

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Meeting date: 7 June 2022

From: Executive Director – Economy and Infrastructure

HIGHWAYS ACT 1980 SECTION 119 – PUBLIC FOOTPATH NOS 135005, 135006 AND 135020 PARISH OF WALTON: DISTRICT OF CARLISLE

1.0 EXECUTIVE SUMMARY

- 1.1 *The County Council made orders under Section 119 of the Highways Act 1980 on 29 November 2002 to divert public footpath nos 135005, 135006 & 135020 at Dovecote in the parish of Walton, in the interests of the public as part of the Hadrian's Wall Path National Trail.*
- 1.2 *Following the making of the Orders an alternative route for the National Trail was established and approval is now sought to abandon the Orders.*
- 1.3 *The County Council has the discretion not to proceed with an order to which there are representations or objections or may withdraw an order for other reasons, such as external factors making a scheme no longer appropriate. In order to bring the procedure to an end the County Council must make a formal resolution not to proceed and should notify those, if any, who made representations or objections to the order(s).*
- 1.4 *A location plan is attached as Appendix A.*

2.0 POLICY POSITION, BUDGETARY AND EQUALITY IMPLICATIONS, AND LINKS TO COUNCIL PLAN

- 2.1 *The relevant corporate theme is "To provide a safe and well managed highway network, secure infrastructure improvements and support local economic growth".*
- 2.2 *The relevant procedure is an "administrative quasi-judicial" one. The*

conditions which must be satisfied for an order to be confirmed are that it should appear to Members “that it is expedient” for the public footpath to be diverted on the grounds set out in paragraph 5.1 of this report.

3.0 RECOMMENDATION

That, the County Council abandon the orders made under Section 119 of the Highways Act 1980 to divert public footpath nos 135005, 135006 & 135020 at Dovecote in the parish of Walton as copies attached at Appendix B.

4.0 BACKGROUND

- 4.1 On 29 November 2002 orders were made to divert public footpath nos 135005, 135006 & 135020 at Dovecote in the parish of Walton in the interests of the public (copies of orders are attached at Appendix B).
- 4.2 The reason for the making of the diversion orders was that the proposed route of the National Trail to the east of Walton, between Hollybush Cottage and Dovecote Bridge would necessitate a rationalisation of the existing rights of way so that a route may be created that followed as closely as possible the line of the Wall. By making use of the existing rights of way the creation of new footpaths would be largely avoided in an area where a number of paths already existed. By the re-alignment of routes that crossed the centre of field to follow existing boundaries and the riverbank, stock disturbance would be minimised.
- 4.3 As part of the rationalisation process, footpath 135020 would be removed from the farmyard at High Dovecote and be re-located to the east. This would facilitate walkers who wished to use the path as a linking route with the National Trail and who did not care to enter working yards.
- 4.4 No objections were received to the made Orders.
- 4.5 However, concerns were raised regarding the suitability of the diversionary routes and a more sustainable alternative route for the National Trail was established.

5.0 LEGAL IMPLICATIONS

- 5.1 Under Section 119(1) of the Highways Act 1980 (**the Act**), the County Council must be satisfied that in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted.
- 5.2 The County Council has the discretion not to proceed with an order to which there are representations or objections or may withdraw an order for other reasons, such as external factors making a scheme no longer appropriate but in doing so should take into account all relevant interests. In order to

bring the procedure to an end the County Council must make a formal resolution not to proceed and should notify the applicant and those who have made representation or objections of the passing of the formal resolution.

6.0 OPTIONS

- 6.1 There is no realistic option to the recommendation in the report because the reason for making the orders no longer exists
- 6.2 If the recommendation is accepted then the footpaths will remain on their existing lines shown D-L, J-K, F-N and A-N on the respective Order Maps at Appendix B.

7.0 ASSESSMENT AND CONCLUSION

- 7.1 The Council made the orders as part of rationalisation of paths in the area for the Hadrian's Wall National Trail. An alternative route was ultimately established and the rationalisation of the footpath network is no longer necessary.
- 7.2 Therefore, the Committee are requested to resolve that the orders be abandoned as the diversions are no longer needed and it is in the interests of the public for the footpaths to remain on their existing lines.

