

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Cumbria County Council  
(Parish of Kendal: District of South Lakeland)  
Definitive Map Modification Order (No 3) 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 is **6 July 2018**

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

The Inquiry will be held at the **Town Council Chamber, South Lakeland House, Lowther Street, Kendal LA9 4DQ** on **Tuesday 11 December 2018** 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 adding a new length of public footpath along Lumley Road, Kendal, from a point at grid reference GR 351068 491000 and proceeding for about 323 metres to a gap in the wall where it meets Stonecross Road, at a point at grid reference GR 350844 491186, with a width of between 12 and 15 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/3196939 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 Countryside Access Team, Cumbria County Council, Economy and Highways, Regulatory Services, Parkhouse Building, Baron Way, Kingmoor Business Park, Carlisle CA6 4SJ during normal office hours. Telephone: 07920 711254.

### **Timetable for sending in statements of case and proofs of evidence**

**Within 8 weeks of the start date (by 31 August 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 11 October 2018)**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry 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).

### **4 weeks before the date of the inquiry (by 13 November 2018)**

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

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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 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

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**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF CUMBRIA**

**CUMBRIA COUNTY COUNCIL**  
**(PARISH OF KENDAL: DISTRICT OF SOUTH LAKELAND)**  
**DEFINITIVE MAP MODIFICATION ORDER (NO 3) 2017**

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:

1. For the purposes of this Order the relevant date shall be 1 November 2017.
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 Kendal: District of South Lakeland) Definitive Map Modification Order (No 3) 2017.

Dated the 28<sup>th</sup> day of November 2017

Executed as a Deed by )  
Affixing the Common Seal of )  
CUMBRIA COUNTY COUNCIL )  
in the presence of:- )

P Brodie



|  |
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| <b>SCHEDULE</b>  |
| <b>PART 1</b>  |
| <b>Modification of the Definitive Map</b><br>Description of public rights of way to be added |

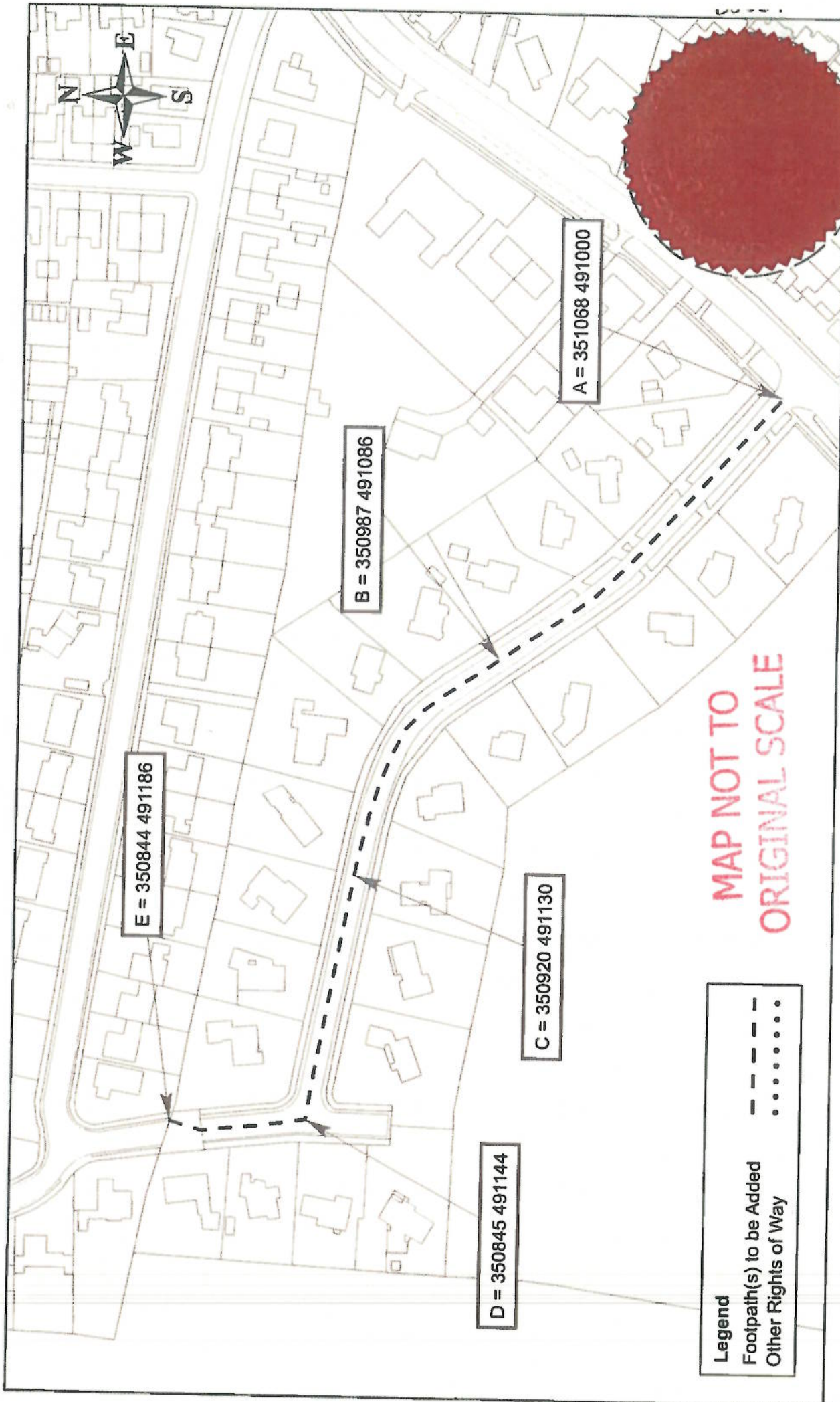
| References on plan. | Description of length of right of way to be added.   | Width  |
|---------------------|--|--|
| A-B-C-D-E           | A new length of public footpath along the whole length of Lumley Road Kendal from Point A (GR 351068 491000) about 323 metres to gap in wall at Point E (GR 350844 491186) | A-B = 15m<br>B-C = 15m<br>at B tapering to 12m at C<br>C-D-E = 12m |

