

NOTICE OF ORDER
Highways Act 1980, Section 119 & Wildlife and
Countryside Act 1981, Section 53
Gloucestershire County Council
Public Footpath CKD 31 Parish of Kingswood Diversion
Order 2018

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 **12 February 2019**.

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** that length of public footpath CKD 31 that commences at Highwood Farm at point A on the map attached to the Order (grid reference (OSGR) ST 7371/9046) and proceeds in a south easterly direction for 16 metres and then in a south south westerly direction for 124 metres to point B on the map attached to the Order (grid reference (OSGR) ST 7368/9034), with a width of 1.5 metres, **to** a new length of public footpath commencing at point A and extending in a south easterly direction for 13 metres, then in a south south westerly direction for 70 metres then in a south westerly direction for 40 metres and then a south westerly direction for 33 metres to point B, with a width of 2 metres.

AND

To **divert** that length of footpath of public footpath CKD 31 that commences south of Highwood Farm at point C on the map attached to the Order (grid reference (OSGR) ST 7374 9028 in a south easterly direction for 44 metres and then in a south westerly direction for 35 metres to point D on the map attached to the Order (grid reference (OSGR) ST 7368/9034, with a width of 1.5 metres, **to** a new length of public footpath commencing at point C south of Highwood Farm and extending in a southerly direction for 58 metres to point D, with a width of 2 metres.

Any queries relating to this Order should be referred to Bethan Baldry at The Planning Inspectorate, Rights of Way Section, 3A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5722. Email: Bethan.Baldry@pins.gsi.gov.uk. Please quote reference number ROW/3211890 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. Contact point: Martine Tyler, telephone number 01452 328 172.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date (by 26 February 2019)

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 9 April 2019)

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 21 May 2019)

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.

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

**GLOUCESTERSHIRE COUNTY COUNCIL
PUBLIC FOOTPATH CKD 31 PARISH OF KINGSWOOD
DIVERSION ORDER 2018**

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 to the making of the Order as required by section 120(2) of the 1980 Act;

BY THIS ORDER:

1. The public right of way over the land situate at Highwood Farm in the Parish of Kingswood 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 Highwood Farm in Parish of Kingswood 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 3 of the Schedule to this Order.

SCHEDULE

Part I

Description of Site of Existing Path or Way

That length of public footpath numbered CKD 31 on the Definitive Map for the Parish of Kingswood that commences at Highwood Farm at a point marked A on the Order Plan annexed hereto at Ordnance Survey Grid Reference (OSGR) ST 7371/9046 in a south easterly direction for 16 metres and then in a south south westerly direction for 124 metres to point marked B on the order plan at OSGR ST 7368/9034 and being shown on the said plan by a bold continuous line and having a width of 1.5 metres.

That length of public footpath numbered CKD 31 on the Definitive Map for the Parish of Kingswood that commences south of Highwood Farm at a point marked C on the Order Plan annexed hereto at OSGR ST7374/9028 in a south easterly direction for 44 metres and then in a south westerly direction for 35 metres to point marked D on the order plan at OSGR ST 7368/9034 and being shown on the said plan by a bold continuous line and having a width of 1.5 metres.

Part 2

Description of Site of New Path or Way

A length of public footpath that commences at the said point marked A at Highwood Farm and extends in a southeasterly direction for 13 metres and then in a south south westerly direction for 70 metres and then in a south westerly direction for 40 metres and then in a south easterly direction for 33 metres to the said point marked B and being shown by a bold broken line and having a width of 2 metres.

A length of public footpath that commences at the said point C south of Highwood Farm and extends in a southerly direction for 58 metres to the said point D and being shown by a bold broken line and having a width of 2 metres.

