Yorkshire Dales National Park Authority **Item 7**

30 September 2025

Public Path Creation Order for Garsdale – Hawes multi-user route

Purpose of the Report

1. To seek Member support for officers to pursue the establishment of a bridleway along a section of the former Wensleydale railway line, creating a new multi-user route between Garsdale Station and Hawes by Public Path Creation Order.

Recommendations

2. It is recommended that the Authority:

   a. Supports the planned approach to establish a multi-use route between Garsdale Station and Hawes by Public Path Creation Order; and
   b. Requests the Director of Corporate Services, in accordance with the Authority's scheme of delegation and in consultation with the Garsdale Hawes Steering Group, to consider whether to make a Public Path Creation Order under the Highways Act 1980 to create a public bridleway between Garsdale Station and Hawes.

Strategic Framework

3. The information and recommendations contained in this report are consistent with the Authority's statutory purposes and support the strategic planning framework.

- **National Park Management Plan**.

Produce local plans to improve connections for walking, cycling, wheeling and horse-riding, so it is easier for residents and visitors to travel for work, for school and to access key services and visitor destinations without needing a car, and create at least 2 new multi-use routes by 2030, including one linking Garsdale-Hawes.

- **Corporate Plan**

Promote and encourage responsible cycling, enabling the development of two 'cycle hubs', and working with local Highway Authorities and other partners to undertake the work necessary to develop at least one further family-friendly cycling route by 2026.

Continue development of the Garsdale-Hawes multi-use route, concluding the creation agreement process with landowners, and establishing delivery timescales for the remainder of the project.

- **Active Travel Plan**

In partnership with local organisations and communities, the Authority has recently led the development of a new Yorkshire Dales Active Travel Plan. The Plan outlines a high-level, aspirational network for active travel to increase the number of people walking, wheeling, horse riding and cycling for work, utility and leisure in the National Park. More specifically, the Plan identifies a 'Wensleydale Corridor' as a priority area for the development of active travel routes and other solutions, including the proposed Garsdale-Hawes multi-use route.

Background

Early Endorsement and Consultation

4. In June 2022, the Authority confirmed its support for a multi-user route along the disused railway line between Garsdale Station and Hawes. Officers were authorised to develop the proposal following an unprecedented public consultation. Over three weeks, 2,300 people, including local organisations, residents shared their views - one of the most engaged surveys the Authority has ever conducted.

5. Nearly 80% of all respondents, and 82% of respondents who described themselves as living and/or working or owning a business in the National Park embraced the vision of a shared path, highlighting the community's support for a safe, inclusive travel corridor. Beyond the numbers, their comments reveal real stories: parents picturing stress-free strolls with prams, grandparents hoping to rediscover the old line on foot, and wheelchair users dreaming of barrier-free access. The full executive summary of these insights is in **Appendix 1**, with verbatim comments available via the embedded link.

Steering Group Oversight

6. The Finance & Resources Committee received updates on the project in July and December 2023. The Committee then established a dedicated Steering Group in July 2024 - comprising Libby Bateman, Lizzie Bushby, Yvonne Peacock, and Authority officers, alongside an officer from North Yorkshire Council. This group meets regularly to review progress, resolve challenges, and ensure every decision keeps safety and accessibility at its heart.

Strategic Safeguarding of the Route

7. For years, the Authority has safeguarded this railway corridor in both the National Park Management Plan and the Local Plan. Originally intended to preserve the possibility of reinstating the Wensleydale Railway, this protection

now offers a unique opportunity. If one day a future government provides the political will and resources to reinstate the railway, we will welcome that vision, and the Authority would ensure any development of the line as a multi-user route will not compromise the opportunity for rail reinstatement. In the meantime, we remain committed to delivering an accessible, safe trail that serves children, young parents, and people with limited mobility — improving access opportunities to a cherished landscape.

Landowner negotiations (Creation Agreement process)

8. To create a multi-user route, a formal legal right of way must be established either by completion of a Creation Agreement with each landowner or through a Creation Order.

9. There are 20 landowners along the route. Two are public authorities; the National Park Authority and North Yorkshire Council and one is a charity which owns and manages former railway land and structures to create paths for public benefit.

