

Progress on Rights of Way Cases and Delegated Matters End of Year 2024-2025

1 Summary

- 1.1 This briefing paper is for information only, and to provide 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.

Recommendation that: Members note the progress.

2 Policy Context

- 2.1 The key aim for access and rights of way within the Lake District National Park Partnership's Plan is to enhance the quality and diversity of the visitor's experience. The Authority is performing a statutory function under powers delegated to it by Cumberland Council and Westmorland & Furness Council.
- 2.2 One of our activities is to ensure that our work effectively improves, promotes, and enhances the quality of the rights of way and countryside access land in ways that meet the needs and preferences of users and in ways that sustainably benefit the local economy and delivers wider social benefits.
- 2.3 The fundamental management of the rights of way network includes legal orders and authorising changes.

3 Background

- 3.1 Under our scheme of delegation some matters are determined by Members at Rights of Way Committee meetings, whilst others are determined by the Head of Strategy & Ranger Service or sub-delegated to Ranger Team Leaders, and reported to members. The last such report was in December 2024.
- 3.2 Annex 1 attached to this report details rights of way decisions made under the Authority's Scheme of Delegation during 2024-2025.
- 3.3 The tables in the annex detail the following:

Table 1	Gates & stiles authorised by Head of Service
Table 2	Temporary traffic regulation orders authorised by Head of Service
Table 3	Uncompleted cases authorised at previous committee meetings
Table 4	Cases considered at previous committee meetings now completed
Table 5	Orders and agreements authorised by the Head of Service
Table 6	Outstanding Definitive Map Modification Order Applications
Table 7	Current Higher Priority Public Path Order Cases
Table 8	Motor Event Consents issued by Head of Service
Table 9	Open Access Authorisations and Decisions

3.4 Our current capacity for casework is 1.8 FTE. In addition to this we have accessed funding from Natural England to employ a part-time outside consultant to help with the legal work required for the Coast-to-Coast National Trail establishment.

4 Gates and Stiles – see Annex 1: Table 1

4.1 New gates and/or stiles can be erected across rights of way where they are considered necessary in the interests of agriculture or forestry - but these must be authorised by us. Table 1 shows those approved this year – just two; which is quite a bit lower than normal (we do not know why there have been fewer requests).

5 Temporary Closure of Public Footpaths, Bridleways and Byways – Table 2

5.1 Temporary traffic regulation orders (TTRO) or notices (TTRN) are for closing paths for up to six months for various purposes, usually relating to public safety or works. Table 2 details those authorised – again about an average number. Some issued in the past have been extended for various periods of time because of difficult to resolve safety issues (riverbank erosion and unstable rock-faces).

5.2 In line with government guidance, we charge external bodies for processing their requests, consequently many are cost neutral (this doesn't apply to ones relating to maintenance carried out by ourselves – such as bridge replacements).

6 Definitive Map Modification Orders, Public Path Orders and Creation Agreements – Tables 3-7

6.1 All modification orders are determined by the Rights of Way Committee.

- We now have 35 outstanding that have not yet been to committee, and four further (post-committee) uncompleted cases, three of which are nearing completion - two being with the Secretary of State; and one hopefully to be confirmed unopposed in April.
- When/if the relevant section of the Deregulation Act comes into force it will impose a requirement upon us to determine applications within 12 months of receipt.

6.2 Public path orders and creation agreements are authorised by the Head of Service / Ranger Team Leaders where no substantive representation / objections are received during the informal consultation process. If no objections are then received after the order has been made, it is confirmed. Our delegation scheme is that the Head of Service / Ranger Team Leaders also have powers to decide whether to forward the matter to the Secretary of State unless formal substantive representations have been made, in which case the decision reverts to this Committee.

6.3 Although few (four) actual public path orders have been authorised, it's important to note that we have carried out a lot of work on consultations and considerations of applications or requests – which have then led to the applicants withdrawing their applications (or not proceeding) following our advice. The amount of progress (in italics) in Table 7 is encouraging.

