader Meeting
Date	18 March 2026



Lake District
National Park

Lake District National Park Authority
Temporary Traffic Regulation Order – Authorisation Report: 18 March 2026
Public rights of way affected by west coast pylon re-cabing

Page 1

TEMPORARY TRAFFIC REGULATION ORDER, PUBLIC RIGHTS OF WAY AFFECTED BY WEST COAST PYLON RE-CABLING

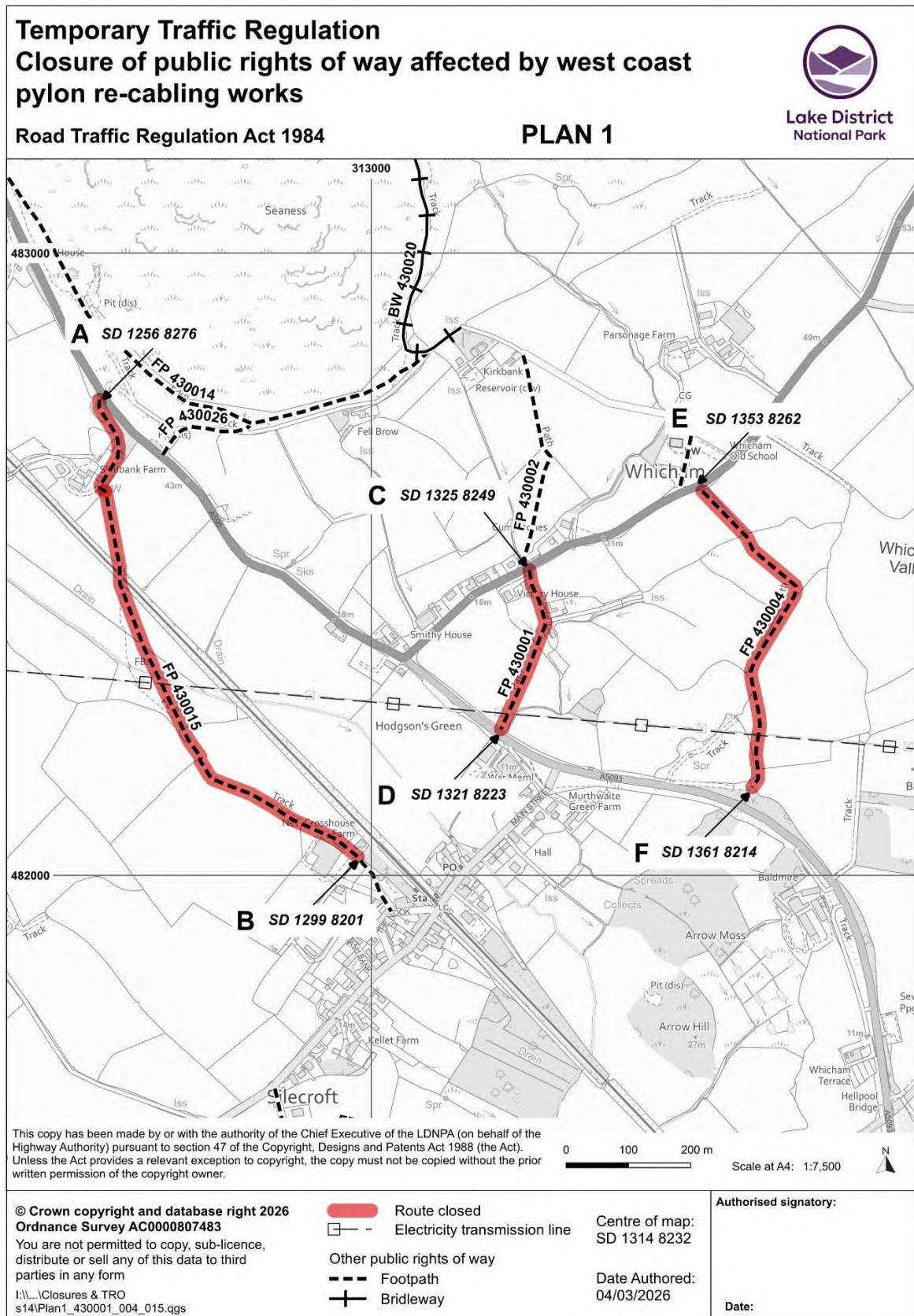
Summary

1. This report recommends the temporary prohibition of all traffic over public rights of way which will be affected by works to install new cables on existing pylons up the west coast of the National Park.

