

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Lake District National Park Authority
Restricted Byway 348043 Along The Public Road C3033,
Mosedale & Carrhead Ford, Mungrisdale Parish

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 17 October 2018.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Mungrisdale Village Hall, Mungrisdale, Cumbria CA11 0XR** on **Tuesday 2 April 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by showing the public road C3033 from Mosedale (NY 357 324) north-eastwards to the Berrier/Hesket road (NY 367 335) via Carrhead Ford (NY 363 333) as a restricted byway, partly modifying the current footpath FP 348002 which runs over parts of this road, as shown on the plan attached to the Order.

Any queries relating to this Order should be referred to Tara Davies at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5579. Email: tara.davies@pins.gsi.gov.uk. Please quote reference number ROW/3199173 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 the offices of the Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, Cumbria LA9 7RL during normal office hours. (preferably Monday to Thursday). Telephone Mr Nick Thorne on 01539 792621. The statements of case and other documents will also be available to view electronically at <https://tinyurl.com/carrheadford>

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 12 December 2018]

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 - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 23 January 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies

¹ 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 inquiry.

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).

4 weeks before the date of the inquiry [by 5 March 2019]

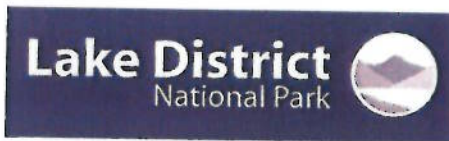
The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence 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 inquiry



WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53
CUMBRIA COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT
THE LAKE DISTRICT NATIONAL PARK AUTHORITY
DEFINITIVE MAP MODIFICATION ORDER 2017
RESTRICTED BYWAY 348043 ALONG THE PUBLIC ROAD C3033,
MOSEDALE AND CARRHEAD FORD, MUNGRISDALE PARISH

DATED:	31 October 2017
File Reference:	1422.348.01
Minute Reference:	Rights of Way Committee 10 October 2017
Archive Reference:	AM14



WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53

LAKE DISTRICT NATIONAL PARK AUTHORITY

DEFINITIVE MAP MODIFICATION ORDER 2017

**RESTRICTED BYWAY 348043 ALONG THE PUBLIC ROAD C3033, MOSEDALE AND
CARRHEAD FORD, MUNGRISDALE PARISH**

This order is made by the Lake District National Park Authority ("the Authority") by virtue of an agreement between the Authority and Cumbria County Council whereby the Council delegated to the Authority its powers of surveying and modification under the provisions of the Wildlife and Countryside Act 1981 ("the Act") in respect of the administrative area of the Lake District National Park.

The order is made pursuant to the provisions of Section 53 (2) (b) of the Act because it appears to the Authority that the Cumbria County Council Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Sections 53(3)(c)(i) & (ii), namely the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows that (i) a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist as a restricted byway, and (ii) a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.

The Authority has consulted with every local authority whose area includes the land to which the order relates. The Authority hereby orders that:

- 1 For the purposes of this order the relevant date shall be 10 October 2017.
- 2 The Cumbria County Council Definitive Map and Statement shall be modified as described in the Schedule and shown on the plan attached to the order.

- 3 This order shall take effect on the date it is confirmed and may be cited as the Lake District National Park Authority Definitive Map Modification Order 2017, Restricted Byway 348043 along the public road C3033, Mosedale and Carrhead Ford, Mungrisdale Parish, and is dated 31 October 2017.