- 6.4 The establishment of the Coast-to-Coast Path National Trail requires the local authorities to carry out various pieces of legal work to ensure that the trail has secure access in perpetuity. The outstanding casework within the Lake District is listed separately within Table 7. We have made excellent progress on these cases with some being started and completed within the year. Some have led to Orders, whilst others have been concluded without the need for a Public Path Order. The remaining ones are the more 'difficult' ones – where there is not always an immediately obvious or easy solution.
- 6.5 In general, progress on casework has been higher this year than any other since 2014. Although little new work has been carried out on modification order applications – the time being spent on preparing our existing 'live' cases for public inquiries.

7 Consents issued under section 33 Highways Act 1980 – Table 8

- 7.1 We are able to grant consent for motor events to take place on public rights of way, and we do so for a number of events after imposing conditions such as signage and marshalling. Table 8 lists consents issued - again, a very stable number, it is effectively the same four or five events every year now (we used to have 10+ events).

8 Authorisations and decisions taken in relation to open access land – Table 9.

- 8.1 As the Relevant Authority and Access Authority for open access land designated under the Countryside and Rights of Way Act 2000, we are able to determine restriction applications and authorise entering into agreements relating to furniture improvements. We have not had to determine any for some while.

9 Publication

- 9.1 The Openness of Local Government Bodies Regulations 2014 requires us to keep, and publish on our website, a written record of certain decisions made under some delegated powers. The decisions taken, and the reasoning for these decisions (authorising reports or letters), for items listed in Tables 1,2,5,8, and 9 are available on a dedicated area of our website
www.lakedistrict.gov.uk/visiting/thingstodo/rowupdates/row-delegated-decisions.
- 9.2 Decisions taken at committee (Tables 3 and 4) are also already available on the committee pages on the website www.lakedistrict.gov.uk/aboutus/committee-meetings-calendar.

10. Other decisions

- 10.1 The Head of Service has also reviewed the costs we levy for public path orders, traffic regulation orders and other consents / applications. This is under the general powers of competence rather than being delegated through the Committee – but as it is so relevant to our work it is worth noting. The report and our costs can be seen online here https://www.lakedistrict.gov.uk/_data/assets/pdf_file/0028/62965/DD.24.3.pdf

Background Papers:	Rights of Way case files
Author:	Nick Thorne, Senior Rights of Way Officer
Responsible Director:	Stephen Ratcliffe, Sustainable Development
Date Written:	13 March 2025

*****All entries or sentences in italics denote entries or activity since last update (December 2024)*****

TABLE 1: Gates & stiles authorised under delegated powers in 2024-2025

Parish	Right of Way	Location / Grid Reference	Type of Obstruction and reason
Staveley-in-Cartmel	FP 573028 & FP 573029	Chapel House Plantation – SD 3810 8531 and SD 3818 8518	2 self-closing pedestrian wicket gates – authorised to prevent sheep ingress into newly re-planted areas of forestry plantation. Authorised for 10 years (to July 2034).
<i>Above Derwent</i>	<i>FP 201035</i>	<i>Rowling End Farm – NY 2356 2057</i>	<i>Pedestrian wicket gate near the western end of the footbridge to prevent ingress & egress of stock over the footbridge. Post-and-rail fencing to be used connecting gate to the bank.</i>

TABLE 2: Temporary traffic regulation orders authorised under delegated powers in 2024-2025

