

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

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|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Lead Director                                                                                                            | Steve Ratcliffe, Director of Sustainable Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| Subject of Decision                                                                                                      | <b>FOOTPATH CREATION ORDER – GRASMERE RIVERSIDE PATH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| Relevant section of Scheme of Delegation                                                                                 | <b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b><br><b>ANNEX 4 - Functions delegated to Head of Strategy &amp; Ranger Service and sub-delegated to Ranger Team Leader Meeting.</b><br><b>Rights of Way and Access Matters</b><br>All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts. |  |
| Background                                                                                                               | The Grasmere Riverside Path has existed since at least 1981 as a permitted path. It is a premier Miles Without Stiles (MwS) route. We are negotiating extensions to the MwS route and consider that to protect the long-term future of this path it should be converted to a public right of way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| Details of Decision                                                                                                      | To make a creation order.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Details of alternative options considered and rejected.                                                                  | Not to make a creation order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| Author and contact details of report                                                                                     | Nick Thorne, Senior Rights of Way Officer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Background Papers                                                                                                        | Case file 1412.542.08                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| Date of Report                                                                                                           | 28 May 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| Authorising officer                                                                                                      | Ranger Team Leader                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| Date                                                                                                                     | 29 May 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |

## FOOTPATH CREATION ORDER – GRASMERE RIVERSIDE PATH LAKES:GRASMERE PARISH

### 1 Summary

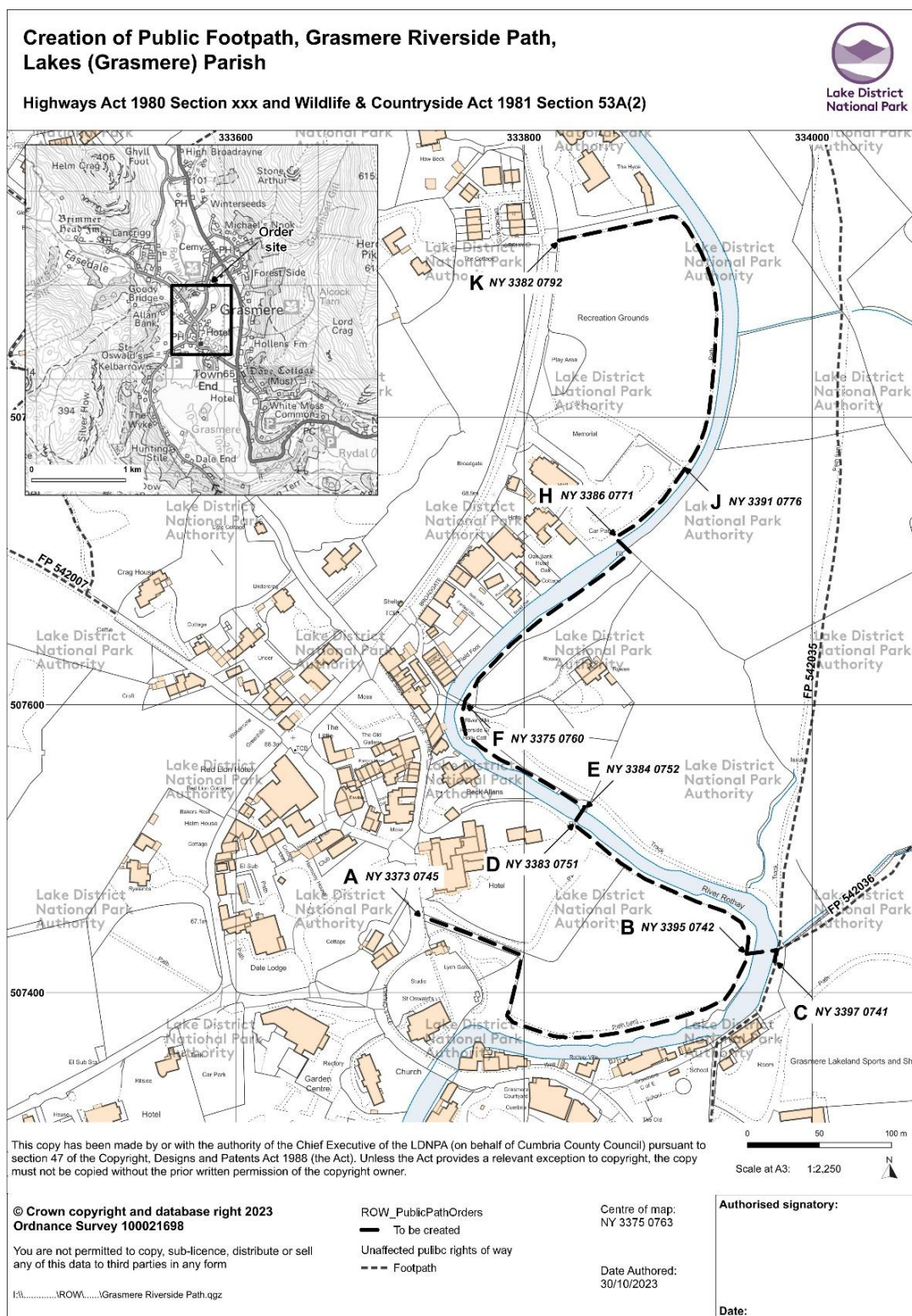
- 1.1 The Grasmere Riverside Path is a premier Miles Without Stiles (MwS) route, and we are looking to obtain long-term protection for it.

