



Lake District
National Park

Lake District National Park Authority: Openness of Governance
Diversion Order, Footpath 357004, Hartsop Hall: Authorisation Report

30 July 2026

The Openness of Local Government Bodies Regulations 2014

These require that officers keep and publish 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).

Diversion of part of Public Footpath 357004, Hartsop Hall, Patterdale Parish

Relevant section of Scheme of Delegation

PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS - ANNEX 4 - Functions delegated to Head of Ranger Service and sub-delegated to Ranger Team Leaders.

Rights of Way and Access Matters - 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 Westmorland and Furness 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 National Trust have made an application for a diversion of Footpath 357004 in connection with a plan to erect a new agricultural building which would obstruct the current public right of way. The proposed diversion route is more direct, cutting a corner through the field, and follows an established trod.

Details of Decision

To make an Order to divert part of public footpath 357004 at Hartsop Hall between points A and B as shown on Plan 1 within the Authorisation Report.

Details of alternative options considered and rejected

Not to make an Order.

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest

None

Lead Director	Hanna Latty, Director of Sustainable Development
Author and contact details of report	Will Hinchliffe, Rights of Way Officer
Background Papers	Case file 1412.357.06
Date of Report	30 July 2026
Authorising officer	Ranger Team Leader
Date	17 August 2026



