

**PROPOSED CREATION OF PUBLIC FOOTPATH SECTION 26, HIGHWAYS ACT 1980,
LADY HALL MARSH, PARISH OF MILLOM WITHOUT**

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of the proposed creation of a Public Footpath at Lady Hall Marsh, Parish of Millom Without.

Recommendation: That the proposal be supported

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 The Council has been consulted by Capita Symonds, on behalf of Cumbria County Council, in respect of a new public footpath north of Lady Hall. A copy is attached.
- 1.2 The proposal is sought under the Highways Act 1980 and forms part of the County Councils Rights of Way Improvement Plan (ROWIP).
- 1.3 The effect of the creation would be to link existing public footpath number 416032 with Lady Hall Marsh which is classified as open access land and common land. The proposed route would run for a distance of approximately 20 metres.
- 1.4 As there is reasonable justification for this proposal, it is considered worthy of support.

Contact Officer: Rachel Carrol, Planning Officer

Appendix: Capita Symonds consultation letter and accompanying plan dated 19 November 2009.

CAPITA SYMONDS

RC

19 November 2009

Your reference:

Our reference: E.DC/DC/F5/416032

Enquiries to: David Clare

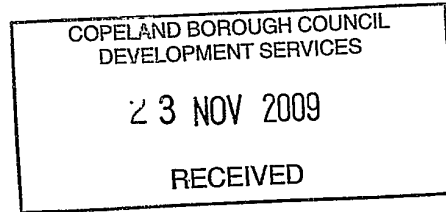
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Dear Mr Pomfret

**PROPOSED CREATION OF PUBLIC FOOTPATH
SECTION 26, HIGHWAYS ACT 1980
LADY HALL MARSH
PARISH OF MILLOM WITHOUT
DISTRICT OF COPELAND**

I will be pleased to receive any comments that you might wish to make regarding the above mentioned proposal, as shown on the attached plan.

Background

The proposal is being considered by Cumbria County Council as an improvement to the public rights of way network and has been included in their overall Rights of Way Improvement Plan (ROWIP). The aim of this proposal is to create a new public footpath as shown on the attached plan. The effect of the creation would be to link existing public footpath number 416032 with Lady Hall Marsh which is classified as open access land and common land. The common land registration number is CL61 but its ownership is undetermined. Ownership was investigated but in February 1980 the Chief Commons Commissioner declared that he was not satisfied that "any one person is the owner of the land and it will therefore remain subject to protection under section 9 of the Commons Registration Act 1965." This is why section 26 rather than section 25 (creation by landowner dedication) of the Highways Act is being used to create the footpath.

Description of the Proposed Route for the Footpath to be Created (with reference to the plan)

From an existing wooden step stile at point A in a field boundary at the end of public footpath number 416032 the footpath to be created would run to the stone surfaced track at point B having first passed through a wooden wicket gate on the existing footbridge over Delph Cut watercourse at point B, a distance of approximately 20 metres.

Capita Symonds Ltd is contracted to provide Rights of Way management services for Cumbria County Council

