

**NOTICE OF ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**SECTION 257**

London Borough of Brent  
(Footpath No. 87 Diversion) (No. 1) Order 2016

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 **18 October 2016**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by diverting the public footpath (as shown as a bold black line on the deposited Kier Public Right of Way Relocation Plan, drawing no. D2308 L.105 (the "plan") and attached to the order) running from a point 88.00 metres north of the southern boundary of Nos. 157/159 London Road (point marked H on the plan), northward for a distance of 207.00 metres along the eastern boundary of the allotment gardens and through the Ark Elvin Academy grounds to point F marked on the plan, then eastward through the Ark Alvin Academy grounds for a distance of 105.00 metres to a point 165.00 metres south of a point measured from the back of the southern footway of High Road (point marked D on the plan);

Create an alternative footpath instead (as shown as bold black dashes on the deposited Kier Public Right of Way Relocation Plan, drawing no. D2308 L.105 (the "plan") and attached to the order) starting from a point 88.00 metres north of the southern boundary of Nos. 157/159 London Road (point marked H on the plan) eastward across the Ark Elvin Academy playing fields for a distance of 16.00 metres to point marked 1 on the plan (the width varying between 3.40 metres and 5.50 metres as shown on the order plan), then north-eastward for a distance of 39.00 metres to point marked 2 on the plan (the width varying between 3.40 metres and 6.20 metres as shown on the order plan), then eastward for a distance of 71.00 metres to point marked 3 on the plan (the width varying between 3.90 metres and 6.20 metres as shown on the order plan), then north-eastward for a distance of 48.00 metres to point marked 4 on the plan (the width varying between 4.10 metres and 4.40 metres as shown on the order plan), then northward for a distance of 50.00 metres to point marked 5 on the plan (the width varying between 3.40 metres and 4.40 metres as shown on the order plan), then north-eastward for a distance of 27.00 metres to point marked 6 on the plan (the width being 4.00 metres throughout) and then north-westward for a distance of 55.00 metres to a point 165.00 metres south of a point measured from the back of the southern footway of High Road (point marked D on the plan the width varying between 3.50 metres and 4.00 metres as shown on the order plan); and

improve the public footpath as shown on the deposited plan as a hatched black line on the deposited Kier Public Right of Way Relocation Plan, drawing no. D2308 L.105, starting from a point 165.00 metres south of a point measured from the back of the southern footway of High Road (point marked D on the plan) north-eastward for a distance of 45.00 metres to point marked 7 on the plan (the width varying between 3.40 metres and 3.46 metres as shown on the order plan).

The diversion of the footpath is to enable development to be carried out in accordance with the planning permission granted under Part III of the Act to Nicholas Hare Architects LLP under Application No: 15/3161 by the Council on 23rd October 2015 for the demolition of existing buildings on site and erection of replacement building to accommodate a three storey 9FE secondary school for 1750 pupils (1350 11 to 16 year olds and 400 post 16) with associated car parking, servicing and circulation space, Multi Use Games Area, All Weather Pitch, games area and other hard and soft landscaping together with the diversion of Public Right of Way (PROW) No. 87 at Ark Elvin Academy, Cecil Avenue, Wembley, HA9 7DU.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: [clive.richards@pins.gsi.gov.uk](mailto:clive.richards@pins.gsi.gov.uk). Please quote reference number FPS/T5150/5/3 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 Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ during normal office hours. Council contact: San Pirabaharan, Tel: 020 8937 5277.

### **Timetable for sending in statements of case and comments**

#### **Within 2 weeks of the start date [by 01 November 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, the applicant and any other person who has written to us in respect of the Order.

#### **Within 8 weeks of the start date [by 13 December 2016]**

Everyone who has made an objection or representation or any other written representation 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 copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) 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.

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, 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 the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

**Within 14 weeks of the start date [by 24 January 2017]**

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order(s) must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. All parties must keep to the timetable set out above and ensure that statements of case are received by the Secretary of State on time. Late documents will be returned.