Parish	Right of Way	Location	Type	Reason
Whinfell	BOAT 548025	Ashstead	Order	Repair of byway surface
Borrowdale	Unrecorded way generally used as BW 212008	Honister Old Toll Road	Notice	Works to repair collapsed revetment and culvert
Muncaster	FP 418009	Ravenglass	Notice – converted to Order, <i>then extended by Secretary of State</i>	To replace bridge decking – <i>then to remove and replace bridge altogether</i>
Loweswater	FP 243023	Hudson Place	Order	Bridge replacement
Eskdale	FP 408037 & 408087	Stanley Ghyll	Order	Statutory Plant Health Notice – Tree removal due to Phytopthera
Lakes (Troutbeck)	FP 545023	Troutbeck	Notice – NOT ISSUED (work was completed without the need for closure)	Path surface undermined by badger sett
Ennerdale & Kinniside	FP 407067	Broadmoor	Order	Statutory Plant Health Notice – Tree removal due to Phytopthera
Ennerdale & Kinniside	FP 407042 & BW 407028	Ling Mell Plantations	Order	Statutory Plant Health Notice – Tree removal due to Phytopthera
Various	Various	Grizedale Forest, Wythop Woods, Whinlatter	Order	Motor rally events – Grizedale Stages and Malcolm Wilson Rallies
Above Derwent	201058	Braithwaite	2 x Notice (1 st – for works and second for danger)	Electricity cable works

Colton	511063	St Paul's Church, Rusland	Notice <i>followed by Order</i>	Danger due to falling masonry
Ennerdale and Kinniside	407033	Memorial Bridge, Ennerdale	Notice – 21 days from 4 February 2025	<i>Bridge blown over – likelihood of danger if public continue to attempt to cross river Liza using the bridge structure</i>
Kirkby Ireleth	539017 & 539018	Far Houses	Order – 6 months from May 2025	<i>Structural repair and tree removal works at deserted farmstead to make it safe</i>

TABLE 3: Uncompleted cases authorised at previous Rights of Way Committee meetings (in order of decision date).

Parish	Right of Way	Location	Type of Order	Month of Committee	Reason	Current position (progress since last committee meeting in <i>italics</i>)
Threlkeld	New footpath	Above Doddick	Modification	Aug 2007	Addition of footpath.	Order made Sept 2007, objections – users contacted about inquiry. Little response.
Bassenthwaite	206003	Holly Bank	Modification	April 2013	Modify alignment where path goes over edge of quarry.	Objection received. Deregulation Act may provide a solution through 'Modification Consent Order' when finally in force.
Blindbothel	n/a	High Rogerscale	Creation	April 2013	Addition of bridleway – Committee recommended reconsulting on footpath.	Delayed due to capacity and other priorities.
Grasmere, etc	Various	White Moss to Grasmere	Creations	October 2014	Upgrade footpaths to bridleways.	Mainly completed – signed by National Trust & LDNPA. <i>Landowners now signing agreements for rest of route.</i>
Broughton West	520070 520071	Occupation Lane	Modification	August 2022	Addition of two bridleways	Orders made – objection(s) received. Submitted to Secretary of State. <i>Was going to be written representation, Inspectorate now wish to hold a Public Inquiry. Date not arranged.</i>
Gosforth / Wasdale	New	River Irt	Modification	January 2023	Claimed footpath alongside and over River Irt	Order made - objections received. Submitted to Secretary of State. <i>Public Inquiry to be held 30 September 2025</i>
Lindale & Newton-in-Cartmel	<i>New</i>	<i>The Gill to School Hill via Churchyard</i>	<i>Modification</i>	<i>December 2024</i>	<i>Claimed Footpath</i>	<i>Bridleway and Footpath DMMO made January 2025 – closing date for representations 21 March 2025</i>

TABLE 4B: Cases considered at previous Rights of Way Committee meetings completed to date in 2024-25

Parish	Right of Way	Location	Order Type	Month of Committee	Reason	Current position (progress since last committee meeting in italics)
Ennerdale	Various	Woundell Beck	Diversion and creation	Oct 2010	Divert bridleway over new bridge, and associated changes. Now also part of Coast-to-Coast work.	Orders remade Nov 2022. Objections received. Submitted to Secretary of State. Confirmed by Inspector – Summer 2024

TABLE 5: Public path orders and agreements authorised under delegated powers in 2024-2025

