

NOTICE OF ORDER

Town and Country Planning Act 1990 Section 257

Cumbria County Council
Wildlife and Countryside Act 1981 – Section 53
Cumbria County Council (Footpath No. 431024 Parish of
Whitehaven); Public Path Diversion and Definitive Map and
Statement Modification Order 2017

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(s) is 29 November 2017.

Consideration of the Order(s) will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to divert the whole length of public footpath no 431024 at Whitehaven Campus from grid reference 299077 517515 to grid reference 299279 517493; to run from grid reference 299070 517403 southeastwards for about 94 metres to grid reference 299145 517350; then northeastwards for about 133 metres to grid reference 299232 517451; then eastwards for 3 metres to join Moresby Road at grid reference 299234 517449. The width of the new path will be 3 metres.

Any queries relating to this Order should be referred to Tara Davies 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: tara.davies@pins.gsi.gov.uk. Please quote reference number ROW/3178762 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 Countryside Team, The Parkhouse Building, Kingmoor Business Park, Carlisle, Cumbria, CA6 4SJ during normal officer opening hours. Tel 07920 711254.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date 13 December 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 - 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 8 weeks of the start date 24 January 2017

Everyone who has made an objection or representation or any other written representation 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 full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) 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.

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, 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).

Within 14 weeks of the start date 7 March 2018

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order(s) must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received 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 w/r

**TOWN AND COUNTRY PLANNING ACT 1990
AND WILDLIFE AND COUNTRYSIDE ACT 1981
CUMBRIA COUNTY COUNCIL**

**CUMBRIA COUNTY COUNCIL (FOOTPATH NO 431024 PARISH OF WHITEHAVEN)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2017**

This Order is made by Cumbria County Council ("the authority") under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the 1990 Act namely: Plan App Ref. 4/16/9014 - Construction of new schools building for St Benedicts and Mayfield schools with associated sports pitches/facilities including floodlighting to all weather pitch, car parking, landscaping, new access onto Moresby Road and Red Lonning. Service access road onto U4008. Demolition of St Benedicts school - Whitehaven Campus Red Lonning Hensingham Whitehaven Cumbria CA28 8UG

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

BY THIS ORDER:

1. The public footpath over the land situate in the parish of Whitehaven 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 diverted as provided below.
2. There shall be created to the reasonable satisfaction of the authority an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by a bold broken line on the map contained in this Order.
3. The Cumbria County Definitive Statement shall be modified as described 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 diversion of the footpath shall have effect on the confirmation of the Order and shall be cited as the Cumbria County Council (Footpath No 431024 Parish of Whitehaven) Public Path Diversion and Definitive Map and Statement Modification Order 2017.

Dated the 21st day of March 2017

Executed as a Deed by

Affixing the Common Seal of)

CUMBRIA COUNTY COUNCIL)




the presence of :-)

