

NOTICE OF ORDER

Wildlife and Countryside Act 1981 Section 53

Cumbria County Council

(Parishes of Old Hutton & Holmescales and New Hutton: District of South Lakeland) Definitive Map Modification Order (No 2) 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 14 August 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 **15 January 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

Adding a length of public restricted byway at Old Croft in the parish of Old Hutton and Holmescales from junction with BW 560022 at GR 356510 490308 westwards for about 64 metres to centreline of bridge at parish boundary at GR 356454 490334; and

Upgrading that section of public footpath no 559011 at Old Croft in the parish of New Hutton from centreline of bridge at parish boundary at GR 356454 490334 north westwards for about 171 metres to road at Lane Cottage at GR 356367 490477.

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/3196947 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 Kendal library, Stricklandgate, Kendal and the offices of the Countryside Access Team, The Parkhouse Building, Kingmoor Business Park, Carlisle CA6 4SJ (ref 5.2.314). Please contact Sandra Smith on 07920 711254.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 9 October 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 20 November 2018]

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 18 December 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

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.

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

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF CUMBRIA

CUMBRIA COUNTY COUNCIL
(PARISHES OF OLD HUTTON & HOLMESCALES AND NEW HUTTON: DISTRICT
OF SOUTH LAKELAND)
DEFINITIVE MAP MODIFICATION ORDER (NO 2) 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) and (ii), 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; and a highway shown in the map and statement as a highway of a particular description ought to be 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 order that:

1. For the purposes of this Order the relevant date shall be 1 October 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 (Parishes of Old Hutton & Holmescales and New Hutton: District of South Lakeland) Definitive Map Modification Order (No 2) 2017.

Dated the 21st day of November 2017

Executed as a Deed by)

Affixing the Common Seal of)

CUMBRIA COUNTY COUNCIL)

in the presence of:-)

p. shelds



SCHEDULE

PART 1

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

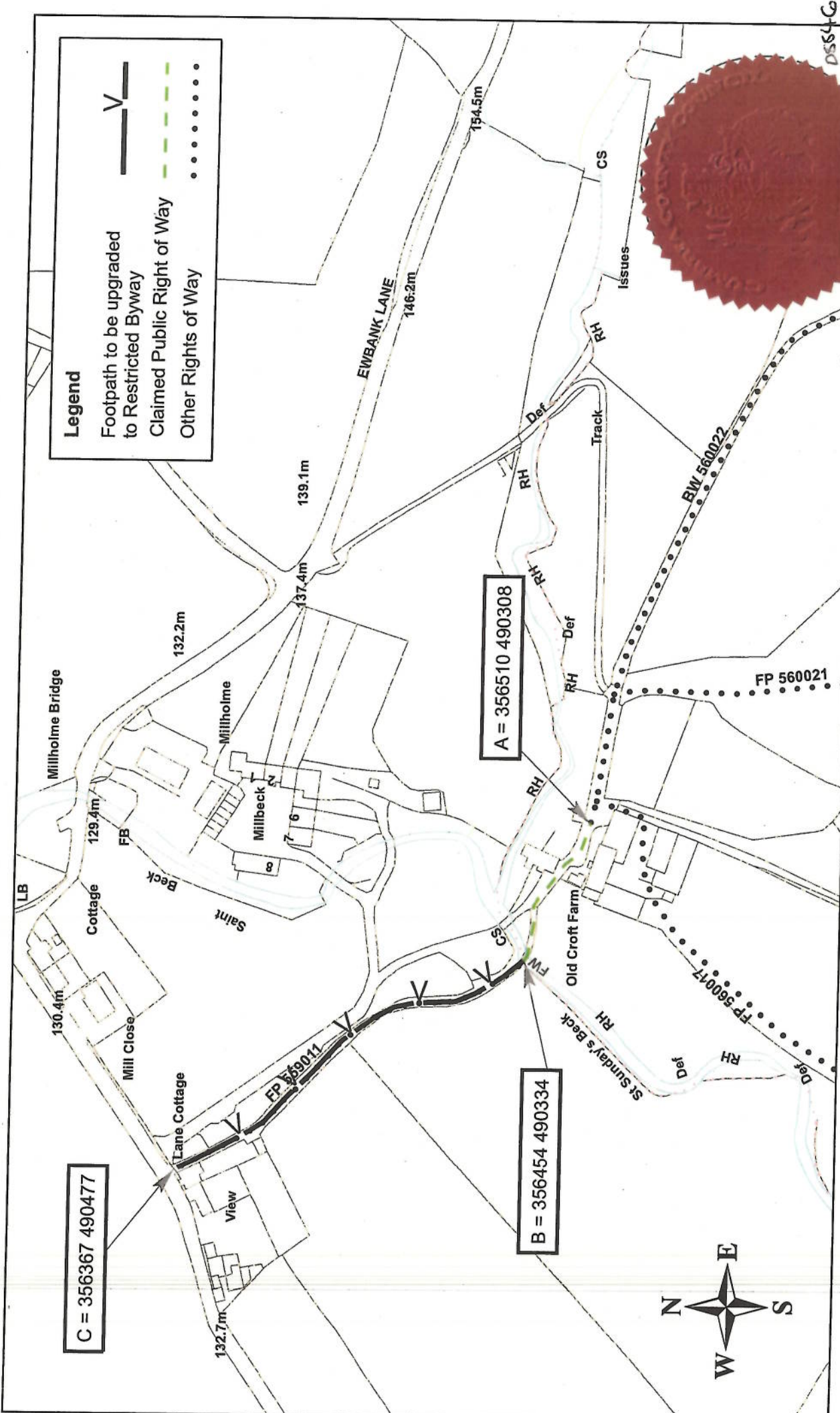
References on plan.	Description of length of right of way to be added.	Width
A-B	A new section of public restricted byway at Old Croft in the parish of Old Hutton and Holmescales from junction with BW 560022 at GR 356510 490308 westwards for about 64 metres to centerline of bridge at parish boundary at GR 356454 490334	3 metres