Parish	Right of Way	Location	Order Type	Reason
Staveley-in-Cartmel	FPs 573016/017/018/019	Field Ends	Diversions	To avoid cattle grid and locked gate, and to move paths out of impassable wetland into usable fields, and remove from in front of house. <i>Order made and in process of confirmation.</i>
Buttermere & Brackenthwaite and Borrowdale	Various	Honister Old Toll Road	Creations and Extinguishments	Concurrent orders to create a new bridleway along the old Honister Toll Road to carry the Coast-to-Coast Path National Trail with some consequential changes in alignment to connected paths. <i>Orders made and confirmed.</i>
Buttermere & Brackenthwaite	New Path	Fleetwith Tramway	Creation Order	Creation of new footpath along well used route of Fleetwith Tramway from Honister Slate Mine as part of Coast-to-Coast Path National Trail. <i>Orders made and confirmed.</i>
Ennerdale & Kinniside	<i>New paths</i>	<i>Nannycatch and Scarny Brow</i>	<i>Creation Agreement</i>	<i>To create new public bridleway to carry the Coast-to-Coast Path National Trail</i>

**It is important to note that we have received four or five applications that we have assessed (sometimes after consultations with stakeholders) and have advised the applicants that we would not be recommending an Order to this Committee. The applications have then either been withdrawn, or the applicants have decided not to request that we bring the matter to Committee (ie: withdrawn / lapsed by default / non-response). Such applications take almost as much staff-time as those which are made under delegated powers.

TABLE 6: Outstanding Definitive Map Modification Order Applications (yet to come to Rights of Way Committee)

Parish	Right of Way	Location	Date of application	Effect of application	Current position
Lakes: Rydal	544023	Rydal Park	Aug 2004	Claimed bridleway, mainly over existing footpath	Acknowledged. No action yet.
Hawkshead	529023	Yewfield - Rose Cottage	May 2004	Claimed bridleway over existing footpath	Acknowledged. No action yet.
Hawkshead & Coniston	512 & 529 - 6 paths	Tarn Hows circuit	Dec 2005	Claimed bridleway over existing footpath Tarn Hows circuit	Acknowledged. No action yet.
Colton Satterthwaite	511084 56032	Parkamoor - Satterthwaite	Dec 2005	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
Colton Satterthwaite	511084 566031	Parkamoor - Grizedale	Dec 2005	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
Coniston Satterthwaite	512066 566030	Monk Coniston - Grizedale	Dec 2005	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
Dunnerdale with Seathwaite	521057	Park Head Road	Dec 2005	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
Lakes:Langdales	543045	Baysbrown to Langdale Rd	Feb 2006	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
Satterthwaite	566034	Force Forge	Dec 2005	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
St John's Castlerigg	249007	Church to Sosgill Bridge	Jan 2006	Claimed byway over existing bridleway	Acknowledged. TRF confirmed will accept Restricted Byway rather than Byway Open to All Traffic
Lakes: Langdale	New	Scout Crag	May 2007	Claimed footpath	Acknowledged. No challenge to usage yet.
Strickland Roger	New	Gurnal Dubs Road	Sept 2019	Claimed footpath	Added to Register Jan 2020. To contact landowners.
Bampton	New	Bampton Smithy	April 2020	Claimed footpath	Added to Register July 2020. No action yet.
Shap Rural	New	Lindens	April 2020	Claimed bridleway	Added to Register July 2020. No action yet.
Shap Rural	New	Hegdale	April 2020	Claimed bridleway	Added to Register July 2020. No action yet.
Crook	New	Box Tree Farm	April 2020	Claimed footpath	Added to Register July 2020. No action yet.
Crook	New	St Catherine's	April 2020	Claimed footpath	Added to Register July 2020. No action yet.
Underbarrow & Bradleyfield	New	Beckside	April 2020	Claimed footpath	Added to Register July 2020. No action yet.
Underbarrow & Bradleyfield	577021	Nook Lane	April 2020	Claimed restricted byway – partly over existing footpath	Added to Register July 2020. No action yet.