**Recommendation:** *a we make a creation order for a public footpath running alongside the River Rothay between points A & K (with spur B-C) as on the map within this report;*  
*b we confirm the order if no objections are received or if those objections received are withdrawn.*

### 2 Background

- 2.1 The Grasmere Riverside Path (A-H & B-C) has existed since at least 1981 as a permitted path linking Broadgate car-park on the northern side of Grasmere Village to Church Stile near the Gingerbread Shop. It provides a pleasant riverside walk that is also a premier Miles without Stiles (MwS) route. It is hugely popular with both locals and visitors. It also links to the wider Public Rights of Way network that in turn provides access from the village to the A591 and Stock Lane car-park.
- 2.2 It is tarmac sub-base and 50mm top base and dust, and has three sizeable bridges which have been built and maintained with a mixture of charitable fundraising and public funds
- 2.3 The management and maintenance of the path is shared between the LDNPA and the owners through our permitted access agreements with them – although part of it appear to be unowned (or not registered to an owner).
- 2.4 It is rather a confusing mix, and the future of the route is a little uncertain as funding is not always secure for routes of this nature – either from us or the owners. It would be a great loss if it were to fall into disrepair and closed. Consequently, over the last five years or so we have been in discussion with the majority landowner with a view to converting the permitted path to a public right of way (footpath) – which would secure its future in perpetuity. They fully support this proposal.
- 2.5 At the same time, the MwS network in Grasmere has been extended, and a new route developed north of Broadgate at Butharlyp Howe. This is being incorporated into the Village Society's Queen Elizabeth II memorial path.
- 2.6 The current permitted path ends in the LDNPA owned Broadgate Meadow Car Park. If we converted it to a public footpath, it would need to end on a public highway. We have therefore looked at finding a suitable direct route through the

car park, but there is nothing obvious that would be usable and safe. We have therefore constructed a new stone path between the car park and the top of the riverbank (H-J) which would take the path to the Recreation Grounds owned by Westmorland & Furness Council. Tarmac paths run through the Recreation Ground, and the Council (who are also ultimately responsible for the public rights of way network) are fully supportive of the proposal to extend the public footpath through the park to reach the road at Point K.