Diversion of Footpath 357004, Hartsop Hall, Patterdale Parish

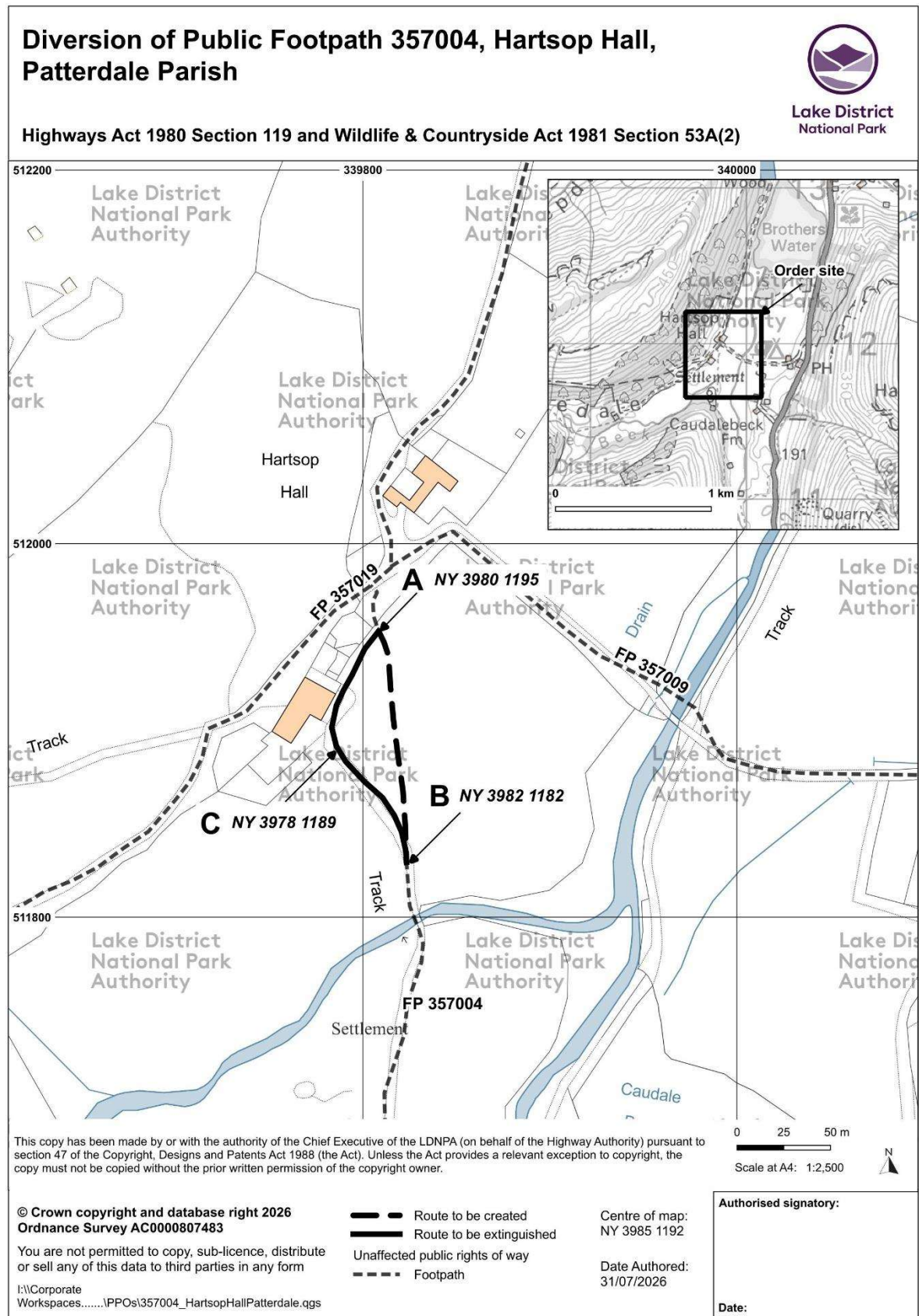
Summary

1. We have received an application from the National Trust to divert part of Footpath 357004 at Hartsop Hall. A new agricultural building is proposed which would obstruct the current footpath (Annex 1 shows approximately the proposed footprint of the new building). The proposed diversion route cuts a corner and follows a trod which is already well established and easy to use.

Recommendations that:

- a **We make a diversion order for part of public footpath 357004 between points A and B on Plan 1 within this report; and**
- b **We confirm the order if no objections are received or if those objections are withdrawn**
- c **If objections are received, we refer the matter to the Rights of Way Committee as to whether to submit the Order to the Secretary of State for determination, or abandon the Order**

Plan 1 – Proposed Diversion Order Plan



Background

2. The National Trust have submitted an application to divert part of footpath 357004 south of Hartsop Hall. They are proposing a new livestock building on the northwestern edge of the field, which would obstruct the footpath. Separately to the considerations relating to the public footpath, the building is likely to require planning approval (probably through the Prior Notification of Intent process).
3. The proposed diversion route would utilise an established 'corner-cut' trod in the field, which appears to be the route most commonly in use by the public already.

Policy context

Links to Vision and Management Plan

4. The key outcome of the Vision for the Lake District National Park 2051 is that the Lake District is deeply valued by the nation as a thriving, working landscape, which is nature and heritage rich, climate resilient, and socially and economically vibrant.
5. The Management Plan contains the policies and actions for achieving the aims of the Vision. One of the nine objectives is to 'Inspire people to understand, enjoy and care for the Lake District', and one of the best ways to achieve this is to have an easy-to-use rights of way network to enable people to explore the landscape, nature and heritage. An aim within the objective is 'Improving and maintaining the rights of way network'.

Links to Business Plan

6. 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).

Links to other strategic plans

7. The Ranger Service Plan 2026-27 contains the priorities for our service, including Contributing to World Class Visitor Experiences. This aims to achieve a programme of activity that will implement the adopted Cumbria and the Lake District Access and Recreation Strategy.
8. 'Out There' our Access and Recreation Strategy for 2023 - 2028 (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.
9. This proposal appears to be of very minimal impact in relation to these aims. The diversion would alter the legal route of the footpath so it followed a route which already appears to be chosen, and presumably preferred, by the majority of users, so in my view it would present a very minor benefit to the rights of way network which would fit under the Improve theme. Processing diversion applications such as this in the interest of landowners is part of effective management of the rights of way network, and fits with the aim (page 12 of the Strategy) to make orders to match current demand and suit modern day needs.

10. Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
11. Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are listed at Annex 2.

