

DATED THIS 19<sup>th</sup> DAY OF August 2016

**CONFIRMED PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980**

**SECTION 119**

Footpath 89 Radwinter  
In the District of Uttlesford



**Michael J Perry**  
**Assistant Chief Executive**  
**Council Offices**  
London Road  
Saffron Walden  
CB11 4ER

**CONFIRMATION ORDER**

**FOOTPATH 89 RADWINTER  
IN THE DISTRICT OF UTTLESFORD**

**UTTLESFORD DISTRICT COUNCIL** in exercise of its powers conferred upon it in that behalf, hereby confirm the foregoing Order

THIS ORDER IS HEREBY CONFIRMED AS AN UNOPPOSED ORDER

Given under the COMMON SEAL OF UTTLESFORD DISTRICT COUNCIL

This 19<sup>th</sup> day of August 2016

**THE COMMON SEAL OF  
UTTLESFORD DISTRICT COUNCIL**

was hereunto affixed in the presence of:

Authorised Signatory



**Dated: 22<sup>nd</sup> day of June 2016**

**PUBLIC PATH DIVERSION ORDER**

**TOWN & COUNTRY PLANNING ACT 1990 SECTION 257**

**Footpath 89 Radwinter  
in the District of Uttlesford**

**Michael J Perry  
Assistant Chief Executive  
Uttlesford District Council  
London Road  
Saffron Walden  
Essex CB11 4ER**



**ESSEX COUNTY COUNCIL**

**PUBLIC PATH DIVERSION ORDER 2016**

**FOOTPATH 89 RADWINTER  
IN  
THE DISTRICT OF UTTLESFORD**

**TOWN & COUNTRY PLANNING ACT 1990 - SECTION 257  
PUBLIC PATH DIVERSION ORDER**

## **PUBLIC PATH DIVERSION ORDER**

### **FOOTPATH 89 RADWINTER**

This Order is made by **UTTLESFORD DISTRICT COUNCIL** ("the authority") under section 257 of the **Town & Country Planning Act, 1990** ("the 1990 Act") because it is satisfied that it is necessary to divert part of the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under the **Town and Country Planning Act 1990** namely: **Planning Application UTT /13/3118/OP** Outline permission for 35 dwellings on land east of East View Close, Radwinter.

#### **BY THIS ORDER:**

1. The public right of way known as Footpath 89 Radwinter, over land situated east of East View Close in the parish of Radwinter in the District of Uttlesford and shown by a bold continuous line on the plan RADW 89A contained in this Order and described in Part 1 of the Schedule to this Order, shall be stopped up and the alternative route as described in Article 2 below provided..
2. There shall be a public footpath over the land situated at East View Close, Radwinter in the District of Uttlesford described in Part 2 of the Schedule and shown by a bold broken line on the plan RADW 89A contained in this Order.
3. The diversion of the footpath shall have effect on the date on which **ESSEX COUNTY COUNCIL** as the Highway Authority certify that the terms of Article 2 above have been complied with.
4. The following works shall be carried out in relation to the highways described in Part 2 of the Schedule:
  - a) The proposed footpaths between points A, B and C shall comprise a clear level surface of 2 metres in width
  - b) The proposed new routes shall be signed where appropriate with way-markers in order to show the direction and route of the path.

5. The Enterprise Property Group as the applicant and developer, are hereby required to pay the full costs of seeking the diversion Order and for carrying out the said works; this to include costs of advertising and administration, and the removal or abandonment of any apparatus rendered useless under, in, on, over, along or across the path to be stopped up.

6. Where immediately before the date on which the footpath is diverted, there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

**SCHEDULE**

[PART 1]

**DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

A part length of **Footpath 89** Radwinter of **undefined** width and shown by a **bold black** continuous line on the Order Plan, commencing at point **A** on the west side of the river at grid reference **56067,23755** and running in an **east north westerly** direction for a distance of 212 metres to point **C** at grid reference **56074,23772**

[PART 2]

**DESCRIPTION OF SITE OF NEW PATH OR WAY**

A footpath being 2 metres in width shown by a bold broken line on the Order Map commencing at the aforementioned point **A** and running in a generally north easterly direction along the bank of the River for a distance of 37 metres to point **B** at grid reference **56088,23761** and then continues in a generally north westerly direction along the western bank of the river for a distance of 180 metres to the aforementioned point **C**.