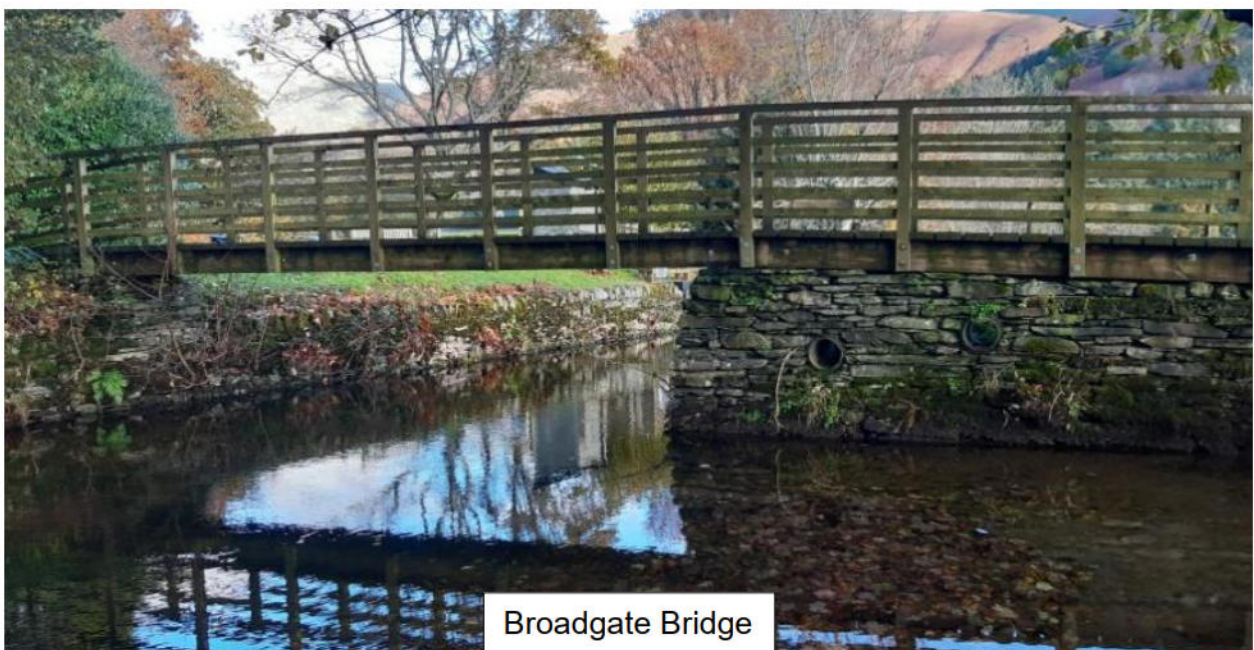
## 2.7 Recent photographs of the route



General views  
of surface



Millenium Bridge



Broadgate Bridge



Wordsworth Bridge



Proposed route along car park edge – a stone path has now been constructed, and there will be a low fence separating it from the car park itself



Path in Recreation Ground

The gate at Point K (below) - recently set back from the road.



### 3 Policy Context

- 3.1 The Vision for the Lake District National Park sets out our aspirations for what we hope to achieve by 2030. To summarise, these are to have a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved; a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
- 3.2 The Partnership's Plan contains the policies and actions for achieving the aims of the Vision. The main delivery aim in the Partnership's Plan for access and rights of way is to make the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors, from relaxing and tranquil, to adventurous and exhilarating.
- 3.3 Our Business Plan states what actions will be taken as the National Park Authority plays its part, in partnership with others, in realising the Vision. The core Access & Recreation Action is to deliver the 'improve, maintain, promote and integrate elements' of the 'Out there' Strategy to deliver infrastructure and services which focus on serving under-represented groups (as identified by the 'Lake District for Everyone' Key Outcome Group).
- 3.4 'Out There' our Access and Recreation Strategy (approved March 2023) contains our vision for countryside access and recreation in the Lake District, which is: **A well connected network fit for purpose in the 21st Century with high quality infrastructure, facilities and services meeting the needs of all visitors and residents.** We have identified four priority themes of work, and under each of these are a series of strategic actions that will contribute to the achievement of our goal and our strategic aims. The four priority themes are:
- Improve: rights of way and countryside access.
  - Manage and maintain: rights of way, countryside access and recreational activities.
  - Promote and engage: connect more people to nature and the special qualities of the Lake District.
  - Integrate: with health and wellbeing, sustainable transport and the economy.
- 3.5 The proposal to protect this path and convert it to a public footpath meets a number of our goals and themes. Such as:
- Improve disabled accessibility of the rights of way network, including continuing the Miles without Stiles programme and where available improve bridges and gates to make routes more accessible for off road wheelchairs and other less mobile users. Maintain Miles without Stiles routes to a high quality to meet their accessibility grading and improve facilities such as resting places where possible and improve access for disabled people to the rest of the rights of way network.
  - Promoted short walks from settlements providing health and wellbeing benefits.
  - A better connected and more accessible rights of way network.