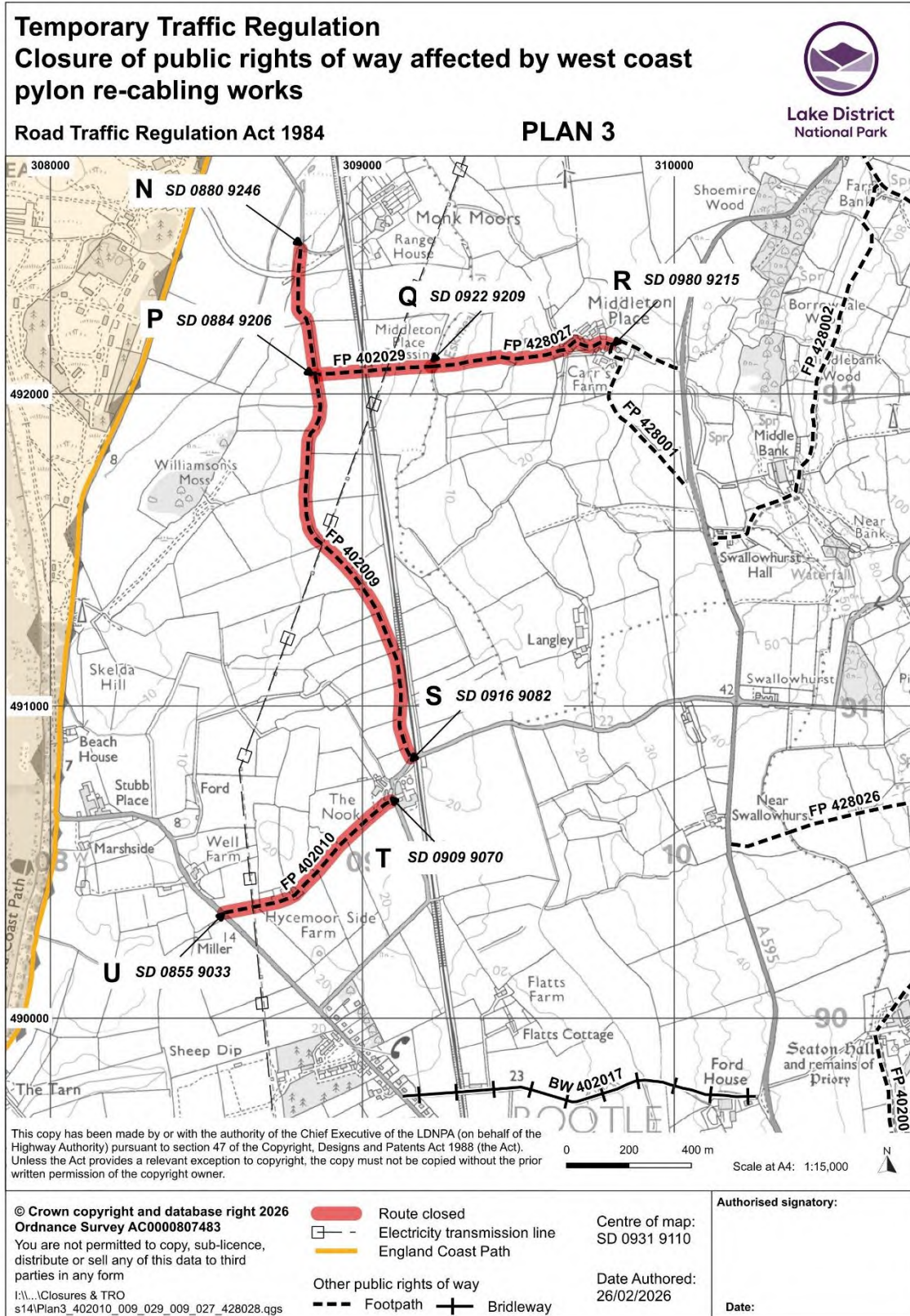
Recommendation that:

