

**NOTICE OF ORDER
HIGHWAYS ACT 1980 – SECTION 119
&
WILDLIFE AND COUNTRYSIDE ACT 1981
SECTION 53**

Gloucestershire County Council
Public Footpath NTU 18 Parish of Tetbury Upton Diversion Order 2017

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 **4 April 2018**.

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 the lengths of public footpath described in Part 1 of the Schedule hereto to the line described in Part 2 of the said Schedule.

**SCHEDULE
Part 1**

Description of Site of Existing Path or Way

That length of public footpath numbered NTU 18 on the Definitive Map for the Parish of Tetbury Upton that commences at a point marked A on the Order Plan annexed hereto at Ordnance Survey Grid Reference (OSGR) ST 8850/9260 19 metres north north west of Longfurlong Lane in a north north easterly direction for 90 metres to a point marked B on the Order Plan at OSGR ST 8854/9267 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 at the said point A and extends in a north north westerly direction for 9 metres and having a width of 1.5 metres to a point marked C on the Order Plan at OSGR ST 8850/9261 and then extending in a northerly for 10 metres to a point marked D at OSGR ST 8850/9262 and then continuing in a north north easterly direction for 72 metres to the said point B and being shown on the plan by a bold broken line and having a width of 2 metres between points C to B.

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 5779. Email: Tara.davies@pins.gsi.gov.uk Please quote reference number ROW/3193169 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 the offices of Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TG between 9am and 5pm Monday to Friday or by contacting Ms Martine Tyler, Amey Highways, Gloucestershire, 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 [by 18 April 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 Order.

Within 8 weeks of the start date [by 30 May 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 [by 11 July 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 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.

Notice of order for w/r

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

**GLOUCESTERSHIRE COUNTY COUNCIL
PUBLIC FOOTPATH NTU 18 PARISH OF TETBURY UPTON
DIVERSION ORDER 2017**

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.

Cotswold District Council has been consulted 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 Longfurlong Lane in the Parish of Tetbury Upton 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 public footpaths over the land situate at Longfurlong Lane in Parish of Tetbury Upton 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 NTU 18 on the Definitive Map for the Parish of Tetbury Upton that commences at a point marked A on the Order Plan annexed hereto at Ordnance Survey Grid Reference (OSGR) ST 8850/9260 19 metres north north west of Longfurlong Lane in a north north easterly direction for 90 metres to a point marked B on the Order Plan at OSGR ST 8854/9267 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 at the said point A and extends in a north north westerly direction for 9 metres and having a width of 1.5 metres to a point marked C on the Order Plan at OSGR ST 8850/9261 and then extending in a northerly for 10 metres to a point marked D at OSGR ST 8850/9262 and then continuing in a north north easterly direction for 72 metres to the said point B and being shown on the plan by a bold broken line and having a width of 2 metres between points C to B