Crosthwaite & Lyth	514016	Holmes & Savinhill Roads	April 2020	Claimed Right of way (no status specified) – part already recorded as footpath	Added to Register July 2020. No action yet.
Crosthwaite & Lyth	New	Holmes Lane	April 2020	Claimed bridleway	Added to Register July 2020. No action yet.
Helsington	New	Dobdale Road	May 2021	Claimed footpath	Added to Register May 2021. No action yet.
Whitwell & Selside	New	Leagate	May 2021	Claimed bridleway	Added to Register May 2021. No action yet.
Lowther	342006 and new	Parkside Lane	Dec 2021	Claimed Restricted Byway, partly over recorded footpath	Added to Register Feb 2022. Application provided to landowner - awaiting response.
Lowther Thrimby	New - part 342003	Hackthorpe Old Turnpike	Dec 2021	Claimed Restricted Byway	Added to Register Feb 2022. Application provided to landowner - awaiting response.
Waberthwaite	428003	Corney Moor Lane	Jan 2022	Claimed Restricted Byway over recorded footpath	Added to Register Feb 2022. No action yet.
Waberthwaite	428003 428023	Ravenglass Lane	Jan 2022	Claimed Restricted Byway over recorded footpath	Added to Register Feb 2022. No action yet.
Waberthwaite Bootle	428027 402009	Middleton Place Lane	Jan 2022	Claimed Restricted Byway over recorded footpath	Added to Register Feb 2022. No action yet.
Irton-with-Santon	411029 411033 411034	Irton Moorside Lane	Jan 2022	Claimed Restricted Byway over recorded footpath	Added to Register Feb 2022. Some landowners have been in touch and information exchanged.
Eskdale	408018	Smithybrow Lane	Jan 2022	Claimed Restricted Byway over recorded footpath	Added to Register Feb 2022. No action yet.
Bootle	402009 402029	Long Lane	Jan 2022	Claimed Restricted Byway over recorded footpath	Added to Register Feb 2022. No action yet.
Waberthwaite	428019	Newbiggin Lane	Dec 2023	Claimed Restricted Byway over recorded footpath	Added to Register Dec 2023. No action yet.
Irton-with-Santon	New	Frith's Path	Feb 2024	Claimed footpath	Added to Register Feb 2024. Some contact with some landowners.
Irton-with-Santon	New	Plumgarth	Feb 2024	Claimed footpath	Added to Register Feb 2024. Some contact with some landowners.
Caldbeck	221009 221059	Nether Row to The Street	May 2024	Modify footpaths to restricted byway	Added to Register October 2024. No action yet.

TABLE 7: Active Public Path Order Cases not already referred to in Table 3 (we have many known issues and cases – these are the ones we are actively working on at present, or have high/medium priority but are currently on hold)

Parish	Right of Way	Location	Details	Brief Notes
Shap Rural	Various	Wet Sleddale Packhorse Bridge & Sleddale Hall	A number of permitted bridleways and CROW footpaths could be converted to bridleways.	Part of United Utilities / Sustainable Catchment Management Programme project. <i>In staff work programmes for 2025-26.</i>
Torver	576009	Carr Lane	Community project - to upgrade FP to BW.	Awaiting details from Parish Council – <i>recontacted recently.</i>
Gosforth	Various	Bleng Forest	Community led project to create 8km new bridleways, and two new bridges.	Forestry England recently agreed proposals internally – <i>Funding being sought (likely forthcoming) to repair bridges before progressing.</i>
Millom Without	416007/009 416014	Boadhole	BW & FP - confusion over status and alignments. Order made, objection received from landowner.	Delayed – lower priority than other issues.
Askham	305011	Askham Hall Farm	Footpath obstructed in yard.	<i>Site visit organised for April 2025.</i>
Lamplugh	New	Cogra Moss	Creation of new bridleway and upgrade of footpath to bridleway to create a circular limited mobility path around the tarn.	<i>Practical works by Forestry England completed. Creation Agreement being discussed with United Utilities.</i>
Whinfell	FP & BW	Alongside Borrow Beck	Potential diversion of bridleway which is likely to be further undercut in near future	Path closed at present whilst investigations as to solutions are underway.
Lakes: Grasmere	New	Riverside Path	Adoption of current permitted path	Ongoing discussions with partners.
Staveley-in-Cartmel	Various	Field End Farm	Move paths from farmyard, wet ground and to avoid cattle grid.	Objections received to made order – have been negotiated away and withdrawn, so order will be confirmed. <i>Just awaiting works completion.</i>
Colton	New	Great Knott Wood	New bridleway as part of West Windermere Way	<i>Discussing with landowners.</i>
Shap Rural	FP 361035	Swindale Foot	River changed course, fields permanently flooded, diversion needed.	Agreed on site visit with users and consultees - awaiting bridge details.
Above Derwent	FP 201023	Newlands Beck	Path eroded into river – diversion required.	Informed landowner of intention to divert. Insufficient funding to carry out required works to make it happen. <i>Ongoing discussions.</i>
Threlkeld	New	Setmabanning	FiPL (Farming in Protected Landscapes) proposal to upgrade old railway track – also connected to Keswick-Threlkeld extension.	In discussions with landowners and public consultation taken place.

