



The Planning Inspectorate

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Ms Aleisha Kaur
Birmingham City Council
PO Box 15992
Legal & Governance Department
BIRMINGHAM
B2 2UQ

Your Ref: LS/PLG/SOB/179236
Our Ref: ROW/3242593

23 June 2020

Dear Ms Kaur,

Town and Country Planning Act 1990 - Section 257
Order Making Authority: Birmingham City Council
Title of Order: (Land between Wiggins Hill Road and Wishaw Lane, Sutton Coldfield, Birmingham B76) Public Path Order 2019

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above- named Order, which was submitted to him for confirmation on 4 December 2019.

Examination of the Order and map has revealed that the Order has been incorrectly drafted in accordance with the regulations, SI 1993 No10, RIGHTS OF WAY The Town and Country Planning (Public Path Orders) Regulations 1993 and goes beyond what is provided for in the Act.

- the stopping up of a highway should be shown with a bold black line and the alternative way by bold black dashes. The correct notation has not been used.
- the Act does not provide for the upgrading of an unaltered section of highway i.e. B1 – C1, it provides for the improvement of an existing highway as an alternative highway to that being diverted (the relevant section is set out below).
- the Act allows for the improvement of an existing highway as an alternative highway to that being diverted, i.e. physical works, not for a change in status from footpath to bridleway as in this case (the relevant section is set out below).

Section 257(2)(a) of the Act provides – for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, 'or for the improvement of an existing highway for such use' (my emphasis) ; 2)(b) for authorising or requiring works to be carried out in relation to any footpath, bridleway or restricted byway for whose stopping up or diversion, creation or improvement, provision is made by the order.

The Secretary of State takes the view that this constitutes a fundamental error which is fatal to the validity of the Order. As he cannot purport to use his power of modification to correct such an error, he has decided not to exercise his power of confirmation. The sealed

Orders will be returned, and a copy of this letter will be sent to the objectors and all other interested parties.

Yours sincerely,

Caroline Baylis
Caroline Baylis



Notes

- Do not scale this drawing. All dimensions must be checked verified on site. If in doubt ask.
- This drawing is to be read in conjunction with all relevant architects, engineers and specialist drawings and specifications.
- All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.
- Any discrepancies noted on site are to be reported to the engineer immediately.

Key Plan



Legend

Red Line Boundary

Existing Public Right of Way to be Stopped up
A1 - B1 having a length of 313.5m and a width of 2m

Existing Public Right of Way to be upgraded to Bridleway.
B1 - C1 having a length of 304.5m and a width of 5m

New Bridleway to be provided.
A-B having a length of 618m having a minimum width of 3.65m and a maximum width of 5m

Total length of of Bridleway connecting from Wishaw Lane to Wiggins Hill Lane to be provided is 922.5m

Rev	Date	Details of issue / revision	Rev	Rev
R4	12/03/19	PRELIMINARY ISSUE	JF	LT
P3	11/03/19	PRELIMINARY ISSUE	JF	LT
P2	08/03/19	PRELIMINARY ISSUE	JF	TC
P1	12/02/19	PRELIMINARY ISSUE	JF	TC

Issues & Revisions

BWB
Consultancy | Engineering
Birmingham | 0121 233 3322
Leeds | 0113 233 6000
London | 020 7234 8122
Manchester | 0161 233 4260
Sheffield | 0114 234 1100
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Client

