

NOTICE OF ORDER

HIGHWAYS ACT 1980 SECTION 119

Cheshire East Council
(Footpath No. 12 (Part) Parish of Goostrey) Public Path 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 17 July 2019

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Holmes Chapel Community Centre, Station Road, Holmes Chapel, Cheshire CW4 8AA** on **Tuesday 4 February 2020** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert that length of Public Footpath No. 12 in the Parish of Goostrey commencing at O.S. grid reference SJ 7665 7041 and running in a generally north easterly, direction for a distance of approximately 134 metres to O.S. grid reference SJ 7674 7051, then running in a generally east, south easterly direction for a distance of approximately 126 metres to O.S. grid reference SJ 7686 7046, to a new line commencing at O.S. grid reference SJ 7665 7041 and running in a generally south, south easterly direction for a distance of approximately 114 metres to O.S. grid reference SJ 7671 7032, then turning and running in a northerly direction (crossing a stream via a footbridge) for a distance of approximately 24 metres to O.S. grid reference SJ 7672 7034, then continuing in a north easterly direction for approximately 183 metres to O.S. grid reference SJ 7686 7046.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437.

Email: jean.mcentee@planninginspectorate.gov.uk. Please quote reference number ROW/3223018 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 Cheshire East Council, Public Rights of Way Team, 2nd Floor, Old Building, Municipal Buildings, Earle Street, Crewe CW1 2BJ. Telephone: 01270 686077

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 11 September 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 and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 23 October 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ 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 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 (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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, the 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).

4 weeks before the date of the inquiry [by 7 January 2020]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State 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 ORDER
HIGHWAYS ACT 1980, SECTION 119
CHESHIRE EAST BOROUGH COUNCIL**

**THE CHESHIRE EAST BOROUGH COUNCIL
(FOOTPATH NO. 12 (PART) PARISH OF GOOSTREY)
PUBLIC PATH DIVERSION ORDER 2016**

This Order is made by Cheshire East Borough Council ("The Authority") under section 119 of the Highways Act 1980 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 footpath should be diverted.

Goostrey Parish Council has been consulted as required by section 120 (2) of the 1980 Act;

BY THIS ORDER:

1. The Public Footpath over the land situated in the Parish of Goostrey and shown by a bold continuous black line on the attached plan and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up on the date on which the Cheshire East Borough Council certifies that the work has been carried out to bring the new highway mentioned in Article 2 into a condition fit for use by the public.
2. There shall be on the date of confirmation a Public Footpath over the land situated in the Parish of Goostrey described in Part 2 of the Schedule and shown by bold black dashes on the attached plan.
3. Notwithstanding this order any statutory undertaker having apparatus under, in, on, over along or across it for the purpose of carrying on their undertaking, shall have the following rights over the land referred to in paragraph 1, namely the same rights in respect of the apparatus as they had immediately before the date on which the footpath is diverted.
4. This Order shall be cited as "The Cheshire East Borough Council (Footpath No 12 (Part) Parish of Goostrey) Public Path Diversion Order 2016."

THE COMMON SEAL OF
CHESHIRE EAST BOROUGH COUNCIL
was hereunto affixed this 17th November day of
Two Thousand and Sixteen in the presence of:-

Deborah C. Wickler



9344 (2)

Authorised Signatory

SCHEDULE

PART 1

Description of site of existing Path or Way to be diverted

The full width of that length of Public Footpath No. 12 in the Parish of Goostrey commencing at O.S. grid reference SJ 7665 7041 (point A on Plan No. HA/110A) and running in a generally north easterly, direction for a distance of approximately 134 metres to O.S. grid reference SJ 7674 7051 (point B on Plan No. HA/110A), then running in a generally east, south easterly direction for a distance of approximately 126 metres to O.S. grid reference SJ 7686 7046 (point C on Plan No. HA/110A), as indicated by a solid black line between the points marked A-B-C on Plan No. HA/110A.

PART 2

Description of site of new Path or Way

A footpath, in the Parish of Goostrey, commencing at O.S. grid reference SJ 7665 7041 (point A on Plan No. HA/110A) and running in a generally south, south easterly direction for a distance of approximately 114 metres to O.S. grid reference SJ 7671 7032 (point D on Plan No. HA/110A), then turning and running in a northerly direction (crossing a stream via a footbridge) for a distance of approximately 24 metres to O.S. grid reference SJ 7672 7034 (point E on Plan No. HA/110A), then continuing in a north easterly direction for approximately 183 metres to O.S. grid reference SJ 7686 7046 (point C on Plan No. HA/110A), as indicated by a dashed black line between the points marked A-D-E-C on Plan No. HA/110A.

