

**TOWN AND COUNTRY PLANNING ACT 1990
WILDLIFE AND COUNTRYSIDE ACT 1981**

**CUMBERLAND COUNCIL (FOOTPATH NOS 109397, 109401 AND 109402 CITY OF
CARLISLE) PUBLIC PATH STOPPING UP AND DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER 2024**

This Order is made by Cumberland Council ("the authority") under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to stop up and divert the footpaths 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 1990 Act namely: No. ref 19/0905 (appeal reference APP/E0915/W/21/3266806) Residential Development of 80 dwellings at Deer Park, Carlisle.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the Authority that the Cumberland Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act namely the stopping up and diversion (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The public footpaths over the land situate at Deer Park in the City of Carlisle shown by continuous bold lines on the map attached to this Order and described in Part 1 of the Schedule to this order shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of the authority alternative highways for use as replacements for the said footpaths as provided in Part 2 of the Schedule and shown by bold broken lines on the map contained in this Order.
3. The Cumberland Definitive Statement shall be modified as described in Part 3 of the Schedule to this Order.
4. Despite this Order all statutory undertakers shall continue to have any existing rights of access to and egress from any apparatus, equipment and plant accessible only from the rights of way referred to in Part 1 of the Schedule to this Order.
5. The Order shall be cited as the Cumberland Council (Footpath Nos 109397, 109401 and 109402 City of Carlisle) Public Path Stopping Up and Diversion and Definitive Map and Statement Modification Order 2024 and shall take effect upon confirmation.

Dated the 18th day of June 2024

Executed as a Deed)
Affixing the Common Seal of)
CUMBERLAND COUNCIL)
In the presence of :-)

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SCHEDULE

PART 1

Description of site of existing path or way.
Description of public rights of way to be stopped up

References on plan.	Description of length of existing right of way.
Marked with a bold continuous line and shown A-C-F-B.	The whole width and length of public footpath no 109397 in the City of Carlisle from Kingmoor Road at grid reference 338948 557496 northwestwards across a field to the Kingmoor Sidings Nature Reserve at grid reference 338723 557631
Marked with a bold continuous line and shown C-D-E	The whole width and length of public footpath no 109401 in the City of Carlisle from grid reference 338944 557497 north-northwestwards for about 153 metres to GR 338864 557622; then curving northwestwards; then southwestwards; then west-southwestwards for about 147 metres to GR 338740 557593
Marked with a bold continuous line and shown F-G-H-D	The whole width and length of public footpath no 109402 in the City of Carlisle from grid reference 338776 557614 northwestwards for about 117 metres to GR 338704 557700 (spur section west-north-westwards for about 13 metres to GR 338692 557702); then eastwards; then southeastwards then southwestwards for about 252 metres to GR 338864 557622

PART 2

Description of site of new path or way.
Description of public rights of way to be created.

References on plan.	Description of length of new right of way.	Width
Marked with a bold broken line and shown A-I-J-K-L-M-N-E	A new section of public footpath no 109401 in the City of Carlisle from grid reference 338948 557496 north-northwestwards for about 73 metres to grid reference 338913 557553; then northwards for about 7 metres to grid reference 338912 557559; continuing northwards then northwestwards for about 135 metres to grid reference 338837 557662; turning southwestwards for about 61 metres to grid reference 338801 557616 and westwards for about 7 metres to grid reference 338794 557614; turning southwards for about 23 metres to grid reference 338804 557593 and west-southwestwards and northwestwards for about 77 metres to grid reference 338740 557593	A-I-J-K = 3 metres K-L-M-N-E = 2 metres
Marked with a bold broken line and shown K-O-P-Q-R	A new section of public footpath no 109402 in the City of Carlisle from junction with FP 109401 at grid reference 338837 557662 northwards for about 23 metres to grid reference 338829 557683; then northwestwards for about 22 metres to grid reference 338812 557688; then westwards for about 7 to grid reference 338806 557686; turning north-northwestwards for about 53 metres to grid reference 338785 557732	2 metres