References on plan.	Description of length of right of way to be upgraded to restricted byway.	Width
B-C	That section of public footpath no 559011 at Old Croft in the parish of New Hutton from centerline of bridge at parish boundary at GR 356454 490334 north westwards for about 171 metres to road at Lane Cottage at GR 356367 490477	3 metres

PART 2

Modification of Definitive Statement
New description of path or way.

Path Number	560027	Path type	Restricted byway
Width	3 Metres 0.7 metres at bridge at GR 356454 490334	Grid references	356510 490308 to 356454 490334
OS Sheet No	SD59SE	Length	64 metres



Legend

- V — Footpath to be upgraded to Restricted Byway
- - - Claimed Public Right of Way
- Other Rights of Way

Wildlife and Countryside Act 1981 Section 53
 Definitive Map Modification Order
 Old Croft Farm, New Hutton



MAP NOT TO ORIGINAL SCALE

Scale 1:2000 @ A4



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P. Smith

DSS4G

Description	From BW 560022 to parish boundary at St Sunday's Beck
Limitations & Conditions	None
Remarks	Added by modification order No 2 2017.

Path Number	559011	Path type	Restricted Byway
Width	3 Metres 0.7 metres at bridge at GR 365454 490334	Grid references	365454 490334 to 356367 490477
OS Sheet No	SD59SE	Length	171 metres
Description	From parish boundary at St Sunday's Beck north westwards to road at Lane Cottage		
Limitations & Conditions	none		
Remarks	Added by modification order No 2 2017.		

Confirmed this day of 201

Executed as a Deed by)

Affixing the Common Seal of)

CUMBRIA COUNTY COUNCIL)

in the presence of:-)

DATED

21st November

2017

WILDLIFE AND COUNTRYSIDE ACT 1981

CUMBRIA COUNTY COUNCIL

(Parishes of Old Hutton & Holmescales and New Hutton: District
of South Lakeland)
Definitive Map Modification Order (No 2) 2017

D ROBERTS
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