



## Lake District National Park

Authority: 25 June 2025

Agenda item: 13e

### Rights of Way Committee

MINUTES of a meeting of the Rights of Way Committee held at the National Park Office, Murley Moss, Kendal at 10.00 am on 9 December 2024.

#### Present

Ms V Hughes

Mr M Kidd

Mr R G Minshaw

Ms S Mosner

1 vacancy

#### Apologies

Mr W Clark

#### 10/24 Appointment of Chair

Mr Kidd nominated Ms Mosner to be appointed as Chair and Ms Hughes seconded the appointment. There were no other nominations.

**Decided:** That Ms Mosner be appointed as Chair for the coming year.

#### 11/24 Appointment of Deputy Chair

Mr Minshaw nominated Ms Hughes to be appointed as Deputy Chair and Mr Kidd seconded the appointment. There were no other nominations.

**Decided:** That Ms Hughes be appointed as Deputy Chair for the coming year.

#### 12/24 Apologies

Apologies were received from Mr Clark.

#### 13/24 Minutes

**Decided:** that the Minutes of the meeting held on 24 January 2024 as presented to Authority on 27 March 2024 be confirmed and signed by the Chair.

**14/24 Chairman's Announcements**

The Chair announced to the Committee that a digital video and sound recording of the meeting would be made and this will be available to the public on request.

**15/24 Declarations of Interest**

There were no declarations of a registrable interest or disclosable pecuniary interest relating to any of the business of the Committee.

**16/24 Questions**

There were no questions relating to the business of the Committee.

**17/24 Public Participation**

There were no questions, petitions or depositions of a general nature relating to the business of the Committee.

**18/24 Claimed Modification of Definitive Map & Statement – St Paul's Walk, Lindale & Newton-In-Carmel Parish**

The Senior Rights of Way Officer presented the report which discussed a modification order application to add a Footpath in Lindale, running from The Gill to School Hill via St Paul's Churchyard, with a short spur in the Churchyard. The route is locally known as St Paul's Walk.

The Senior Rights of Way Officer explained that the Churchyard has been deconsecrated and that the land is intended to be sold. There has been concern locally regarding the potential loss of access which prompted the application for a modification order. The current owners are keen to see the matter resolved before the sale of the land. There has been no challenge to public use evidenced. The report's recommendation is that Public Footpaths (A-B-C-D-E-F and E-G) be added to the definitive map.

In answer to questions raised, and for the benefit of the Committee, the Senior Rights of Way Officer explained that there is no set guidance about what level of use by cyclists or equestrian users would evidence that a Bridleway should be recorded. There is an extensive body of case law relating to modification orders, but the evidence and each case must be considered individually. A judgment must be made about what use would be expected of a Footpath or Bridleway in that vicinity, and whether the evidence shows that the way has been used as if it were recorded as a Footpath or Bridleway. This is dependent on the individual path and where it is.

Members noted that the path is tarmacked, and therefore unlikely to have been popular with equestrian users, but that it may have been used as a cycleway, and that the path's width is described as a horse's width. The Senior Rights of Way Officer confirmed that there was a limited amount of user evidence from people who had cycled the route A-B-C-D-E-F. They highlighted that although the way may be a suitable width for a horse, the actual evidence of usage is the only relevant factor when considering whether to make a modification order.

Members discussed that if on the balance of probabilities they considered that it was reasonable to allege that a Bridleway should be recorded then potentially a

modification order to add a Bridleway to the definitive map should be made. They noted that there was some evidence that the way A-B-C-D-E-F had been used by cyclists, that there had been no objections or challenges raised to the way's use by cyclists and that in their view it was likely this use would continue.

Mr Minshaw proposed that members take votes on whether to make A-B-C-D-E a Bridleway and E-G a Footpath (Option 4 c in the Report to Committee), on the basis that it was reasonable to allege A-B-C-D-E should be recorded as a bridleway. Ms Hughes seconded this proposal. At the Senior Rights of Way Officer's request members also confirmed that on the balance of probability test in their view at least a footpath exists.

Members took a vote and Ms Hughes, Mr Minshaw and Ms Mosner voted in favour of the proposals.

Members thanked the Senior Rights of Way Officer for the quality and detail of the work which went into the report.

### **Decided:**

- a Members agreed to make an order to add a Public Bridleway along the route shown A-B-C-D-E-F on the map;
- b Members agreed to make an order to add a Public Footpath along the spur route shown E-G on the map;
- b Members agreed to confirm the orders if they receive no sustained objections; and
- c Members agreed that the orders be submitted to the Secretary of State for determination if objections are received and sustained.

### **19/24 Progress on Rights of Way Cases and Delegated Matters 2023-2024 and Quarters 1-3 2024-2025 (April-December)**

The Senior Rights of Way Officer presented the briefing paper, providing updates on matters previously authorised by the Rights of Way Committee or through delegated powers, together with updates on other work carried out by the Rights of Way Officers.

The Senior Rights of Way Officer highlighted that one modification order application for a right of way at Occupation Lane, Broughton, which had been expected to be determined via written representations at the time the briefing paper was written will now be the subject of a public inquiry. The date of the inquiry has not yet been set.

Members noted the large volume of work in hand and queried whether work completed was keeping pace with incoming work. Is there a resourcing issue? The Senior Rights of Way Officer confirmed that in connection with the Coast to Coast National Trail project we are being assisted by a Rights of Way consultant. This project is progressing, in areas further than had been anticipated at this stage, and the related work is expected to be complete by late 2025, subject to any outstanding cases sent to the Secretary of State for determination.

The Head of Strategy and Rangers confirmed resourcing across rights of way delivery had recently been reviewed, and that this had resulted in savings from leadership and vacant positions being directed into rights of way delivery, which has seen a reduction of the overall rights of way work backlog over the last 12 months. Following this we are looking into an evaluation exercise around how practical rights of way work is prioritised. The Head of Strategy and Rangers stated that a similar exercise is necessary to look at the backlog of legal rights of way work, although it's unlikely there will be an opportunity to increase staffing at this moment in time, although they acknowledged the need to consider the backlog of legal work, and at least create a 'wishlist' around what is required.

Members thanked the rights of way team for their continued work and noted that there is a hope to reduce some of the outstanding work.

**Decided:**

- a Members noted the progress on rights of way cases and work.

(The meeting finished at 10:27 am)