Angela Jones
Executive Director – Economy and Infrastructure
May 2022

APPENDICES

- A** *Location plan*
- B** *Copies of made Orders*

IMPLICATIONS

Financial: Nil
Electoral Division: Houghton & Irthington – John Mallinson

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS ***[Including Local Committees]***

Development Control and Regulation Committee – 26 September 2002

CONSIDERATION BY OVERVIEW AND SCRUTINY

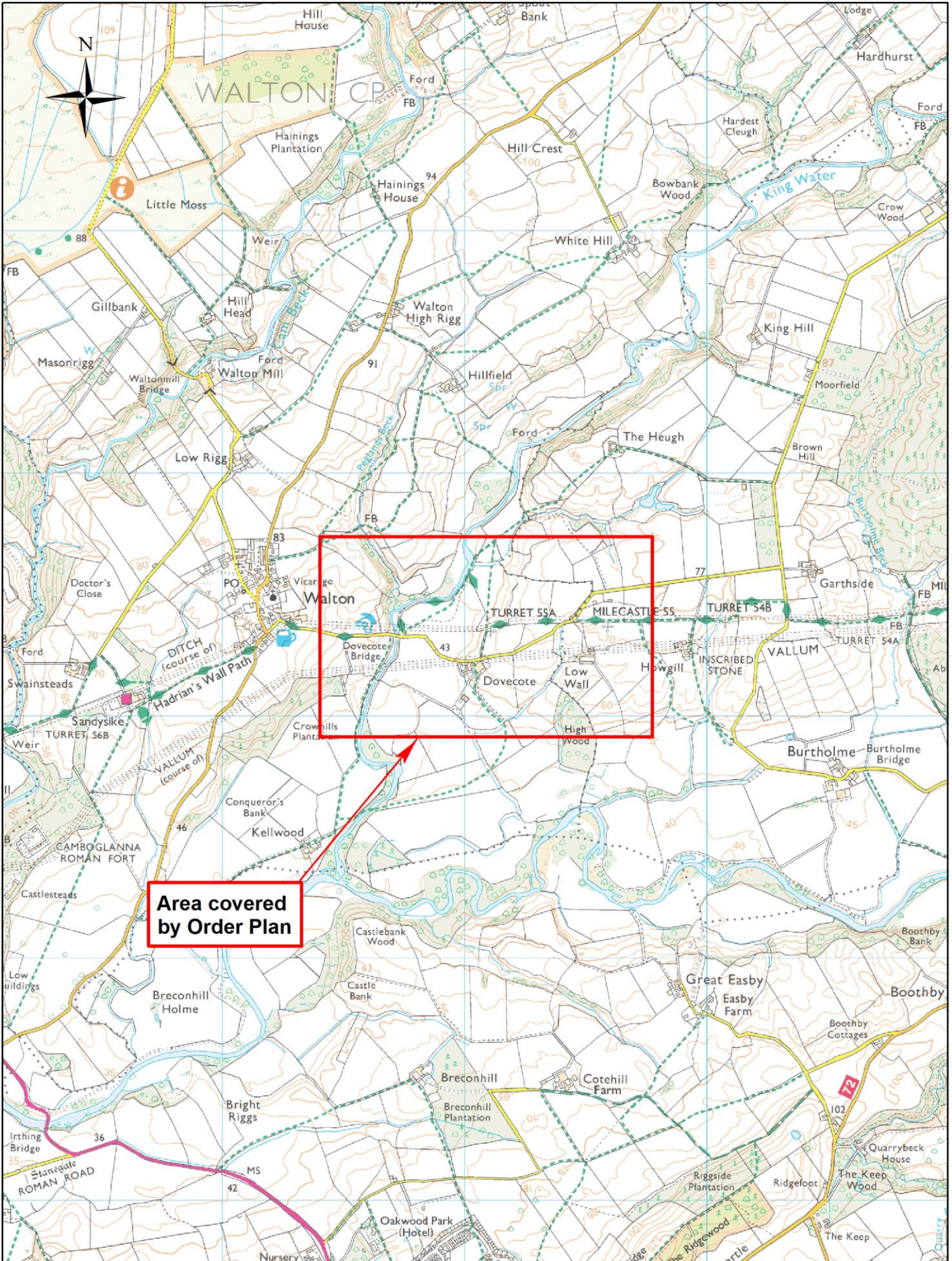
Not considered by Overview and Scrutiny

BACKGROUND PAPERS

Cumbria Countryside Access Strategy.

Contact: Email: Sandra Smith, Countryside Access Officer
Sandra.smith@cumbria.gov.uk

APPENDIX A



**Area covered
by Order Plan**



**Location Plan for Hadrian's Wall Path
Walton**

Scale 1:20,000 @ A4

0 200 400 800m

HIGHWAYS ACT 1980
CUMBRIA COUNTY COUNCIL

CUMBRIA COUNTY COUNCIL (FOOTPATH NO 135006 AND 135020 PARISH OF
WALTON) PUBLIC PATH DIVERSION ORDER 2002

This Order is made by Cumbria County Council ("the authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpaths described in paragraph 1 of this order and the public, it is expedient that the line of the footpaths should be diverted.

The Carlisle City Council have been consulted as required by Section 120 (2) of the 1980 Act and the Carlisle City Council have consented to the making of this Order.