10. In early 2024, the Authority appointed land agents Bell Ingram to negotiate Creation Agreements with the landowners along the proposed Garsdale–Hawes route. Each landowner received at least three letters explaining the scheme, offering discussions on impacts and compensation. A final round of letters was issued in December 2024. While most landowners have engaged - either entering negotiations or formally objecting - a few have not responded.

11. Below is the current status of those negotiations:

Status	Number of Landowners	Number of Plots
Public authorities / charity	3	3
Offer accepted	7	9
Negotiations ongoing	5	5
Objected / offer declined / no response	5	8

12. During negotiations, the principal concerns raised by landowners have centred on the following issues:

- Effects on the privacy of residential dwellings, curtilage and/or gardens
- Impacts on agricultural buildings or other infrastructure on or adjacent to the former railway line
- Impact on agricultural and game shooting activities

Bell Ingram and Authority officers have worked together with landowners to address these concerns wherever possible, through consideration of alternative options or appropriate compensation.

13. To achieve the whole route through the Creation Agreement process would require support from all landowners. Since five have either objected to the proposal or remain unresponsive, that will not be possible. Consequently, the Authority must now consider making a Creation Order to secure the route in its entirety.

Public Path Creation Order process

14. Where agreement with all parties cannot be reached, the Authority has the power to make a public path creation order to compulsorily establish a new public right of way. Section 26 of the Highways Act 1980 enables the local authority to do so where there is a need for a path and it is satisfied that it is expedient, having regard to the extent to which the path would add to the convenience and enjoyment of a substantial section of the public, or to local people, and the effect the new path would have on affected landowners.

Outlined below is a summary of the key stages of the creation order process:

Pre-Order Consultations

- Statutory: North Yorkshire Council and Westmorland & Furness Council
- Non-statutory: Other interested organisations and community groups

Making the Order

- Assess legal tests of “need” and “expediency,” weighing public benefit against impacts on landowners, taking account of compensation provisions.
- Consider agricultural and forestry interests, conservation of flora, fauna and geological and physiographical features, and the Rights of Way Improvement Plan (if any)
- Decide whether an order should be made

Publicity and Objections

- Advertise the Order and serve copies on all interested parties.
- If no objections arise during the consultation period, the Authority can confirm the Order.
- If there are objections, options include discontinuing, seeking withdrawal of objections, or referral to the Secretary of State seeking confirmation.

Submission to the Secretary of State

- A hearing or public inquiry may be convened (or the case dealt with by written representations).
- Decision issued (typically within 45 weeks)
- Possible modifications by the Secretary of State, which may trigger further consultation.

Compensation

- Statutory compensation covers land-value depreciation or disturbance losses.
- Claims must be made in writing within six months of the Order taking effect.
- Disputes over amounts are settled by the Lands Tribunal

15. The timescale for completion of this Creation Order process, from preparation and pre-consultation through to final confirmation of the Order, is estimated to be at least 18 months, though this will depend on several factors.

Governance and Decision-Making

16. Two formal decisions are required:
    - **Decision to Make the Order**
    - **Decision to Submit to the Secretary of State**

17. Whilst the authority to make both decisions is delegated to the Director of Corporate Services under the Scheme of Delegation, the purpose of this report is to seek confirmation from Members that they support the principle of pursuing the route by Creation Order given the project's high profile. If they do, officers will draw up a delegated report where the legal tests for making the Order will be considered in detail. Counsel's advice will be sought on the detail of any delegated report before a decision is made whether to make the Creation Order.

Legal Implications

18. Under the Environment Act 1995, all National Park Authorities have powers to make Creation Orders, and the Authority has experience of doing so, through the implementation of the Pennine Bridleway in the National Park. The Authority would need to be satisfied that the statutory tests set out in the legislation (Highways Act 1980) for Creation Orders were met and if any objections to the making of the Order were received, then the Secretary of

State would decide whether to confirm the Order, probably by convening a Public Inquiry.