- Maintain a high-quality rights of way network so it can benefit the environment and the economy and the health and wellbeing of communities and visitors.
- Waymark and interpret key promoted routes, with a focus on more accessible routes and routes from village hubs.
- Develop and promote routes to health and wellbeing, including trails for less active and disabled people such as Miles without Stiles routes, multiuser trails, longer barrier-free routes and short walks.

3.5 It also fits within the general ethos of the Westmorland & Furness Council's inherited (but now expired) Cumbria Countryside Access Strategy. Including:

- We will identify and implement the development of the countryside access network through rights of way improvements, to provide a more effective resource for utility journeys and recreational activities.
- Promote the improvement of route surface/drainage with the most suitable option.
- Increase the overall distance of miles without stiles routes

## 4 Demonstrating Best Value

4.1 **Work Programme and Relevance to This Case:** we have relatively recently replaced two of the bridges and repaired the third – we have also done some extensive re-surfacing. It seems that now would be a good time to ensure that this investment is fully protected for the future.

4.2 The best value implications are:

- a) The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed creation will aid our effective management and promotion of the rights of way network.
- b) Processing public path orders is not a **competitive** procedure. Westmorland & Furness Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.
- c) We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are below. The proposal has arisen through the excellent partnership between a number of organisations.
- d) We have **compared** our casework completion rates with other authorities, and we are broadly comparable with other authorities similarly staffed.

## 5 Options

- 5.1 a: make the recommended order  
b: do not make the recommended order

## 6 Proposals

- 6.1 I recommend option 5.1a. The change from permitted path to public footpath and the extension to the public highway is supported by all and will protect the much loved and well used route for the future.

### 7.1 Grounds and Tests for a Creation Order

There are two questions to consider under Section 26 of the Highways Act, and after taking these into account, we need to decide whether we are satisfied that it is expedient to create a new right of way.

- Is there a need for the new path?
- Is it a good idea to create the new path taking account of;
  - how it will be more convenient or enjoyable for most of the people living locally or other members of the public; and
  - how it will affect the rights of those with an interest in the land?

#### 7.2 *Is there a need for the new path?*

- 7.2.1 It could be argued that there is no 'need' for this path to be created as a public right of way, as it already exists on the ground and is well-used. However, there is an identified risk that funding and maintenance may not be available in the future – and there is no legal requirement on either the LDNPA, Westmorland & Furness Council, or the landowners to continue maintaining this path. Converting the path to a public right of way will create this legal requirement and protect both the public funding investment, and secure the public's right to use the path and have the path maintained in perpetuity.
- 7.2.2 Some sections also have ownership doubts (the bridges and the section alongside the hotel grounds. Although these are covered by the permitted path agreement on a presumptive basis – a creation order will do away with all doubts and uncertainties.
- 7.2.2 With regard to Points H-K, a public right of way has to end on a public highway of the same or higher status, or at a place of public resort. Point H is at the far edge of a car park owned and maintained by the LDNPA. It is uncertain whether a car park could really be called a place of public resort – and so as part of these proposals we will extend the formal path to the road (Broadgate). We looked for a way through or round the car park – but there is nothing feasible, and we are reluctant to formally mix walkers, wheelchair users and cars if possible. The proposed route along the edge of the car park, and into and through the recreation ground would seem to be the best route all round. It provides a link to the highway, and creates a good connecting link with the Miles without Stiles continuations north of point K.

7.2.3 Although the recreation ground could be described as a place of public resort – there is no guarantee (as with the car park) that the land will continue to be owned by the Council (or LDNA for the car park) in perpetuity to secure the right of access. Without this link, the project cannot happen – as there is no other viable way to join the footpath to the road.

7.3 *Will it be more convenient or enjoyable for most of the people living locally or other members of the public?*

7.3.3 The proposed path exists on the ground, so again it could be said that recording it would not increase convenience or enjoyment. However, what it would do is protect against a future possible ‘inconvenience’ or ‘loss of enjoyment’. A recent decision Planning Inspectorate decision letter concluded in a different case that the recording of an already existing path still bring about benefit.

