

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 257

The Stroud District Council MMH156 Section 257 Diversion Order 2020

1. **IN THIS ORDER** the following expressions shall have the following meanings attributed to them:
 - 1.1 **“Applicant”** means Wimberley Park Estates Limited (Company Registration Number 4592784) whose registered office is First Floor Offices, Wimberley Park, Knapp Lane, Brimscombe, Stroud, Gloucestershire, GL5 2TH being the company who has applied for this Order to be made;
 - 1.2 **“Certificate of Completion”** means confirmation in writing provided by the Highway Authority certifying that it is satisfied that the Works have been properly carried out at the cost of the Applicant;
 - 1.3 **“Consent”** means the planning permission granted on 17th August 2016 in respect of reference number S.13/2668/OUT and reserved matters approved 14th October 2019 in respect of reference number S.19/1471/REM for the carrying out of the Development;
 - 1.4 **“Development”** means the residential development of up to 104 dwellings, vehicular and pedestrian access, internal access roads, car parking to site levels; developing the River Frome as works to create new flow and flood channels and associated landscaping including a play area at land known as Wimberley Park, Knapp Lane, Minchinhampton, Stroud, Gloucestershire;
 - 1.5 **“Footpath”** means public footpath MMH156;
 - 1.6 **“Highway Authority”** means Gloucestershire County Council of Shire Hall, Westgate Street, Gloucester GL1 2TG
 - 1.7 **“New Route”** means the route shown by a broken green line between points B, X, Y and Z as marked on the attached plan and described in Part II of the Schedule to this Order;
 - 1.8 **“Original Section”** means that section of the Footpath shown by a solid grey line between points B and A as marked on the attached plan and described in Part I of the Schedule to this Order;
 - 1.9 **“Works”** means the works for the purpose of creating a right of way over the New Route as specified in Part III of the Schedule to this Order.

2. **THIS ORDER IS MADE** by Stroud District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the Footpath

in order to enable the Development to be carried out in accordance with the Consent granted under Part III of the Town and Country Planning Act 1990.

3. BY THIS ORDER:

- 3.1 The Original Section shall be diverted as provided for herein;
- 3.2 The New Route shall be created as an alternative public right of way for use as a replacement for the Original Section, subject to the issue of the Certificate of Completion;
- 3.3 The Works shall be carried out at the cost of the Applicant;
- 3.4 The diversion of the Original Section shall take effect from the date of issue of the Certificate of Completion for the Works; and,
- 3.5 Where immediately before the date on which this order comes into effect there is apparatus in, on, over, under, along or across the Original Section belonging to statutory undertakers for the purpose of carrying on their undertaking, those undertakers shall continue to have the same rights in respect of that apparatus as they then had.

4. **THIS ORDER SHALL COME INTO FORCE** on the date of issue of the Certificate of Completion for the Works and may be cited as the "Stroud District Council MMH156 Section 257 Diversion Order 2020".

