

# **NOTICE OF ORDER**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **SECTION 257**

Wychavon District Council  
Public Path Diversion Order 2016 Footpath No. 550 (Part) North Claines,  
Worcestershire

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is 19 October 2016.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **The Committee Rooms, Civic Centre, Queen Elizabeth Drive, Pershore, Worcestershire WR10 1PT on Tuesday 4 April 2017 at 10.00am.**

The effect of the Order, if confirmed without modifications, will be to **DIVERT** a section of public footpath No.550 North Claines running from Point A (OS Map references 386422 259267) in a gentle arc across an open area in an overall easterly direction through Point B (OS Map reference 386633 259264) and then east-south-east on to Point C (OS Map reference 386713 259245) and then east-north-east to Point D (OS Map reference 386800 259258) where it continues as Footpath No.550 all as shown on the Order Plan (the Plan).

Such footpath is shown by a solid black line on the Plan and being approximately 383 metres in length.

**AND CREATE** a diverted footpath running from Point A (OS Map reference 386422 259267) in a northerly direction across open space for approximately 10 metres to Point J (OS Map reference 386424 259276), then north-easterly in an arc for approximately 74 metres to Point I (OS Map reference 386486 259303), then following the estate road in an east-south-easterly direction in a gentle arc for approximately 187 metres to point H (OS Map reference 386668 259270), then north-north-easterly for approximately 58 metres to Point G (OS Map reference 386723 259286), then turning 90 degrees right in a south-easterly direction for approximately 42 metres to Point F (OS Map reference 386740 259249) then easterly for approximately 56 metres to Point E (OS Map reference 386792 259237), then turning 90 degrees left in a northerly direction for approximately 25 metres to Point D (OS Map reference 386800 259258) where it meets Footpath 550, all shown on the Plan.

Such footpath is shown by bold black dashes on the Plan and shall be 2 metres in width and will be approximately 452 metres in length.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: jean.mcentee@pins.gsi.gov.uk. Please quote reference number FPS/H1840/5/7 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, Worcestershire. WR10 1PT. Telephone: 01386 565000.

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date [by 14 December 2016]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 25 January 2017]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies to the Authority, the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 7 March 2017]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

**All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.**

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

**PUBLIC PATH DIVERSION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257**

**WYCHAVON DISTRICT COUNCIL**

**PUBLIC PATH DIVERSION ORDER 2016  
FOOTPATH NO. 550 (PART)  
NORTH CLAINES, WORCESTERSHIRE**

This Order is made by **WYCHAVON DISTRICT COUNCIL** under section 257 of the Town & Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part 3 of the Town and Country Planning Act 1990 namely:

**ERECTION of 120 DWELLINGS, ASSOCIATED INFRASTRUCTURE AND PROVISION OF OPEN SPACE** (Council references W/14/00367/OU and W/15/02736/RM ) at Dilmore Lane, Fernhill Heath, Worcestershire

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line between Points A, B, C and D and marked No. 550 on the attached plan ("the Plan") and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Wychavon District Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the Plan
3. The diversion of the footpath shall have effect on the date on which Wychavon District Council certifies that the terms of Article 2 above have been complied with
4. The following works shall be carried out in relation to the footpath described in Part 2 of the Schedule:
  - (a) erect new finger posts at Points D, G, I, and A with fingers indicating the direction of the footpath
  - (b) ensure that the footpath is built to the reasonable satisfaction of both Wychavon District Council and Worcestershire County Council ("the Highway Authority") and in accordance with Planning Permissions ref. W/14/00367/OU and W/15/02736/RM and any subsequent amendments thereto
5. The Applicant is hereby required to pay the costs of carrying out the said works and any other proper costs incurred by Wychavon District Council relating to the processing of this Order.
6. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along, or across it belonging to statutory undertakers for the purpose

of carrying on their undertaking , the undertakers shall continue to have the same rights in respect of the apparatus as they then had

## The Schedule

### Part 1

#### Description of site of existing path or way

The existing Footpath No. 550 North Claines , runs from Point A ( OS Map reference 386422 259267 ) in a gentle arc across an open area in an overall easterly direction through Point B ( OS Map reference 386633 259264 ) and then east-south-east on to Point C ( OS Map reference 386713 259245 ) and then east-north-east to Point D ( OS Map reference 386800 259258 ) where it continues as Footpath No.550 as shown on the Plan.

The overall length of the path is approximately 383 metres

### Part 2

#### Description of site of alternative footpath

The new footpath shall run from Point A ( OS Map reference 386422 259267 ) in a northerly direction across open space for approximately 10 metres to Point J ( OS Map reference 386424 259276 ) , then north-easterly in an arc for approximately 74 metres to Point I ( OS Map reference 386486 259303 ) , then following the estate road in an east-south-easterly direction in a gentle arc for approximately 187 metres to point H ( OS Map reference 386668 259270 ) , then north-north-easterly for approximately 58 metres to Point G ( OS Map reference 386723 259286 ) , then turning 90 degrees right in a south-easterly direction for approximately 42 metres to Point F ( OS Map reference 386740 259249 ) , then easterly for approximately 56 metres to Point E ( OS Map reference 386792 259237 ) , then turning 90 degrees left in a northerly direction for approximately 25 metres to Point D ( OS Map reference 386800 259258 ) where it meets Footpath 550

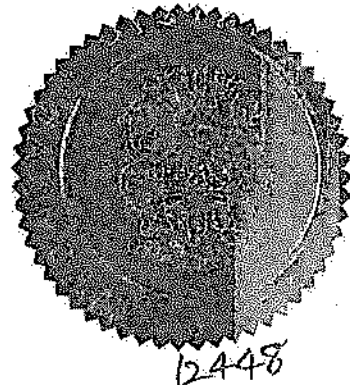
The new footpath shall be 2 metres in width and will be approximately 452 metres in length .