BY THIS ORDER:

1. The public rights of way over the land situate at Dovecote in the parish of Walton 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 extinguished after 28 days from the date of confirmation of this Order.
2. There shall at the end of 28 days from the date of confirmation of this Order be public footpaths over the land situate at Dovecote in the parish of Walton described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this Order.
3. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

Dated the 29th day of November 2002

THE COMMON SEAL of)
 CUMBRIA COUNTY COUNCIL)
 was hereunto affixed)
 in the presence of:-)

C13881



ASST HEAD OF LEGAL SERVICES

SCHEDULE

[PART 1]

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

(1) That length of public footpath no 135006 situate at Dovecote in the parish of Walton commencing at Point L on the map contained in this Order (grid reference NY 5307 6424) on the C1029 and extending approximately 120 metres in a northerly direction along a track to Point D on the map contained in this Order (grid reference NY 5309 6436)

(2) That length of public footpath no 135020 situate at Dovecote in the parish of Walton commencing at Point K on the map contained in this Order (grid reference NY 5303 6422) on the C1029 and running south easterly passing through the farmyard at High Dovecote then following the track for 300 metres to Point J on the map contained in this Order (grid reference NY 5316 6397)

[PART 2]

DESCRIPTION OF SITE OF NEW PATH OR WAY

(1) A new section of public footpath no 135006 situate at Dovecote in the parish of Walton commencing at Point H on the map contained in this Order (grid reference NY 5320 6426) on the C1029 then running north north easterly along the west side of field 2834 for 120 metres to Point G on the map contained in this Order (grid reference NY 5325 6436).

(2) A new section of public footpath no 135020 situate at Dovecote in the parish of Walton commencing at Point H on the map contained in this Order (grid reference NY 5320 6426) on the C1029 then running south for 250 metres approximately along the west side of the field. On reaching the field boundary the proposed route turns south west following the south side of the boundary for 80 metres approximately to join the definitive line at Point J on the map contained in this Order (grid reference NY 5316 6397).

The minimum width of the new paths will be 1.8 metres.

[PART 3]

LIMITATIONS AND CONDITIONS

Two Stiles at either side of the road at Point H on the map contained in this Order (grid reference NY 5274 6433)

Stile, Steps and Stone Slab Bridge at Point J1 on the map contained in this Order (grid reference NY 5322 6402)

Confirmed as an unopposed Order

**HIGHWAYS ACT 1980
CUMBRIA COUNTY COUNCIL**

**CUMBRIA COUNTY COUNCIL (FOOTPATH NO 135005 AND 135006 PARISH OF
WALTON) PUBLIC PATH DIVERSION ORDER 2002**

This Order is made by Cumbria County Council ("the authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpaths described in paragraph 1 of this order and the public, it is expedient that the line of the footpaths should be diverted.

The Carlisle City Council have been consulted as required by Section 120 (2) of the 1980 Act and the Carlisle City Council have consented to the making of this Order.

BY THIS ORDER:

1. The public rights of way over the land situate at Dovecote in the parish of Walton 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 extinguished after 28 days from the date of confirmation of this Order.
2. There shall at the end of 28 days from the date of confirmation of this Order be public footpaths over the land situate at Dovecote in the parish of Walton described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this Order.
3. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

Dated the *29th* day of *November* 2002

C13889

THE COMMON SEAL of)

CUMBRIA COUNTY COUNCIL)

was hereunto affixed)

in the presence of:-)

Rob Graydon

ASST HEAD OF LEGAL SERVICES



SCHEDULE

[PART 1]

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

- (1) That length of public footpath no 135005 situate at Dovecote in the parish of Walton commencing at Point F on the map contained in this Order (grid reference NY 5274 6433) and extending approximately 250 metres in a north easterly direction then turning north north easterly for 320 metres approximately to Point N on the map contained in this Order (grid reference NY 5312 6472)
- (2) That length of public footpath no 135006 situate at Dovecote in the parish of Walton commencing at Point A on the map contained in this Order (grid reference NY 5309 6443) and running north across the field ref 1148 for 200 metres then continuing northwards as far as Point N on the map contained in this Order (grid reference NY 5312 6472)

[PART 2]

DESCRIPTION OF SITE OF NEW PATH OR WAY

- (1) A new section of public footpath no 135005 situate at Dovecote in the parish of Walton commencing at Point F on the map contained in this Order (grid reference NY 5274 6433) following the riverbank and running north for 120 metres before turning to an easterly direction for 220 metres. The route then turns north north easterly leading for a further 100 metres to Point B on the map contained in this Order (NY 5302 6458). From here the route continues in the same direction for 200 metres approximately to Point N on the map contained in this Order (NY 5312 6472)
- (2) A new section of public footpath no 135006 situate at Dovecote in the parish of Walton commencing at Point A on the map contained in this Order (grid reference NY 5309 6436) then runs north north westerly for 170 metres to join footpath no 135005 at Point B on the map contained in this Order (grid reference NY 5302 6458).

