

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

Cheshire East Council

**1)** (Public Footpath No. 14 (Part), Parish of Bunbury)  
Public Path Diversion Order 2017

and

**2)** (Unrecorded Footpath, land off Oak Gardens, Parish of Bunbury)  
Public Path Extinguishment Order 2017

Notice is hereby given that the above referenced Orders have 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 Orders.

The **start date** for the above Orders is 25 January 2018.

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

**1)**The effect of the Order, if confirmed without modifications, will be to divert that length of Public Footpath No.14 in the Parish of Bunbury commencing at O.S. grid reference SJ 5630 5754 and running in a generally south westerly direction for a distance of approximately 70 metres to O.S. grid reference SJ 5624 5750 then turning in a generally southerly direction for a distance of approximately 34 metres to O.S. grid reference SJ 5624 5747 and its junction with Public Footpath No.15 Bunbury. To a new line, in the Parish of Bunbury, commencing at O.S. grid reference SJ 5630 5754 and running in a generally west south westerly direction for a distance of approximately 15 metres to O.S. grid reference SJ 5629 5754 and then running in a generally south south easterly direction for approximately 31 metres to O.S. grid reference SJ 5630 5751 and then turning in a generally west south westerly direction for a distance of approximately 50 metres to O.S. grid reference SJ 5625 5749 and then running in a generally south south westerly direction for a distance of approximately 27 metres to O.S. grid reference SJ 5624 5747 and its junction with Public Footpath No.15 Bunbury.

**2)**The effect of the Order, if confirmed without modifications, will be to extinguish that length of Unrecorded Footpath on land off Oak Gardens in the Parish of Bunbury commencing at its junction with public footpath no. 14 Bunbury at O.S. grid reference SJ 5629 5753 and running in a generally west south westerly direction for a distance of approximately 164 metres to O.S. grid reference SJ 5614 5746 and its junction with public footpath no.15 Bunbury.

Any queries relating to the Orders 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 ROW/3187611 & ROW/3187612 on all correspondence.

Any person wishing to view the statements of case and other documents relating to the Orders may do so by appointment at Cheshire East Council, Public Rights

of Way Team, 2<sup>nd</sup> Floor, Old Building, Municipal Buildings, Earle Street, Crewe CW1 2BJ. Telephone: 01270 686186.

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

#### **Within 2 weeks of the start date [by 8 February 2018]**

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 - 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 Orders.

#### **Within 8 weeks of the start date [by 22 March 2018]**

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 full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Orders.

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 full copy to the Authority. Copies will also be sent to 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 - these will be available to view at the Authority's offices).

#### **Within 14 weeks of the start date [by 3 May 2018]**

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 Orders 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 Orders 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. Late documents will be returned.**

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

**PUBLIC PATH EXTINGUISHMENT ORDER  
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257  
CHESHIRE EAST BOROUGH COUNCIL**

**THE CHESHIRE EAST BOROUGH COUNCIL  
(UNRECORDED FOOTPATH, LAND OFF OAK GARDENS, PARISH OF BUNBURY)  
PUBLIC PATH EXTINGUISHMENT ORDER 2017**

This Order is made by Cheshire East Borough Council ("the Authority") under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to extinguish the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the 1990 Act. Namely:

Planning Application: 16/2010N

*Construction of 15 no. residential dwellings and associated works on land off Oak Gardens, Bunbury, CW6 9QN.*

**BY THIS ORDER:**

1. The Unrecorded Footpath over the land situated in the Parish of Bunbury and shown by a bold black continuous line on the plan contained in this Order and described in Part 1 of the Schedule to this Order ("The Schedule") shall be stopped up as provided below.
2. The extinguishment of the footpath shall have effect on the date of confirmation of this order.
3. Where immediately before the date on which the footpath is extinguished there is apparatus under, in, on, over along or across it belonging to the 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.
5. This Order shall be cited as "The Cheshire East Borough Council (Unrecorded Footpath, Land off Oak Gardens, Parish of Bunbury) Public Path Extinguishment Order 2017".