19. Compensation is payable to a landowner if the Creation Order is confirmed where the landowner can establish that the value of their interest in the land is depreciated or that they have suffered damage by being disturbed in their enjoyment of the land because of the Order.

20. Counsel's advice was sought last year on the merits of establishing the route by way of Creation Order. Counsel advised that they considered that the statutory grounds for making the Order were capable of being met.

21. **Appendix 2** sets out the statutory framework for making a Public Path Creation Order.

Financial Implications

22. As reported to Members in March 2022 the key financial consideration has been to allocate funding for the resource required for the legal work and landowner compensation. Once this setup phase was complete, finding capital grant funding to build the multi - user route (Feasibility report [Arup] 2020, estimated £4-5m) should be relatively straightforward. The key to attracting funding for this type of capital project is to ensure project outputs are likely. In this case, that the route has been secured.

23. The financial implications of preparing and making a Creation Order and pursuing the case to Public Inquiry are estimated at £10k.

24. Additionally, there are further financial implications should the Creation Order be confirmed. These are:

    - Any agreed compensation settlements with landowners, both those to date and any made in resolving objections during the Creation Order process.
    - Statutory compensation claims (post-confirmation), if costs have not been agreed with an individual landowner.

25. Budget provision for legal establishment of the route has been made, with a reserve allocated to the project. The costs outlined above in paragraphs 23. & 24. have been incorporated into this project budget ensuring the Authority is financially prepared for both negotiated settlements and any statutory claims that follow.

Climate Change Implications

26. Developing the route supports active travel and it is hoped would reduce reliance on private vehicles and associated carbon emissions by enabling access via train and cycle/foot using the Settle/Carlisle train line. Careful design and habitat management will mitigate potential ecological impacts, aligning the project with the National Park's environmental objectives.

Equality, Diversity and Inclusion Implications

27. Whilst there are no direct equality, diversity and inclusion implications of making the Creation Order, developing the route has the potential to offer significant positive effects; particularly in terms of improving and widening accessibility to the rights of way network and in enabling people without a car to reach the north of the National Park.

28. The Authority would seek to ensure that equality, diversity and inclusion are considered in their widest sense during consideration of the Creation Order process and in project development and delivery, including an Equality Impact Assessment.

Risk Management

29. If the decision on this matter goes to the Secretary of State and the order is not confirmed, we would not be able to recover our legal costs. This is balanced by taking legal advice on the strength of our case to ensure this is robust.

Conclusion

30. Over nearly three years, Bell Ingram and Authority staff have engaged diligently with landowners and stakeholders to seek agreement to the proposed multi-user route.

31. Whilst this approach has yielded support from some of the landowners, it is clear that this process alone will not deliver this proposal. Consequently, if the Authority wishes to progress the ambition for the Garsdale - Hawes multi-user route, it must now consider making a Creation Order to establish access along the former Wensleydale railway line.

Elliott Lorimer
Director of Park Services

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Appendix 1

Hawes to Garsdale Multi-User Route Survey

Executive Summary

1. At a meeting of the Yorkshire Dales National Park Authority held on 29 March 2022, Members approved the principle of creating a multi-user route between Hawes and Garsdale Station and asked that a survey be carried out to determine the level of public support for it.

2. The online survey ran from 29 March to 22 April with 2,261 individual responses received. It is one of the most engaged public consultations the Authority has undertaken in recent years.

3. A Hawes-Garsdale multi-user route report and accompanying news release was published on 18 March, 11 days before the National Park Authority meeting, after which a news release containing details of the survey was published. Both stories were covered extensively by local and regional media.

4. On social media, the post carrying the link to the survey was seen 257,250 times - 199,907 times on Facebook, 18,475 times on Twitter and 38,868 times on Instagram.

5. As a result of all the coverage received, 85% of all respondents had successfully completed the survey within the first 7 days of it going live.

6. The survey found that 1,753 people - 77% of all respondents - agree with the idea of a multi-user route between Hawes and Garsdale along the former railway line. 424 (19%) disagree and 84 (4%) aren't sure.

7. 83% of all respondents said they would use a multi-user route if it were created. When asked how they would use it, walking proved the most popular (75%) followed by cycling (60%), horse riding (25%), mixed ability user (7%), other (9%).

