

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

Herefordshire County Council  
Footpath CW29 (Part) Colwall 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 **14 September 2016**.

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 Footpath CW29 (Part) in the Parish of Colwall which commences at County Road B4218 at OS Grid Reference SO 7513,4213 (point A on the order plan) and travels in a generally south-south-easterly direction for approximately 190 metres across a field then a stile to a railway crossing at OS Grid Reference SO 7519 4195 (point B on the order plan), then continues in a generally south-south-easterly direction across a further stile and then a field for approximately 128 metres to OS Grid Reference OS 7518 4184 (point C on the order plan). It then turns and follows a generally west-south-westerly direction for approximately 63 metres through the grounds of The Elms to OS Grid Reference SO 7516,4181 (point D on the order plan) and then continues in a generally south-south-easterly direction along a well-defined track for approximately 329 metres to the junction with footpath CW29B at OS Grid Reference SO 7531, 4152 (point E on the order plan). The total length of the existing said footpath is approximately 710 metres.

An alternative footpath will be created, being 2 metres in width, which commences at the junction with footpath CW30 to the south-east of a railway underpass at OS Grid Reference SO 7536, 4209 (point F on the order plan) and travels in a generally south-westerly direction around the perimeter of a field for approximately 126 metres to OS Grid Reference SO 7528, 4199 (point G on the order plan) and continues in a generally southerly direction for approximately 625 metres around the perimeter of the field to OS Grid Reference SO 7544, 4140 (point H on the order plan), then continues in a generally south-westerly direction through a gate for 16 metres to re-join the existing route of CW29 at OS Grid Reference SO 7543, 4138 (point I on the order plan). The total length of the said proposed new footpath is approximately 767 metres.

Any queries relating to this Order should be referred to Helen Sparks 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 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number FPS/W1850/4/17 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during normal opening hours of

Monday-Friday 9.30am – 4.00pm at the offices of Balfour Beatty, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT. To arrange a viewing, please contact Ms Susan White on Telephone Number 01432 349512.

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

#### **Within 2 weeks of the start date [by 28 September 2016]**

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, although 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 November 2016]**

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 copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, 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 copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 21 December 2016]**

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 ORDER**

**HIGHWAYS ACT 1980, SECTION 119**

**HEREFORDSHIRE COUNCIL  
FOOTPATH CW29 (PART) COLWALL  
PUBLIC PATH DIVERSION ORDER 2016**

This Order is made by the County of Herefordshire District Council (known as "Herefordshire Council") under section 119 of the Highways Act 1980 because it appears to Herefordshire Council that in the interests of the owner and occupier and of the land crossed by the footpath described in Part 1 of the Schedule to this order it is expedient that part of the line of the path should be diverted.

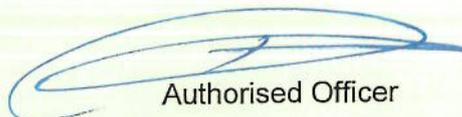
The Elms (Colwall) Ltd, the said owner, has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and to pay any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public.

