



Lake District
National Park

Rights of Way Committee: 13 October 2026
Draft Minutes Subject to Committee Approval

Agenda Item: 2

Rights of Way Committee

MINUTES of a meeting of the Rights of Way Committee held at the National Park Office, Wayfaring House, Murley Moss Business Park, Kendal at 10.00 am on 21 July 2026.

Present

Ms S Mosner (Chair)

Mr M Kidd

Mr W Clark

Mr R G Minshaw

Mr M Hatton

1 vacancy

01/26 Appointment of Chair

Mr Hatton nominated Ms Mosner to be re-appointed as Chair and Mr Clark seconded the appointment. There were no other nominations.

Decided: That Ms S Mosner be re-appointed as Chair for the coming year.

02/26 Appointment of Deputy Chair

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

Decided: That Mr W Clark be re-appointed as Deputy Chair for the coming year.

03/26 Apologies

No apologies were received.

04/26 Minutes

Decided: that the Minutes of the meeting held on 17 November 2025 be confirmed and signed by the Chair.

05/26 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.

06/26 Declarations of interest

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

07/26 Questions

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

08/26 Public participation

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

09/26 Diversion of Footpath 243017, Loweswater Fell and Pottergill, Loweswater Parish

The Rights of Way Officer presented a report on an application from the landowner at Pottergill to divert part of footpath 243017 onto what is currently a 'permitted' route between points E and F on the plan (Annex 1), with a further proposed diversion over Low Fell and Darling Fell between points F-G-C-H-D.

Members were advised that the recorded line below the fell wall (E-A-B) was rough, bracken-covered, and did not appear to connect with any crossing point at the fell wall, whereas the proposed lower route was already established and more convenient, although it offered less opportunity to view some historic and vernacular features. The Officer also explained that the proposed upper diversion (F-G-C-H-D) would align the definitive route more closely with the route used on the ground, aiding navigation over steep and rough fell access land.

Members sought clarification on the precise extent of the application and noted that, if only the lower section were diverted, the order plan would need to be amended (E-F-B), or the accuracy of the recorded line investigated further. A Member asked about the muddy and boggy section near point F and was advised that only minor works, such as placing stepping stones, were likely to be needed and that the relevant landowner was supportive, partly because this would help reduce sediment run-off. Members also clarified that a yellow waymarker was currently positioned incorrectly at point E and should not be there, and that only the section above the fell wall was open access land.

The Chair exercised discretion to allow the applicant to address the Committee. The applicant explained that the application had arisen following discussions with Officers after an unlocked gate had been installed in the belief that the permitted route was the legal footpath. He stated that the gate had been removed once the position was clarified, that repairs had been undertaken to preserve the retaining wall, and that his purpose was to regularise the route over his land so that there was a single route in use. He also advised that he had no intention to redevelop the ruined building but was researching its history and how best to preserve it.

In discussion, Members considered the continuing availability of the existing route above the fell wall, noting that it would remain accessible on foot as open access land, although Officers would not necessarily advise walkers to use parts of it because of the steep and rough terrain. Members discussed whether the stream crossing on the proposed route could present a hazard, particularly in icy conditions, and were advised that Officers did not consider it unsuitable for the expected users of the route. Members expressed support for the upper section of the diversion as a clear navigational improvement, while recognising that the lower section was more finely balanced in terms of public benefit.

Members then considered the apportionment of costs if objections were received. It was suggested, and supported by Members, that the initial legal and administration costs could be shared 50:50 with the applicant as proposed, and the applicant would

meet the advertising costs, but that if an objection related solely to section one (the diversion applied for by the applicant), any additional costs of submitting the case to the Planning Inspectorate should be met by the applicant. Members also agreed that Officers could decide whether to submit the order to the Secretary of State in the event that the existing objections are formally made to the order, but that any new objections should be returned to the Committee for consideration. The recommendations were therefore amended to reflect those points.

Motion to approve the amended recommendations:

Proposed by Mr Kidd.

Seconded by Mr Clark

Members in favour of the motion: 4

Abstentions: 1

Decided:

- a Members agreed that we make a diversion order for public footpath 243017 to replace the route E-A-B-C-D with E-F-G-C-H-D as shown on the Plan (Annex 1);
- b Members agreed that we confirm the order if no objections are received or if those objections are withdrawn;
- c Members agreed that, if existing objections are repeated, officers will decide (in consultation with the applicant) whether to submit the Order to the Planning Inspectorate for determination, or abandon the Order;
- d Members agreed that, in the event of an objection being received relating solely to section one of the proposed diversion (E-F), that any additional costs incurred in submitting the case to the Secretary of State and determination of the order would be met by the landowner; and
- e Members agreed that, in the event of any new objections being raised, the matter be returned to the Rights of Way Committee for consideration.

10/26 Progress on Rights of Way cases and delegated matters

The Senior Rights of Way Officer introduced the annual progress report, which updates Members on definitive map modification orders, public path orders and

delegated matters. Members were reminded that modification orders are generally prioritised according to public interest based on user, or documentary based-evidence. Public path orders are prioritised according to categories including applications, planning-related matters, improvement schemes, ease-of-use issues and definitive map corrections.

Action point: The Senior Rights of Way Officer to send the prioritisation criteria to Members.

Members asked about the outstanding caseload and the extent to which current resources allowed statutory duties to be fulfilled. Officers explained that 36 modification order applications remained outstanding and that, although there was a duty to process them, there was no fixed statutory timeframe, but an applicant may make a representation to the Secretary of State if a decision is not made within 12 months, and the Secretary of State may then direct that the application be determined within a specified period. Members were advised that the Authority tended to prioritise user-evidence cases and matters causing current conflict, while lower-priority documentary cases and tidying-up exercises were progressed when resources allowed. Officers noted that the Authority's backlog was not unusual when compared with other authorities, some of which had significantly larger numbers of outstanding cases.

Members discussed whether additional resources would reduce the backlog and were advised that current resources probably allowed the team to keep broadly on an even keel, although more had been achieved during the previous year because filling the previously vacant Rights of Way Officer post had enabled older outstanding work to be completed. The Chair noted that wider discussions were taking place about resources and undertook to have a further conversation with the relevant Head of Service about resources for the legal aspects of rights of way and associated risk management.

The Senior Rights of Way Officer then worked through the tables in the report. Members noted progress on previously authorised cases, including orders confirmed

by the Planning Inspectorate, and requested that decision letters from the Planning Inspectorate be circulated where relevant so Members could see how cases had been concluded.

Action point: The Senior Rights of Way Officer to circulate a link giving Members access to decision letters regarding path orders.

Askham Hall Farm was highlighted as a long-standing issue that was now close to resolution, and Members also discussed Coast to Coast work, the West Windermere Way/Great Knott Wood bridleway link, Grasmere Riverside Path resurfacing, Cogra Moss, and the Keswick to Threlkeld route, including recent progress with Cumberland Council in relation to future bridge maintenance.

Decided:

- a Members noted the progress.

(The meeting concluded at 11:16)