Notice of order for w/r



**THE LONDON BOROUGH OF BRENT**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE LONDON BOROUGH OF BRENT (FOOTPATH NO. 87 DIVERSION) (NO. 1) ORDER  
2016**

**Made 9th March 2016**

This order is made by The Mayor and Burgesses of the London Borough of Brent (the "Council"), in exercise of their powers conferred under section 257 of the Town and Country Planning Act ("the Act") 1990 (as amended) because they are 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 the planning permission granted on 23rd October 2015 under Part III of the Act to Nicholas Hare Architects LLP under Application No: 15/3161 by the Council namely: the demolition of existing buildings on site and erection of replacement building to accommodate a three storey 9FE secondary school for 1750 pupils (1350 11 to 16 year olds and 400 post 16) with associated car parking, servicing and circulation space, Multi Use Games Area, All Weather Pitch, games area and other hard and soft landscaping, together with the diversion of Public Right of Way (PROW) No. 87 at Ark Elvin Academy, Cecil Avenue, Wembley, HA9 7DU.

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the attached plan and described in Part 1 of the Schedule to this order (the "Schedule") shall be diverted as provided below.
  - 2.1 There shall be created to the reasonable satisfaction of the 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 attached plan.
  - 2.2 The footpath over the land described in Part 3 of the Schedule and shown hatched black on the attached plan shall be improved to the reasonable satisfaction of the Council by widening it which will vary between 3.40 metres and 3.46 metres as shown on the attached plan.
3. The diversion of the footpath shall have effect on the date on which the Council certify that the terms of Article 2 above have been complied with the confirmation of this order.
4. The following works shall be carried out in relation to the highway described in Part 1, 2 and 3 of the Schedule: The diverted footpath will be widened and will be constructed with a 2.40m hard paved surface margined by grass strips on either side. The grass margin will act as sustainable drainage system as well as the location for street lighting columns, leaving the hard surface for unobstructed people movement. The footpath will have a fence as boundary installed outside the grass margin.
5. Education Funding Agency (EFA) is hereby required to pay for the cost of carrying out the said works.
6. Where immediately before the date on which the footpath is diverted there is any apparatus of statutory undertakers under, in, on, over, along or across any area of footpath authorised to be diverted pursuant to this order then, those undertakers shall have the same rights as respects that apparatus after that area of footpath is being diverted as they had immediately beforehand.
7. In this order "the attached plan" means the plan attached to this order and also deposited in the offices of the Transportation Service, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under plan reference D2308 L.105 and titled the Kier 'Public Right of Way Relocation Plan'.

The Common Seal of THE MAYOR AND )  
BURGESSES OF THE LONDON BOROUGH )  
OF BRENT was hereunto affixed in the )  
presence of: )

*J. H. Coleman...*  
Solicitor



Dated this 9th day of March 2016

#### SCHEDULE

##### PART 1 – DESCRIPTION OF SITE OF EXISTING FOOTPATH

The existing footpath is shown as a bold black line on the attached plan, starting from a point 88.00 metres north of the southern boundary of Nos. 157/159 London Road (point marked H on the attached plan), northward for a distance of 207.00 metres along the eastern boundary of the allotment gardens and through the Ark Elvin Academy grounds to point F marked on the attached plan, then eastward through the Ark Alvin Academy grounds for a distance of 105.00 metres to a point 165.00 metres south of a point measured from the back of the southern footway of High Road (point marked D on the attached plan).

##### PART 2 – DESCRIPTION OF DIVERSION OF FOOTPATH NO. 87

The relocated route of Public Right of Way is shown as bold black dashes on the attached plan and covers the points from H to D.

