

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

**CUMBERLAND COUNCIL (FOOTPATH NO 431022 PARISH OF WHITEHAVEN)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2023**

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 divert 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 1990 Act namely: No. 4/21/2195/0R1 and 4/21/2196/0R1 approval of reserved matters for access, appearance, landscaping, layout and scale for 85 dwellings following outline planning approval 4/16/2415/0O1 and 4/16/2415/0O1 Harras Dyke Farm Harras Dyke Whitehaven

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 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 footpath over the land situate in the Parish of Whitehaven shown by a continuous bold line 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 an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by a bold broken line 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 diversion of the footpath shall have effect upon the date when the authority certify that the terms of Article 2 above have been complied with.
6. The Order shall be cited as the Cumberland Council (Footpath No 431022 Parish of Whitehaven) Public Path Diversion and Definitive Map and Statement Modification Order 2023.

Dated the 14th day of November 2023

Executed as a Deed)

Affixing the Common Seal of)

CUMBERLAND COUNCIL)

In the presence of :-)



Elizabeth Hore
Lead Senior Lawyer
Cumberland Council

The foregoing order is hereby confirmed
subject to the red ink modifications thereon

Claire Tregembo 9 APR 2025

An Inspector appointed by The Secretary of State
for Environment, Food and
Rural Affairs

SCHEDULE

PART 1

Description of site of existing path or way.
Description of public right 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-B.	The whole width of that section of public footpath no 431022 situate at Harras Dyke in the parish of Whitehaven from GR 298765 518340 east-northeastwards for about 203 metres to GR 298965 518376

PART 2

Description of site of new path or way.
Description of public right of way created.

References on plan.	Description of length of new right of way.	Width
Marked with a bold broken line and shown C-D-E-F-G	A new section of public footpath no 431022 situate at Harras Dyke in the parish of Whitehaven from GR 298804 518307 northeastwards for about 4 metres to GR 298806 518309 then south-southeastwards for about 147 metres to GR 298919 518220 turning northeastwards for 193 metres to GR 298952 518404 then eastwards for about 17 metres to GR 298969 518401	2 metres

PART 3

Modification of Definitive Statement
The following shall be substituted for existing path statement

Path Number	431022	Path type	footpath
Width	2 metres at 2023 diversion	Length	361 metres
OS Sheet Number	NX 91 NE	Grid Refs.	From grid reference 298804 518307 to 298969 518401
Description	From opposite FP 431023 on the U4008 southwards parallel to the road on estate path for approx. 195m then continuing north-westwards for approx. 150m parallel to Harras Road to join the road near Windsor Terrace.		

Limitations	None at 2023 diversion
Remarks	Diverted by order at Harras Dyke 2023

Confirmed as an unopposed Order

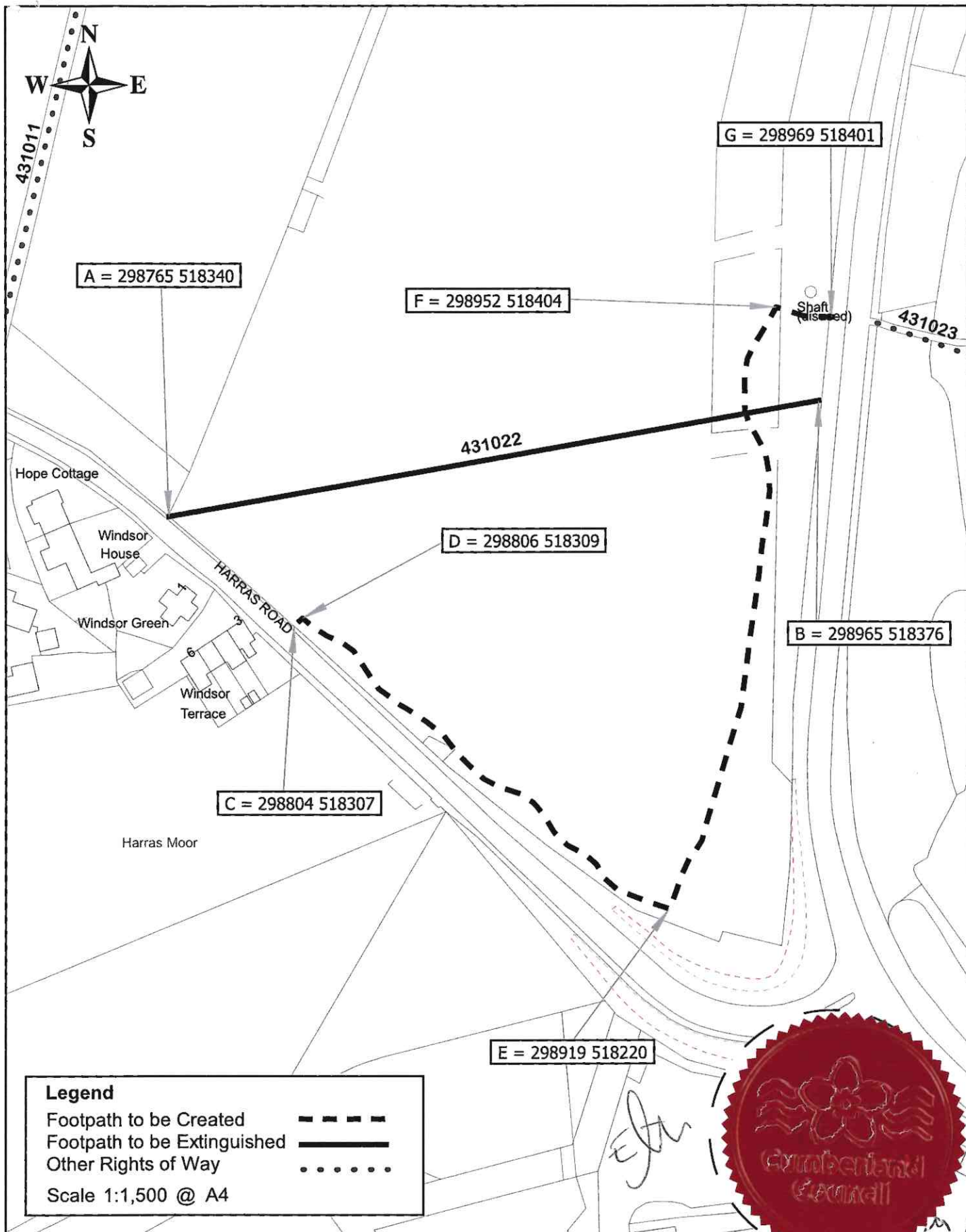
This day of 20

Executed as a Deed by)

Affixing the Common Seal of)

CUMBERLAND COUNCIL)

In the presence of :-)



Public Footpath 431022 Diversion Order & Public Path Modification Order
Town and Country Planning Act 1990 Section 257 &
Wildlife and Countryside Act Section 53
Harras Dykes Farm, Whitehaven

0 80 m

DATED 14th November 2023

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1990
WILDLIFE AND COUNTRYSIDE ACT
1981**

CUMBERLAND COUNCIL

(Footpath No 431022 Parish of
Whitehaven) Public Path Diversion and
Definitive Map and Statement Modification
Order 2023

Chief Legal Officer
Resources
Civic Centre
CARLISLE
CA3 8QG