8. 68% of all respondents described themselves as visitors to the National Park, with 22% describing themselves as living and/or working or owning a business in the National Park.

9. 24% of all respondents are aged 15-44, 52% aged 45-64 and 24% over 65.

10. **Question 1** required respondents to enter their name. **Question 2** asked respondents to enter: 'your organisation (if relevant)'. Just under 1,000 respondents identified themselves as a member and/or supporter of an organisation. A broad range of organisations were reported, for example:

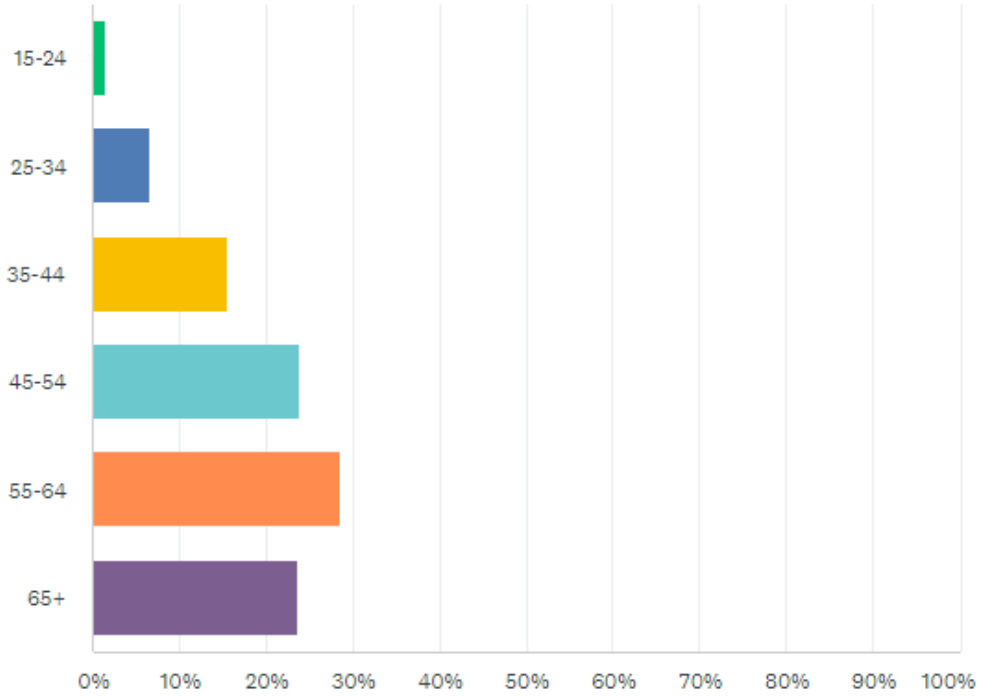
The British Horse Society	Ribble Valley Rail
Campaign for Better Transport	Stage 1 Cycles

Cumbria Bridleway Society	Upper Wensleydale Railway Association
Dales Bike Centre	Wensleydale Railway Association
Friends of Settle & Carlisle Line	Wensleydale Sports & Recreation Association