SCHEDULE

PART I

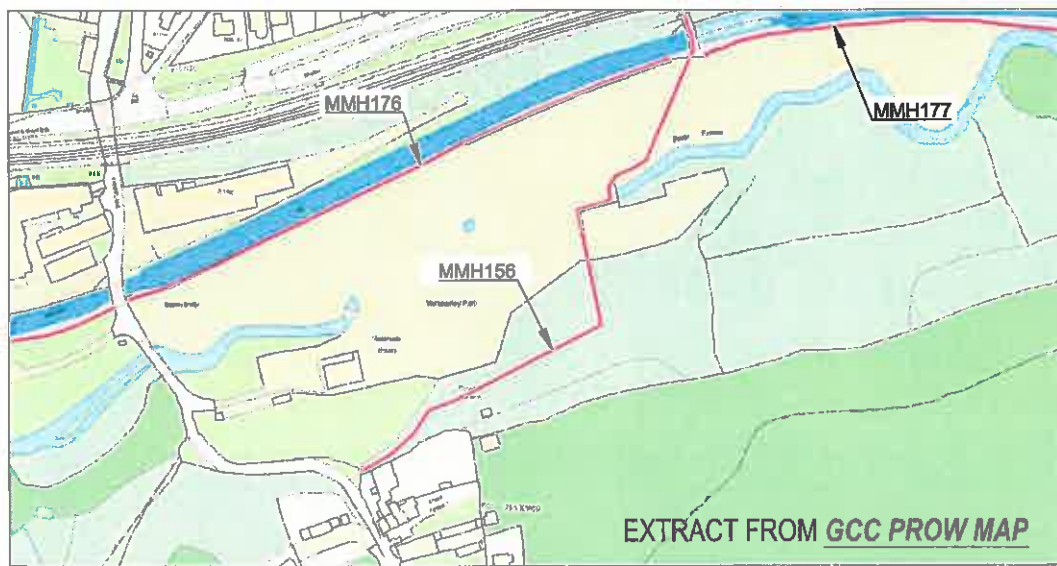
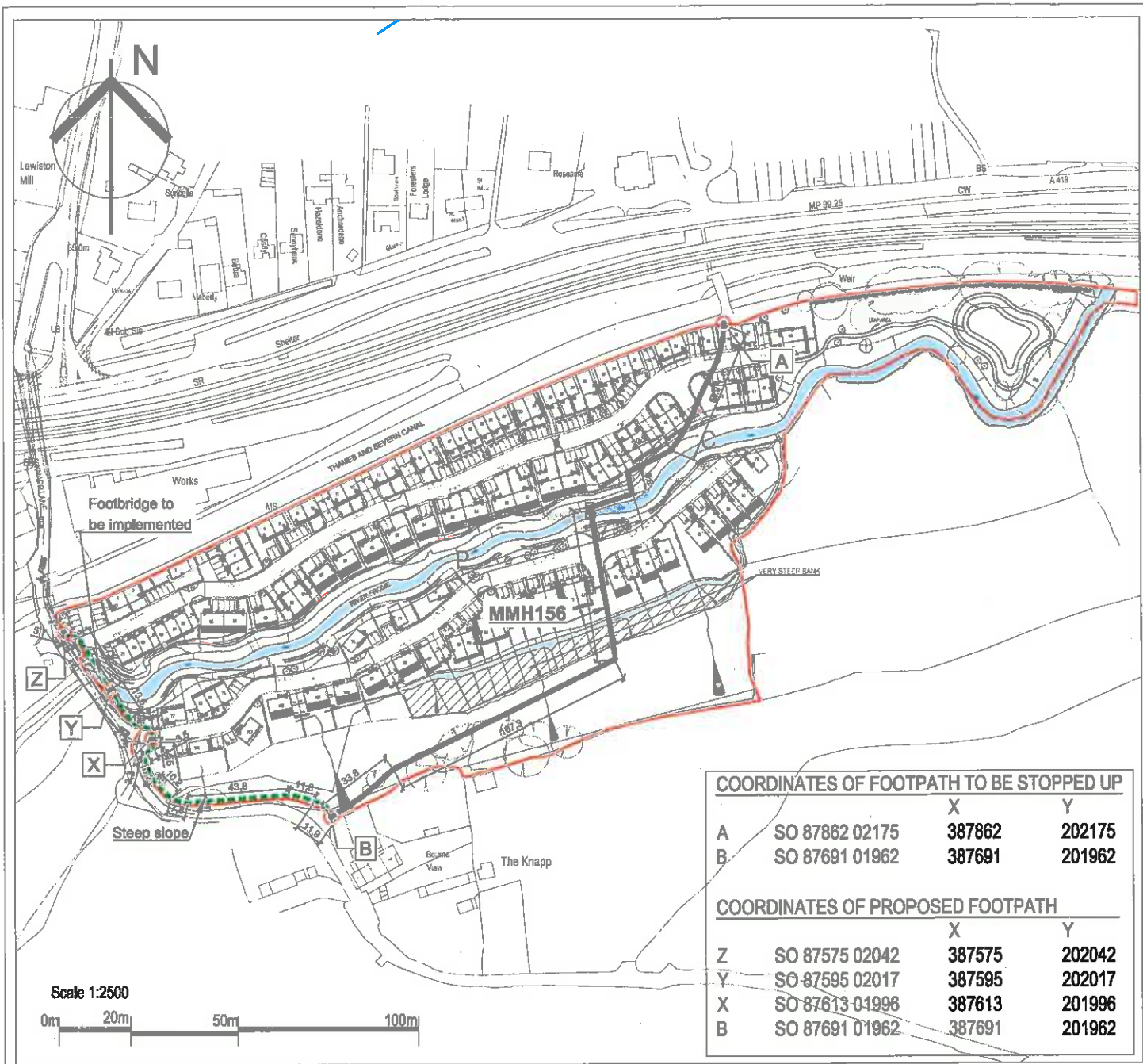
Description of the Original Section

The section of Footpath situated between points B (OS Coordinates (X, Y) 387691, 201962) and A (OS Coordinates (X, Y) 387862, 202175) marked on the attached plan which measures approximately 318 metres long and 1 – 1.5 metres wide.

PART II

Description of New Route

The route shown by a broken green line on the attached plan situated between points B (OS Coordinates (X, Y) 387691, 201962), X (OS Coordinates (X, Y) 387613, 201996), Y (OS Coordinates (X, Y) 387595, 202017), and Z (OS Coordinates (X, Y) 387575, 202042) which measures approximately 170 metres in length and 1.2 – 1.5 metres wide.



KEY:

-  SITE BOUNDARY
-  CURRENT FOOTPATH TO BE STOPPED UP
-  NEW FOOTPATH



Wimberley Mill, Knapp Lane, Brimscombe, Gloucestershire

Drawing Title: PUBLIC FOOTPATH DIVERSION
 Size: M 1:2500 @ A4

REV-C (June 2020)

6352

PART III

Description of the works

The New Route shall be constructed of:

- i. Crushed stone held in place by treated wooden boards;
- ii. Steps approximately 15cm high and wooden handrails to be provided as necessary and be between 1.2 – 15 metres wide;
- iii. Where it crosses estate roads it shall be to the Highway Authority's adoptable standards; and,
- iv. A new pedestrian bridge in strict accordance with details submitted as part of reserved matters reference number S.19/1471/REM.

The Order is made this 12 day of August 2020

THE COMMON SEAL of the)
STROUD DISTRICT COUNCIL)
was hereunto affixed in the presence of:)

[Handwritten Signature]

Proper Officer



The Order is confirmed this 17th day of September 2020

Signed *[Handwritten Signature]*

Proper Officer / Duly Authorised Signatory (Ref: PLA2/827)