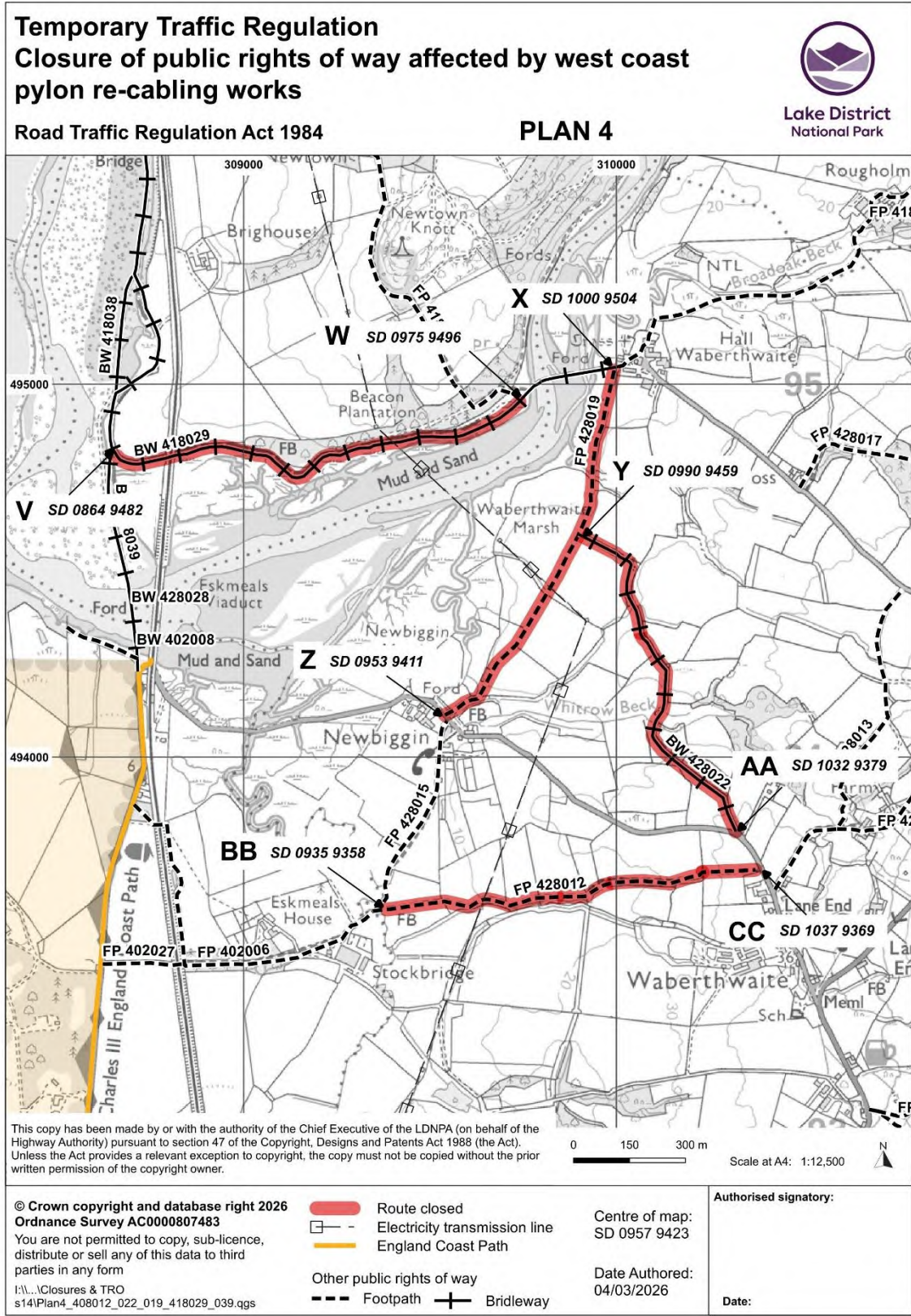
We make a Temporary Traffic Regulation Order temporarily closing public rights of way affected by the re-cabing works, as shown on the accompanying plans - to be in effect for six months initially, but only in force on individual paths when they are affected by the works