Options

12. The following options are possible:
 - a) Make the recommended Diversion Order
 - b) Do not make an Order

Proposals

13. I recommend option 12a for the reasons set out in the discussion section below. This diversion in my view satisfies the legislative tests set out under Section 119 of the Highways Act (1980). It appears to be in the interest of the landowner in enabling them to pursue their proposed development (subject to any necessary planning approval) and in my assessment would also bring about a very small benefit to the public by altering the footpath to a slightly more direct route. We received a limited number of responses to our consultation, but those we did receive were all supportive of the diversion.

Discussion

Grounds and Tests for Diversion

14. The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to ignore something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network which are set out in Annex 2.
15. There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:

- a. in the interests of the owner, lessee or occupier of the land crossed by the path; OR
- b. in the interests of the public

16. I consider that the proposed diversion is expedient in the interests of the landowner for the reason already mentioned in paragraph 13.

Tests to be Considered

17. These are:

- Will the new path be substantially less convenient to the public?
- The effect which the diversion would have on public enjoyment of the path or way as a whole;
- The effect the order would have as respects other land served by the existing right of way;
- The effect of the new right of way on land over which the new path is created;
- That termination of the alternative footpath is on the same or a connected highway, and is substantially as convenient to the public.

Will the new path be substantially less convenient to the public?

18. Planning Inspectorate Advice Note 9, commenting on the case of *Young* identifies that the new route should not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and ordinary meaning of the word 'convenient' such as the length of the diverted path, the difficulty of walking it, and its purpose.
19. In my view the diversion would result in a modest benefit to convenience. The proposed route is already an established 'desire line' trod and cuts a corner, shortening the journey of any user following the footpath by approximately 18 metres. Photographs of the current footpath and proposed diversion route are included in Annex 3.
20. Neither route features any gates, stiles or other path furniture. Both routes are on relatively level grassy surfaces which do not appear subject to regular surface issues or flooding. Both routes traverse a very slight rise and dip on

the approach to point B (if travelling generally southwards), the proposed route heads slightly more directly over this. However, in my view this is barely noticeable and entirely exiguous in the context of any feasible walk in the area.

21. Of the current footpath and proposed route the section which appears most likely to be liable to surface issues appears to be the 30 metres of the current footpath heading southwest along the field boundary from point A on the plan, which features longer grass and potentially a greater propensity to become boggy. No surface issues (or likelihood of surface issues) were evident on the diversion route on my visit to the site.

What is the effect of the diversion on public enjoyment of the path or way as a whole?

22. There would appear to be very little or no impact on public enjoyment resulting from the proposed diversion, both the definitive line and diversion route offer similar views and experiences. The current definitive line takes users slightly closer to the existing agricultural buildings, perhaps affording better opportunities for close inspection of the building construction techniques, however footpath 357019 passes along the northwestern side of the same buildings and offers similar opportunities to enjoy the features of the buildings. Some users may prefer following the gently meandering trod in the field on the diversion route, to the wheel tracks on the current footpath.

Would the order affect other land served by the existing right of way?

23. Given the very minor alteration of this footpath proposed for this diversion, in my assessment it would have no effect on other land served by the existing right of way. Both routes under discussion are within the same ownership, and no private rights would be affected.

Is there any effect of the new right of way on land over which it is created?

24. As discussed above the proposed diversion route is already an established trod. Strava Metro heatmap data clearly indicates that the diversion route is already the route used by the majority of Strava users, so making this the legal right of way would not appear to have any substantial effect on the land.

Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?

25. No change to the termination points of the footpath are proposed as part of this diversion.

Other Considerations Required by Legislation

26. Before confirming a Public Path Creation or Diversion Order we are required to have regard to any material provision of a Rights of Way Improvement Plan (RoWIP). No RoWIP formally exists now for Westmorland & Furness or Cumberland, so we are effectively considering our own Access & Recreation Strategy to be the LDNPA's RoW improvement plan.

https://www.lakedistrict.gov.uk/data/assets/pdf_file/0023/59270/Out-there-Access-and-Recreation-Strategy-2023-final.pdf

27. The proposals meet the general aims within the Access & Recreation Strategy (as discussed in the Policy section).

Limited Mobility - We have a duty to audit the proposals with regard to limited mobility. The proposed diversion route will be no more difficult for users with limited mobility. The grassy surface of both the existing and proposed routes means they are not particularly conducive to use by those with mobility equipment, though conceivably more rugged devices could be used to follow the footpath on either route.