The footpath running between points A-D-E-C on Plan No. HA/110A is two metres wide throughout.

PART 3

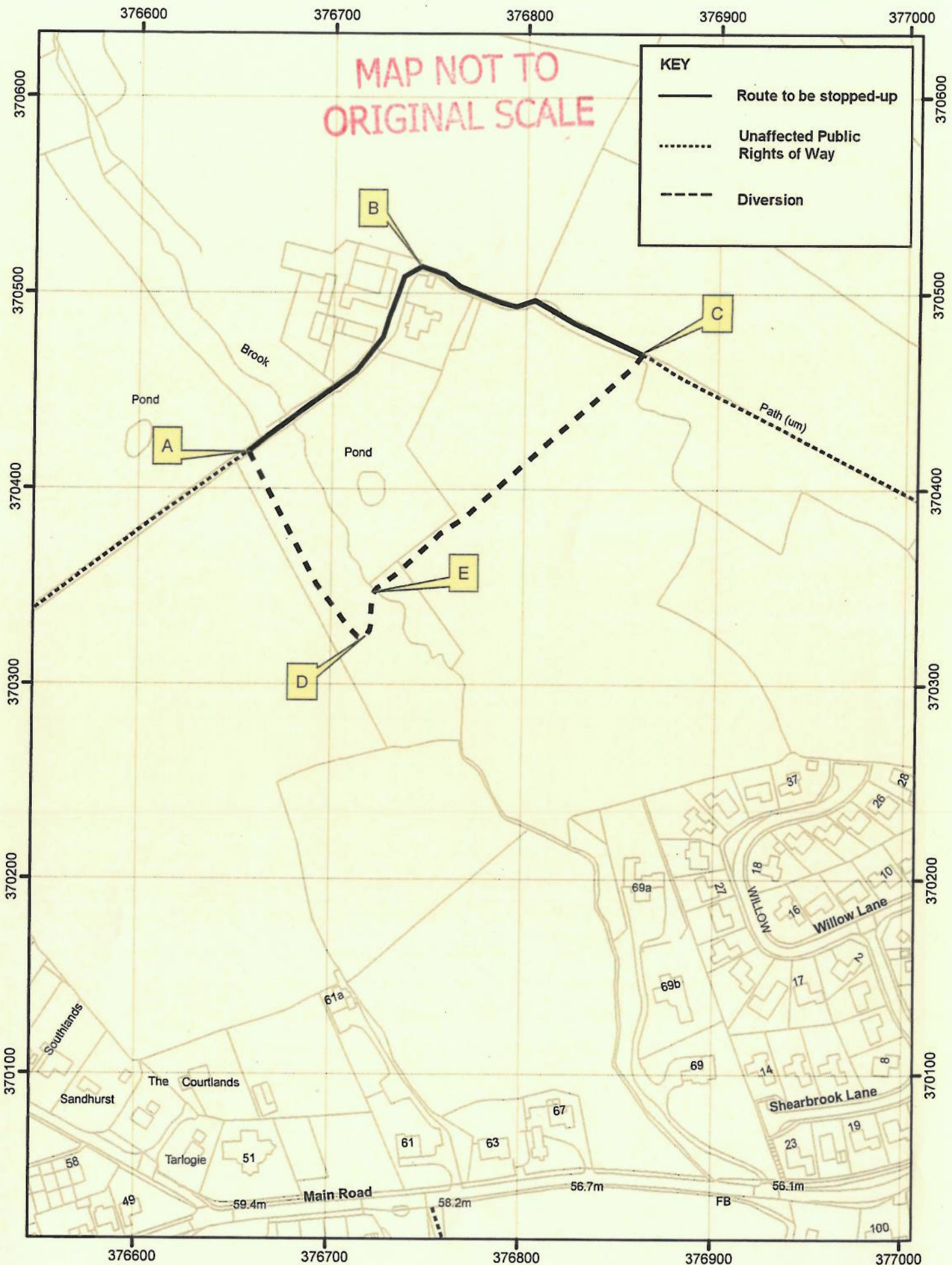
Limitations & Conditions

Two pedestrian gates of 1.2m width, conforming to the Cheshire East Council Standard for Path Furniture on Public Rights of Way (version 1, 1st March 2010) as indicated on Plan No. HA/110A at O.S. grid references SJ 7665 7041 and SJ 7686 7046.

MAP NOT TO ORIGINAL SCALE

KEY

- Route to be stopped-up
- Unaffected Public Rights of Way
- Diversion



1:2,500

Highways Act 1980, s119
The Cheshire East Borough Council
(Footpath 12 (part) Parish of Goostrey)
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Plan No.
HA/110A