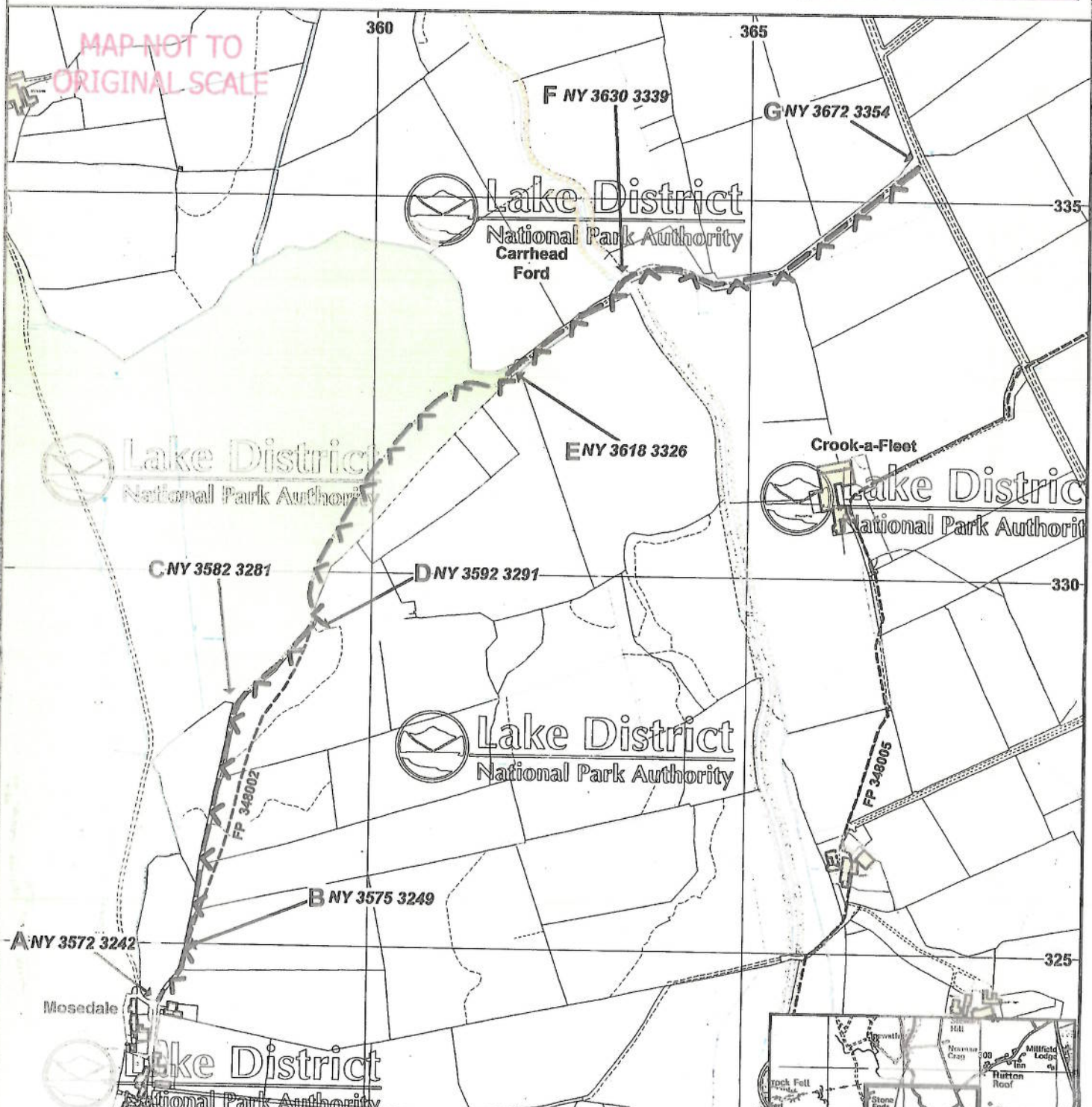
Dated the thirty-first day of October 2017

Executed as a deed by
affixing the Common Seal of
LAKE DISTRICT NATIONAL PARK AUTHORITY
in the presence of:

Authorised Signatory



**RESTRICTED BYWAY MODIFICATION ORDER OVER THE C3033
MOSEDALE & CARRHEAD FORD, MUNGRISDALE PARISH**
WILDLIFE & COUNTRYSIDE ACT 1981 SECTION 53A(2)

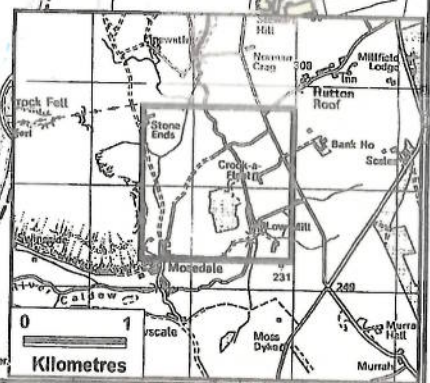


MAP NOT TO ORIGINAL SCALE

A-B-D-G FP 348002 to be modified to Restricted Byway
 B-C-D Restricted Byway to be added.
 CROW Open Access Land

