



## Order Decision

Site visit made on 23 June 2015

by **Michael R Lowe** BSc (Hons)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 24 August 2015

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**Order Ref: FPS/E0915/5/3**

### **The Council of the City of Carlisle**

- This Order is made under Section 257 of the Town and Country Planning Act 1990 (the 1990 Act) and is known as the Stopping Up of Footpaths 129014 & 109371 and Diversion of Footpaths 129014 Parish of St Cuthbert Without and 109371 City of Carlisle Public footpath Stopping Up and Diversion Order 2014.
  - The Order is dated 11 April 2014 and proposes to stop up and divert a public footpath between Durdar Road and Scalegate Road as shown on the Order plan and described in the Order schedule.
  - There was one objection when The Council of the City of Carlisle (the Council) submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
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### **Decision**

1. I confirm the Order subject to modifications:

Replace the reference to footpath number '109371' with '109378' wherever it occurs throughout the Order.

### **Preliminary Matters**

2. None of the parties requested a public inquiry or hearing. I have therefore considered this case on the basis of the written objection and representations forwarded to me.
3. The Council have requested the correction of a minor drafting error in the Order. They seek the correction of a footpath number reference from '109371' to '109378'. The number referencing of public footpaths has no statutory basis and the use of such references in a statutory order is not essential. It appears to me that this minor drafting error is unlikely to cause any misunderstanding and I have therefore corrected the error.

### **Main issue and Reasons**

4. The main issue is whether the proposed diversion is necessary to enable development to be carried out in accordance with planning permission and, if so, to weigh in the balance the disadvantages or loss likely to arise as a result of the diversion against the advantages.
5. The Council granted full planning permission for the erection of 381 dwellings and associated matters on land south of Hammonds Pond on 13 March 2014 under reference 12/0793. The development was planned to take account of the footpath by its diversion within a landscaped 'green corridor' through the

new housing area with alternative access points to Durdar Road and a new link through the Hammonds Pond area of public open space to Scalegate Road. The existing footpath crosses an area of agricultural land with a narrow link alongside Oaklands Drive, which the Council and some local residents consider to be an unsuitable and unattractive as a link between the development and Scalegate Road.

6. Mr Hetherington is the sole objector. He is concerned at the loss of a historic route and its value to him arising from his childhood memories.
7. Whilst I appreciate the loss to Mr Hetherington from the proposal, I am satisfied that the stopping up and diversion of the footpath is necessary to enable the development to be carried out and that the advantages of the diversion outweigh the disadvantages.

**Conclusion**

8. Having regard to these and all other matters raised in the written representations, I conclude that the Order should be confirmed subject to modifications.

*Michael R Lowe*

INSPECTOR