

# **NOTICE OF ORDER**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **SECTION 257**

Eden District Council  
Public Path Stopping Up Order (No. 1) 2015 Cross Croft, Appleby (footpath 303028)

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 **15 January 2019**.

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

The Inquiry will be held at **The Town Hall, Penrith, Cumbria, CA11 7QF** on **Tuesday 18 June 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the section of public footpath 303028 running from point A (at grid reference 369122,520198) in a north north westerly direction for approximately 31 metres to point B (at grid reference 369112, 520225) and then running in a north easterly direction for approximately 13 metres and crossing the railway line to point C (at grid reference 369121,520236) then in a north northwesterly direction for approximately 16 metres to point D (at grid reference 369114, 520252) and then in a north easterly direction for approximately 33 metres to public road Drawbriggs Lane at point E (at grid reference 369143, 520270) as shown on the Plan attached to the Order and create an alternative footpath instead which will run from point A (at grid reference 369122, 520198) running in a north westerly direction for approximately 101 metres to point F (at grid reference 369033, 520288) and then in a north north westerly direction for approximately 8 metres to point G (at grid reference 369025, 520302) and then in a north westerly direction for approximately 50 metres to public road Drawbriggs Lane at point H (at grid reference 368984, 520330) and then in an east north easterly direction for approximately 61 metres to point I (at grid reference 369045, 520340) and then in a south easterly direction for approximately 123 metres to return to point E (at grid reference 369143, 520270) as shown on the Plan attached to the Order.

Any queries relating to this Order should be referred to David Bourton at The Planning Inspectorate, Rights of Way Section, 3A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5240. Email: [david.bourton@pins.gsi.gov.uk](mailto:david.bourton@pins.gsi.gov.uk). Please quote reference number FPS/H0928/5/1R 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 Reception, Town Hall, Eden District Council, Penrith, Cumbria, CA11 7QF during normal office hours of Monday to Thursday 8.45am to 5.15pm and Friday 8.45 a.m. to 4.45 p.m. To arrange a viewing, please contact the Town Hall on (01768) 817 817.

As the Authority have indicated that they will not be supporting the Order at the Inquiry, the case for the Order will be presented by Story Homes Ltd. They will be expected to adhere to the following timetable as if they were the Authority.

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

### **Within 8 weeks of the start date [by 12 March 2019]**

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, although 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 23 April 2019]**

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 copies to the Authority, 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, although 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 copy to the Authority, 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, although these will be available to view at the Authority's offices).

### **4 weeks before the date of the inquiry [by 21 May 2019]**

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 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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<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.

**Public Path Stopping Up Order**  
**Town and Country Planning Act 1990, Section 257**  
**Eden District Council**  
**Public Path Stopping Up Order (No. 1) 2015**  
**Cross Croft, Appleby (footpath 303028)**

This Order is made by Eden District Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up 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 Town and Country Planning Act 1990 by Eden District Council namely: Planning Permission numbers 11/0989 and 14/0594 for the erection of 142 dwellings, including 26 units of affordable housing, open spaces and associated infrastructure at land off Cross Croft / Back Lane, Appleby

**By this Order:**

1. The footpath over the land shown by a solid black line on the attached Plan and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of Eden District Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by a dashed black line on the attached Plan.
3. The stopping up of the footpath shall have effect on the date on which Eden District Council certify that the terms of Article 2 above have been complied with.
4. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

**Schedule**

**Part 1**

**Description of site of existing path or way**

That section of public footpath 303028 running from point A on the Order Plan (at grid reference 369122,520198) in a north north westerly direction for approximately 31 metres to point B (at grid reference 369112, 520225) and then running in a north easterly direction for approximately 13 metres and crossing the railway line to point C (at grid reference 369121,520236) then in a north north-westerly direction for approximately 16 metres to point D (at grid reference 369114, 520252) and then in a north easterly direction for approximately 33 metres to public road Drawbriggs Lane at point E (at grid reference 369143, 520270) as shown on the Order Plan as a solid black line.

Part 2  
Description of site of alternative footpath

A footpath 1.8 metres in width which will run from point A (at grid reference 369122, 520198) running in a north westerly direction for approximately 101 metres to point F (at grid reference 369033, 520288) and then in a north north westerly direction for approximately 8 metres to point G (at grid reference 369025, 520302) and then in a north westerly direction for approximately 50 metres to public road Drawbriggs Lane at point H (at grid reference 368984, 520330) and then in an east north easterly direction for approximately 61 metres to point I (at grid reference 369045, 520340) and then in a south easterly direction for approximately 123 metres to return to point E (at grid reference 369143, 520270) as shown on the Order Plan by a dashed black line.

Dated: 22 April 2015

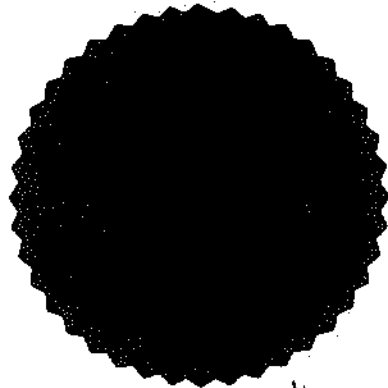
THE COMMON SEAL of EDEN  
DISTRICT COUNCIL was hereunto  
affixed in the presence of:

Chairman

*J.G. Thompson.*

Director of Corporate & Legal Services

*P. Foster.*



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**Eden District Council  
Public Path Stopping Up Order No.1 2015  
Appleby Cross Croft**

Public Footpath 303028

- Line
- Alternative Route to be Provided
  - Existing Route to be Stopped-Up

Point Grid Reference	
A	369122, 520198
B	369112, 520225
C	369121, 520236
D	369114, 520252
E	369143, 520270
F	369033, 520288
G	369025, 520302
H	368984, 520330
I	369046, 520340

*H.P.P.*

Proposed Development



Scale 1:2500

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