PART 3

Modification of Definitive Statement

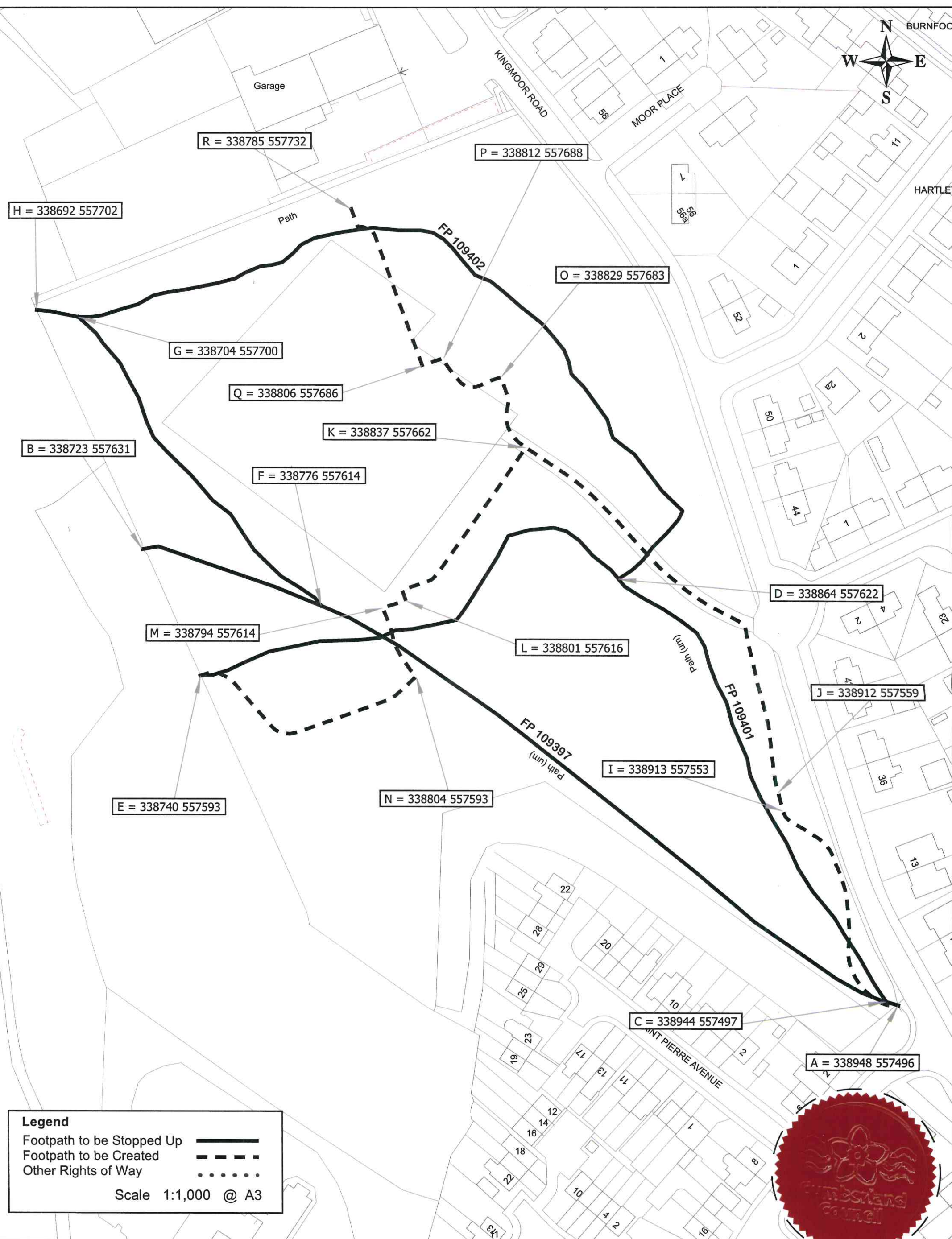
The following shall be substituted for existing path statement

Path Number	109397	Path type	footpath
Width	1.8 metres	Length	
OS Sheet Number		Grid Refs.	NY 3895 5749 NY 3872 5763
Description	From Kingmoor Road north westerly across a field for approximately 264 metres to Kingmoor Sidings Nature Reserve		

Limitations	
Remarks	Added by Modification Order No 1 2009 Stopped up by order at Deer Park 2024

Path Number	109401	Path type	footpath
Width	3 metres between GR 338948 557496 and 338837 557662 2 metres between GR 338837 557662 and 338740 557593 at 2024 diversion	Length	383 metres
OS Sheet Number	NY 3857 3957	Grid Refs.	From grid reference 338948 557496 and 338740 557593
Description	From Kingmoor Road northwestwards and southwestwards to Kingmoor Sidings Nature Reserve		
Limitations	Gap of 1.6 metres at GR 338740 557593 None at 2024 diversion		
Remarks	Added by Modification Order No 2 2022 Deer Park Diverted by order at Deer Park 2024		

Path Number	109402	Path type	footpath
Width	2 metres at 2024 diversion	Length	105 metres
OS Sheet Number	NY 3857 3957	Grid Refs.	From grid reference 338837 557662 and 338785 557732
Description	From junction with FP 109401 northwards to 338785 557732.		
Limitations	None at 2024 diversion		
Remarks	Added by Modification Order No 2 2022 Deer Park Diverted by order at Deer Park 2024		



Legend

- Footpath to be Stopped Up
- Footpath to be Created
- Other Rights of Way

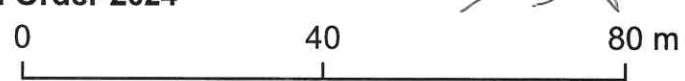
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Town and Country Planning Act 1990 Section 257 & Wildlife and Countryside Act 1981 Section 53
 Public Footpath Nos 109397, 109401 and 109402 City of Carlisle
 Public Path Diversion and Stopping Up and Definitive Map Modification Order 2024
 Deer Park, Carlisle



Confirmed as an unopposed Order

This day of 20

Executed as a Deed by)

Affixing the Common Seal of)

CUMBERLAND COUNCIL)

In the presence of :-)

DATED

2024

**TOWN AND COUNTRY PLANNING ACT
1990
WILDLIFE AND COUNTRYSIDE ACT
1981**

CUMBERLAND COUNCIL

(Footpath Nos 109397, 109401 and
109402 City of Carlisle) Public Path
Stopping Up and Diversion and Definitive
Map and Statement Modification Order
2024

Chief Legal Officer
Resources
Civic Centre
CARLISLE
CA3 8QG