7.4 *How will it affect the rights of those with an interest in the land?*

7.4.1 The main owners are the Grasmere Rothay Appeal Fund Trust. They are fully supportive of the proposal to convert this route to a public footpath and have worked with us to achieve this. It is already well used by the public, and so it is seen as not having an impact on the owners, who basically bought the land in the first place simply to make the path available. We are also fully supportive for the stretch along the edge of the car park – the new path H-J will be outside of the parking areas and so not impact upon our interests (income). Westmorland & Furness Council are fully supportive – of the section they own becoming a public path. As they already maintain the proposed route J-K as a tarmac path within a public park, the proposal should not increase their burden.

7.4.2 The Council has already moved the gate at K back from the road to create a refuge for people exiting.

## **8 Other Considerations Required by Legislation**

8.1 Rights of Way Improvement Plan (RoWIP) - No RoWIP exists any more, and we have adopted our Access & Recreation Strategy (as described earlier) – which effectively the RoWIP for the National Park. [Online link](#).

8.2 This proposal is not a specifically identified proposal within the Access & Recreation Strategy – but as described earlier, fits within in a number of actions and within its general ethos.

8.3 Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. This proposal is all about improving and protecting access for those with limited mobility.

- 9.3 Impact on the needs of agriculture and forestry - assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. There is no impact – none of the land crossed by this path is agricultural or forestry.
- 9.4 We consider landscape impact, biodiversity and archaeological interests and have to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. And under section 11 of the Countryside Act 1968 we have to have regard to the conservation of flora, fauna, and geological and physiographical features and the amenity of the countryside. The proposals do not appear to have any effects on these aspects.

## 9 Impacts on Outstanding Universal Values (OUV)

- 9.1 I have not identified any negative impacts on OUVs. Indeed, it could be said to enhance the ability for people to appreciate the cultural heritage of Grasmere more easily.

## 10 Stakeholder Consultation

- 10.1 We have consulted our usual consultees and responses received are below.

| Name of Stakeholder                                                       | Consultation Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Westmorland and Furness Council (landowners)                              | Fully supports the project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Daffodil Garden (adjoining owners)                                        | No response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Grasmere Village Society / Grasmere Rothay Appeal Fund Trust (landowners) | <p>This matter has been discussed by the Grasmere Village Society (GVS) committee and we are unanimous in our support for the proposal.</p> <p>The Grasmere Village Society wishes to express its full support for the proposed extension of the public footpath across the Lake District National Park Authority car park, linking the existing riverside path to the Westmorland &amp; Furness Council recreation ground.</p> <p>This extension represents the final piece of the Queen Elizabeth II Memorial Walk, a circular route we are developing in honour of Her Majesty Queen Elizabeth II.</p> <p>The walk will offer a peaceful and inclusive experience, connecting natural beauty with community heritage — and this final link is essential to completing the route safely and accessibly.</p> |

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | We welcome the inclusion of this path in the Miles Without Stiles network. It provides safe, off-road access from the village centre and encourages walking for residents and visitors alike, supporting both sustainable tourism and active travel.                                                                                                                                                                     |
| Friends of the Lake District      | We strongly support the proposal, which will formalise and secure for the future a popular and attractive route through the village.                                                                                                                                                                                                                                                                                     |
| Lakes Parish Council              | Fully supports this proposal.                                                                                                                                                                                                                                                                                                                                                                                            |
| Cadent                            | Objected – then withdrew objection.                                                                                                                                                                                                                                                                                                                                                                                      |
| Open Spaces Society               | The OSS welcomes this initiative by the LDNPA and its partners, to whom we offer our thanks, and wholly supports the Creation Order which adds a much needed route through Grasmere whilst avoiding the roads.                                                                                                                                                                                                           |
| Local Councillor                  | <p>It's great to have this new path in Grasmere, albeit through joining and improving existing paths, having got my chair stuck on Butharlyp during Covid.</p> <p>The rangers have worked very hard on this and the Tenters, most notably the route through the car park. The bit either side of the Millenium Bridge still some has large puddles is the intention to address these if a footpath order is created?</p> |
| Grasmere Rothay Trust             | The best option is to dedicate the path and bridges as a public right of way.                                                                                                                                                                                                                                                                                                                                            |
| Miles without Stiles co-ordinator | I totally support the plan to make this a public footpath.                                                                                                                                                                                                                                                                                                                                                               |