11. A summary of verbatim responses to **question 2** is detailed here.

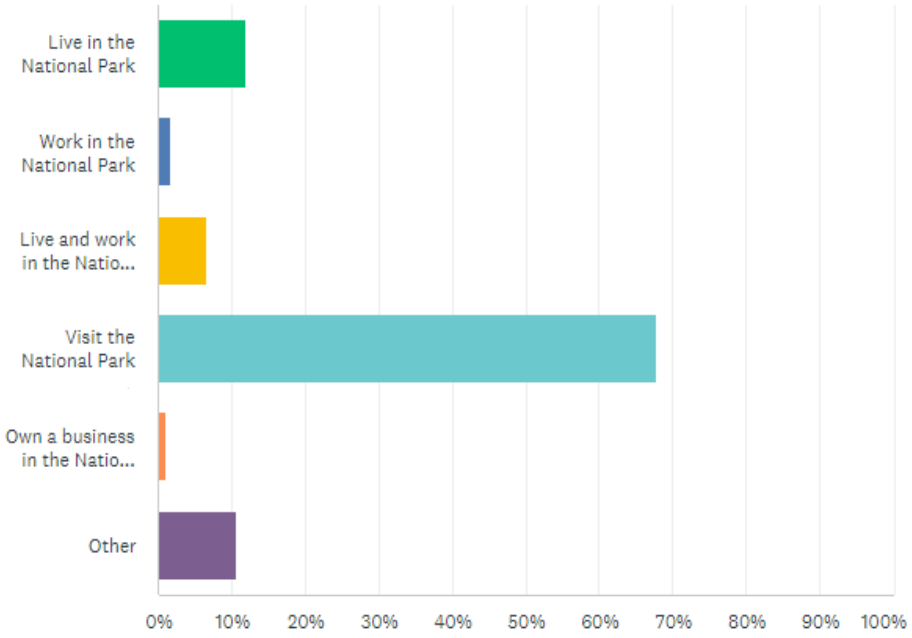
12. **Question 3** asked respondents to enter their age range, with the results as follows:

Age Profile of Respondents



13. **Question 4** asked 'what best describes you' with the option to select one of six options. Respondents replying 'other' were prompted to describe themselves in a text field beneath the question.

What best describes you?

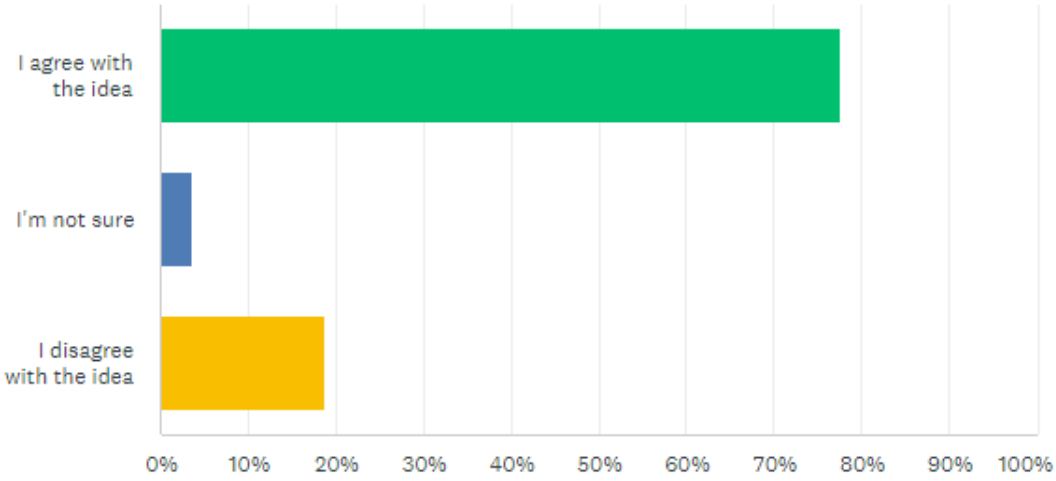


14. **Question 5** asked 'What are your views on the idea of a multi-user route between Hawes and Garsdale along the former railway line? There were three options to choose from with an additional text box to capture 'an explanation for your answer'.