THE COMMON SEAL OF  
CHESHIRE EAST BOROUGH COUNCIL  
was hereunto affixed this  
29<sup>th</sup> June Two Thousand  
and Seventeen in the presence of:-



*Patricia Brown*

Authorised Signatory

9787  
(1)

OFFICIAL

## SCHEDULE

### PART 1

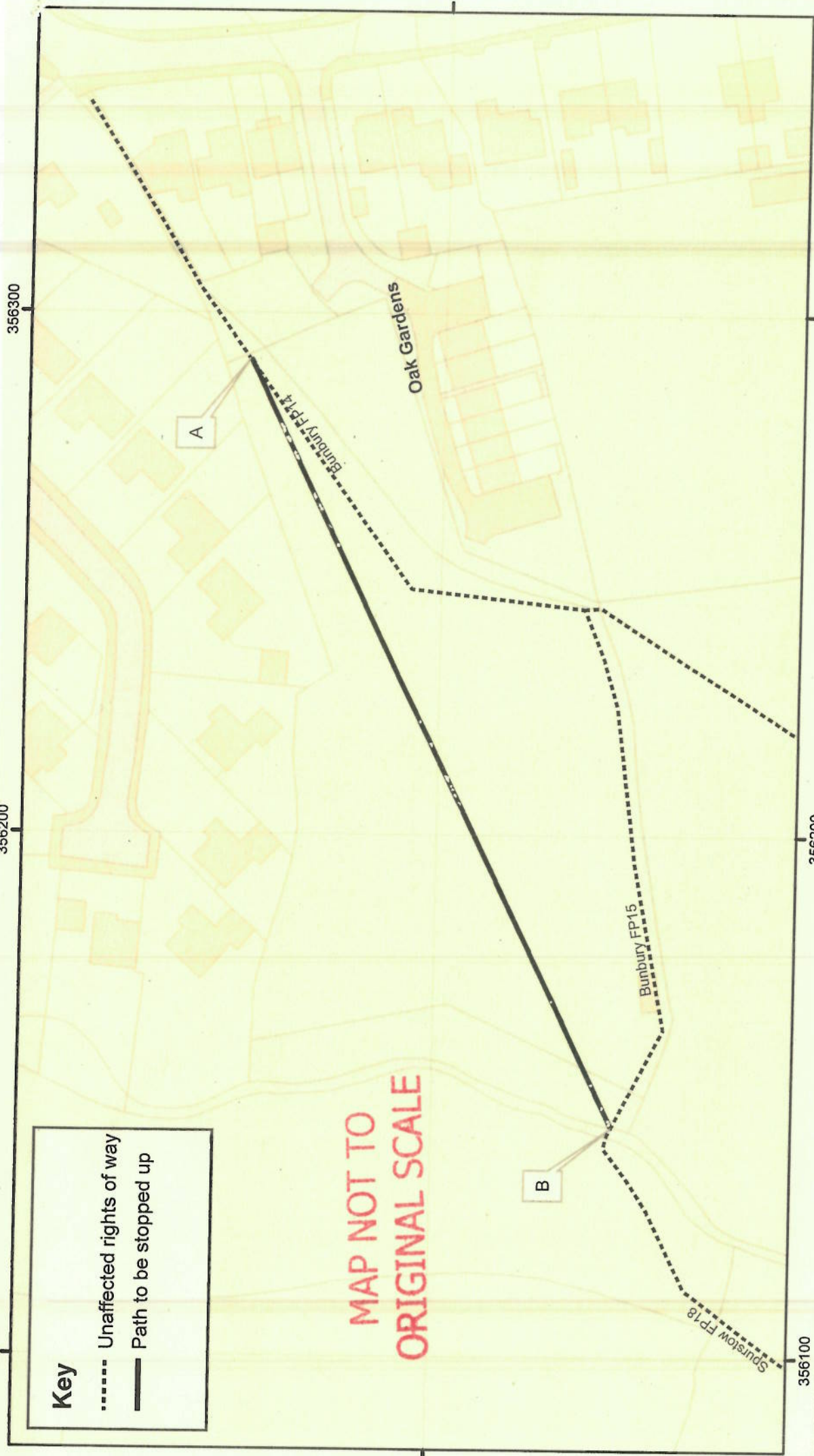
#### Description of site of existing Path or Way to be Extinguished

##### **Unrecorded Footpath, Land off Oak Gardens Bunbury**

That length of Unrecorded Footpath on land off Oak Gardens (UX1896) in the Parish of Bunbury commencing at its junction with public footpath no.14 Bunbury at O.S. grid reference SJ 5629 5753 (point A on Plan No. TCPA/031B) and running in a generally west south westerly direction for a distance of approximately 164 metres to O.S. grid reference SJ 5614 5746 (point B on Plan No. TCPA/031B) and its junction with public footpath no. 15 Bunbury as indicated by a solid black line between the points marked A- B on Plan No. TCPA/031B.