28. Impact on the needs of agriculture and forestry - assessment required under schedule 6, of the Countryside & Rights of Way Act 2000. None of the land here is used for forestry. As mentioned above the proposed diversion route is already well used and therefore there will be no additional impact on the agricultural use of the land. The chief impact on the needs of agriculture resulting from this proposal would be enabling the owner and tenant to pursue the construction of a new modern livestock building to aid their agricultural practice.
29. 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 footpath diversion proposals do not appear to have any effects on these aspects.

30. Impacts on Outstanding Universal Values (OUVs) – In my view this diversion proposal would have no direct impact on the OUVs of the Lake District World Heritage Site. Indirectly, this diversion may enable the National Trust and their tenant to proceed with constructing a new agricultural building. This may have some visual landscape impact, but the desirability of the new building is not part of the proposal under consideration here, and would be subject to any necessary planning approval.

Stakeholder consultation

31. We have consulted our usual consultees, including Westmorland and Furness Council (the Highway Authority), relevant user bodies, interested parties, utility companies – along with others whom have requested to be consulted.
32. We received the following responses:

Name of stakeholder	Consultation response (and LDNPA comments)
Open Spaces Society	Thanks you for consulting the Open Spaces Society on this proposed diversion at Hartsop Hall. I confirm we have used the path on several occasions including recent years. In principle we have no objection to such a proposed diversion. Hartsop Hall is a very important vernacular building and seeing the structure from a close range is an important benefit of using the paths in the vicinity of the farm buildings. The diversion will have no direct effect of this view as it affects the outlying barn area. There are two matters which the npa may wish to consider in taking forward this diversion.

	a) Is the creation of an additional and more direct link from Point B to the south of the barn worth considering as an additional footpath? This will give walkers going towards Dovedale and the surrounding fells a more direct link. That said we would not regard this as a priority. b) The nearby PROW357009 is shown on your accompanying map as crossing Kirkstone Beck on a line no walkers use - could the above proposed Order include the realignment of this path to go over the bridge please? -- LDNPA response – We enquired with the National Trust regarding the potential additional link suggested. They fed back that they would not be keen on this proposal as the link would pass through one of the farm's few hay meadows and may have potential to lead to conflicts between public access and livestock. In response to b), confirmed that the footpath was diverted over the new double bridge in 2022, but the OS basemapping does not appear to have caught up yet as the former bridge position is still shown.
The Ramblers	Thank you for your email about the diversion of path 357004 at Hartsop Hall. Before 1992 this path went from just north of point C across the north side of the building to join path 357019 to the south west of the current junction. When the path was first diverted there was a fence just south of the gate at point A to stop walkers taking the direct line. That fence has disappeared, so now walkers prefer the direct route. We have not made a special visit to look at the diversion, but know it well having walked it many times, last time in June. We have no objections to the proposal.

Judith Derbyshire, Westmorland and Furness Councillor	Looks a logical diversion to me.
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Demonstrating best value

Work Programme and Relevance to This Case:

33. This proposal has come about through an application made by the landowner. Although making Diversion Orders is not a statutory duty (it is possible 'Right to Apply' regulations will come into effect in future), our processes are designed to deal with applications in as timely a fashion as possible, doing so is part of effective management of the public rights of way network.
34. **Challenged** – The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion appears relatively straightforward - it would be in the interest of the landowner and in my view presents no significant disbenefits to the interest of the public. The cost would be met by the landowner and so should be cost-neutral for the Authority.
35. **Compared** – We have **compared** our casework completion rates with other authorities, and our rate of processing these sorts of orders is roughly comparable. The diversion will align the definitive map with the route now predominantly in use on the ground and will not affect our 'ease-of-use' performance indicator if the path is selected for survey in the future.
36. **Consulted** – We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are included above.