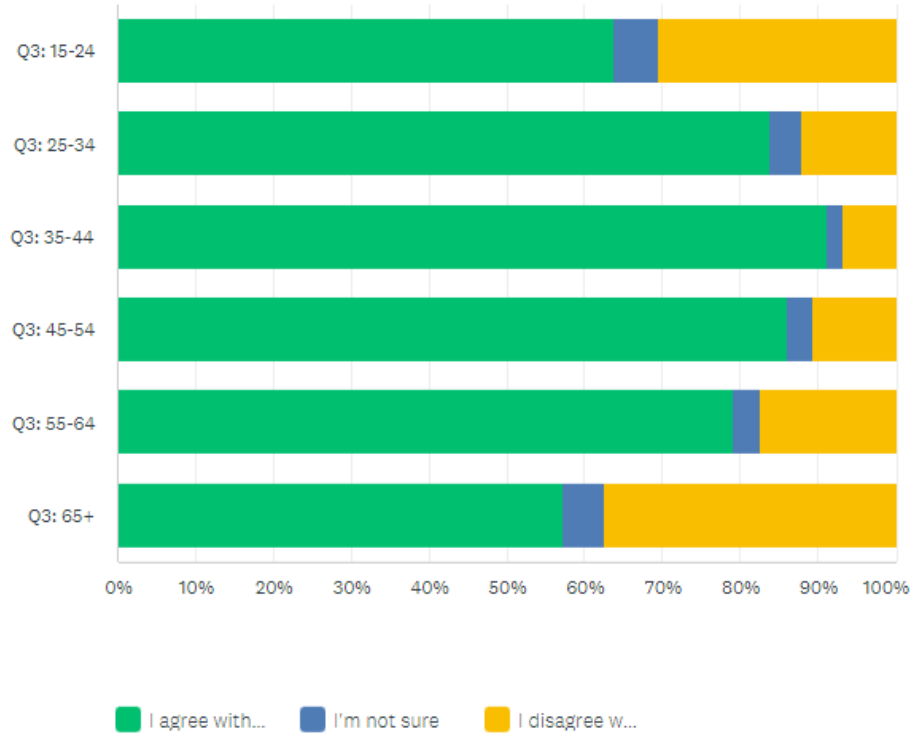
15. 77% of all respondents agree with the idea of a multi-user route between Hawes and Garsdale along the former railway line. 19% disagree and 4% aren't sure.

16. 82% of respondants who described themselves as living and/or working or owning a business in the National Park agree with the idea.

What are your views on the idea of a multi-user route between Hawes and Garsdale along the former railway line?



17. Support for ‘I agree with the idea’ was strongest amongst 35-44s with support for ‘I disagree with the idea’ strongest amongst the 65+.



18. 1,755 comments were received in response to **question 5**, all of which can be viewed here.

19. Of the comments received, just over 1,100 comments were recorded from people who variously expressed a view that the track bed between Hawes and Garsdale Station be developed into a multi-user route. Recurring themes amongst these comments are included in the sample below.

20. Just under 500 comments were recorded from people who variously expressed a view that the track bed between Hawes and Garsdale Station continue to be preserved for a possible renstatement of the railway. Recurring themes amongst these comments are included in the sample below.

21. Finally, there were a number of miscellanous comments, including around 60 comments from people who would like to retain the trackbed and introduce a multi-user route alongside, and from those who would like to see a multi-user route now and the trackbed reinstated later.

22. Members should be aware that there appeared to be a number of respondees who thought the survey questions were a choice between, developing a multi use route OR re-instating the railway - rather than simply the protection of the track bed to enable the re-instatement of the railway whould that ever be a possibility.

I Agree With The Idea

“I am a lifelong cyclist and have lived and worked in the Yorkshire dales all my life and am finding our dales roads increasingly hazardous I am particularly keen to see projects develop to allow children and families to ride safely in open countryside.”

“This would be fantastic. There are no longer many safe areas for horses to use and roads are becoming increasingly busy. This would also create another usable path for pedestrians and cyclists so is not just limited to riders. It would encourage tourism to the area and show that the National Park is encouraging everyone to get outside in the fresh air.”

“The A684 is the artery along the dale but is dangerous for cyclists, walkers or horseriders due to the volume & speed of vehicle traffic. A safe alternative route between Hawes and Garsdale would be a brilliant investment, especially if it "recycles" the former rail bed. If it allowed access to Garsdale Head station it would create a circular rail/cycle/walk route between Garsdale and Hawes to add to the outdoor "offer" in the area.”

“I think this idea is brilliant. Although it means a withdrawal of a railway line, the reinstatement of a railway is such a remote possibility and so far into the future that it is not worth considering at the present time. “

“Would be great to get the train from Settle my station, to Garsdale and then walk to Hawes and then maybe get the Little White Bus back.. or would make an excellent circular walk/ bike ride.”

“Traffic free cycling is very good for health. It encourages families to exercise in the outdoors. Many more people would benefit from this than the railway. “

“As a mother of a 3 and 4 year old it’s hard to find safe space for them to cycle / walk that’s flat. This would be great.”