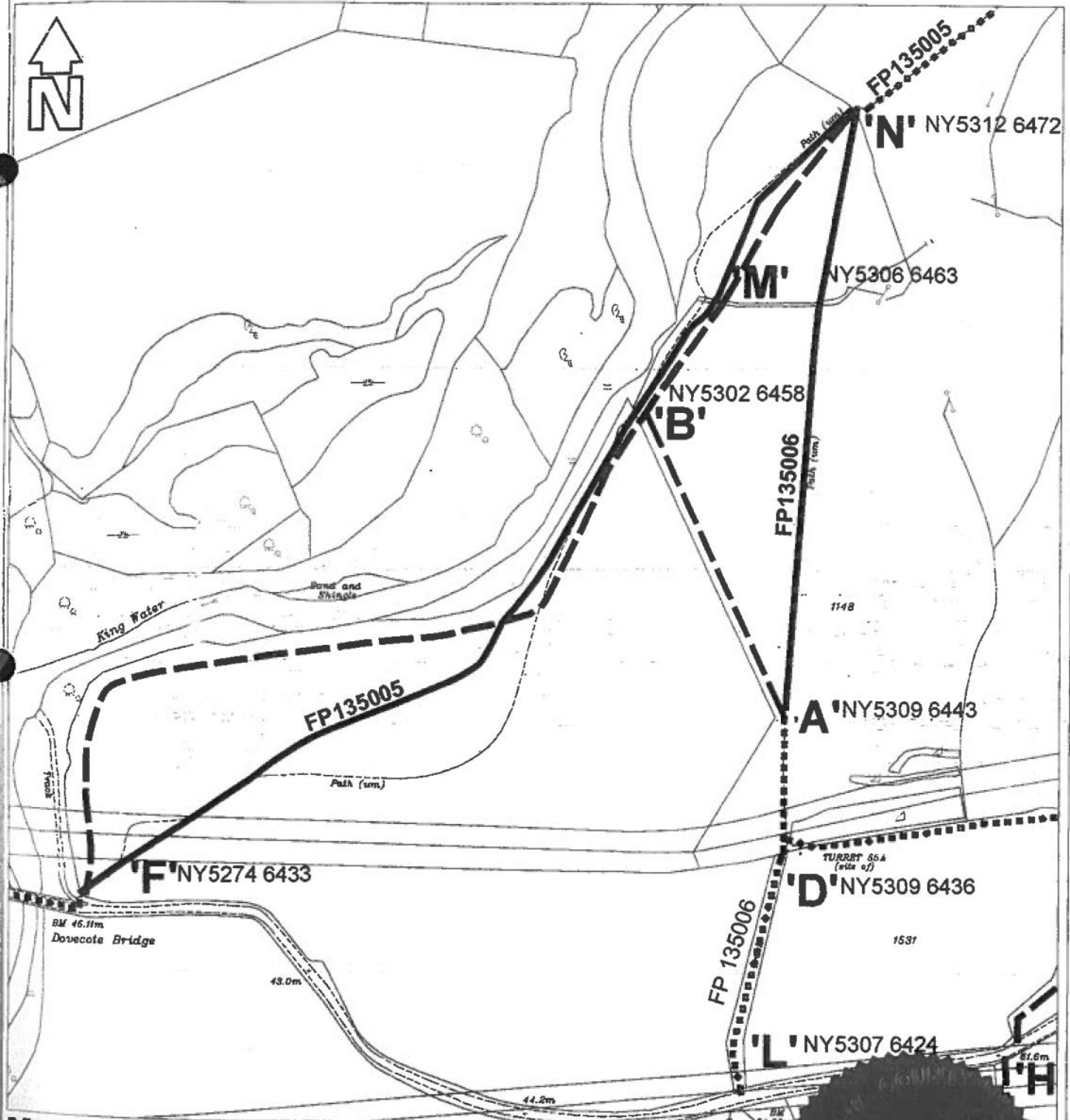
The minimum width of the new paths will be 1.8 metres.

[PART 3]

LIMITATIONS AND CONDITIONS

Kissing Gate	Point F on the map contained in this Order (grid reference NY 5274 6433)
Kissing Gate	Point B on the map contained in this Order (grid reference NY 5302 6458)
Stone Slab Bridge	Point M on the map contained in this Order (grid reference NY 5306 6463)

Cumbria County Council



Map referred to in the The Cumbria County Council
 Footpaths No.135005 & 135006, Parish of Walton
 Public Path Diversion Order 2002

C13890



THE COMMON SEAL OF THE CUMBRIA COUNTY COUNCIL

WAS HEREUNTO AFFIXED IN THE PRESENCE OF

[Signature]
 Head of Legal Services

KEY
 Route to be Extinguished
 Route to be Created
 Footpath to Remain
 Scale 1:2500

Extract from OS Map No. NY 5363

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