37. **Compete** – 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 under our agency agreement with the Council and so can act more effectively.

Finance considerations

38. The staff and administrative costs for a standard diversion such as this are £3,150, and two adverts in the Westmorland Gazette, costing around £350+VAT each. No works appear necessary on the proposed diversion route prior to making or confirming an Order. As the diversion has been sought in the interest of the applicant they have agreed to meet all of the costs.

Risk

39. As with all Public Path Orders there is a risk that the proposed Order may be objected to, in which case we may need to discuss further with the applicant whether they wished us to abandon the Order due to the potential further costs, or submit the Order to the Secretary of State for determination. This risk has been mitigated as far as possible through consultation, the (fairly limited) response to this consultation was unanimously supportive and it appears unlikely this Order would attract objections.

Legal considerations

40. The order will be made under section 119 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.

Human resources

41. The work involved in this proposal is approximately 60 hours from members of the Ranger teams, one hour from the GIS Officer, 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.

Diversity implications

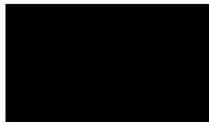
42. I have not identified any significant diversity implications. The change to the public right of way is very minimal and similar in character.

Sustainability

43. I have not identified any significant environmental, economic or social effects which would result from this proposal. The diversion would enable the applicant's planned development of a new agricultural building – which would benefit the agricultural efficiency of the farm.

Background papers	Case file reference: 1412.357.06
Author / Post	Will Hinchliffe, Rights of Way Officer
Responsible Director	Hanna Latty, Sustainable Development
Date written	30 July 2026

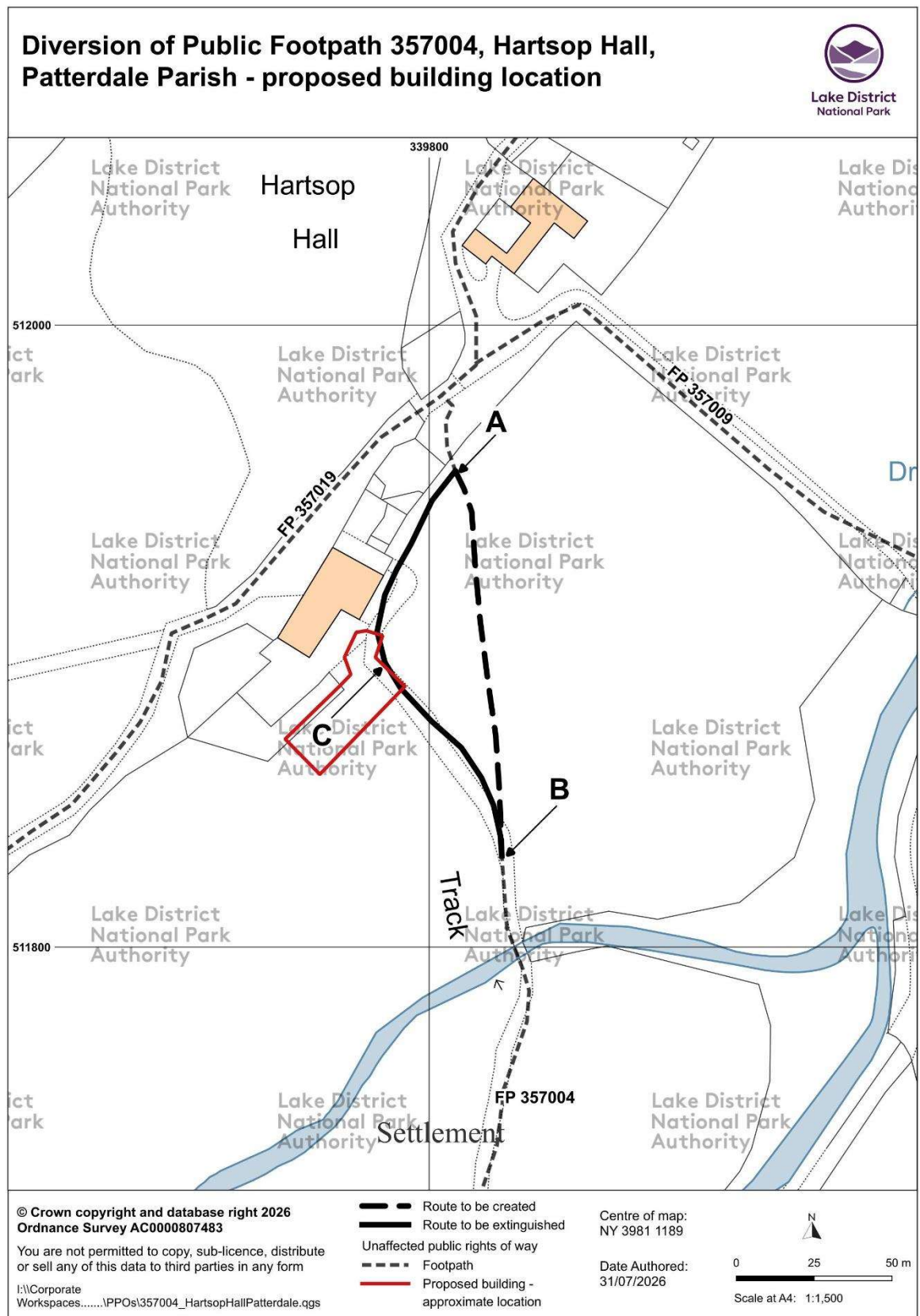
Authorised by:



Name: Jack Holmes Job Title: Ranger Team Leader (North)

Date: 17th August 2026

Annex 1: Plan with approximate location of proposed building



Annex 2: Our Policies on Changes to the Public Path Network

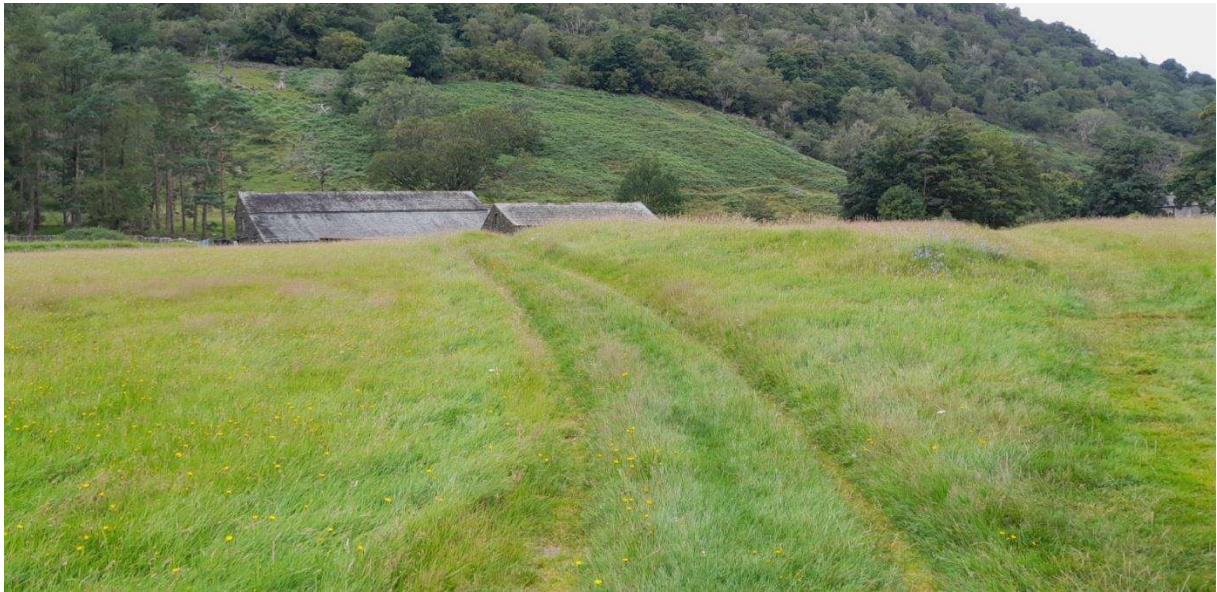
Policies on changing the public path network have been developed and approved by the Authority. These are listed below, and reference is made to them, where appropriate, in the discussion part of the paper.