0 Metres 200
 Scale 1:5,000 at A3

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Restricted Byway to be added
 Unaffected Public Rights of Way

NGR for centre of map
 NY 3623 3290

September 2017

Authorised signatory:

Date: 31 October 2017

SCHEDULE

PART 1

Modification of the Definitive Map

Right of way to be added as indicated on plan	Description of route of right of way to be added
<p>Marked with a bold broken line with small arrowheads on one side and shown A-B (over existing FP 348002)</p>	<p>From the gate off the farmac public road C2055 at Mosedale (Point A: NY 3572 3242) north-eastwards along stone lanning bounded by walls for about 80 metres to point B (NY 3575 3249).</p> <p>Width: Full width between walls, varying from 3.6 to 4.6 metres.</p>
<p>Marked with a bold broken line with small arrowheads on one side and shown B-C-D</p>	<p>From point B, generally north-north-eastwards along stone lanning bounded by walls and fence for about 325 metres, entering Mosedale Moss at point C (NY 3582 3281) and continuing on stone track over the Moss for about 145 metres to point D (NY 3592 3291).</p> <p>Width: B-C: Full width between walls/fences, varying from 3.8 to 6.1 metres. C-D: 4 metres between ditches / soft ground – being stone track and solid verges.</p>
<p>Marked with a bold broken line with small arrowheads on one side and shown D-E-F-G (over existing FP 348002)</p>	<p>From point D generally north-eastwards on the same stone track over Mosedale Moss for about 465 metres to gate at point E (NY 3618 3326) continuing for 190 metres on stone track between fences to the River Caldew at point F (NY 3630 3339), crossing the Caldew (around 10 metres wide at low flow) by means of Carrhead Ford and footbridge to the north, then continuing north-eastwards along enclosure road to the Berrier / Heskett Newmarket public road C3032 at point G (NY 3672 3354).</p> <p>Width: D-E: 4 metres between ditches / soft ground – being stone track and solid verges. E-F: Full width between boundaries (including ditches) varying between 5 and 10 metres, and where passing to north of township stone; 5.1 metres. F: Ford and bridge within width of 15 metres. F-G: Full width between boundaries (including ditches) for first 120 metres varying between 6 and 10 metres. Remainder to point G full width of Enclosure Road of 40' (12.1metres).</p>

PART 2

Modification of the Definitive Statement for Mungrisdale Parish

Change to current statement for footpath 348002:

Description	Replace current statement with: "From Restricted Byway 348043 around 80 metres north of its southern end at Mosedale, generally north eastwards for about 470 metres through fields to rejoin RB 348043 at Mosedale Moss."
Remarks	Add: "Remainder of original footpath modified to RB 348043, 2017"

Statement for the restricted byway 348043 to be added:

Path Number	348043
Path Type	Restricted Byway
Description	From the gate off the tarmac public road C2055 at the northern end of Mosedale village north-eastwards along bounded stone lanning for about 405 metres (highway being the full width between boundaries varying from 3.6 to 6.1 metres), entering Mosedale Moss and continuing north-eastwards as a stone track over the southern edge of the Moss for about 610 metres (width being 4 metres including verges between ditches / soft ground) to field gate. Continuing north-eastwards for 190 metres on stone track between fences (full width between boundaries, including ditches, varying between 5 and 10 metres, passing to north of township stone 5.1 metres) to the River Caldew, crossing the Caldew (around 10 metres across at low flow) by means of Carrhead Ford and footbridge to the north (ford and bridge within a width of 15 metres), then continuing north-eastwards along enclosure road to the Berrier / Hesket Newmarket public road C3032 (full width between boundaries (including ditches) for first 120 metres varying between 6 and 10 metres; remainder being the enclosure road of 40' (12.1metres)).
Remarks	Modification Order 2017, part modification of part of FP 348002.
Limitations & Conditions	Field Gates at NY 3572 3242 (3.6metres) and NY 3618 3326 (3 metres)

Limitations and Conditions

Field Gates at points A NY 3572 3242 (3.6 metres) and E NY 3618 3326 (3 metres)