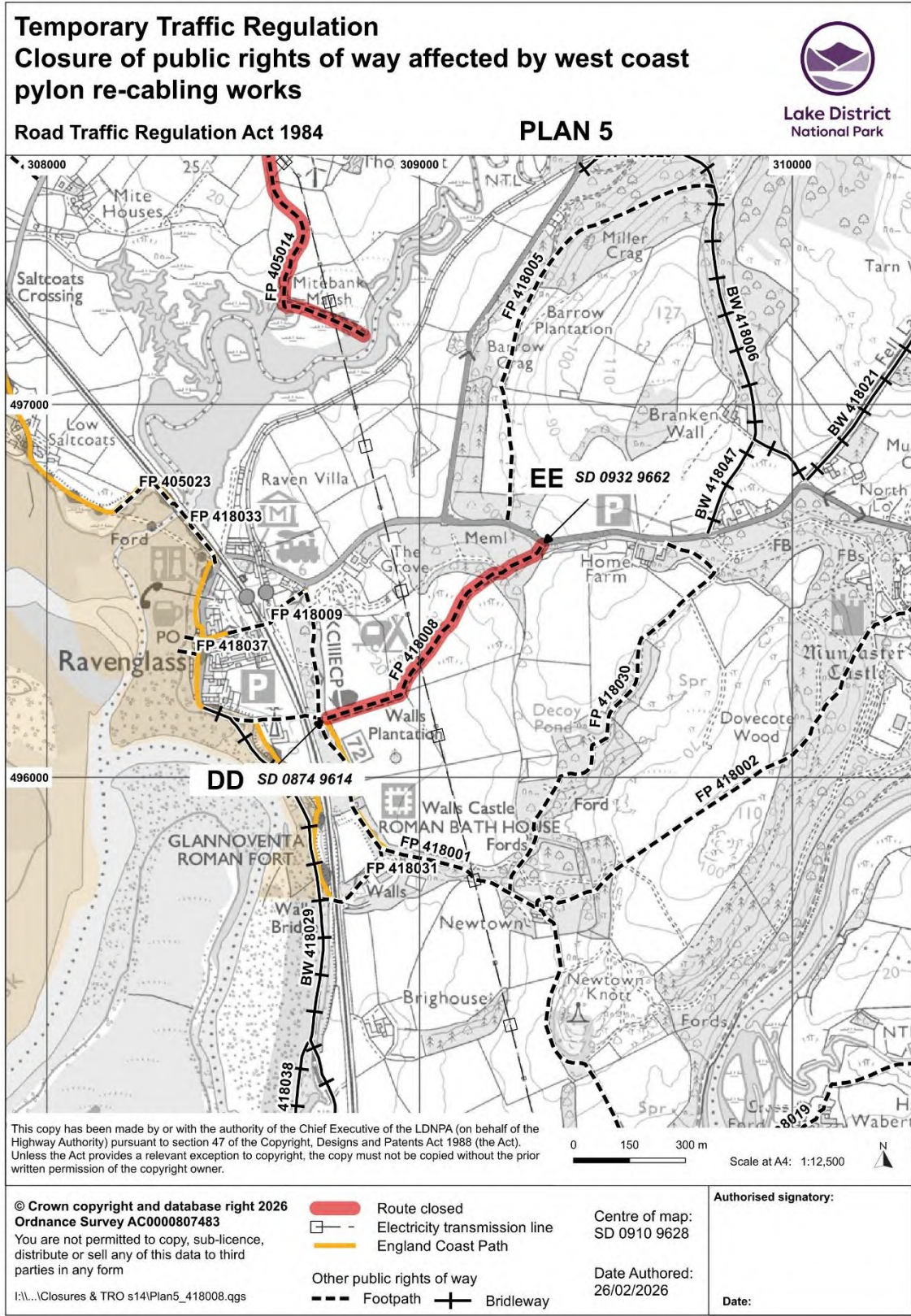
Location Plans

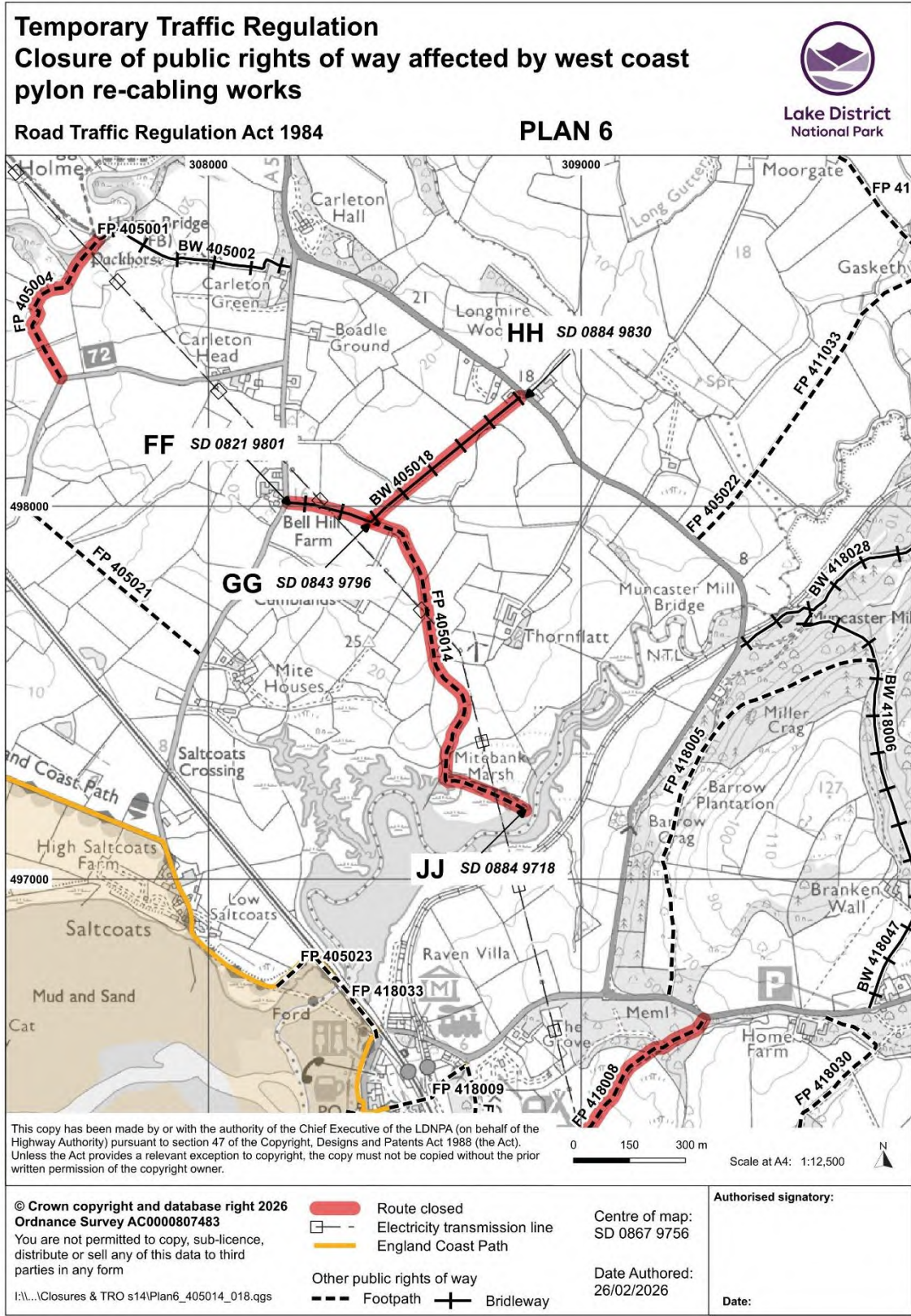


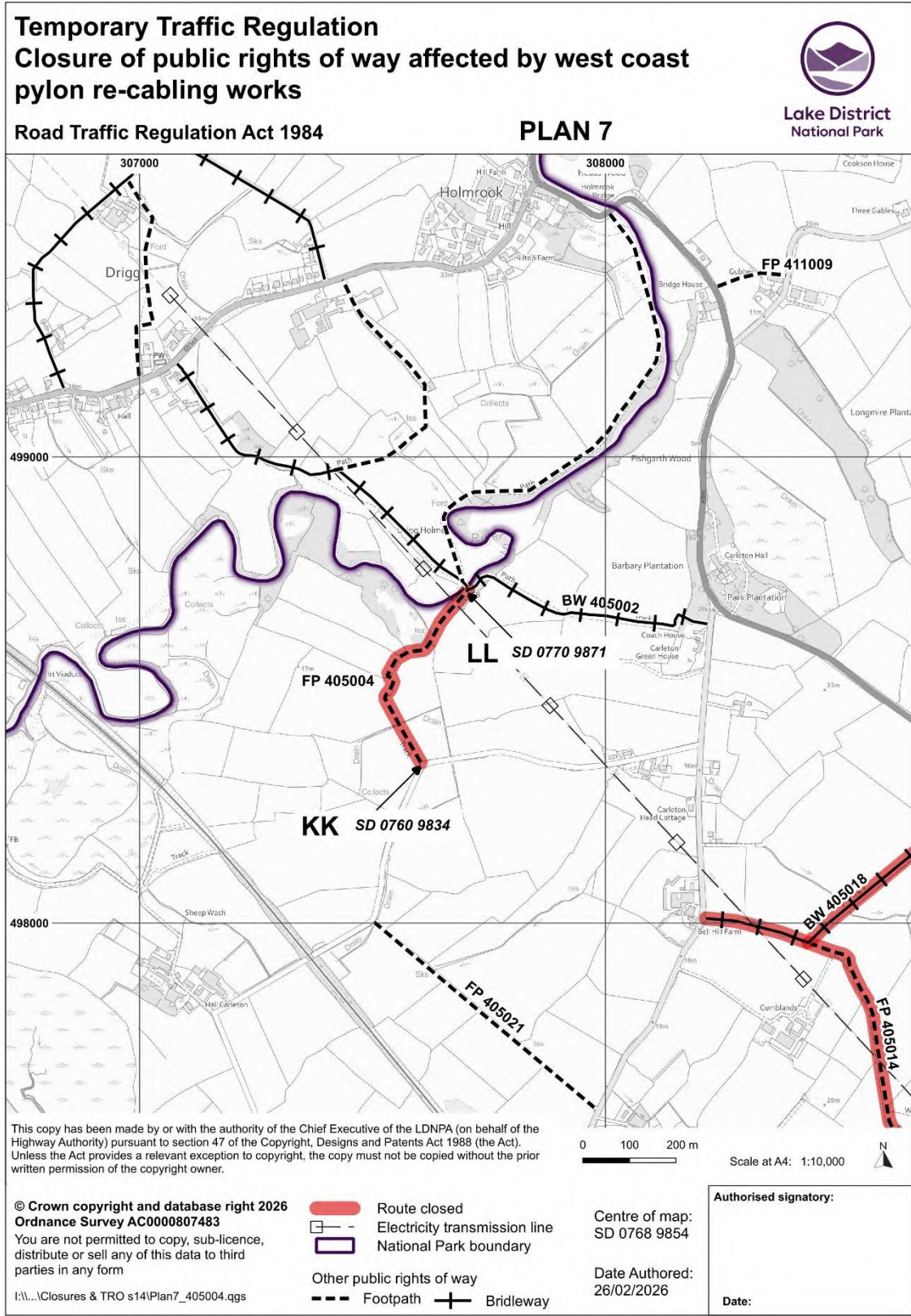












Background

2. We have received an application from Aureos, a contractor working for Electricity North West (ENW), for a temporary closure of public rights of way which will be affected by upcoming works to replace existing power lines with new 132,000 Volt cables. The existing lines will be used to winch through the new cables using a tensioning machine. The works are part of the Cumbria Ring project to upgrade the electricity network in the area. The works taking place within the National Park are between Whicham and just south of Drigg. It is anticipated that Cumberland and Westmorland and Furness Councils will also be making Orders for affected public rights of way outside the National Park in association with this project.