- 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.

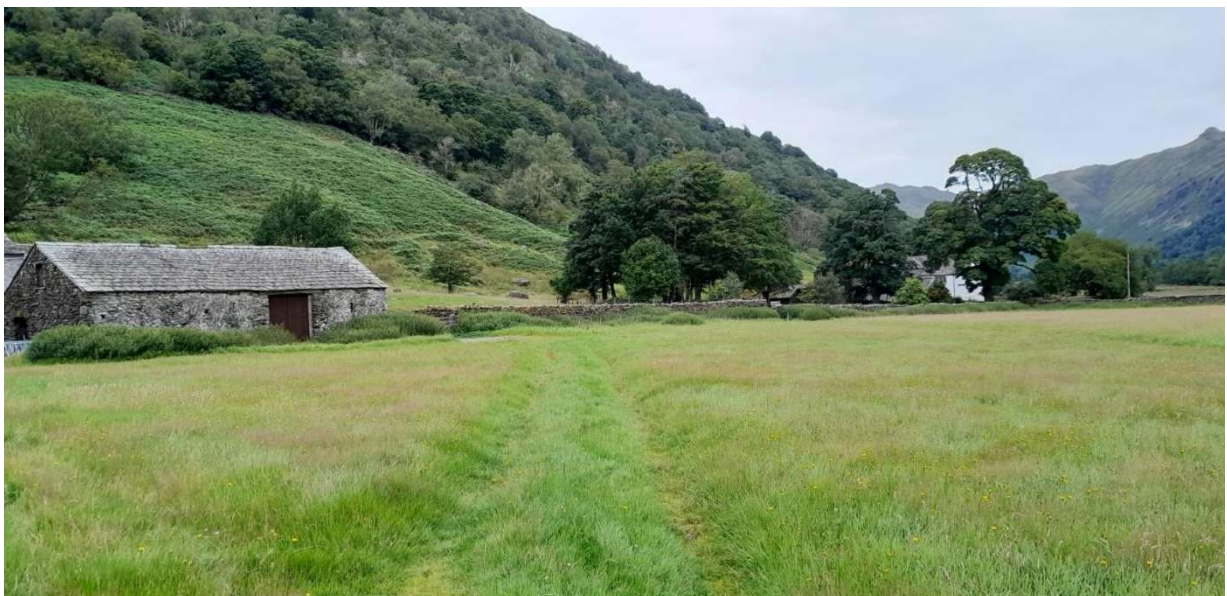
Annex 3: Photographs of the current footpath and proposed diversion route

Current definitive line (photos taken following route generally northwards)

P1 – Facing north at point B – the definitive line follows the vehicular tracks on the left (the diversion route is the trod to the right)



P2 – Continuing generally northwards on the definitive line



P3 – The definitive line reaches a short section of harder-standing in front of the existing agricultural buildings (this photo facing southwest just north of point C)



P4 – Definitive line continues alongside field boundary northeast towards point A



Proposed Diversion Route (photos taken following route generally southwards)

P5 - Photo from point A – the proposed route follows the clear ‘desire line’ across the field heading south-southeast in the direction of the bridge across Dovedale Beck (the definitive line of the footpath follows the field boundary to the right of the post towards point C)



P6 and P7 – The proposed route continues across the grass surface, it is relatively level with a very slight dip close to point B



