

# **NOTICE OF ORDER**

## **Highways Act 1980 Section 119**

Gloucestershire County Council  
Wildlife & Countryside Act 1981 – Section 53  
Public Footpath MCR 35 Parish of Cranham.  
Diversion 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 14 November 2017.

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 divert a length of public footpath numbered MCR 35 that runs from road 41149 at OSGR SO8879/1223 in a westerly direction for 48 metres to a point south of Mann's Court at OSGR SO8874/1223.

An alternative footpath will be created, being a length of public footpath that runs from road 41149 at OSGR SO8880/1223 in a south westerly direction for 17 metres and then in a westerly direction for 48 metres and then in a northerly direction for 16 metres to a point at OSGR SO8874/1223 south of Mann's Court.

Any queries relating to this Order should be referred to Tara Davies 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 5057. Email: tara.davies@pins.gsi.gov.uk. Please quote reference number ROW/3182861 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 Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TG, between 9am and 5pm Monday to Friday or by contacting Amy Highways, Gloucester, Public Rights of Way on 01452 328172 or 08000 514514.

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

### **Within 2 weeks of the start date 28 November 2017**

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 Order.

### **Within 8 weeks of the start date 9 January 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 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 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 20 February 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 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. Late documents will be returned.

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

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER  
HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981**

**GLOUCESTERSHIRE COUNTY COUNCIL  
PUBLIC FOOTPATH MCR 35 PARISH OF CRANHAM  
DIVERSION ORDER 2016**

This Order is made by Gloucestershire County Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

This Order is also made under section 53A (2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that Gloucestershire County Council's Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53 (3) (a) (i) of the 1981 Act, namely, the diversion (as authorised by this Order) of highways shown or required to be shown in the map and statement.

The landowner has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in the bringing the new site of the path into a fit condition for use by the public.

Stroud District Council has been consulted and has consented to the making of the Order as required by section 120(2) of the 1980 Act;

**BY THIS ORDER:**

1. The public rights of way over the land situate at Mann's Court in the Parish of Cranham and shown by a bold continuous line on the map contained in this Order (the "Order Plan") and described in Part 1 of the Schedule to this Order (the "Schedule") shall be stopped up from the date of confirmation of this Order, and thereupon the Definitive Map of Public Rights of Way for Gloucestershire shall be modified by deleting from it that public right of way.
2. Notwithstanding this Order, Statutory Undertakers whose apparatus is under, in, upon, over, along or across the path or way shall have the same powers and rights in respect of their apparatus as if the Order authorising the path or way to be diverted had not been made.
3. There shall from the date of confirmation of this Order be a public footpath over the land situate at Mann's Court in Parish of Cranham and described in Part 2 of the Schedule and shown by a bold broken line on the Order Plan and thereupon the Definitive Map of Public Rights of Way for Gloucestershire shall be modified by adding that path to it.

3A. The Definitive Statement of Public Rights of Way for Gloucestershire shall be modified as described in Part 4 of the Schedule to this Order.

## SCHEDULE

### Part 1

#### Description of Site of Existing Path or Way

That length of public footpath numbered MCR 35 on the Definitive Map for the Parish of Cranham that commences east of Mann's Court at its junction with road 41149 at a point marked A on the order plan annexed hereto at Ordnance Survey Grid Reference (OSGR) SO8879/1223 in a westerly direction for 48 metres to a point marked B south of Mann's Court on the order plan at OSGR SO8874/1223 and being shown on the said plan by a bold continuous line and having an undefined width.

### Part 2

#### Description of Site of New Path or Way

A length of public footpath that commences south south east of Mann's Court at its junction with road 41149 at a point marked C on the order plan at OSGR SO8880/1223 in a south westerly direction for 17 metres and then in a westerly direction for 48 metres and then in a northerly direction for 16 metres to the said point B and having a width will be 2 metres.

### Part 3

#### Limitations and Conditions

Point C gate compliant with British Standard 5709:2006 at OSGR SO8880/1223



Division of  
**public footpath MCR 35**  
**Mann's Court**  
**Parish of Cranham**