3. Various public rights of way pass beneath, or lie in very close proximity to the power lines – the contractors must treat the areas beneath the power lines as unsafe whilst working on them until the new cables are fully tensioned.
4. In addition to the closure of public rights of way beneath or very close to the power lines, Aureos have also requested that the northern section of footpath 428019, and bridleway 428022 at Waberthwaite (points X-Y and Y-AA on Plan 4), are closed to enable them to undertake works to put down a temporary road surface, to enable access for their tensioning machine as the nearby angle pylon will be one of their winching points. For this closure we have highlighted that the closure should only be in force when necessary to enable them to put down the temporary road surface – at other times it should be possible for access to be managed with bankspersons whilst there are vehicle movements taking place along the temporary surface. In total there are 18 public rights of way anticipated to require temporary closure (15 footpaths and 3 bridleways – some fully closed, some would only have part of their length closed).
5. It is planned that the works will be completed in sections / phases. The re-cabing works within the National Park will take place from April 2026 to January 2027 – these will run generally south to north, but the most southerly

section (the footpaths shown on Plan 1) will take place after the rest of the works. Although I have recommended that we make a single Order covering all of the public rights of way affected by the works, the Order would only be in force over the paths actually on the section(s) being worked on at any given time. Signage and fencing would be in place to ensure users are aware when the closures are in effect over the individual paths. The rest of the time the paths will remain open as usual. Closures of individual paths are expected to vary from around one to three months.

