



Order Decision

Inquiry held on 11 December 2018

by Sue M Arnott FIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 02 August 2019

Order Ref: ROW/3196939

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981. It is known as the Cumbria County Council (Parish of Kendal: District of South Lakeland) Definitive Map Modification Order (No 3) 2017.
- The Order is dated 28 November 2017. It proposes to modify the definitive map and statement for the area by adding a footpath along Lumley Road, Kendal, from Milnthorpe Road to Stonecross Road, as shown on the Order map and described in the Order schedule.
- There were eight objections outstanding¹, together with 14 representations in support, when Cumbria County Council submitted the Order for confirmation to the Secretary of State for Environment, Food & Rural Affairs.
- In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order with modifications. No objections have been submitted in response.

Summary of Decision: The Order is confirmed subject to the modifications previously proposed.

The Main Issues

1. If confirmed with the modifications set out in paragraph 53 of my interim Order Decision issued on 22 January 2019, the Order would record on the definitive map and statement only a part of the public footpath claimed between Milnthorpe Road and Stonecross Road in Kendal and as originally shown on the Order map; only a 2 metre long section would be recorded between the end of Lumley Road and Stonecross Road.
2. No objections have been submitted to my proposal to modify the Order so as to alter the extent of the public footpath to be recorded to that now marked on the modified Order map at point E and as described in the modified Order schedule.

Conclusion

3. Having regard to the above and all other matters raised at the inquiry and in the written representations, I conclude that the Order should be confirmed subject to the modifications that have been advertised.

¹ One was subsequently withdrawn

Formal Decision

4. I confirm the Order subject to the following modifications:

In the Order schedule

In **Part 1: Modification of the Definitive Map**

- Delete 'References on plan' "A-B-C-D-E" and substitute "E";
- Amend 'Description of length of right of way to be added' to: "A new 2m length of public footpath connecting Lumley Road Kendal with Stonecross Road at a gap in a wall at GR 350844 491186";
- Delete 'Width' as stated and substitute "1m";

In **Part 3: Modification of Definitive Statement**

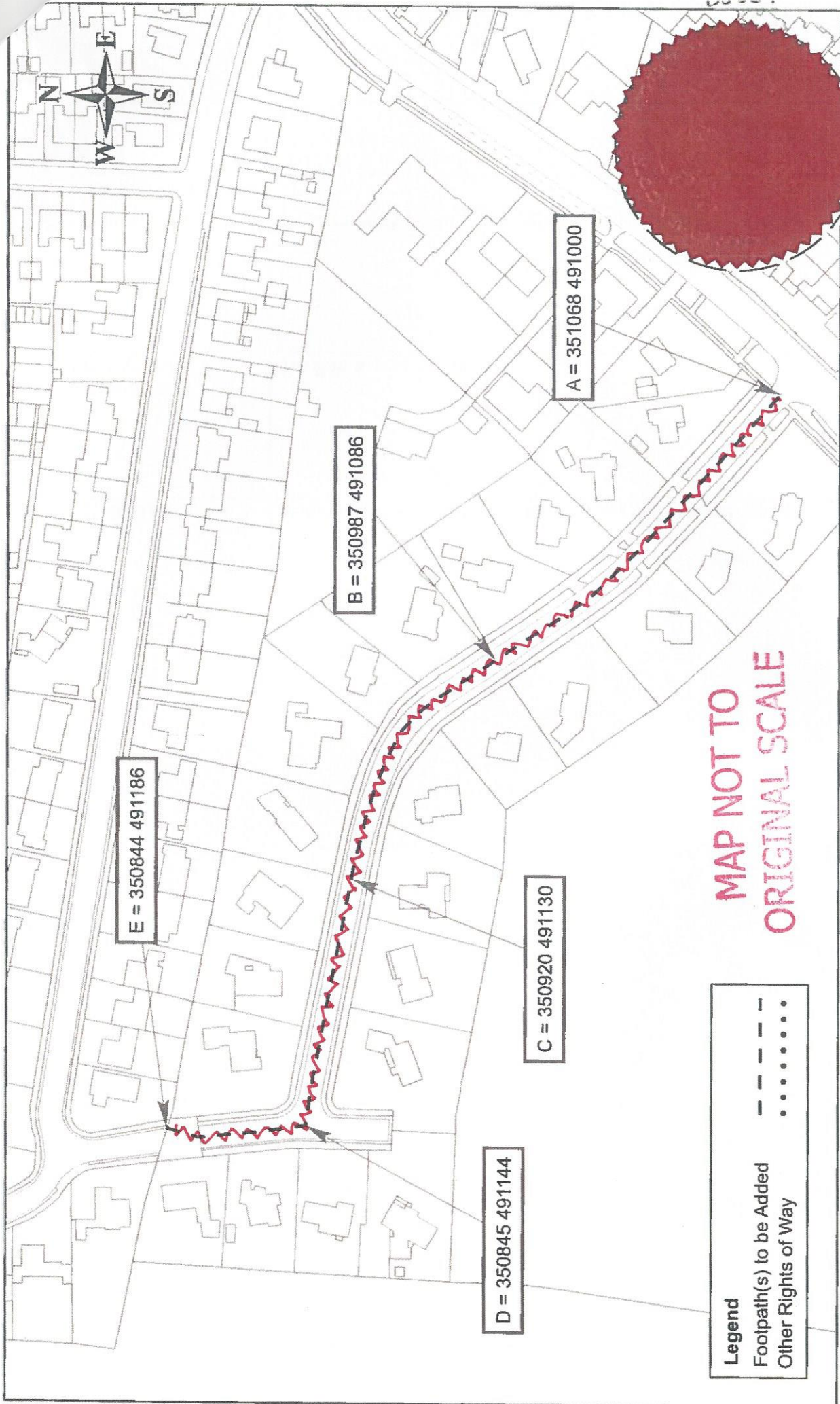
- Amend 'Width' to "1m"; amend 'Length' to "2 metres"; and amend 'Description' to read "From Lumley Road to Stonecross Road";

On the Order map

- Amend the line of "Footpath to be added" to remove section A-B-C-D-E as shown.

Sue Arnott

Inspector



Scale 1:1500 @ A4

Sir Sidney

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
(c) Crown Copyright and Database Right 2017. Ordnance Survey Licence Number 1000019536