S. L. Dwyer

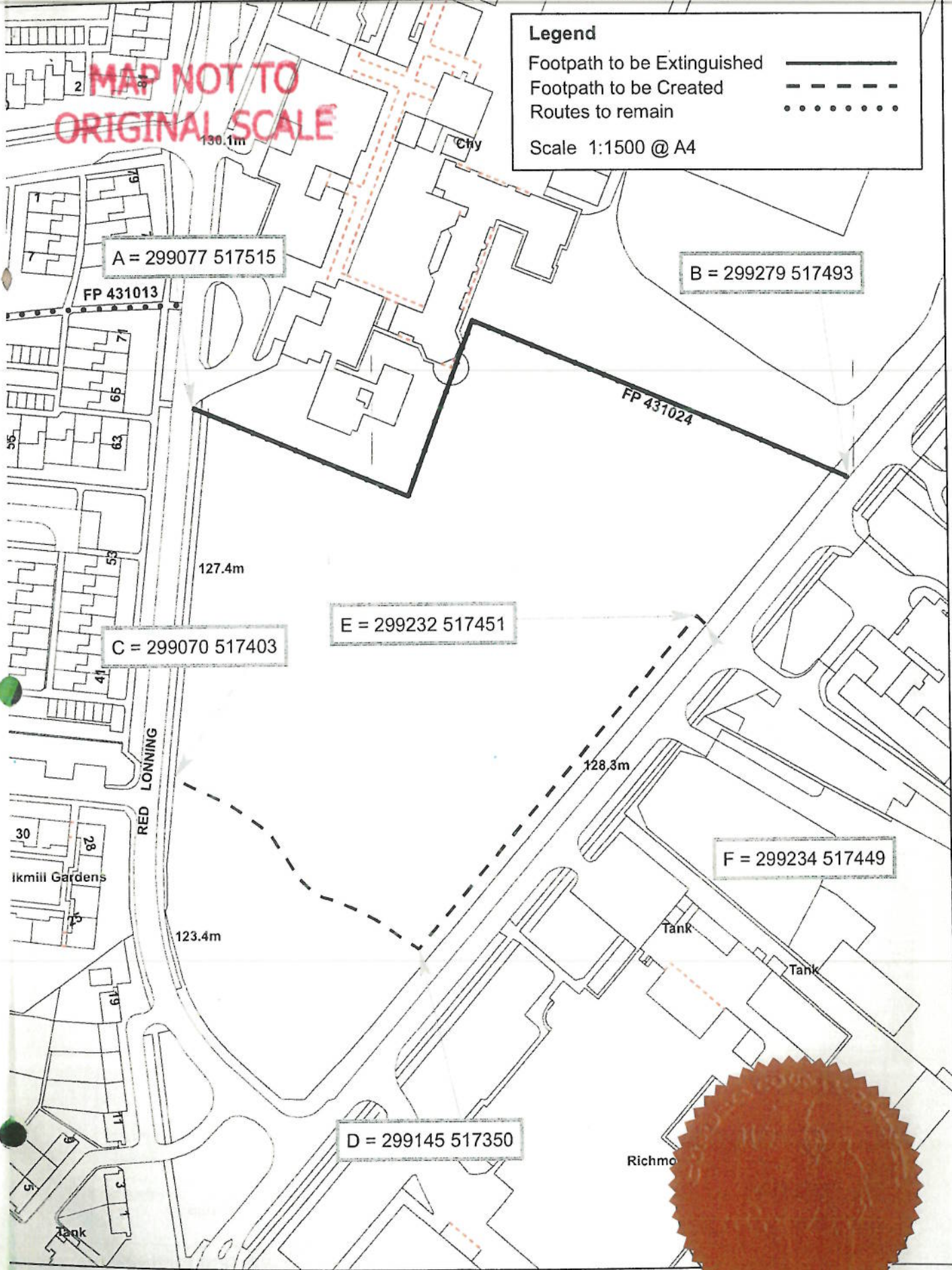


MAP NOT TO ORIGINAL SCALE

Legend

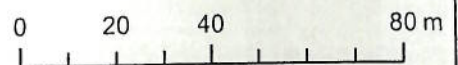
- Footpath to be Extinguished 
- Footpath to be Created 
- Routes to remain 

Scale 1:1500 @ A4



Town and Country Planning Act 1990 Section 257
 Public Footpath 431024 Diversion Order
 St Benedicts Campus, Whitehaven

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S. W. S. W. S. W.

SCHEDULE**PART 1**

Description of site of existing path or way.
Description of public rights of way to be extinguished

References on plan.	Description of length of existing right of way.	Width
Marked with a bold continuous line and shown A-B.	The whole length of public footpath no 431024 at Whitehaven Campus from Point A (grid reference 299077 517515) to Point B (grid reference 299279 517493)	

PART 2

Description of site of new path or way.
Description of public right of way created

References on plan.	Description of length of new right of way.	Width
Marked with a bold broken line and shown C-D-E-F	A new section of public footpath no 431024 from Red Lonning at Point C (grid reference 299070 517403) southeastwards for about 94 metres to Point D (grid reference 299145 517350); then northeastwards for about 133 metres to Point E (grid reference 299232 517451); then eastwards for 3 metres to join Moresby Road at Point F (grid reference 299234 517449)	3 metres

PART 3

Modification of Definitive Statement
The following shall be substituted for existing path statement

Path Number	431024	Path type	footpath
Width	3 metres at 2017 diversion	Length	230 metres
OS Sheet Number	NX91NE	Grid Refs.	From grid reference 299070 517403 to 299234 517449

Description	From Red Lonning southeastwards; northeastwards; then eastwards to join Moresby Road
Limitations	None at 2017 diversion
Remarks	Diverted by Diversion Order at Whitehaven Campus 2017

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 :-)

DATED

20

**TOWN AND COUNTRY PLANNING ACT
1990
WILDLIFE AND COUNTRYSIDE ACT
1981**

CUMBRIA COUNTY COUNCIL

(Footpath No 431024 Parish of
Whitehaven) Public Path Diversion and
Definitive Map and Statement Modification
Order 2017

D ROBERTS
Assistant Director, Corporate
Governance
Cumbria House
CARLISLE
CA1 1RZ