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 8 April 2025.

Present
Ms S Mosner (Chair)
Mr W Clark
Mr M Kidd
Mr R G Minshaw
1 vacancy

Also in attendance
Deputy Chair of the Authority: Mr M F Carter

Apologies
Ms V Hughes
Ms T Hunt MBE

01/25 **Apologies**

Apologies were received from Ms V Hughes and Ms T Hunt.

02/25 **Minutes**

Decided: that the Minutes of the meeting held on 9 December 2024 be confirmed and signed by the Chair.

03/25 **Chair's Announcements**

The Chair announced to the Committee and members of the public that the meeting was being livestreamed and that a digital recording of the meeting would be made.

04/25 **Declarations of Interest**

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

05/25 **Questions**

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

06/25 **Public Participation**

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

07/25 **Coast-to-Coast Path National Trail – Public Footpaths 306004 Bampton Parish and 361039 Shap Rural Parish**

The Senior Rights of Way Officer explained that the LDNPA had been asked by Natural England to ensure that the approved route of the Coast to-Coast Path National Trail was underpinned by legally secure public access over its entire length through the National Park in order to guarantee long-term security of public access for the Trail. One currently used section that is not a formal public path at present is at Naddle Bridge near Haweswater.

The Senior Rights of Way Officer presented a report that considered options for diverting a current footpath, creating a new footpath, or varying the National Trail route.

Members had attended a Site Visit on 24 March 2025 and had been shown the proposed options – none of which being perfect solutions or meeting all Consultees' needs. The LDNPA recommended Option C in the report.

The Officers answered questions raised by members, advising that:

- Even if the LDNPA had to meet all costs, this would be outweighed by public benefit obtained
- Funding variables were many and currently without answers although bridge costs would likely receive funding under maintenance and 75 - 100% of other costs would potentially be claimable from Natural England
- Recommendation f. would allow the Rights of Way Officer to review progress and return to Committee at a later stage.

Discussions took place as to whether to reword Recommendations e. and f. Members agreed to delegate the decision contained in Recommendation e. to the Head of Strategy and Ranger Service and to leave Recommendation f. unchanged as 'new matters' could not be delegated without returning to Committee.

Decided:

a To make a diversion order for part of Footpath 306004 in

Bampton Parish and a short length of 361039 in Shap Rural Parish replacing D-E-F-Fi-C with A-Ai-B-C at Naddle Bridge as shown on Map 1;

b To include a kissing gate at Point B;

c To make a diversion order for part of Footpath 361039 in Shap Rural Parish replacing U-W with U-V-W and replacing X-Z with X-Y-Z as shown on Map 2;

d To confirm the order(s) if no objections are received or if those objections received are withdrawn.

e Members agreed to delegate to the Head of Strategy and Ranger Service the decision as to whether to submit the order(s) to the Secretary of State for confirmation if objections along the lines of those already expressed are received and not withdrawn;

f Members agreed that we would return the matter to Committee if objections containing new matters of substance are received and not withdrawn.

08/25 **Traffic Regulation Order, Part of Footpath 408037, Stanley Ghyll, Eskdale**

The Rights of Way Officer presented a report recommending the prohibition of traffic over part of a public footpath at Stanley Ghyll, until such time as a footpath accessing views of the lower falls had been reinstated and was safe to use.

Since closure of part of a footpath at Stanley Ghyll in 2021 due to a rockfall, and the remaining risk of further rockfall, the Temporary Traffic Regulation Order (TTRO) had been extended four times. The report indicated that it would be more logical to apply for a non-temporary TRO that could remain in place until an appropriate solution was found.

Members considered whether members of the public would be in breach of the TRO if they decided to use the footpath section or whether rights bestowed by the Countryside and Rights of Way Act (2000) would over-ride the TRO.

Officers explained that CROW rights would be suspended if a TRO was in action (Subsections 3 and 3A, Section 2 Countryside and Rights Of Way Act, 2000) and that, under CROW, landowners were not considered liable for any public accidents caused by natural hazards unless the owner creates a risk or is reckless about whether a risk is created.

Members were given details of one possible solution that was currently under discussion with Contractors. This being a suspended walkway across the rockface on the opposite side of the ghyll. Costs and impact on the SSSI were discussed.

The Rights of Way Officer explained that the LDNPA would be seeking the view of Natural England on any proposed solution and that the Highway Authority has a duty to remove obstructions and keep highways passable thus, it was not possible to ignore.

Decided:

a That a Traffic Regulation Order be made for the section of Footpath 408037 from its junction with Footpath 408087 at SD 1740 9960 to its southern termination point at SD 1743 9953, as shown on the plan below between points A and B.

09/25 **Progress on Rights of Way Cases and Delegated Matters - End of Year 2024-2025**

The Senior Rights of Way Officer presented a briefing paper for information purposes, that provided 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.

Members raised various questions that were answered by the Senior Rights of Way Officer and the Ranger Team Leader (Southern).

Decided:

a Members noted the progress.

(The meeting finished at 10:39)