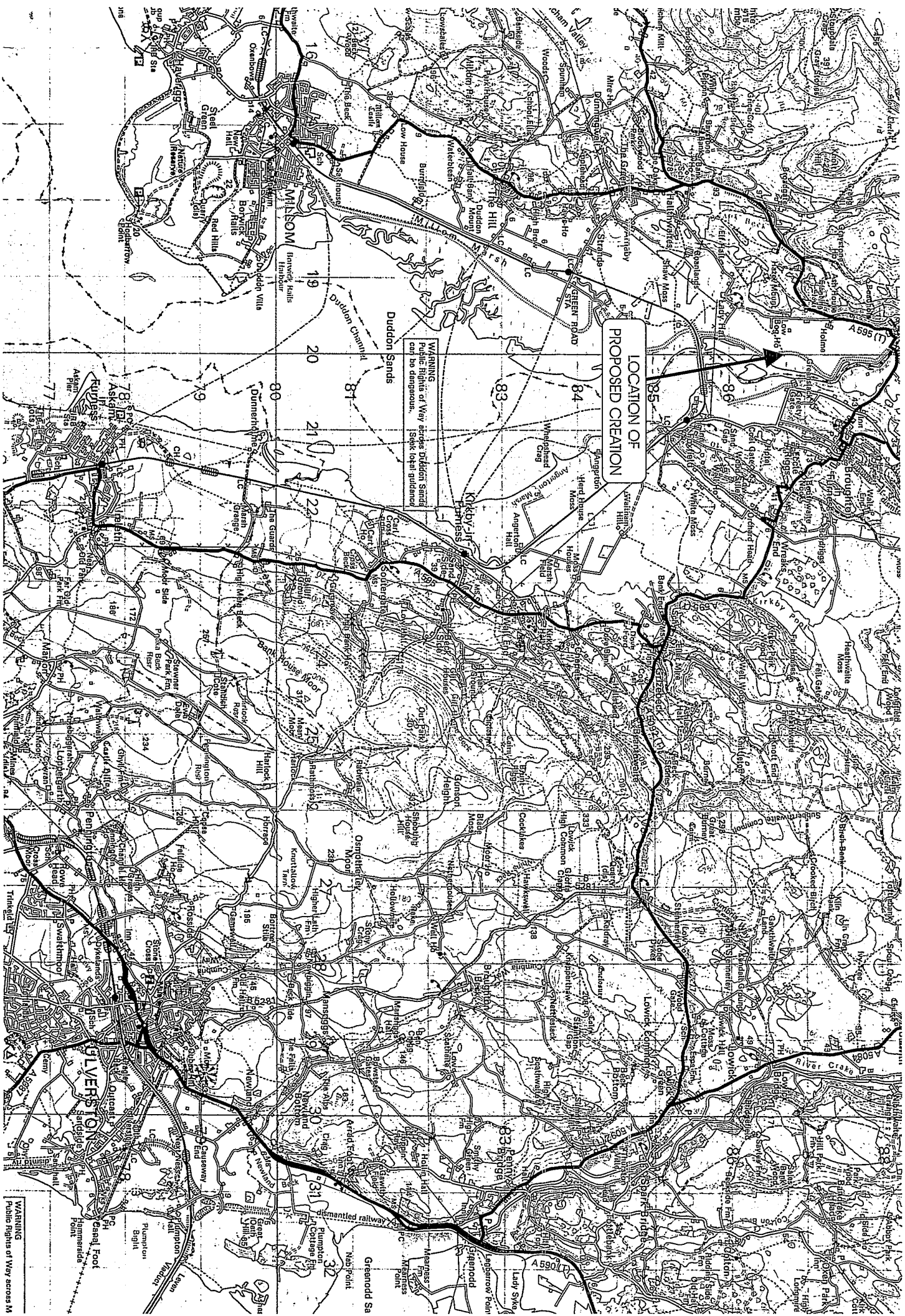


Footbridge with wicket gate as viewed looking west to stile on FP416032

Yours sincerely

David Clare
Countryside Services Manager

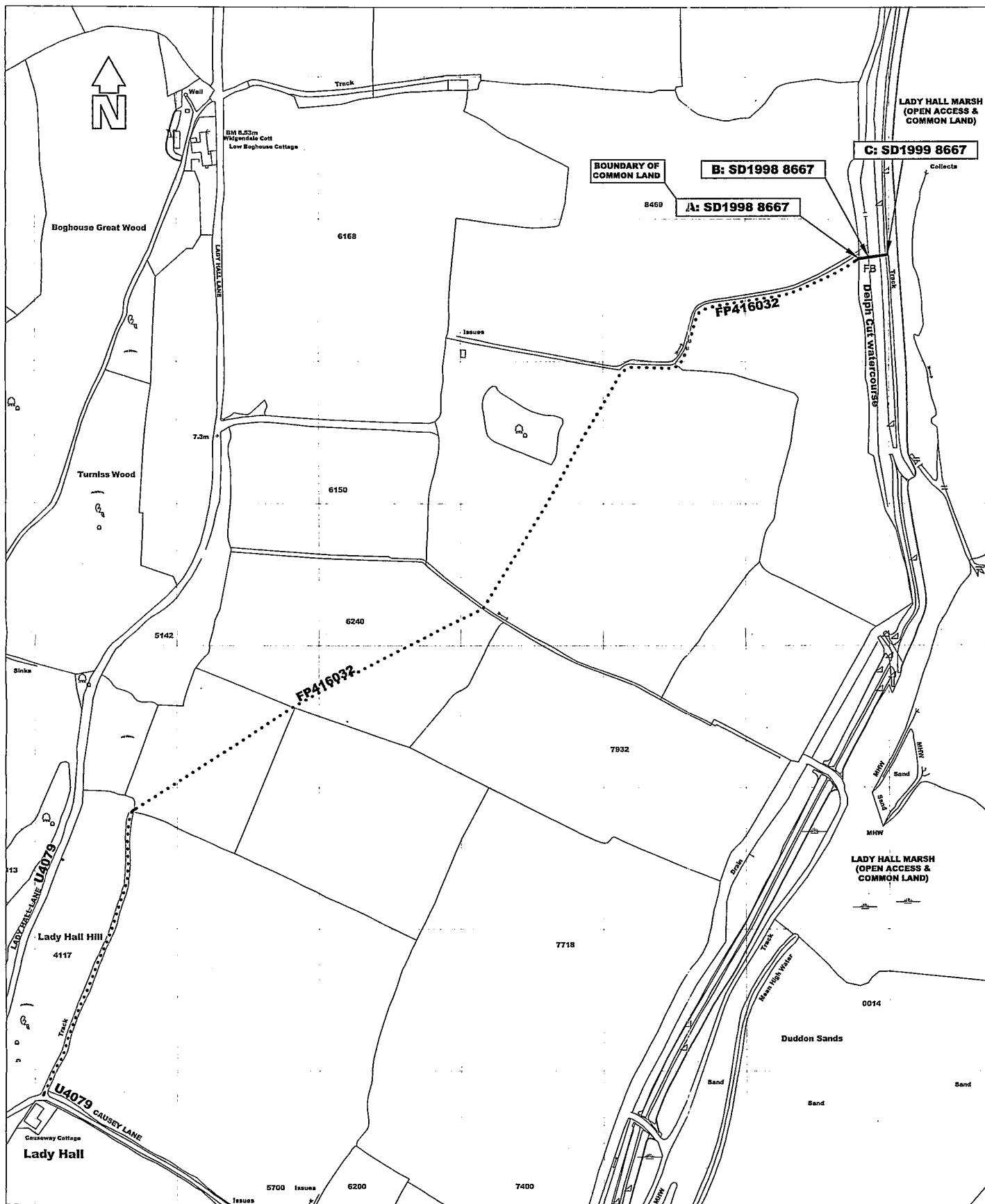
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LOCATION OF
PROPOSED CREATION

WARNING:
Public Rights of Way across Duddon Sands
can be dangerous. Seek local guidance

WARNING:
Public Rights of Way across M



Section 26 of the Highways Act 1980,
 The Cumbria County Council,
 Lady Hall Marsh, Parish of Millom Without
PUBLIC PATH CREATION BY AGREEMENT
 DISTRICT OF COPELAND

KEY
 Footpath to be Created —————
 Footpath to Remain ·········

H:\Parish Files\Copeland\Millom Without\416032\416032-Creation\416032-Creation Agreement-Am0-Plan Extract from OS Map Nos SD1985,1986, 2085 & 2086
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