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357500



**Key**

- ..... Unaffected rights of way
- Path to be stopped up

**MAP NOT TO ORIGINAL SCALE**

A

B

Oak Gardens

Bunbury FP14

Bunbury FP15

Spurstow FP18

356300

356300

356200

356200

356100

357500



1:1,000

TOWN & COUNTRY PLANNING ACT 1990 S257

THE CHESHIRE EAST BOROUGH COUNCIL (UNRECORDED FOOTPATH, LAND OFF OAK GARDENS, PARISH OF BUNBURY) PUBLIC PATH EXTINGUISHMENT ORDER 2017



Plan No.  
TCPA/031B

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**PUBLIC PATH DIVERSION ORDER  
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257  
CHESHIRE EAST BOROUGH COUNCIL**

**THE CHESHIRE EAST BOROUGH COUNCIL  
(PUBLIC FOOTPATH NO. 14 (PART), PARISH OF BUNBURY)  
PUBLIC PATH DIVERSION ORDER 2017**

This Order is made by Cheshire East Borough Council ("the Authority") under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") 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 III of the 1990 Act. Namely:

Planning Application: 16/2010N

*Construction of 15 no. residential dwellings and associated works on land off Oak Gardens, Bunbury, CW6 9QN.*

**BY THIS ORDER:**

1. The Public Footpath over the land situated in the Parish of Bunbury and shown by a bold black continuous line on the plan contained in this Order and described in Part 1 of the Schedule to this Order ("The Schedule") shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of the Authority 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.
3. The diversion of the footpath shall have effect on the date which the Authority certifies that the terms of Article 2 above have been complied with.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over along or across it belonging to the 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.
5. This Order shall be cited as "The Cheshire East Borough Council (Public Footpath No.14 (part), Parish of Bunbury) Public Path Diversion Order 2017"

THE COMMON SEAL OF  
CHESHIRE EAST BOROUGH COUNCIL  
was hereunto affixed this  
29<sup>th</sup> June Two Thousand  
and Seventeen in the presence of:-



*Patricia Burns*

4786  
(2)

Authorised Signatory

OFFICIAL

## SCHEDULE

### PART 1

#### Description of site of existing Path or Way to be diverted

##### **Public Footpath No.14, Bunbury**

That length of Public Footpath No. 14 in the Parish of Bunbury commencing at O.S. grid reference SJ 5630 5754 (point A on Plan No. TCPA/031A) and running in a generally south westerly direction for a distance of approximately 70 metres to O.S. grid reference SJ 5624 5750 (point B on Plan No. TCPA/031A) then turning in a generally southerly direction for a distance of approximately 34 metres to O.S. grid reference SJ 5624 5747 (point C on Plan No. TCPA/031A) and its junction with Public Footpath No.15 Bunbury as indicated by a solid black line between the points marked A-B-C on Plan No. TCPA/031A.

A total distance of approximately 104 metres in length.