Part 3

Limitation and Conditions

Point D Stile compliant with British Standard 5709:2006 at
OSGR ST 8850/9262



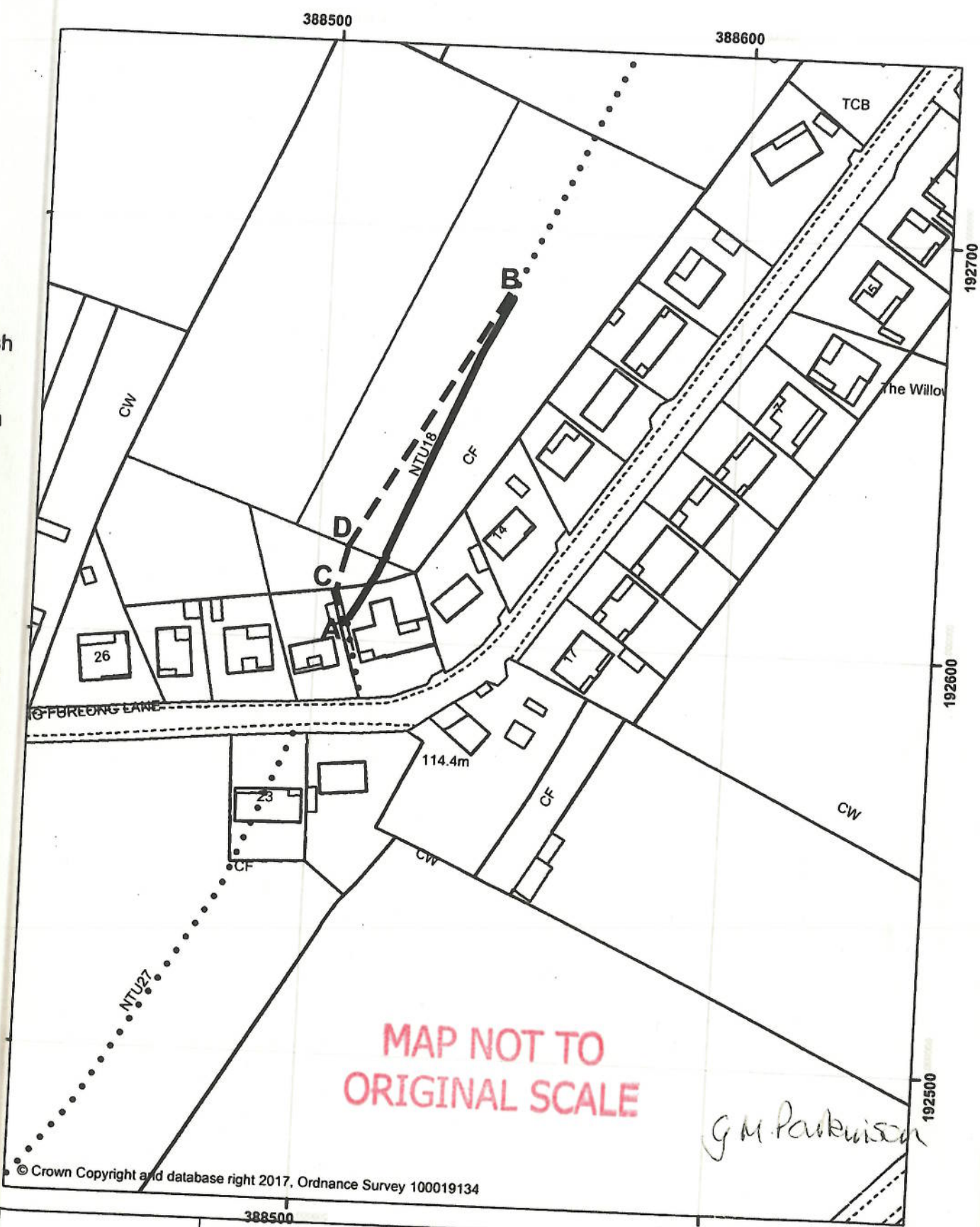
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MAP NOT TO ORIGINAL SCALE

G.M. Parkinison

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Amey Gloucestershire Public Rights of Way Shire Hall, Westgate Street Gloucester GL1 2TG Tel: 08000 514514	DRAWN BY: Martine Tyler	N	TITLE: Diversion of public footpath NTU 18 off Longfurlong Lane, Tetbury Upton
	SCALE: 1:1,250		
<small>This map is reproduced from (or based upon) Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office. © Crown Copyright and database right 2017, Ordnance Survey 100019134. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.</small>	DATE: 1st July 2016	footpath to be stopped up A - B	
	DRAWING NO:	footpath to be created A - C - D - B	
		unaffected rights of way	

6975

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)	
DELETE THE FOLLOWING ENTRIES:								
9	FP NTU 18	41500	300 ft S of Cutwell	SSW	41500	500 ft E of Twelve Acres	405, 426	Submitted by parish council. Shown on 6" OS Glos 58, edition 1924.

ADD THE FOLLOWING ENTRIES:

9	FP NTU 18	41500 Cutwell	38 metres north of The Piece	SSW, SSE	41500 Longfurlong Lane	Between 18 & 20 Longfurlong Lane	405, 426a, 426	<p>Submitted by parish council. Shown on 6" OS Glas 58, edition 1924</p> <p>Public Path Diversion Order 1989, Highways Act 1980, Cotswold District Council Gate at OSGR ST 8851/9258 & ST 8851/9259 width between ST 8851/9258 & ST 8851/9260 1.5 metres</p> <p>Public Path Diversion and Definitive Map and Statement Modification Order Highways Act 1980 Wildlife and Countryside Act 1981</p> <p>Gloucestershire County Council Public Footpath NTU 18 parish of Tetbury Upton Diversion Order 2017</p> <p>Stile at OSGR ST 8850/9262 Width between OSGR ST 8850/9260 & ST 8850/9261 1.5 metres Width between OSGR ST 8850/9261 & ST 8850/9262 2 metres</p>
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IN WITNESS WHEREOF the Gloucestershire County Council have caused their
Common Seal to be hereunto affixed the 27th day of April two
thousand and seventeen.

THE COMMON SEAL of

GLOUCESTERSHIRE COUNTY COUNCIL

was hereunto affixed

in the presence of:-

G.M. Parkinson
Head of Legal Services

