

**REQUEST FOR THE EXTINGUISHMENT OF PRIVATE RIGHTS OVER A NUMBER OF PATHWAYS ON LAND AT WASTWATER CLOSE, WHITEHAVEN**

**Lead Officer: Tony Pomfret – Development Control Manager**

**This report seeks confirmation as an unopposed Order of the Copeland Borough Council footpaths at Wastwater Road, Whitehaven, Cumbria Stopping Up Order No2 2010.**

**1.0 INTRODUCTION**

- 1.1 Members agreed to authorise the making of a Stopping Up Order under Section 257 of the Town and Country Planning Act 1990 in respect of a series of pathways that cross a development site on Wastwater Road at the Planning Panel on 23 June 2010. The extinguishment of the pathways is necessary to allow a scheme for the erection of 11 bungalows which was granted in April to be developed.

**2.0 THE LEGAL POSITION**

- 2.1 The Order (called the "Copeland Borough Council footpaths at Wastwater Road, Whitehaven, Cumbria Stopping Up Order No 2 2010") has been made and advertised as required by Section 257 of the Town and Country Planning Act 1990. As no objections have been received as a result of this consultation period the Council can now confirm the order as an unopposed order.
- 2.2 As soon as the order has been confirmed the Council has to publish it again in a local newspaper, serve notices on every owner, occupier, lessee of any part of the land; the Parish Council; statutory undertakers and such other persons as the Council may consider appropriate. Notices also have to be displayed on the site to publicise the Order.
- 2.3 The developer will be responsible for payment of the legal and administrative costs involved in confirming the order.

### **3.0 RECOMMENDATION**

- 3.1 It is recommended that the Copeland Borough Council footpaths at Wastwater Road, Whitehaven, Cumbria Stopping Up Order No 2 2010 be confirmed as an unopposed Order in respect of the pathways as shown on the plan attached to the Order and that the applicant be responsible for the costs of confirming the order.

**Contact Officer:**                    **Marlene Jewell, Senior Legal Services Officer**  
**Nick Hayhurst – Senior Planning Officer**

**Background Papers:**        **Planning application file ref 4/10/2083/0F1**