### PART 2

#### Description of site of new Path or Way

##### **Public Footpath No.14, Bunbury**

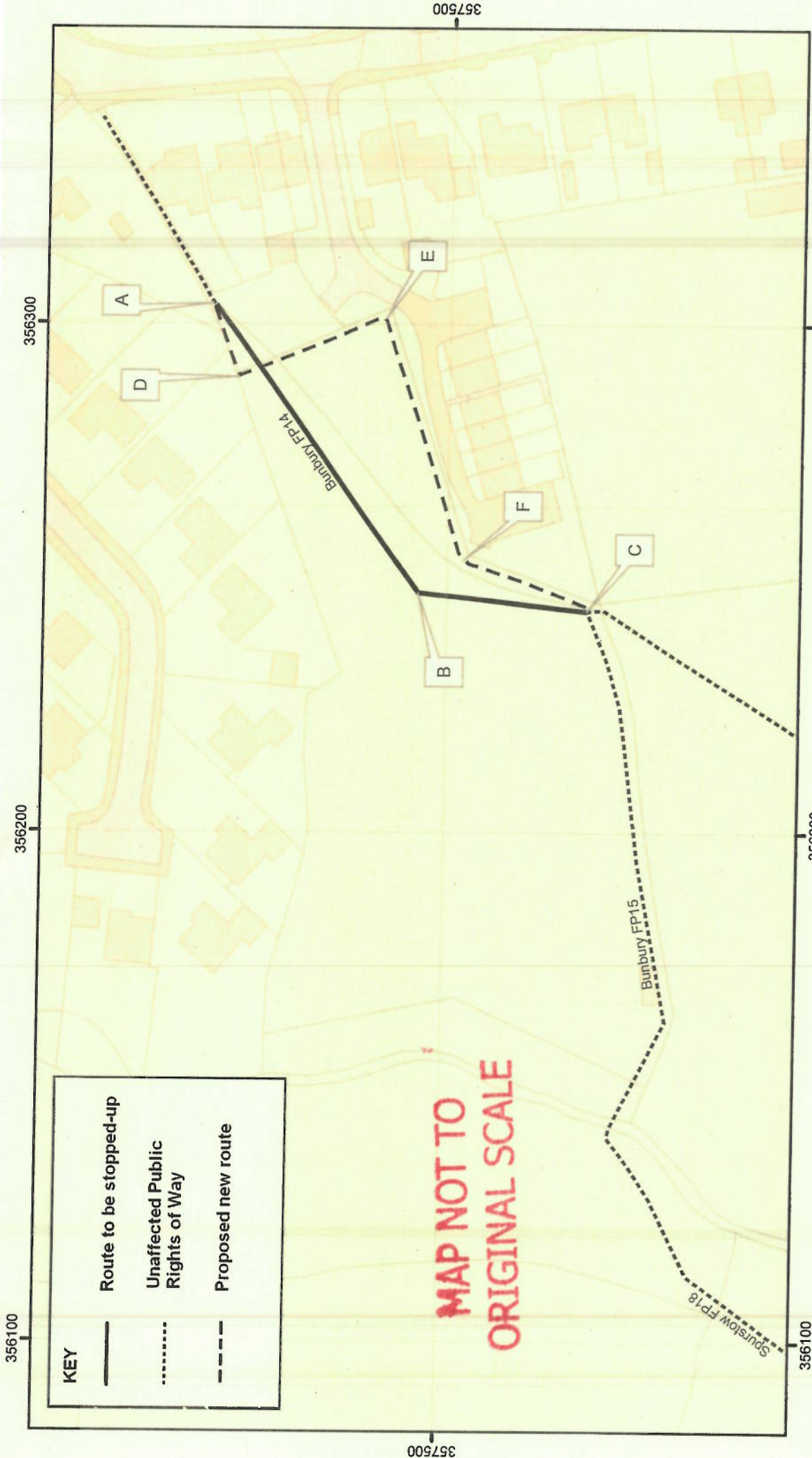
A footpath, in the Parish of Bunbury, to be known as part of Footpath no. 14, commencing at O.S. grid reference SJ 5630 5754 (point A on Plan No. TCPA/031A) and running in a generally west south westerly direction for a distance of approximately 15 metres to O.S. grid reference SJ 5629 5754 (point D on Plan No. TCPA/031A) and then running in a generally south south easterly direction for approximately 31 metres to O.S. grid reference SJ 5630 5751 (point E on Plan No. TCPA/031A) and then turning in a generally west south westerly direction for a distance of approximately 50 metres to O.S. grid reference SJ 5625 5749 (point F on Plan No. TCPA/031A) and then running in a generally south south westerly direction for a distance of approximately 27 metres to O.S. grid reference SJ 5624 5747 (point C on Plan No. TCPA/031A) and its junction with Public Footpath No.15 Bunbury as indicated by a bold dashed line between the points A-D-E-F-C on Plan No. TCPA/031A.

A total distance of approximately 123 metres in length.

The footpath will be 2 metres wide between points A-D.

The footpath will be 2.5 metres wide between points D-E-F-C.

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**KEY**

- Route to be stopped-up
- ..... Unaffected Public Rights of Way
- - - Proposed new route

**MAP NOT TO ORIGINAL SCALE**



TOWN & COUNTRY PLANNING ACT 1990  
 THE CHESHIRE EAST BOROUGH COUNCIL PUBLIC FOOTPATH NO.14 (PART) PARISH OF BUNBURY  
 PUBLIC PATH DIVERSION ORDER 2017

Plan No.  
 TCPA/031A



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