## 11 Finance Considerations

- 11.1 The staff and administration costs for this proposal are around £3,150, and two adverts in the Westmorland Gazette costing ~£350+VAT each. This would be met entirely by the LDNPA.
- 11.2 The main costs are those associated with the future maintenance of the route. These are hard to calculate precisely – but being almost 1.8km overall, and usable by wheelchair users, they could be quite large. However, under the current permitted path agreement, we are meeting most of these costs already anyway. So, it is more of a case of switching the public funding from a discretionary power to a statutory duty.
- 11.3 Broadgate and Wordsworth Bridges have been replaced in 2020 and 2024 to the standard designs then in use by Cumbria County Council / Westmorland & Furness Council. The Millenium Bridge is steel beamed, and the decking and uprights were replaced in 2021/2022 (flitch beam). Therefore, they have a very good expected lifespan before further works are required.

- 11.4 Around five years ago the old tarmac path began to fail and crumble (it was around 30 years old we think). We looked at replacing it with tarmac, but this was prohibitively expensive. Instead we used the tarmac as a sub-base and rolled 50mm of MOT into it and top-dressed it throughout with rolled dust. This has proved very effective and lasting, and there are only a couple of places that get affected by washout – which are cheap and easy to top up.
- 11.5 The section of tarmac within the park is sound and will not need repairs for a long time, and we would work with Westmorland & Furness Council as owners when/if it did.

## **12 Risk**

- 12.1 There is a risk that the order may be objected to. Given the level of support we have for this project, I consider that the risk is extremely low.

## **13 Legal Considerations**

- 13.1 The order will be made under section 26 of the Highways Act 1980 and we are able to make orders under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Westmorland & Furness Council. The action strikes a reasonable balance between private and public rights.
- 13.2 We did consider entering into a creation agreement, but give the variety of owners, and the lack of registered owners in some places, we did not consider that this was an appropriate approach.

## **14 Human Resources**

- 14.1 The work involved in this proposal (from this point) is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken. There has been far more negotiations, discussions and practical work to get to this point, but they have not been specifically logged against this project – just being part of our daily work.

## **15 Diversity Implications**

- 15.1 The proposal will protect the route in perpetuity – although it does not automatically mean it will remain a route available for all those with limited mobility for ever.

## **16 Sustainability**

- 16.1 I have not identified any significant environmental, economic or social effects.

## 17 Summary

- 17.1 The proposals will benefit the public, and have come about through successful partnership working. All of those who responded to the consultation are in agreement with the proposals.
- 17.2 I recommend that we make the necessary creation order to bring this into effect.

|                              |                                            |
|------------------------------|--------------------------------------------|
| <b>Background Papers:</b>    | Case file reference 1412.542.08            |
| <b>Author/Post:</b>          | Nick Thorne, Senior Rights of Way Officer  |
| <b>Responsible Director:</b> | Stephen Ratcliffe, Sustainable Development |
| <b>Date Written:</b>         | 28 May 2026                                |

Authorised by:



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Jack Holmes, Ranger Team Leader (North)

Date: 29/05/2026

## **Our Policies on Changes to the Public Path Network**

Policies on changing the public path network have been developed and approved by the Authority. These are listed below, and reference is made to them, where appropriate, in the later annexes.

- There will be a presumption in favour of preserving the historical integrity of the network.
- The concerns of those managing land, especially for agriculture and forestry, will be recognised where legitimate operations may affect the public's enjoyment of or safety in using a public right of way. Under schedule 6 of the Countryside & Rights of Way Act 2000, we also have to look at the impact of all changes on agriculture and forestry.
- There will be a presumption against re-alignment of cross-field paths onto routes following field edge boundaries.
- There will be a presumption against any reduction in the amount of public access in the National Park.
- Where the route in use at present differs from the definitive line, there will be a presumption in favour of restoring the original route before considering a legal diversion.
- The future maintenance and management implications of any proposed change to the network will be considered.
- Changes should, if possible enhance public benefit through enabling the better enjoyment of the cultural landscape and nature conservation interest and should not reduce the ability of the public to discover any of the special qualities / features of the National Park.