

# **NOTICE OF ORDER**

## **HIGHWAYS ACT 1980 SECTION 119**

Cumbria County Council  
(Footpath No. 554012 Parish of Mansriggs & Osmotherley) Public Path  
Diversion and Definitive Map and Statement Modification Order 2016

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **26 September 2017**

Consideration of the Order will take the form of a hearing.

The Hearing will be held at **Coronation Hall, County Square, Ulverston, Cumbria, LA12 7LZ** on **Tuesday 23 January 2018** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the public footpath no 554012 at Newbiggin Hall from grid reference 327773 480796 extending 531 metres southwards to grid reference 327897 480303; to run from grid reference 327773 480796 southwestwards and southwards for about 487 metres to grid reference 327706 480344. The width of the new path will be 3 metres.

Any queries relating to this Order should be referred to Charlotte Callaway at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5779. Email: [charlotte.callaway@pins.gsi.gov.uk](mailto:charlotte.callaway@pins.gsi.gov.uk). Please quote reference number ROW/3177581 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Cumbria County Council, Economy and Highways, Regulatory Services, The Parkhouse Building, Kingmoor Business Park, Carlisle, Cumbria, CA6 4SJ during normal office opening hours. Tel 07920 711 254.

## **Timetable for sending in statements of case**

### **Within 8 weeks of the start date by 21 November 2017**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

### **Within 12 weeks of the start date by 19 December 2017**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

All parties must keep to the timetable set out above and ensure that statements of case are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for hearing

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the hearing.

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION  
ORDER**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981**

**CUMBRIA COUNTY COUNCIL (FOOTPATH NO 554012 PARISH OF MANSRIGGS &  
OSMOTHERLEY) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2016**

This Order is made by Cumbria County Council ("the authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order, it is expedient that the line of the footpath should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the Authority that the Cumbria County Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act namely the diversion (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

The South Lakeland District Council has been consulted as required by Section 120 (2) of the 1980 Act and the South Lakeland District Council has consented to the making of this Order.

**BY THIS ORDER:**

1. The public right of way over the land situate at Newbiggin Hall in the Parish of Mansriggs & Osmotherley shown by a continuous bold line on the map attached to this Order and described in Part 1 of the Schedule to this order shall be extinguished on the later of the following events:-
  - (i) The date of first publication of confirmation of this Order;
  - (ii) The date the Highway Authority certifies that all necessary works to bring the footpath described in Part 2 of the Schedule into a fit condition for use have been completed

and thereupon the Cumbria County Definitive Map shall be modified by deleting from it that public right of way

2. There shall from the date of first publication of confirmation of this Order be a public footpath over the land situate at Newbiggin Hall in the parish of Mansriggs & Osmotherley described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in this Order and thereupon the Cumbria County Definitive Map shall be modified by adding that footpath to it
- 2A. The Cumbria County Definitive Statement shall be modified as described in Part 4 of the Schedule to this Order.

3. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule to this Order.
4. Despite this Order all statutory undertakers shall continue to have any existing rights of access to and egress from any apparatus, equipment and plant accessible only from the right of way referred to in Part 1 of the Schedule to this Order.
5. The Order shall be referred to as The Cumbria County Council (Footpath No 554012 Parish of Mansriggs & Osmotherley) Public Path Diversion and Definitive Map and Statement Modification and Diversion Order 2016

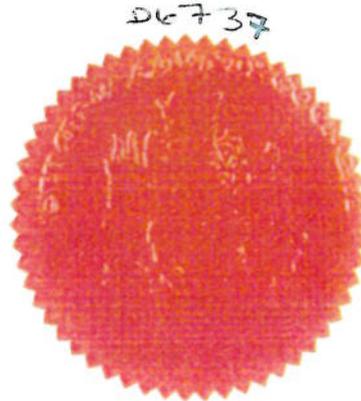
Dated the 17<sup>th</sup> day of November 2016

Executed as a Deed by

Affixing the Common Seal of )

CUMBRIA COUNTY COUNCIL )

the presence of :- )



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**SCHEDULE**

**PART 1**

**Description of site of existing path or way.**

Description of public rights of way to be extinguished and deleted from the definitive map.

<b>References on plan.</b>	<b>Description of length of existing right of way.</b>	
Marked with a bold continuous line and shown A-B.	That section of public footpath no 554012 at Newbiggin Hall from point A at grid reference 327773 480796 extending 531 metres southwards to point B at grid reference 327897 480303.	

**PART 2**

**Description of site of new path or way.**

Description of public rights of way created and added to the definitive map.

<b>References on plan.</b>	<b>Description of length of new right of way.</b>	<b>Width</b>
Marked with a bold broken line and shown A-C-D-E-F	A new section of public footpath no 554012 at Newbiggin Hall from Point A at grid reference 327773 480796 southwestwards and southwards for about 487 metres to point F at grid reference 327706 480344	3 metres

**PART 3**

**Limitations & Conditions**

<b>Grid reference</b>	<b>Limiting item/s or condition/s</b>	
327740 480713 327658 480568 327681 480487 327706 480344	Gates – conforming to the BS 5709:2006.	