“There are not enough places where those with mobility limitations can enjoy a route, knowing that the surface will be user-friendly and the gradient manageable.“

“I have a daughter who has limited mobility and sometimes a wheelchair user, this would be perfect for us as a family to enjoy an accessible walk together of which there are few in the area.”

“I am very much in favour. It is really hard to access traffic free cycling with safe start and finish points. Locally we only regularly use 2 within a 20-mile radius. Traffic free is essential for those with Learning disabilities (1-5% of the population).”

“UWSRA trustee directors (there are 9 of us, names and addresses can be seen on our page on the Charity Commission and Companies House) met on Monday 5th April and unanimously voted in favour of the proposal. The bridleway would bring benefits as outlined already in public, including recreational benefits.”

I Disagree With The Idea

“The railway line would allow more visitors to visit the area and for residents local to Hawes to also travel or work further afield - in both cases without the compelled use of motor vehicles. This is highly relevant to the currently recognised Climate Emergency.”

“The creation of a multi-user route here would effectively preclude future reinstatement of the railway from Garsdale through to Northallerton, a very sensible west-east link. This route cries out for a railway; it is just as scenic as Settle-Carlisle and would bring tourists by rail direct to Hawes and eastwards.”

“There are other feasible routes for a multi-user routes; there is no other route for reinstating the railway.”

“There are plenty of multi-user footpaths, bridleways, cycle tracks and lanes and roads in Wensleydale. The trackbed from Garsdale to Hawes is unique: it is one of the few track routes that can be (relatively) easily reinstated.”

“Once a bridleway is created on a railway route then the chances of ever being able to re-open the route for a railway are lost for ever. A railway can only follow its original alignment.”

“Whilst I do not oppose the creation of a multi user path per-se, this should not prevent the railway proposal in any way. Clearly, if a path is created, it would be much more difficult to create a railway as once it's there it would be very difficult to shift it.”

“Prefer to see the railway as this would bring greater benefits to the district. Many more people will use the railway than the predictions for the multi-user route.”

“The bridleway would be for the exclusive use of the fit and able bodied and would exclude youngsters, the disabled and the elderly (like myself). The railway could be used by everyone including the locals who would have access to places like Appleby, Carlisle, Settle, Skipton and further afield for work, study, shopping and leisure.”

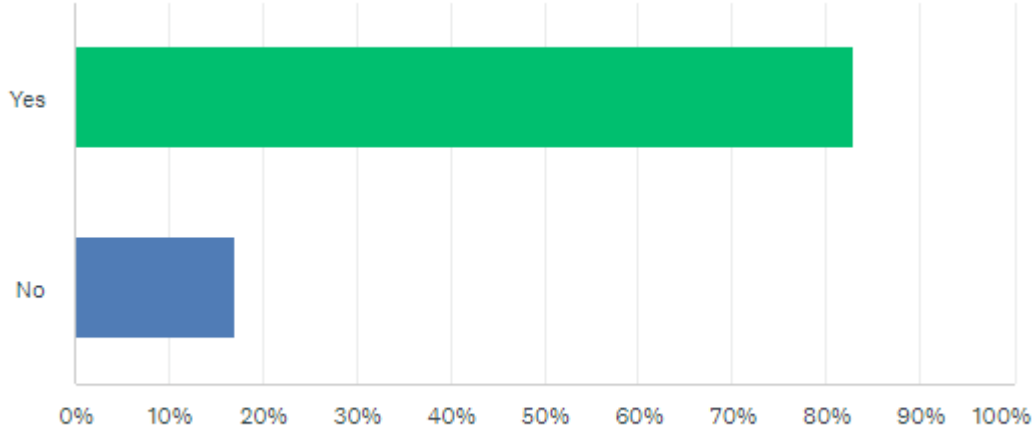
“To hinder the reinstatement of the railway the Garsdale would be a repeat of the vandalism visited on the railways in the 1960s as a result of the Beeching report. I am completely against the plan for a multi-user route using the existing railway track bed. A separate route must be found for a bridleway and footpath which does not involve the already expensively engineered route of the railway.”