Underbarrow	577022	Fallen Yew	Development over footpath – needs to be diverted.	<i>In discussion with affected landowners.</i>
Wasdale	408054	Greendale Gill	Relic from the Fix the Fells Project that was omitted from confirmation. Needs confirming.	<i>Submitted to Secretary of State for confirmation.</i>
Colton	New	The Brows	Landowners offering new footpath as part of FiPL project.	<i>Practical improvement works costed and planned for 2025.</i>
Muncaster	418036	Edgecombe House	Path on definitive maps is shown in wrong garden.	Modification Order report being drafted – will be coming to future committee.
Patterdale	New	Glenridding Dodd	Improvements to fell path funded by Ramblers on condition we make it a right of way.	<i>Consulted – report being drafted (delegated decision).</i>
Barton with Pooley Bridge	307006	Seat Farm	Landowner has constructed garden and hot tub over FP and signed a new route.	<i>Landowner applied for diversion – consulting on proposal.</i>
Coniston	512021	Heathwaite	Definitive line probably not original route, but cannot determine what is original route and landowner would like currently used route recognised.	<i>Consulting on proposal.</i>
St John's Castlerigg & Wythburn	249056	Bridge End Farm	<i>Barn given consent to be built over definitive line.</i>	<i>Discussing with owner – will need a diversion.</i>

Coast-to-Coast Legal Casework (a number of cases have not appeared on this list as they have been started and completed during the year)

Shap Rural	New	Naddle Bridge, Thornthwaite Hall & High Park	Creation of new footpath on walked line.	<i>Report at this Committee Meeting.</i>
Ennerdale	New	Nannycatch & Scarny Brow	Creation of new footpath/bridleway	<i>Approved and agreement with landowner to sign.</i>
St Johns and Borrowdale	212021 249041	Grasmere to Borrowdale – whole length	Diversions to walked line and to newly flagged path.	About to consult.
Shap Rural	361038	Shap Abbey northwards	Diversion to avoid bog and to align walked path with definitive route.	<i>Consultation underway.</i>

TABLE 8: Motor Events on public rights of way authorised under delegated powers in 2024-2025

Event	Date of event	Location	Organisers	Nature of Event
Lakes 2-day Trial	October 2024	Broughton-in-Furness area	Birkett Motor Sports	Motorbike event
Grizedale Stages Rally	December 2024	Grizedale	Grizedale Stages Rally	Annual major stages rally
Malcolm Wilson Rally	February 2025	Grizedale, Whinlatter & Wythop	Malcolm Wilson Rally	Large-scale race
Lakeland Trial	December 2024	Wythop, Honister	Vintage Sports Car Club	Hill trials for pre-war road cars

TABLE 9: Open Access Authorisations and Restrictions decided under delegated powers

Parish	Location / Grid Reference	Issue