

PUBLIC PATH ORDER**ROAD TRAFFIC REGULATION ACT 1984****THE LAKE DISTRICT NATIONAL PARK AUTHORITY**

**(BYWAY NUMBERS 548015 AND 361002 GATESCARTH PASS, PARISHES OF
LONGSLEDDALE AND SHAP RURAL)**

**PROHIBITION OF MECHANICALLY PROPELLED VEHICLES, HORSE DRAWN
VEHICLES AND HORSERIDERS ORDER 2004**

W H E R E A S the Lake District National Park Authority (hereinafter referred to as "the Authority") being the Agent for Cumbria County Council for Byway numbers 548015 and 361002 at Gatescarth Pass in the Parishes of Longsleddale and Shap Rural is satisfied that traffic on the said highway should be prohibited by reason of:

- a) preventing damage to the byway, and;
- b) conserving or enhancing the natural beauty of the area, including the conservation of flora, fauna and the physical features of the landscape or for affording better opportunities for the public to enjoy the amenities of the area.

N O W T H E R E F O R E the Authority in exercise of the powers under Section 1 of the Road Traffic Regulation Act 1984 (as amended) and all other powers enabling them in that behalf HEREBY MAKE the following Order

- 1 Save as provided in Articles 4 and 5 and Schedule 1 to this Order no mechanically propelled vehicles intended or adapted for use on or off roads, horse drawn vehicles and horseriders shall proceed along those sections of byway numbers 548015 and 361002 in the Parishes of Longsleddale and Shap Rural commencing at OS grid reference NY 4781 0850 (Brownhowe Bottom) and terminating at OS grid reference NY 4690 1071 (Mardale Head).
- 2 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament
- 3 This Order shall come into operation on the 4 November 2004 and will continue indefinitely.
- 4 There are excluded from the operation of the order vehicles operated by the emergency services, vehicles required to gain access to land and property adjoining the byway or accessed from the byway and vehicles required to undertake agricultural works on land and property adjoining or accessed from the byway.
- 5 Locked gates shall be erected at OS grid references NY 4690 1071 and NY 4781 0850 under Section 92 of the Road Traffic Regulation Act 1984 with keys being provided to the emergency services and landowners affected. Keys shall be available during ordinary office hours at the National Park Authority's office at Murley Moss, Oxenholme Road, Kendal for loan and use by others as necessary in accordance with the terms of Schedule 1.

6 This Order is called the Lake District National Park Authority (Byway Numbers 548015 and 361002 Gatescarth Pass, Parishes of Longsleddale and Shap Rural) Prohibition of Mechanically Propelled Vehicles, Horse Drawn Vehicles and Horseriders Order 2004.

Dated the 25 October 2004

THE COMMON SEAL of THE LAKE
DISTRICT NATIONAL PARK
AUTHORITY was affixed
in the presence of:

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Allyson
AUTHORISED SIGNATORY

Schedule 1

- 1 The general prohibition of vehicles and horseriders applies unless the driver or rider is in possession of, displaying, or included within a permit issued by the Authority.
- 2 A permit may be obtained by application to the Authority. Permits (up to an overall limit of 12 4x4 vehicles in groups of 4 or less and 18 motorcycles in groups of 6 or less) may be issued to permit vehicular use of the byway, the subject of this order on one day per month. Permits for 4x4 vehicles will only be available from 1 April to 30 November. Permits may be issued to horse drawn vehicles, and horseriders for use of the byway at any time.
- 3 An application for a permit shall be made on a form issued by and obtainable from the Authority and shall include the particulars and information required by such form to be supplied. The Corporate Operations Director or equivalent Officer shall consider such applications and determine them as he sees fit.
- 4 The Corporate Operations Director or equivalent Officer may require an applicant for a permit to produce to him such evidence in respect of the application as he may reasonably require to verify any particulars or information given.
- 5 Where the Corporate Operations Director or equivalent Officer is satisfied that the provisions of paragraphs 3 and 4 are complied with in relation to an application for a permit, he shall issue the applicant with a permit. Issue shall be subject to the limits set out in paragraph 2, to a permit permitting 4 or less vehicles in the case of 4x4 vehicles and 6 or less motorcycles in the case of motorcycles, and subject to no club, company or organisation receiving more than two permits on any day. The permit shall state that a vehicle displaying the permit or which the permit is held with in accordance with the terms of the order (and the vehicles the registration marks of which are included on the permit) is/are exempt from the provisions of Article 1 and subject to the terms of this order the effect of such permit when it is held with or displayed on the vehicle the registration mark of which is specified on the permit (together with the vehicles the registration marks of which are included on the permit) shall be to exempt such vehicles from the provisions of Article 1 of this Order.
- 6 The Corporate Operations Director or equivalent Officer shall not issue a permit in respect of any vehicle which would be valid for the day specified to which any other permit issued in respect of that vehicle under this Order extends.
- 7 A permit issued under paragraph 5 shall be in writing and shall include the following particulars for mechanically propelled vehicles and items (c), (d) and (e) for horse drawn vehicles or horseriders:
 - (a) the registration mark of the vehicle in respect of which it is issued
 - (b) the registration marks of the other vehicles in the group where appropriate
 - (c) the day for which it is valid
 - (d) an authentication it has been issued on behalf of the Authority
 - (e) the name of the owner of the vehicle in respect of which it is issued.

- 8 At all times during which the vehicle in respect of which a permit has been issued and is in force is proceeding along the byways specified in this order the permit shall be held with the vehicle or displayed on the left or nearside of the front windscreen of the vehicle so that all particulars referred to in paragraph 7 are readily visible from the front of the vehicle, and shall be produced when required by an authorised Officer of the Authority.

DATED

25 October 2004

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**THE LAKE DISTRICT NATIONAL PARK
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File Ref: 1413.01

Minute Ref: Implementation 17 September
2004

Muniment Room No: