

APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT, 1981

The Wildlife and Countryside (Definitive Maps and Statements) Regulations, 1983 (Schedule 7)

DEFINITIVE MAP AND STATEMENT FOR THE PARISH OF **PENRITH**

PUBLIC RIGHT OF WAY NO. **NEW PUBLIC RIGHT OF WAY**

TO: WESTMORLAND AND FURNESS COUNCIL

OF: COUNTRYSIDE ACCESS, THE PARKHOUSE BUILDING, KINGMOOR BUSINESS PARK, CARLISLE, CA6 4SJ

I/We (Name of applicant) **PENRITH TOWN COUNCIL**

Of (Address of applicant) **UNIT 1**

CHURCH HOUSE

19-24 FRIARGATE

PENRITH CA11 7XR

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statements for the area by

1 Adding the footpath

From: **PENRITH NEW SQUARES**

To: **GREAT DOCKRAY**


* Please delete as appropriate

We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

List of Documents provided:

Petition and Statement from those who have used the path

Dated ... **2nd October 2024**

Signed ... 

SCOTT JACKSON

NOTICE OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT, 1981

The Wildlife and Countryside (Definitive Maps and Statements) Regulations, 1983 (Schedule 8)

DEFINITIVE MAP AND STATEMENT FOR THE PARISH OF **PENRITH**

To: **Sam Plumb, CEO, Westmorland and Furness Council (Land/Building Owner)**
Andrew Manger / Jessica Hall, Estates Managers Sainsbury's Ltd
Walton Goodland agents for Leaseholders

Notice is hereby given that on **7 October 2024**

Penrith Town Council

made application to Westmorland and Furness County Council, Countryside Access, The Parkhouse Building, Kingmoor Business Park, Carlisle that the Definitive Map and Statement for the above-mentioned Parish and District be modified by:

1 Adding the footpath

From: **Penrith New Squares**

To: **Great Dockray**

and shown on the map attached.

Dated

Signed

* Please delete as appropriate

NOTES FOR INFORMATION

This Notice has been served on you by the person(s) named overleaf, not by the County Council. The Notice is required to be served on you in accordance with the procedure prescribed in the Wildlife and Countryside Act, 1981. It is intended to show that an application has been made to the County Council, by the person named overleaf, for a Modification Order to be made to amend the Definitive Map of Public Rights of Way, on land in which you have an interest.

When the County Council is satisfied that an Application has been made in the prescribed manner, you will then be contacted by the County Council. Until that time there is no need for you to take any action in relation to the Notice.

**CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR
A MODIFICATION ORDER**

WILDLIFE AND COUNTRYSIDE ACT, 1981

**The Wildlife and Countryside (Definitive Maps and Statements)
Regulations, 1983 (Schedule 9)**

DEFINITIVE MAP AND STATEMENT FOR THE PARISH OF **PENRITH**.....

TO: WESTMORLAND AND FURNESS COUNTY COUNCIL

OF: COUNTRYSIDE ACCESS, THE PARKHOUSE BUILDING, KINGMOOR BUSINESS
PARK, CARLISLE, CA6 4SJ

We (name of applicant) **PENRITH TOWN COUNCIL**.....

Of (address of applicant) **UNIT 1**.....

CHURCH HOUSE.....

FRIARGATE, PENRITH CA11 7XR.....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and
Countryside Act 1981 have been complied with.

Details of Modification

To retain what has been used as a footpath between Penrith New Squares (previously
Southend Road Car Park) and Great Dockray for a number of years until recently.

List of Landowners and Occupiers Notified

**Sam Plumb, CEO, Westmorland and Furness Council (Land/Building Owner)
Andrew Manger / Jessica Hall, Estates Managers Sainsbury's Ltd
Walton Goodland agents for leaseholders**

Method of Service of Notice

Email

Dated

Signed

Public Right of Way User Evidence Statement

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is intended to provide preliminary evidence about the application. When the Order-Making Authority (OMA) commences detailed research, an officer from that authority may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc.).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

This statement should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

Confidentiality – Please Read Carefully

The information you give in this statement cannot be treated as confidential.

- It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the Data Protection Statement. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

DECLARATION

Data Protection Act Statement

Under the Data Protection Statement the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on the OMA's website.

Please print your name here COUNCILLOR SCOTT JACKSON, Chair of Penrith Town Council
Planning Committee

Your: Work Telephone Number [REDACTED]

Mobile Telephone Number ...N/A.....

Email Address ..deputytownclerk@penrithtowncouncil.gov.uk

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE.

Your Signature:

Date:

You should keep a copy of the completed statement.

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Personal Information in this statement will be redacted and not made publically available.

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ... DEPUTY TOWN CLERK.....

Address PENRITH TOWN COUNCIL.....

..... UNIT 1, CHURCH HOUSE.....

..... 19-24 FRIARGATE.....

..... PENRITH..... Postcode CA11 7XR.....

Year of Birth

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required].

The information is provided in this document by Penrith Town Council following a resolution by the Planning Committee. Many of the TownCouncillors have lived in Penrith for some time, a number all their lives

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)

Describe the application route (include start and finish points and provide OS grid references if you can)

The route proposed goes from/to Penrith New Squares and Great Dockray through the covered passageway of the Two Lions, it is a short route but one that was always heavily used by those walking from Southend Road Car park and New Squares into the town centre.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

Please see attached with footpath route in blue (Appendix 1)

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route? **Details have been provided by Councillors and members of the public**

From **1980s and potentially sooner.....** To **present day when doors/gates were shut.**

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

During the building phase of Penrith New Squares – approximately 2008 - 2013

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					

4. Has the application route always followed the same course?

Yes

If no – how and when was the route altered?

Not applicable

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know'].

Approximately 1m

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

Stone slabs

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

No

How long were they in place?

Not applicable

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

No

8. Did any of the above prevent you from using the application route?

Not applicable

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

If yes – state when and give details, including when they were present and mark their location on your map

There was signage within the old Southend Road Car park back in the 80's and 90's directing people through the passage of The Two Lions towards Great Dockray and the town centre. There are no pictures that we can locate from this time. Following the opening of Penrith New Squares, signage was put on the side of the Two Lions (Appendix 2) directing people through from New Squares to Great Dockray.

10. Have you seen other people using the application route whilst you have been using it?

Yes

If yes, please provide any additional information about this

The route from Southend Road has been extensively used over a long period of time. We have received a document signed by 149 people who used it regularly as a short cut for work, between the car park and May Day events, for ease of access to the town centre and as a short cut through into town. Even when open a a pub previously the route was available for public use.

Please see attached petition from the public (Appendix 3). We believe that if we publicised this we could get many more memories and signatures.

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No

14. Have you ever been stopped or turned back when using the application route?

No

15. Has anyone else ever told you that they were prevented from using the application route?

- No
-

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

- No

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

- Yes

If yes – please provide details

Please see attached photos etc already referred to (Appendix 2)

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

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19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

- Yes Penrith Town Councillors are willing to discuss this application

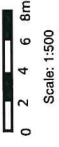
20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

- Yes

Appendix 1.

Author:

Date: 02/10/2024



Car Great
Park Dockray
129.5m

Route of proposed
path

