



## Footpaths across River Ehen, Longmoorhead, Ennerdale & Kinniside Parish

### Summary

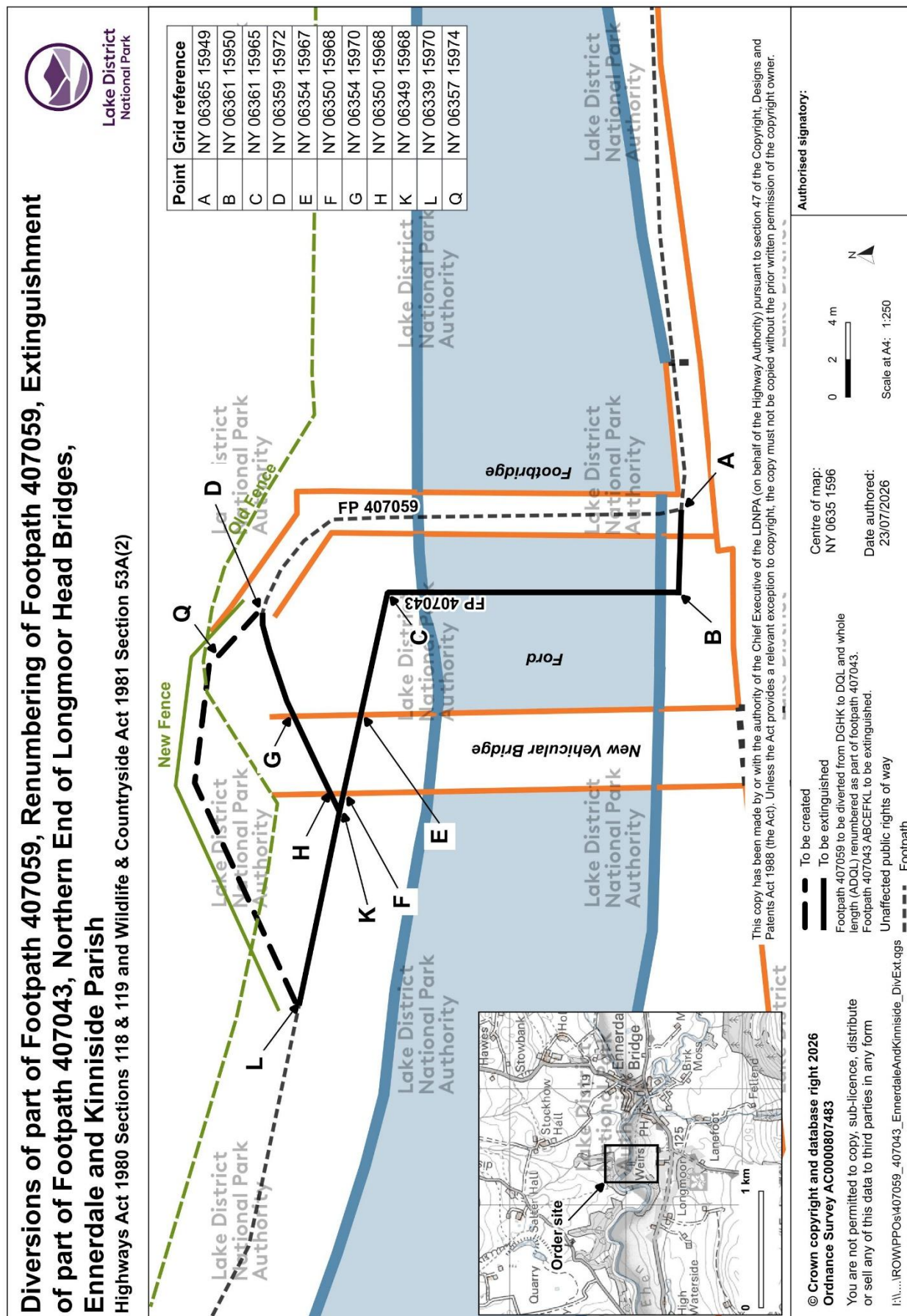
1. Two public highways (footpaths) currently exist across the River Ehen at Longmoorhead – one over a purpose-built footbridge, and one through or alongside an adjacent ford. The legal lines of the footpaths are currently obstructed by a new vehicular bridge – although a route is readily available for public use. Orders are required to formalise the future public footpath route(s) for certainty and clarity – but there are a number of potential solutions and a lack of consensus as to which is preferable.