6. As it is anticipated that the works within the National Park will take more than six months (the maximum period an Order of this type can initially be in effect for), it is very likely an application to the Secretary of State for an extension of the Order would be required. Aureos have provided their current schedule for the works as follows, though with a project such as this, it is understandably likely this will be subject to change:

- All PRoW shown on Plan 1 to be closed 17 November 2026 to 16 January 2027
- 430008 and 430009 on Plan 2 to be closed 14 April to 9 June 2026. There is a possibility that additional sections of 430008, 430009 and 430018 which form a loop around the Mosses from Whibeck will also need to be included in the closure, Aureos have agreed to undertaking further inspection on site to confirm whether these remain at a safe distance from the power lines
- 430029 and 428027 on Plan 2 to be closed 6 May to 1 July 2026
- All PRoW shown on Plan 3 to be closed 12 June to 21 July 2026
- 428012, 428019 and 428022 on Plan 4 to be closed 9 July to 16 August 2026
- 418029 (Plan 4) and 418008 (Plan 5) to be closed 20 July to 29 August 2026
- 405014 and 405018 on Plan 6 to be closed 13 July to 12 October 2026
- 405004 (Plan 7) to be closed 3 September to 12 October 2026

7. Unfortunately there do not appear to be suitable direct alternatives to the closed public rights of way. Depending on the individual user's route and intended destination there may be indirect alternatives, for example utilising the King Charles III English Coast Path, but these do not generally connect the points at either end of the closed paths, they only provide alternative routes between destinations on the west coast. Some of the potential alternative routes would utilise (vehicular) roads without footways. Cumberland Council have adopted a policy that we should not promote alternative routes on vehicular roads where they do not have a footway when making temporary closure Orders on their behalf.
8. At one location, footpath 418001 between Walls Drive and Newtown, Aureos / ENW have agreed that a scaffold will be erected to protect path users and that this footpath (and adjacent permitted path) will remain open – this appears (based on Strava Metro data) to be by some margin the most heavily used of the public rights of way which pass beneath the power lines, and is part of one of our promoted routes, the Eskdale TRail.
9. Given the large number of paths which will be affected by this project, consideration has been given to how public awareness of the closures may be raised over and above the usual provisions (site notices, consultee notification, newspaper advertisement and information on the temporary closures page on our website). I have suggested that Aureos keep us updated as they move onto each section of the works. Information on the current path closures can then be kept up to date on our webpage, and we can also notify anyone who requests to be kept updated. The ENW and our own Comms teams have also been contacted about posting updates about the path closures on the project website, and highlighting / re-posting these via social media. We have also highlighted to the applicant the importance of ensuring all landowners affected by the works are communicated with.

Policy context

Links to Vision and Management Plan

10. 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.

Links to Business Plan

11. There is no specific action or policy relating to temporary closures within the Business Plan, but they are a fundamental part of managing the rights of way network and ensuring efficient service delivery.

Options

12. The options are to:
 - a) Make a Temporary Traffic Regulation Order
 - b) Do not make an Order

Proposals

13. I recommend option 12a for the reasons set out in the Background and Risk sections. Closure of the affected public rights of way will enable the planned re-cabing works to be undertaken safely and efficiently. Refusing to make an Order would appear unreasonable given the clear hazards to users if the paths remained open whilst new power lines were installed overhead. The phasing of the works should enable the works to take place efficiently and ensure the individual path closures are kept to a minimum.

Stakeholder consultation

14. We have carried out a consultation with interested bodies and individuals, including Cumberland Council (the Highway Authority), the relevant Parish Councils, Local Access Forum and various user groups.