| <b>PART 2</b>                       |                                |       |
|-------------------------------------|--------------------------------|-------|
| <b>Limitations &amp; Conditions</b> |                                |       |
| Grid reference                      | Limiting item/s or condition/s | Width |
| 350844 491186                       | gap                            | 1m    |

|  |  |  |  |
|--|--|--|--|
| <b>PART 3</b>  |  |  |  |
| <b>Modification of Definitive Statement</b><br>New description of path or way. |  |  |  |

| Path Number | 536079   | Path type | footpath   |
|-------------|--|-----------|------------|
| Width       | 15m between GR 351068 491000 and GR 350987 491086; tapering to 12m at GR 350920 491130 and 12m between GR 350920 | Length    | 323 metres |





*Sir*

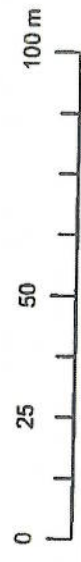
**MAP NOT TO ORIGINAL SCALE**

**Legend**  
 Footpath(s) to be Added      - - - - -  
 Other Rights of Way          . . . . .

**Wildlife and Countryside Act 1981 Section 53**  
**Definitive Map Modification Order**  
 Lumley Road, Kendal



Scale 1:1500 @ A4



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|                                     |  |  |  |
|-------------------------------------|--|--|--|
|                                     | 491130<br>and350844<br>491186                            |  |  |
| <b>OS Sheet Number</b>              | SD49SW   |  |  |
| <b>Description</b>                  | From Lumley Road From Milnthorpe Road to Stonecross Road |  |  |
| <b>Limitations &amp; Conditions</b> | 1m gap at GR 350844 491186                               |  |  |
| <b>Remarks</b>                      | Added by modification order No 3 2017 at Lumley Road     |  |  |

DATED

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**WILDLIFE AND COUNTRYSIDE ACT 1981**

**CUMBRIA COUNTY COUNCIL**

**(Parish of Kendal: District of South Lakeland)  
Definitive Map Modification Order  
(No 3) 2017**

**D ROBERTS  
Corporate Director, Resources & Transformation  
Cumbria House  
CARLISLE  
CA1 1RZ**