### Recommendations:

- a **We make a diversion order diverting the footpath from DGHKL to DQL as shown on the plan on page 2 of this report;**
- b **We make an extinguishment order for the footpath shown ABCEFK on the plan;**
- c **We renumber the whole of the resultant footpath (ADQL) as part of footpath 407043, so it is one number throughout;**
- d **We confirm the Orders if no objections are received and sustained;**
- e **We submit the matter to the Secretary of State for confirmation if objections are made and sustained.**

## Proposed Order Plan

The proposal map and the initial consultation map are both at Annex 5 for reference.



## Background

2. There is a convoluted history to the footpath crossing the River Ehen to the north of Longmoorhead Farm. After coming into existence in the late nineteenth century, it was by way of a bridge to the west of a (seemingly private) vehicular / stock ford. In around 1935 the bridge was seemingly washed away or removed. The footpath was then later recorded (in the 1950s) as going through the ford, although there had not been a legal order to change its location. In the 1990s a new bridge was built, but to the east of the ford. In 2012 this was replaced with a newer bridge, and a public footpath formally created across it. This left two public footpaths – one over the bridge, and one through the ford (although the latter is mapped slightly to one side of the ford). The legal lines of both public footpaths are now obstructed by the construction of a new private vehicular bridge alongside the western side of the ford – but there has been no interruption to, or intent to interrupt, public usage; as a path is available around the end of this bridge.
3. It seems expedient to clarify the situation so that the future mapped route follows the route available on the ground – by way of a diversion order. All parties agree. It could also be expedient to extinguish the ford footpath as being no longer needed for use by the public, who have the footbridge alongside it. This is agreed / recommended by consultees and user bodies but not supported by the landowner who considers that there is still a public need for the footpath through the ford, and instead wishes us to divert this path to correct the line so that it too fully matches the route available.
4. There are various options open to us, and the discussion paper (Annex 2) looks at all of them in some detail.

## 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 2051. It is that the Lake District is deeply valued by the nation as a thriving, working landscape, which is nature and heritage rich, climate resilient, and socially and economically vibrant.
6. The Management Plan contains the policies and actions for achieving the aims of the Vision. One of the nine objectives is to 'Inspire people to understand, enjoy and care for the Lake District', and one of the best ways to achieve this is to have an easy-to-use rights of way network to enable people to explore the landscape, nature and heritage. An aim within the objective is 'Improving and maintaining the rights of way network'.

### 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.

### 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 Lake District Access and Recreation Strategy.
9. 'Out There' our Access and Recreation Strategy contains our vision for countryside access and recreation in the Lake District: *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. 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.
11. In essence, this proposal is really about tidying up the alignments and maps of the public footpath, which is part of our day-to-day work in managing the network – so the various strategies play little part in the determinations.

## Options

12. The options are complex and multi-faceted, each with subsequent consequences as discussed in Annex 2:
  - A. make the recommended diversion and extinguishment order
  - B. make the recommended diversion order, and the diversion order suggested by the landowner
  - C. make the recommended diversion order, but not the extinguishment order, and take action to open up the definitive line
  - D. make the recommended diversion order, and a definitive map modification order to record the historic crossing point – followed by either (i) action to open up the historic route, or (ii) a further diversion order
  - E. make no orders, and take action to open up the definitive lines

## Proposals

13. I recommend Option A. It appears to me to be the most expedient way forward, with the simplest outcome for all. It will result in there being one public footpath crossing over the River Ehen – being the footbridge, and would resolve all the issues. Option B would result in there being two crossings right next to each other – which in highway terms appears unnecessary, although there is a discussion as to whether the ford crossing should be retained for various heritage and enjoyment reasons. And may result in us having to carry out some practical works to the ford. Options C, D & E simply don't appear to be expedient as they would require further actions to be taken – which can all be avoided by adopting Options A or B. A full discussion of the legal tests and consultation responses is in Annex 2.

## Stakeholder consultation

14. We have consulted our usual consultees comprising all the local authorities and relevant user bodies, interested parties and utility companies – along with others who have requested to be consulted. Responses are all included in full in Annex 3 and discussed within the assessment in Annex 2. All but the landowner appear to prefer Option A, although some are content with either Options A or B. We haven't specifically asked them about Options D or E.

## Demonstrating best value

### Work Programme and Relevance to This Case:

15. This is a case that looks at first to be low priority, as the actual public access is unimpeded. However, it will resolve the historical issues at Longmoor Bridge for good, so worth doing.
16. **Challenged** – The **challenge** is for us to achieve our policies without significant financial or staff implications. There has been quite a large amount of staff time dedicated to this proposal, but it is difficult to determine just how

much, as it has been part and parcel of our ongoing overall work on this and similar matters.