15. We received only the following response:

Name of stakeholder	Consultation response
Open Spaces Society	<p>Many thanks for consulting the OSS on this huge TCO package. I am replying asp as I shall be away for most of the next few weeks. I confirm we have walked most of these paths- some in recent years.</p> <p>The OSS notes this is likely to be a phased closure programme as works advance along the route off the o/h power line.</p> <p>Obviously some of the paths are very well used and others significantly less so. For a number it would simply be impossible to provide alternative routes but for others this should be possible. Is the npa satisfied the maximum potential alternatives have been provided especially for the PRsOW close to Ravenglass and Silecroft?</p> <p>We have concerns about the workings during the bird nesting season and the effect on wildlife of a few paths during Spring/Summer (eg BW418029 Muncaster). Has the working programme been agreed with the npa ecologist?</p> <p>Finally the OSS must express our huge disappointment that the 132kv line is not being replaced by an undersea coastal line. Whilst we full appreciate the role this 132kv line plays in the west Cumbrian distribution network, this line is a significant landscape intrusion into this delightful area of the LDNP. Did the npa consider or recommend such a replacement approach?</p> <p>--</p>

	<p>LDNPA comments:</p> <ul style="list-style-type: none">• Confirmed that the closures will be phased and that consideration is being given to how awareness will be raised.• Agreed that depending on individual route there are possible alternatives, however these for the most part are indirect, it may be impractical to attempt to highlight / include all possible permutations on the plans.• Confirmed that the LDNPA's Natural Environment Advisor was included in the consultation. Highlighted that Aureos have advised that the ground-level impact of the works should be fairly minimal – no excavations or groundworks are planned, so the only potential impact may be vehicular use on some PRow in order to access pylons and winching points. Temporary surfaces are being used where necessary to access winching points.• Steve Ratcliffe (Director of Sustainable Development) confirmed that the works are not subject to planning control, although we had emphasised our preference for undergrounding of the power lines. The High Court has held that the duty under the Levelling Up and Regeneration Act 2023 to seek to further the National Park's purposes would be satisfied from a planning perspective if the outcome of the works is neutral.
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Demonstrating best value

16. **Challenged** – the challenge is for us to effectively manage the network and inform the public of relevant issues.
17. **Compared** – we have compared our processing of temporary closures to other similar organisations. We have no specific targets relating to them, but aim to process all requests in a timely fashion, without significant financial or staff implications.
18. **Consulted** – we have carried out the required consultations.
19. **Compete** – processing Temporary Traffic Regulation Orders is not a competitive procedure. Cumberland Council can also process temporary closure Orders, but we are the best-placed organisation to make this order. I did enquire with Cumberland Council as to whether they would want to process this Order as they will be making one anyway for affected rights of way outside the National Park, but they confirmed they thought it best that we process this for paths within the Park.

Finance considerations

20. We will invoice the applicant for the costs of making the Order, so it should be cost-neutral to the Authority. The usual costs of making a temporary closure Order are approximately £1,060 (which covers staff-time, stationery and postage), plus the cost of two newspaper adverts. However, given the large number of paths affected by this proposed closure and complexity associated with this, we have agreed with the applicant that all staff time and other costs associated with the Order will be logged, and an invoice prepared for the full costs when the Order is made. To enable the applicant to raise a Purchase Order and plan ahead, we have provided an initial estimate for the costs of £3,156.99, but our invoice will reflect the actual time / costs expended on this Order.

Risk

21. The major risk associated with this is if we do not make an Order. As discussed in paragraphs 3 and 4 there would be potential hazards to members of the public from overhead cables until they are fully tensioned, and associated with the equipment in use during the works.

Legal considerations

22. The relevant ground for prohibiting traffic on this path is within Section 14 of the Road Traffic Regulation Act 1984; namely to enable works to be executed on or near the path (Section 14 (1)).
23. The Head of Ranger Service has delegated powers to authorise the issue of Notices and the making of Orders for the temporary closure of paths under the provisions of Section 14 of the Road Traffic Regulation Act 1984. This has been sub-delegated to the Ranger Team Leaders.

Human resources

24. The work involved in this proposal has been estimated at approximately 35 hours from members of the Ranger team, and 7.75 hours from the GIS Officer. The work involved is part of our day-to-day duties, and approximately half of it has already been undertaken.

Diversity implications

25. I have not identified any issues relating to diversity as a result of the making of a TTRO, or a decision not to.

Sustainability

26. I have not identified any significant environmental, economic or social effects that will affect sustainability.

Authorised by:



Ranger Team Leader

Date: 18 March 2026

Background papers:	Case file 1410.003 (293)
Author / Post:	Will Hinchliffe, Rights of Way Officer
Responsible Director:	Steve Ratcliffe, Director of Sustainable Development
Date written:	18 March 2026