To divert footpath No. 87 starting from a point 88.00 metres north of the southern boundary of Nos. 157/159 London Road (point marked H on the attached plan) eastward across the Ark Elvin Academy playing fields for a distance of 16.00 metres to point marked 1 on the attached plan (the width varying between 3.40 metres and 5.50 metres as shown on the order plan), then north-eastward for a distance of 39.00 metres to point marked 2 on the attached plan (the width varying between 3.40 metres and 6.20 metres as shown on the order plan), then eastward for a distance of 71.00 metres to point marked 3 on the attached plan (the width varying between 3.90 metres and 6.20 metres as shown on the order plan), then north-eastward for a distance of 48.00 metres to point marked 4 on the attached plan (the width varying between 4.10 metres and 4.40 metres as shown on the order plan), then northward for a distance of 50.00 metres to point marked 5 on the attached plan (the width varying between 3.40 metres and 4.40 metres as shown on the order plan), then north-eastward for a distance of 27.00 metres to point marked 6 on the attached plan (the width being 4.00 metres throughout) and then north-westward for a distance of 55.00 metres to a point 165.00 metres south of a point measured from the back of the southern footway of High Road (point marked D on the attached plan) the width varying between 3.50 metres and 4.00 metres as shown on the order plan).

##### PART 3 – DESCRIPTION OF EXISTING FOOTPATH NO. 87 TO BE IMPROVED

The existing footpath to be improved is shown as a hatched black line on the attached plan, starting from a point 165.00 metres south of a point measured from the back of the southern footway of High Road (point marked D on the attached plan) north-eastward for a distance of 45.00 metres to point marked 7 on the attached plan (the width varying between 3.40 metres and 3.46 metres as shown on the order plan).



**Notes**

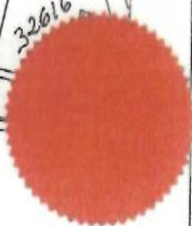
1. This drawing is the property of Kier Ltd. It must not be copied or reproduced without written consent.
2. Only the information on this drawing is to be used. All dimensions are in metres and the responsibility for checking all dimensions is on the user of this drawing.

**LEGEND**

- Site Boundary
- Existing Route of Public Right of Way to be Altered (563m length from London Rd to High Rd)
- Relocated Route of Public Right of Way (566m length from London Rd to High Rd)
- Section of existing Public Right of Way to be improved
- Section of existing Public Right of Way unaffected by proposals

- Description of altered footpath**
- At point H - 1, the width varying between 3.40 metres and 5.50 metres.
  - At point 1 - 2, the width varying between 3.40 metres and 6.20 metres.
  - At point 2 - 3, the width varying between 3.90 metres and 6.20 metres.
  - At point 3 - 4, the width varying between 4.10 metres and 4.40 metres.
  - At point 4 - 5, the width varying between 3.40 metres and 4.40 metres.
  - At point 5 - 6, the width is 4.00 metres.
  - At point 6 - D, the width varying between 3.50 metres and 4.60 metres.
- Description of existing footpath NO.87 to be improved**
- Between points D - 7 for a length of 45 metres, the width varying between 3.40 metres and 3.46 metres

MAP NOT TO ORIGINAL SCALE



*Handwritten signature* north

<b>fabrik</b> First Floor 44 Empire Road Luton LU2 9PB T: 0527 601 140 E: enquiries@fabrik.com W: www.fabrik.com		G 02/03/16 Rev'd by L28 drawings C 02/03/16 Rev'd by L28 drawings B 02/03/16 Rev'd by L28 drawings A 02/03/16 Rev'd by L28 drawings 1 02/03/16 Rev'd by L28 drawings 0 02/03/16 Rev'd by L28 drawings	Project Ark Elvin Academy, Brent for Kier Drawing Public Right of Way Relocation Plan	Scale 1:2000 @ A3 Date July '15 Drawing No. D2300 L 105 Revision G
		Revision 1. 02/03/16 Ark Elvin Academy, Brent Drawing No. D2300 L 105 Rev'd by L28 drawings 2. 02/03/16 Ark Elvin Academy, Brent Drawing No. D2300 L 105 Rev'd by L28 drawings	Status Issued for Design/Permit Issued for Tender As Built Not for Distribution Deleted/Cancelled	