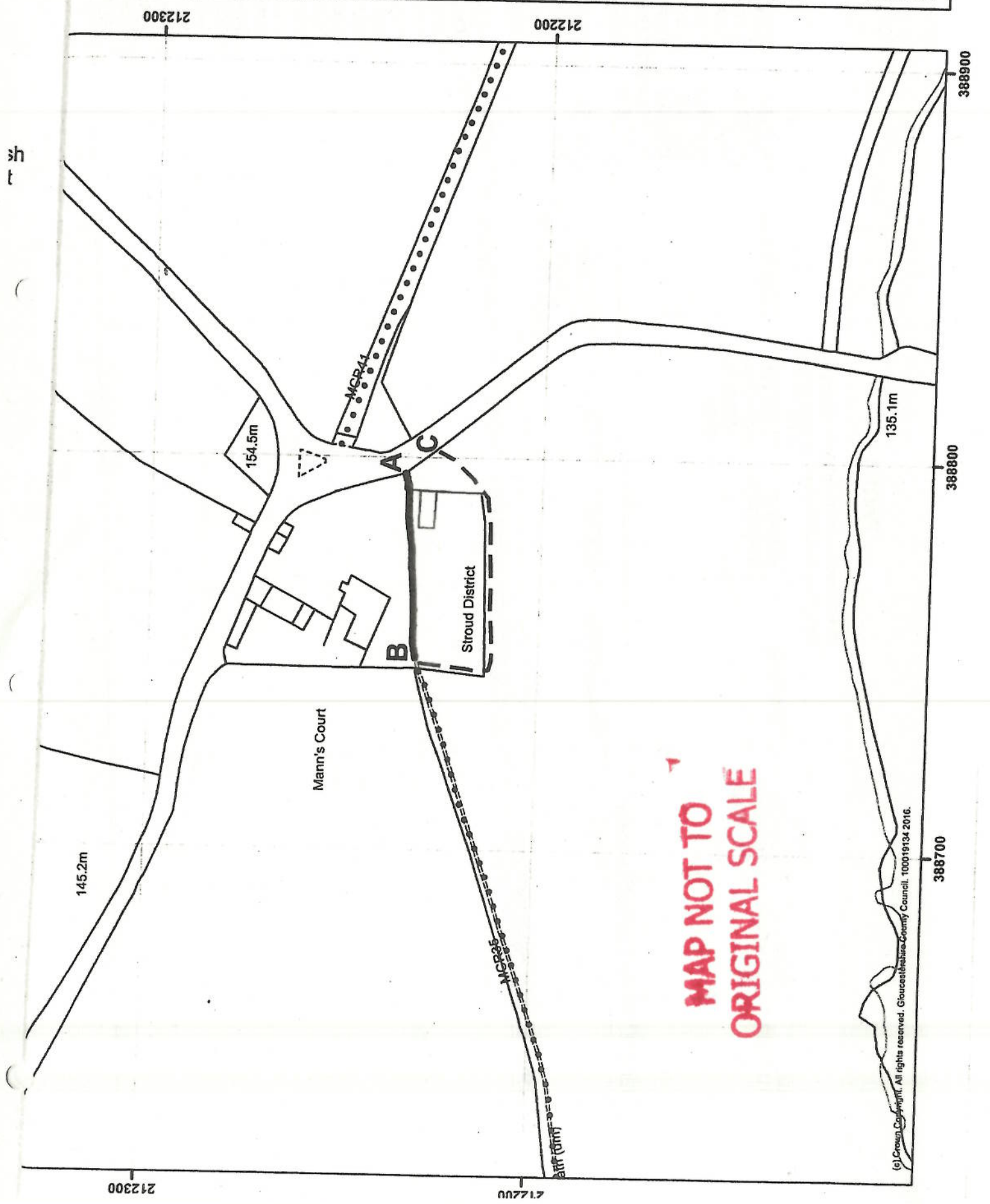
**KEY:**  
Public footpath to be stopped up  
A - B  
Footpath to be created  
C - B  
unaffected rights of way



AMEY GLOUCESTERSHIRE  
Shire Hall, Westgate Street,  
Gloucester GL1 2TG  
Tel: 01452 328172

**DRAWN BY:** Martine Tyler  
**SCALE:** 1:1,250  
**DATE:** 27th September 2016  
**DRAWING NO**

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100019134 2016  
Gloucestershire County Council



**MAP NOT TO ORIGINAL SCALE**

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**PART 4**

**Modification of Definitive Statement  
Variation of particulars of path or way**


MAP NUMBER	CLASS & RIGHT OF WAY	FROM			TO			PARTICULARS AS TO POSITION, WIDTH LIMITATIONS OR CONDITIONS AS IN THE OPINION OF THE AUTHORITY IT IS EXPEDIENT TO RECORD
		COUNTY ROAD OR RIGHT OF WAY	LOCATION	GENERAL DIRECTION	COUNTY ROAD OR RIGHT OF WAY	LOCATION	VIA OS PARCEL NOS. (EDITION 1921/23 UNLESS OTHERWISE STATED)	
<b>DELETE THE FOLLOWING ENTRIES:</b>								
2	FP MCR 35	41149	S of Man's Court	W, S, W	41150	At parish boundary W of Eddell's Mill	145, 209, 213, 214	Submitted by Parish Chairman. Shown as FP on Glos OS No 34 1924 edition
<b>ADD THE FOLLOWING ENTRIES:</b>								
2	FP MCR 35	4119	SSE of Mann's Court	SW, W, N, SW, S, W	41150	W of Eddell's Mill	145, 209, 145, 209, 213, 214	Submitted by Parish Chairman. Shown as FP on Glos OS No 34 1924 edition Public Path Diversion and Definitive Map and Statement Modification Order Highways Act 1980 Wildlife and Countryside Act 1981 Gloucestershire County Council Public Footpath MCR 35 Parish of Cranham Diversion Order 2016 Width 2 metres, between points C - B limitations gate: at OSGR SO8880/1223

IN WITNESS WHEREOF the Gloucestershire County Council have caused their  
Common Seal to be hereunto affixed the 23<sup>rd</sup> day of November two  
thousand and sixteen.

THE COMMON SEAL of  
GLOUCESTERSHIRE COUNTY COUNCIL

was hereunto affixed

in the presence of:-



Head of Legal Services