23. **Question 6** asked ‘If a multi-user route were created, would you use it’? 83% of all respondents said they would; a figure higher than those who supported the development of the route.

24. 87% of respondants who described themselves as living and/or working or owning a business in the National Park said they would use it.

25. Use is strongest amongst 35-44s, followed by 45-54s, then 25-34s, then 55-64s. It is weakest among the 65+ category.

If a multi-user route were created, would you use it?

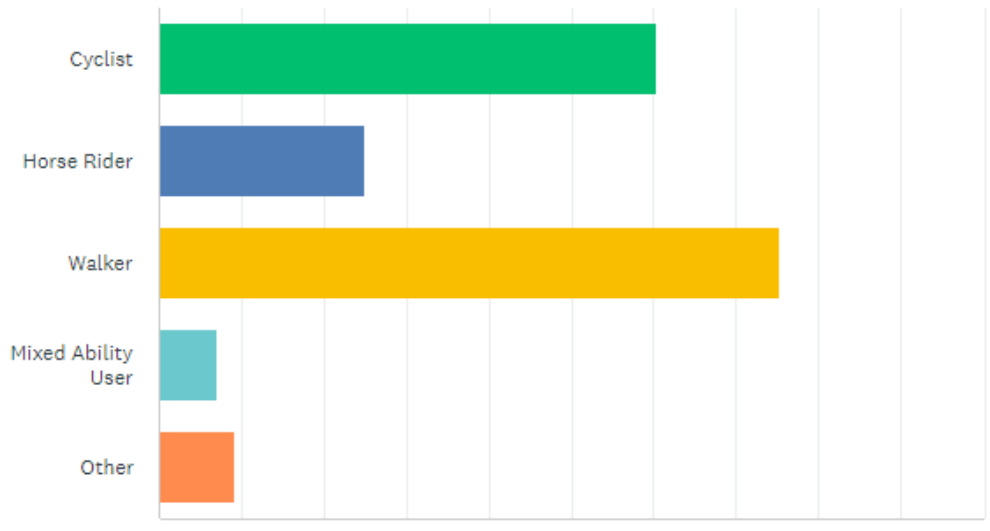


26. **Question 7** asked 'If a multi-user route were created, how would you use it'?

27. Walking came out strongest followed by cycling and horse riding. There were 139 respondents who indicated they would use a multi-user route as a mixed ability user.

28. The same trend - of walking, followed by cycling, followed by horse riding, followed by other, followed by mixed ability user - is seen across all demographics and amongst those who described themselves as living and/or working or owning a business in the National Park and amongst visitors.

29. We asked respondents replying 'other' to this question to specify how they would use it. 251 comments were received, many simply stating they wouldn't use it followed by a mix of dog walking, running, carriage driving, pushchairs/prams and 'as a rail user'.



Appendix 2

Making a Public Path Creation Order

When considering an application for a Public Path Creation Order under the Highways Act 1980, Section 26, the order making Authority must be satisfied that there is a need for a footpath or bridleway over land in their area.

The Authority must also be satisfied that, having regard to:

a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of person's resident in the area; and

b) the effects which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28, it is expedient that the path of way should be created, the Authority may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed by them as an unopposed order, create a footpath or bridleway over the land.

Other legal considerations include the following:

a) In making any Public Path Creation Order under the Highways Act 1980, Section 26, the Authority must also have due regard to nature conservation and geological and topographical features as well the needs of agriculture and forestry.

b) Before confirming a Creation Order, an Authority or Secretary of State must also have regard to any material provision, or a Rights of Way Improvement Plan prepared by the local Highway Authority.

c) The Equalities Act 2010 establishes, at section 149, the public sector equality duty. This requires the Authority to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, and sexual orientation) and persons who do not share it. The Countryside and Rights of Way Act 2000 (CRoW Act) also gives those involved in countryside access management new powers, duties and responsibilities in relation to 'Access for All'.

d) Under Section 40(1) of Natural Environment and Rural Communities Act 2006, Authorities have a duty to take due regard to the purpose of conserving biodiversity.

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