DATED 23<sup>rd</sup> March 2016

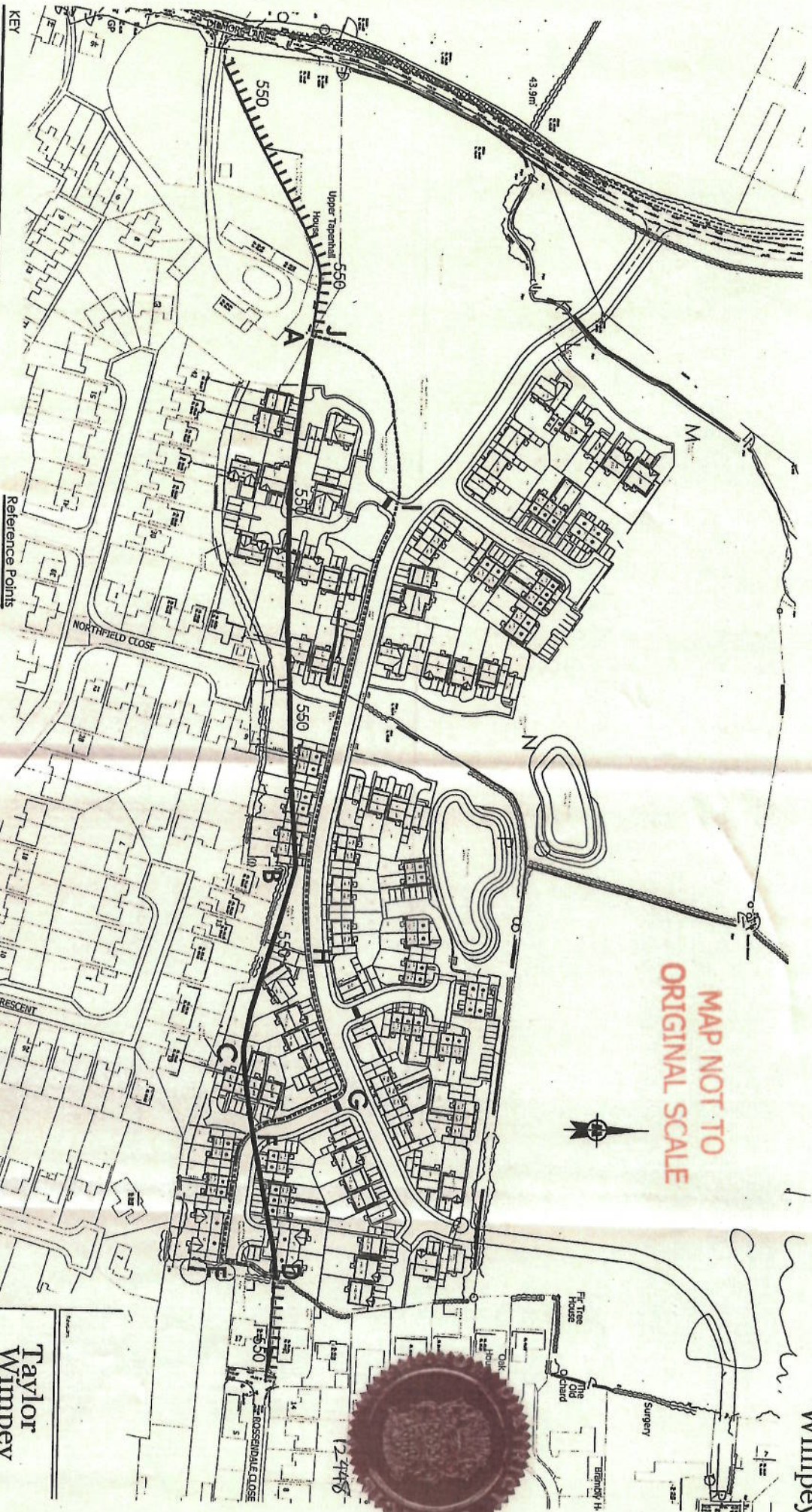
THE COMMON SEAL of WYCHAVON )  
DISTRICT COUNCIL was hereunto )  
affixed in the presence of:

  
Managing Director

  
Legal Services Manager



MAP NOT TO ORIGINAL SCALE



Existing Footpath to remain  
 Existing Footpath to be stopped up  
 Diverted Footpath

Reference Points	X	Y
A	386422	259247
B	386633	259244
C	386713	259245
D	386800	259248
E	386792	259237
F	386740	259249
G	386723	259286
H	386486	259270
I	386486	259203
J	386424	259276

Stopping Up & Diversion of Footpath 550  
 North Claines, Worcester.

**Taylor Wimpey**

LAND AT DILMORE LANE  
 FERNHILL HEATH

Project: Stopping Up & Diversion of Footpath 550  
 Date: 11/2000

Drawn: AOS  
 Scale: 1:200

Taylor Wimpey  
 108410 65110  
 7th Floor  
 7th Floor  
 7th Floor

12945

**PUBLIC PATH DIVERSION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257**

**WYCHAVON DISTRICT COUNCIL**

**PUBLIC PATH DIVERSION ORDER 2016**

**FOOTPATH 550 (PART) at**

**NORTH CLAINES, WORCESTERSHIRE**