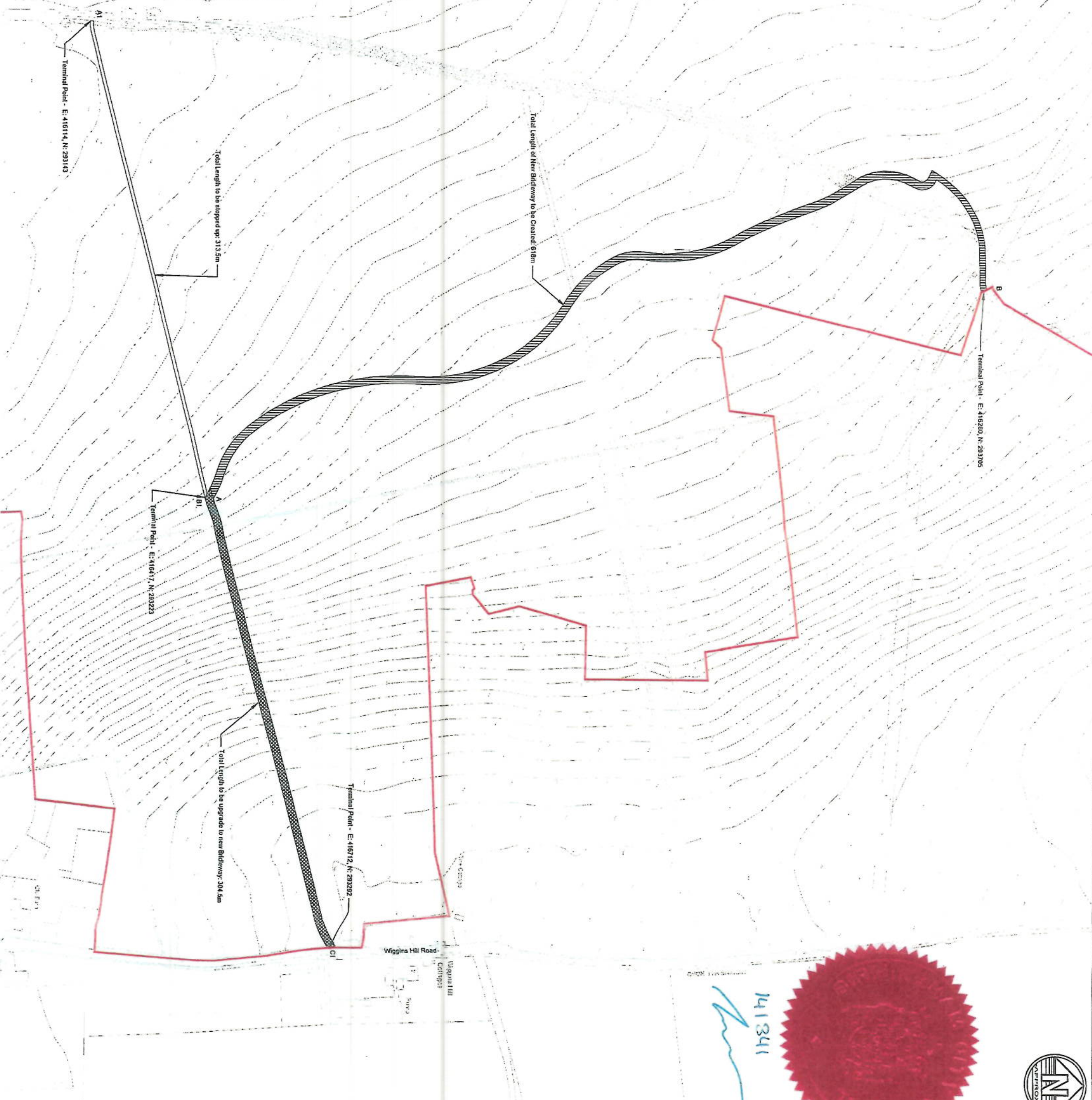


Project Title
PEDDIMORE

Developing Title
**PROW 2086 SECTION 257
NEW BRIDLEWAY
LAYOUT PLAN, AREA
BASED PERSPECTIVE**

Drawn	By	Reviewed	By	Date	Scale
BWB Ref:	BWT 2357	12/02/19	Rev:	04/03/19	1:2500
Design Status	PRELIMINARY				

MAP NOT TO
ORIGINAL SCALE



TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

BIRMINGHAM CITY COUNCIL

**(LAND BETWEEN WIGGINS HILL ROAD AND WISHAW LANE, SUTTON COLDFIELD,
BIRMINGHAM, B76)**

PUBLIC PATH ORDER 2019

This Order is made by Birmingham City Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up a footpath, improve a footpath by upgrading it to a bridleway and provide an alternative bridleway to which this Order relates in order to enable development to be carried out in accordance with planning permissions granted under Part III of the Town and Country Planning Act 1990 namely outline (hybrid) planning permission with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/sui generis) including a multi-purpose hub building and associated development, and full planning permission for a new roundabout access from A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities at Peddimore, land north of Minworth, east of A38 and west of Wiggins Hill Road, Sutton Coldfield, Birmingham, B76, pursuant to planning application 2019/00108/PA.

BY THIS ORDER:

1. The footpath over the land described in Part 1 of the Schedule and shown edged black on the attached map shall be stopped up as provided below.
2. The footpath over the land described in Part 2 of the Schedule and shown cross-hatched on the attached map shall be improved to the reasonable satisfaction of Birmingham City Council by upgrading the footpath to a bridleway.
3. There shall be created to the reasonable satisfaction of Birmingham City Council an alternative bridleway for use as a replacement for the said footpath as provided in Part 3 of the Schedule and shown hatched on the attached map.
4. The stopping up of the footpath shall have effect on the date on which the Council or the Secretary of State confirms the Order. The upgrading of the footpath to a bridleway and the provision of an alternative bridleway shall have effect on the date the Council certifies that the terms of Articles 2 and 3 above have been complied with.
5. Where immediately before the date on which the footpaths are stopped up or improved or a new bridleway is provided there is apparatus under, in, on, over, along or across it belonging to 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.

SCHEDULE

PART 1

The public path shown edged black on the order map commencing at a point 507 metres north north east of the junction between Summer Lane and Wishaw Lane (point 'A1' on the order map) and running in an easterly direction for 5 metres and continuing in east north easterly direction for 308.5 metres with a width of 2 metres and terminating at a point 603.4 metres north north west of Wiggins Hill Road Bridge (point 'B1' on the order map)

PART 2

The public path shown cross-hatched on the order map commencing at a point 603.4 metres north north west of Wiggins Hill Road Bridge (point 'B1' on the order map) and running in an east north easterly direction for 290 metres and continuing in a north easterly direction for 14.5 metres with a width of 5 metres and terminating at a point 581.2 metres north of Wiggins Hill Road Bridge (point 'C1' on the order map)

PART 3

The bridleway shown hatched on the order map commencing at a point 603.4 metres north north west of Wiggins Hill Road Bridge (point 'A' on the order map) and running in a north westerly direction for 44 metres with a width of 5 metres then continuing in a north north westerly direction for 83 metres then running in a northerly direction for 62 metres then continuing in a north north westerly direction for 40 metres then running in a north westerly

direction for 92 metres then continuing in a northerly direction for 44 metres then running in a north north westerly direction for 127 metres then proceeding in a north north easterly direction for 30 metres then running in a north westerly direction for 11 metres then narrowing to a width of 3.65 metres and proceeding in north easterly direction for 35 metres then running in an east north easterly direction for 14 metres and continuing in an easterly direction for 36 metres and terminating at a point 516.5 metres south south west of the junction between Wishaw Lane and Bull's Lane (point 'B' on the order map)

Executed as a Deed by
BIRMINGHAM CITY COUNCIL
on the 27th day of June
Two thousand and nineteen
affixing its Common Seal
in the presence of:-

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Authorised Signatory