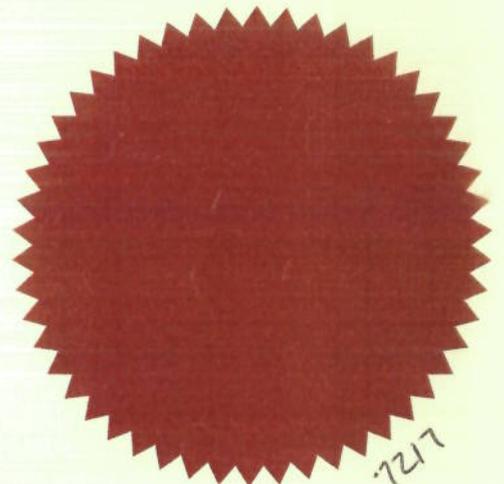
**BY THIS ORDER:**

1. The public right of way over the land situated at The Elms in the Parish of Colwall and shown by a bold continuous line on the plan contained in this order and described in Part 1 of the said Schedule shall be stopped up in accordance with the provisions of Article 3 below.
2. There shall be created to the reasonable satisfaction of Herefordshire Council and in accordance with Article 3 below an alternative public footpath over the land situated adjacent to The Elms in the Parish of Colwall described in Part 2 of the Schedule hereto and shown by a bold broken line on the said plan.
3. The said diversion of the footpath shall have effect on the date Herefordshire Council certifies that the terms of Article 2 and 4 herein have been satisfied.
4. The following works shall be carried out in relation to the new highway described in Part 2 of the Schedule hereto.
  - Replace the existing field gate with a '2 in 1' field gate at OS Grid Reference SO 7544 4140 (point H on the order plan).
  - Waymarking as appropriate.
5. Where immediately before the date on which the said footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of their undertakings, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
6. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule hereto.

Dated *10<sup>th</sup> March* 2016

THE COMMON SEAL of the County of )  
Herefordshire District Council was affixed )  
BY ORDER )

  
Authorised Officer



## SCHEDULE

### PART 1

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

The existing route of footpath CW29 commences at County Road B4218 at OS Grid Reference SO 7513, 4213 (point A on the order plan) and travels in a generally south-south-easterly direction for approximately 190 metres across a field then a stile to a railway crossing at OS Grid Reference SO 7519 4195 (point B on the order plan), then continues in a generally south-south-easterly direction across a further stile and then a field for approximately 128 metres to OS Grid Reference SO 7518 4184 (point C on the order plan). It then turns and follows a generally west-south-westerly direction for approximately 63 metres through the grounds of The Elms to OS Grid Reference SO 7516,4181 (point D on the order plan) and then continues in a generally south-south-easterly direction along a well-defined track for approximately 329 metres to the junction with footpath CW29B at OS Grid Reference SO 7531, 4152 (point E on the order plan).

The total length of the existing said footpath is approximately 710 metres.