17. **Compared** – We have **compared** our casework completion rates with other authorities, and our rate of processing these sorts of orders is roughly comparable.
18. **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 within the assessment report.
19. **Compete** – Processing public path orders is not a **competitive** procedure. Cumberland Council can also process orders, but we are closer to the day-to-day management of this type of work.

## Finance considerations

20. Our general costs for processing an unopposed creation order is around £3,150 (mainly staff time costs), and two adverts in the local newspaper costing around £500 +VAT each.
21. In terms of the pure legal and administrative work from hereon – if we make Orders and they are unopposed, the costs set out above would apply. If objections are received, then the matter may be submitted to the Secretary of State – and we may have a public hearing or inquiry. The costs (again mainly staff time) could be anything up to £10,000. It is difficult to calculate because of the variety of possible outcomes and decisions on how to proceed, which will be out of our hands. It partly depends upon the nature of the objection.
  - a. For example, we do receive objections from individuals who wish to object to many pieces of our legal work – especially in the Ennerdale area. The process chosen by the Planning Inspectorate (on behalf of the Secretary of State) to deal with these is the usually relatively cheap and non time-consuming written representations procedure.

- b. Objections by more than one person, or with more substance are often determined by hearings – which are a half-way house between an expensive Public Inquiry and written representations.
  - c. It is also possible that a Public Inquiry will be held. This would be expensive all round, and we would therefore have to consider in advance whether we wished to pursue this.
  - d. My instinct is that the most likely process here would be written representations or possibly a public hearing, as with the last diversion of the same path at the same location. Hearings do not involve legal support or employing outside advocacy – just the Rights of Way staff in attendance.
- 22. If the diversion order succeeds (with or without objection) then the landowner may claim compensation for the impact on their land under the provisions of section 28 of the Highways Act 1980. This would have to be claimed (that is – it is not automatic), and the amount would then be agreed or determined by the Land Tribunal. This is highly unlikely given the support from the landowner in respect of the diversion order element. There is no such provision in relation to extinguishment orders.

## **Risk**

- 23. The significant financial risks have been outlined in the financial considerations section above. There are few other risks associated with the proposal – only potential damage to working relationships.

## **Legal considerations**

- 24. The Orders would be made under section 118 & 119 of the Highways Act 1980 and 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 do such orders through our Agency Agreement with Cumberland Council. The action strikes a reasonable balance between private and public rights.

## **Human resources**

25. The work involved in this proposal from hereon depends very much on whether the matter goes to the Secretary of State or not. If it doesn't, then the time aspect is relatively small – around 40 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. If the matter is submitted to the Secretary of State then, depending on how they determine the matter, the time aspect is much greater – possibly as much as 200+ hours from the rights of way staff, and many dozens of hours from a member of Legal Services. We have not committed to a set time in our Service Plans, but this is part of our general allocation to public path order work (that is – we have the capacity to deal with this, but at the expense of not doing other order work). As explained in the finance section, my view is that it is unlikely that an Inquiry would be held.

## **Diversity implications**

26. I have not identified any diversity implications. The footbridge carrying the path was constructed to be available to all.

## **Sustainability**

27. The potential impact on environmental, economic or social aspects is partly what the discussion over whether to have a footpath through the ford is about. The environmental bodies consider that there will be a potential environmental impact with Option B. The landowner considers that there will be an impact on social aspects with Option A. No economic impacts have been identified.

## **Summary**

28. The proposed option will resolve and simplify the situation where the footpath crosses the River Ehen. Other options are, in my view, less desirable and could involve future work. The recommended option is supported by all except for the landowner. I recommend that we make the diversion and extinguishment orders.

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|----------------------|-------------------------------------------|
| Background papers    | Case file reference: 1412.407.15          |
| Author / Post        | Nick Thorne, Senior Rights of Way Officer |
| Responsible Director | Hanna Latty, Sustainable Development      |
| Date written         | 17 September 2026                         |

## List of Annexes

- Annex 1 Our Policies on Changes to the Public Path Network
- Annex 2 Footpaths across River Ehen, Longmoorhead, Ennerdale & Kinniside  
Parish – Assessment and Discussion Paper
- Annex 3 Consultation Responses
- Annex 4 Flow chart to assist with decision-making process
- Annex 5 Proposal and Initial Consultation Maps