Proposed diversion
of footpath CKD 31
at Highwood Farm
Kingswood

009061

Kfamor 8/4/18

TITLE:
Proposed diversion
of footpath CKD 31
at Highwood Farm
Kingswood



DRAWN BY: Martine Tyler
DATE: 12th October 2017
SCALE: 1:2,500

Legend

Footpath to be stopped up

A-B



C-D



footpath to be created

A-B



C-D



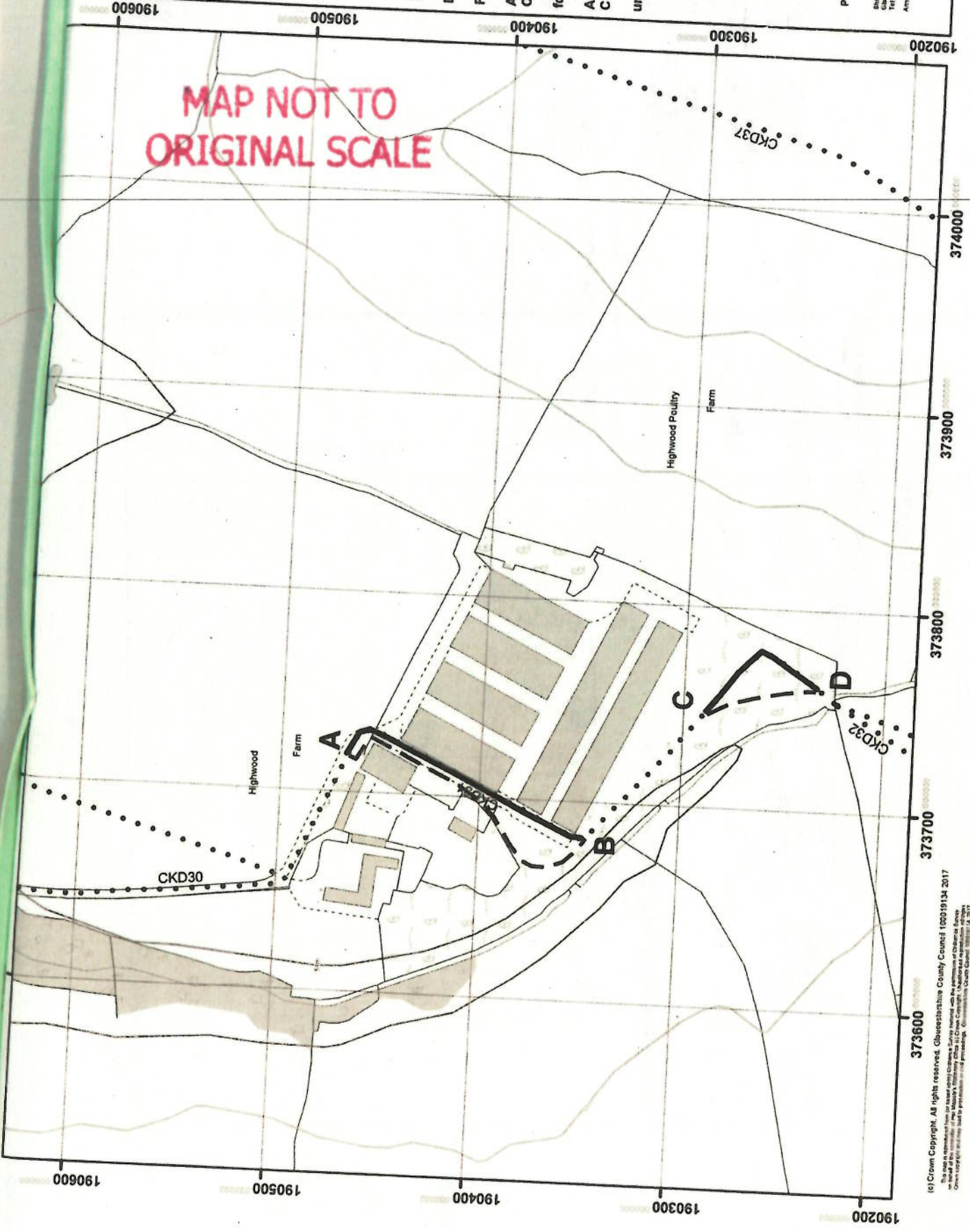
unaffected public footpath



Public Rights of Way

Sheela Hill, Highwood Street
Kingswood GL1 2TD
Tel: (01452) 226172
Army Highways Gloucestershire

MAP NOT TO
ORIGINAL SCALE



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PART 3

**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:								
8 & 10	FP CKD 31	B.4060	E of Neathwood Farm	S & SW	FP CKD 36 crossing FP CKD 24	Upper Dayhouse Farm	253a, 252, 203, 100, 96, 93, 90, 88, 173, 171	Full length submitted with the exclusion of short lengths at Highwood Farm & Upper Dayhouse Farm shown as FP on Glos OS No 64 1923 Edition Stroud District Council, Public path diversion order TCPA 1971 S210 Stroud District Council (CKD 31) Public Path Diversion Order 1976 2 metre width between ST 73677/90419, ST 73657/90356 to ST 73734/90281 Stroud District Council (CKD 31 Highwood Farm Kingswood) Public Path Diversion Order 1998 Width 1.5m between points A-B-C-D-E

ORIGINAL SCALE
MAP NOT TO

ADD THE FOLLOWING ENTRIES:

8 & 10	FP CKD 31	B.4060	E of Neathwood Farm	SW, S, SW	FP CKD 36	Upper Dayhouse Farm	253a, 252, 203, 100, 96, 93, 90, 88, 173, 171	Full length submitted with the exclusion of short lengths at Highwood Farm & Upper Dayhouse Farm shown as FP on Glos OS No 64 1923 Edition Stroud District Council, Public path diversion order TCPA 1971 S210 Stroud District Council (CKD 31) Public Path Diversion Order 1976 2 metre width between ST 73677/90419, ST 73657/90356 to ST 73734/90281 Stroud District Council (CKD 31 Highwood Farm Kingswood) Public Path Diversion Order 1998 Width 1.5m between points A - B - C - D - E Public Path Diversion and Definitive Map and Statement Modification Order Highways Act 1980 Wildlife and Countryside Act 1981 Gloucestershire County Council Public Footpath CKD 31 Parish Of Kingswood Diversion Order 2018 Width 2m between A - B, C - D
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IN WITNESS WHEREOF the Gloucestershire County Council have caused their
Common Seal to be hereunto affixed the 5th day of *march* two
thousand and eighteen.

THE COMMON SEAL of

GLOUCESTERSHIRE COUNTY COUNCIL

was hereunto affixed

in the presence of:-

K. Foman [*K. Foman*]

for Head of Legal Services



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