**PART 4**

**Modification of Definitive Statement**

The following shall be substituted for existing path statement

<b>Path Number</b>	554012	<b>Path type</b>	footpath
<b>Width</b>	3 metres at 2016 diversion	<b>Length</b>	1418 metres
<b>OS Sheet Number</b>	SD28SE	<b>Grid Refs.</b>	From grid reference 327669 481543 to 327706 480344
<b>Description</b>	From Hollowmire (north) west of Stony Crag; Newbiggin Hall and Windy Ash to U5099		
<b>Limitations</b>	Gates – conforming to the BS 5709:2006 at the grid reference 327740 480713; 327658 480568; 327681 480487 and 327706 480344		
<b>Remarks</b>	Diverted by Diversion Order at Newbiggin Hall 2016		

Confirmed as an unopposed Order

This      day of      20

Executed as a Deed by

Affixing the Common Seal of      )

CUMBRIA COUNTY COUNCIL      )

the presence of :-      )

MAP NOT TO ORIGINAL SCALE



A = 327773 480796

C = 327740 480713

D = 327658 480568

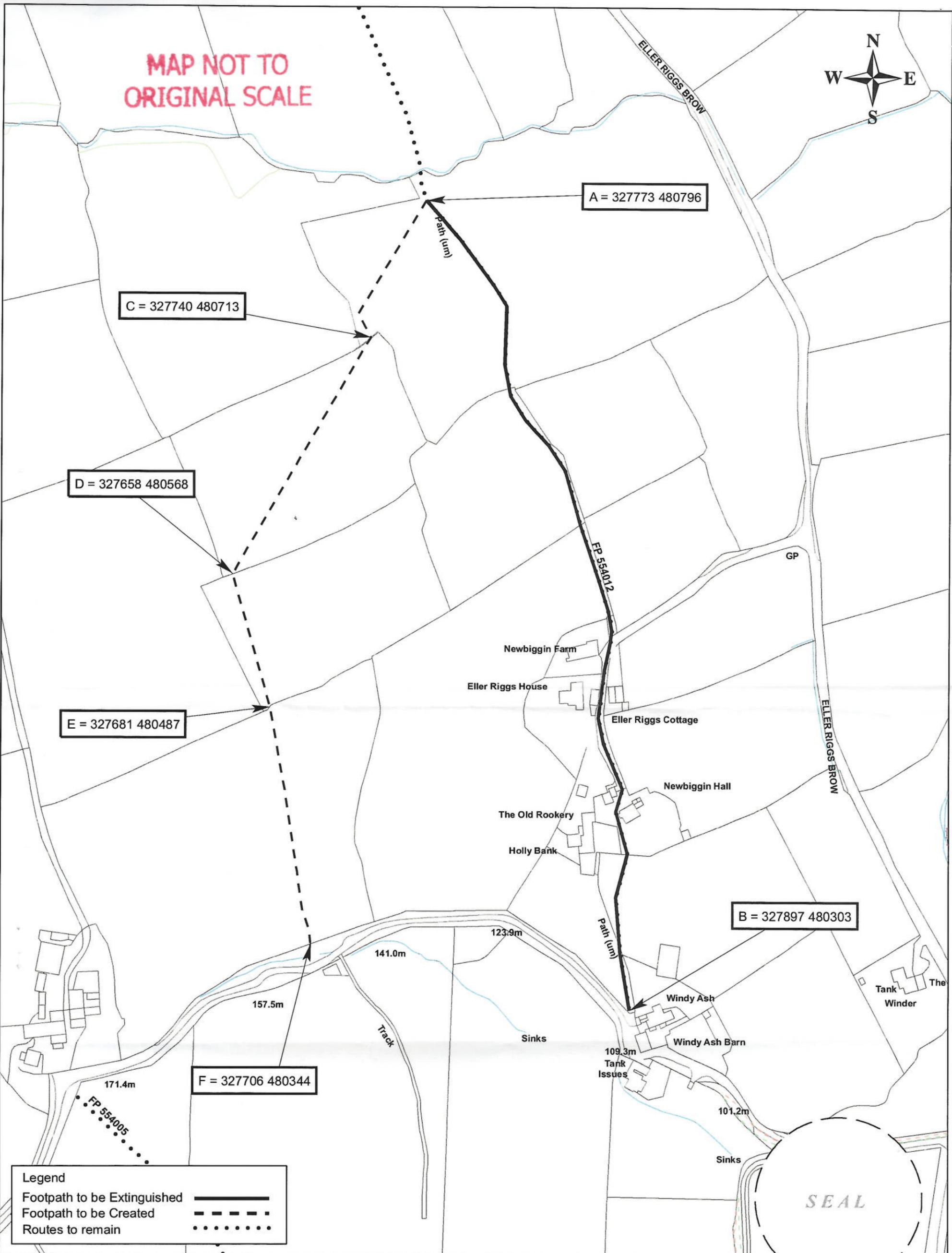
E = 327681 480487

B = 327897 480303

F = 327706 480344

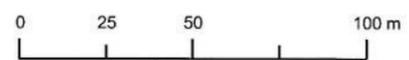
**Legend**

- Footpath to be Extinguished
- Footpath to be Created
- Routes to remain



Highways Act 1980 Section 119 and Wildlife and Countryside Act 1981 Section 53  
 Public Footpath 554012 Diversion and Public Path Modification Order  
 Cumbria Way, Newbiggin Hall, Eller Riggs Brow, Ulverston

Scale 1:2000 @ A3



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DATED

2016

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981**

**CUMBRIA COUNTY COUNCIL**

(Footpath No 554012 Parish of Mansriggs  
& Osmotherley) Public Path Diversion and  
Definitive Map and Statement Modification  
Order 2016

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