### PART 2

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

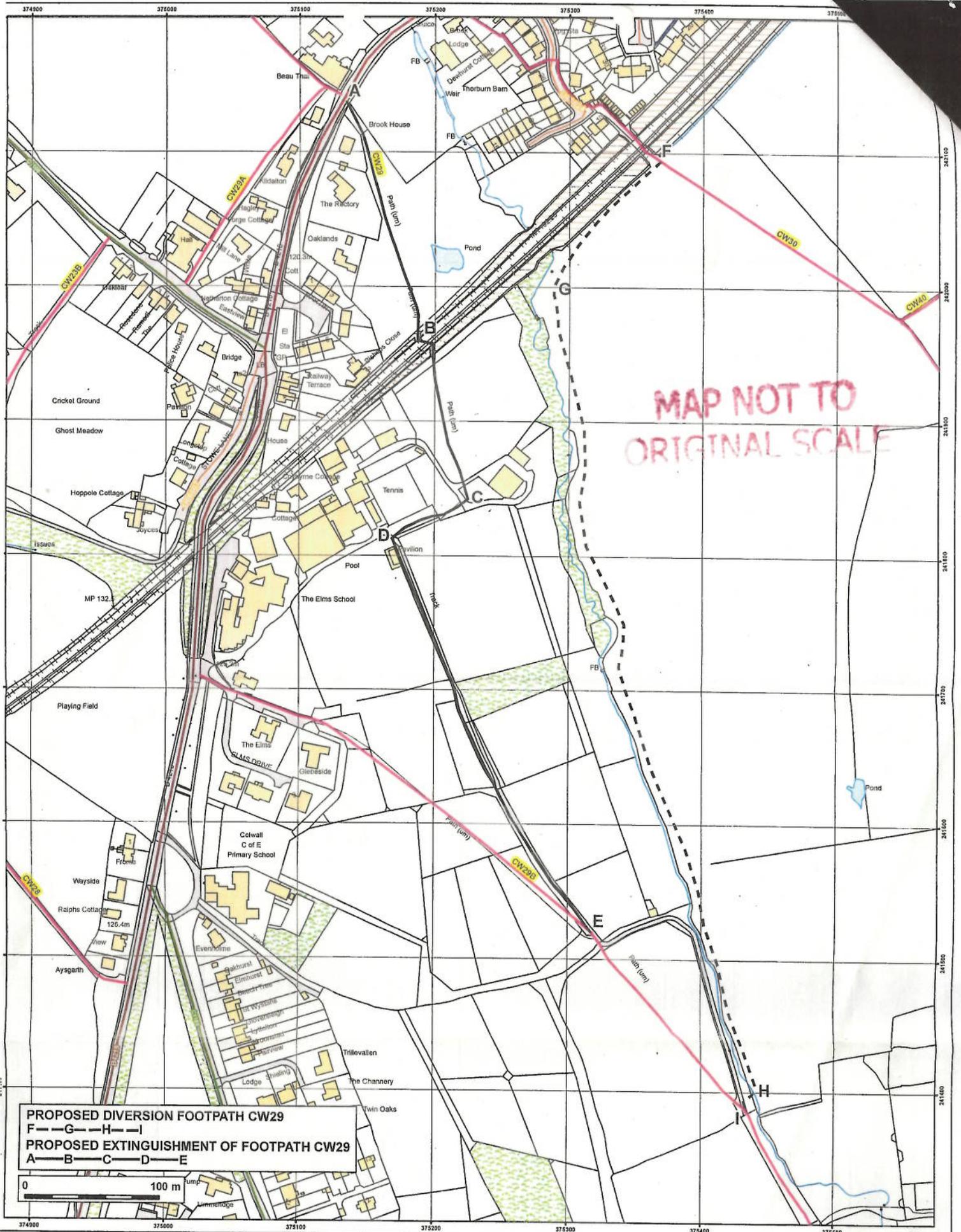
The proposed new route of footpath CW29 being 2 metres in width commences at the junction with footpath CW30 to the south-east of a railway underpass at OS Grid Reference SO 7536, 4209 (point F on the order plan) and travels in a generally south-westerly direction around the perimeter of a field for approximately 126 metres to OS Grid Reference SO 7528, 4199 (point G on the order plan) and continues in a generally southerly direction for approximately 625 metres around the perimeter of the field to OS Grid Reference SO 7544, 4140 (point H on the order plan), then continues in a generally south-westerly direction through a gate for 16 metres to re-join the existing route of CW29 at OS Grid Reference SO 7543, 4138 (point I on the order plan).

The total length of the said proposed new footpath is approximately 767 metres.

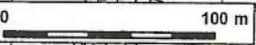
### PART 3

#### Limitations and Conditions

<b>Position on Path to which Limitations and Conditions apply</b>	<b>Limitations and Conditions</b>
OS Grid reference SO 7544, 4140 (point H on the order plan)	'2 in 1' field gate to BS5709:2006



**PROPOSED DIVERSION FOOTPATH CW29**  
 F—G—H—I  
**PROPOSED EXTINGUISHMENT OF FOOTPATH CW29**  
 A—B—C—D—E



Highways Act 1980, Section 119  
 Herefordshire Council Public Footpath CW29 (part)  
 Parish of Colwall  
 Public Path Diversion Order 2016  
 DWG No.: D458/95-29  
 SCALE 1:2,500 @ A3

PUBLIC FOOTPATH ———  
 PUBLIC BRIDLEWAY ———  
 RESTRICTED BYWAY ———  
 BYWAY OPEN TO ALL TRAFFIC ———

Balfour Beatty Living Places  
 Unit 3, Thorn Business Park  
 Rotherwas Industrial Estate  
 Hereford  
 HR2 6JT

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