

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Cumbria County Council
(Parish of Whitehaven: District to Copeland) Definitive Map Modification
Order (No 4) 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 **25 July 2017**

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

The Inquiry will be held at **The Solway Hall, The Civic Hall, Lowther Street, Whitehaven, Cumbria, CA28 7SH** on **05 December 2017** at **10.00am**.

The effect of the Order, if confirmed without modification will be to modify the Definitive Map and Statement for the area by added two new sections of Public Footpath from: Grid Reference 296650 516941 15 metres eastwards to grid reference 296665 516941; and Grid Reference 296650 516920 15 metres eastwards to grid reference 296665 516920. The width of the new sections of path will be 1.8 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. Please quote reference number ROW/3170967 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so at Countryside Access Team, Regulatory Services, The Parkhouse Building, Kingmoor Business Park, Carlisle, CA6 4SJ. During normal office hours, tel: 07920 711254.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by 19 September 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 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 31 October 2017

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 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 07 November 2017

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

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.

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

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF CUMBRIA

CUMBRIA COUNTY COUNCIL
(PARISH OF WHITEHAVEN: DISTRICT OF COPELAND)
DEFINITIVE MAP MODIFICATION ORDER (NO 4) 2016

The Order is made by Cumbria County Council ("the Authority") pursuant to Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Surveying Authority that the definitive map and statement for the County of Cumbria require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i), namely, the discovery of evidence which (when considered with all other relevant evidence available to the surveying authority) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

The authority has consulted with every local authority whose area includes the land to which the Order relates.

The Authority hereby order that:

- For the purposes of this Order the relevant date shall be 1 December 2016.
2. The definitive map and statement for the County of Cumbria shall be modified as described in the Schedule and shown on the map attached to the order.
 3. This Order shall have effect on the date it is confirmed and may be cited as the Cumbria County Council (Parish of Whitehaven: District of Copeland) Definitive Map Modification Order (No 4) 2016.

Dated the 6th day of December 2016

Executed as a Deed by)

Affixing the Common Seal of)

CUMBRIA COUNTY COUNCIL)

in the presence of:-)



SCHEDULE

PART 1

Modification of the Definitive Map
Description of public rights of way to be modified

References on plan.	Description of length of rights of way to be added.	Width
A-B	A new length of public footpath at Mid Street Kells from at point A (296650 516941) 15 metres eastwards to point B (296665 516941)	1.8 metres
C-D	A new length of public footpath at Mid Street Kells from at point C (296650 516920) 15 metres eastwards to point D (296665 516920)	1.8 metres

PART 2

Modification of Definitive Statement
New description of path or way.

Path Number	431069	Path type	Footpath
Width	1.8 metres	Grid references	296650 516941 to 296665 516941
OS Sheet No	NX91NE	Length	15 metres
Description	From Mid Street Kells eastwards between houses to open space		
Limitations & Conditions	None		
Remarks	Added by modification order No 4 2016.		

Path Number	431070	Path type	Footpath
Width	1.8 metres	Grid references	296650 516920 to 296665 516920

Legend

Footpaths to be added - - - - -



MAP NOT TO ORIGINAL SCALE



A = 296650 516941

B = 296665 516941

C = 296650 516920

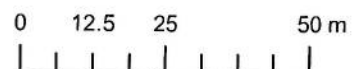
D = 296665 516920



Wildlife and Countryside Act 1981 Section 53
Definitive Map Modification Order
Mid Street, Kells, Whitehaven

(c) Crown Copyright; and Database Right 2015 Ordnance Survey Licence Number 1000019596

Scale 1:1250 @ A4



OS Sheet No	NX91NE	Length	15 metres
Description	From Mid Street Kells eastwards between houses to open space		
Limitations & Conditions	None		
Remarks	Added by modification order No 4 2016.		

Confirmed this day of

201

Executed as a Deed by)

Affixing the Common Seal of)

CUMBRIA COUNTY COUNCIL)

in the presence of:-)

DATED

6th December

2016

WILDLIFE AND COUNTRYSIDE ACT 1981

CUMBRIA COUNTY COUNCIL

(Parish of Whitehaven: District of Copeland)
Definitive Map Modification Order (No 4) 2016

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