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For the attention of
BRUCE ARMSTRONG-PAYNE
E-mail: bp@burnetts.co.uk

19 April 2017

Environment, Economy and Highways Department
 Cumbria County Council
 The Parkhouse Building
 Kingmoor Business Park
 Carlisle
 Cumbria
 CA6 4SJ

For the attention of Sandra Pattinson

Dear Sirs

Re: Wildlife and Countryside Act 1981 Section 53
Application to Add a Public Footpath at Haverigg Pool in the Parish of Millom

I refer to your letter dated 23 February with regard to a Claimed Footpath at Haverigg Pool in Millom. I confirm that my clients wish to object to the making of this Order for the following reasons:

I understand that this claim has been put forward by the same local residents who previously claimed routes on this land, several years ago.

You will recall that the proposed routes run across land that has been subject to planning consent for residential development for many years. The most recent consent was granted by Copeland Borough Council on 14 April 2016 under reference no 09/2310.

The layout that was approved under that consent shows byway 415009 incorporated into the layout of the site. The additional routes now being promoted between points A, B, C, D & E are all within that part of the site which has been approved for housing development.

You will recall that these proposed routes are very similar to those that were put forward in 2008 by the same residents. At that time the County Council refused to make an Order but, further to an Appeal against that decision to the Planning Inspectorate, the Council were instructed to proceed with an Order.

On behalf of my Clients I then submitted objections to that Order and a Public Inquiry was held in Millom over several days in 2011.

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The eventual findings of the Inspector, further to that Inquiry, were that the case was proven for the route that became Byway 415009 but that there was no justification for any of the other routes across the site.

When we were informed that this latest claim had been submitted my Clients decided to take Counsel's opinion on the validity of such a claim being made.

I attach, in support of our objection, a copy of the Opinion we obtained which confirms that it is not possible for local residents to meet the appropriate time periods required for proving such a claim and that the landowner has clearly demonstrated his intention not to dedicate the claimed routes.

In our Client's opinion, this latest claim is a last ditch effort by some local residents to try and stop the approved development, even though it is an allocated site that has been granted planning permission on several occasions.

These claims have held back much needed local development for several years and have given rise to considerable costs both to my Client and to the public purse.

It is our view that the claimants should be told categorically that they have no case and that if they proceed with this proposal my clients will make a claim for costs against them at the appropriate time.

My Clients are currently in the process of applying for the discharge of conditions imposed by Copeland on the last approval reference 09/2310 and hope to be in a position to commence the development later this year.

I would be obliged if you could confirm whether this matter is going to be debated by your Committee so that my Clients can have the opportunity of addressing Members at that time.

If there is any further information I can assist with, please contact me.

Yours sincerely,



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