Given under the Common Seal of the Uttlesford District Council this twenty-second day of June 2016

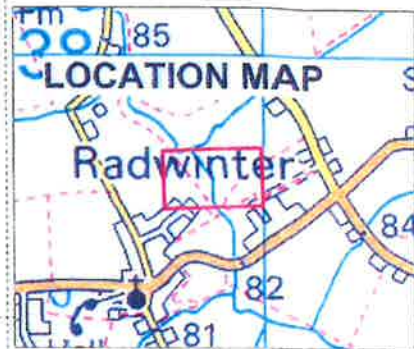
The common seal of the )  
**UTTLESFORD DISTRICT COUNCIL** )  
was hereunto affixed in the )  
presence of:- )



Attesting Officer :

# Plan No. RADW 89 A

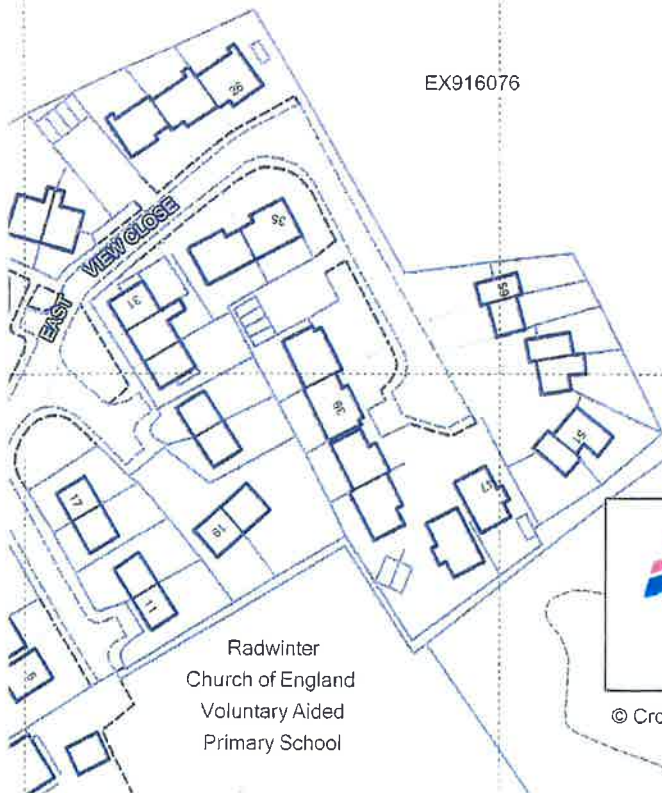
Diversion of Footpath 89 Radwinter  
Route to Close A-C   
New Route A-B-C   
Unaffected   
Definitive Map Sheet TL 53 NW  
Scale 1:1500 at A4



88713

Radwinter

EX916076



Radwinter  
Church of England  
Voluntary Aided  
Primary School



Essex County Council



**ACTION TAKEN BY  
SERVICE DIRECTOR FOR HIGHWAYS & TRANSPORTATION**

under delegated powers

Ref:

**Originating Officer: Laurence Page**

**Tel : 01245 342886**

**Office Ref. HTSB/PROW/LHP/11/134/390**

**Confirmation**

**TOWN & COUNTRY PLANNING ACT 1990 – SECTION 257  
DIVERSION OF PUBLIC FOOTPATH 89  
RADWINTER**

This Chief Officer Action provides the Authority for Uttlesford District Council to confirm the order to divert Footpath 89 in the parish of Radwinter under Section 257 of the Town & Country Planning Act.

Under Planning Permission UTT/13/3118/OP Lady M. B. Parker and Mrs B Rayment have applied to build 35 dwellings on the land east of East View Close in Radwinter and outline permission has been granted by Uttlesford DC.

Footpath 89 will be diverted from its current line across the field where development is to take place, to an alternative route further to the east along the field edge and close to the west bank of the river (tributary of the River Pant).


There are two landowners affected. Sir Jonathan Parker is the owner of part of the public right of way and the rest is owned by the developer who is the applicant and current owner of the land.

The formal consultation carried out for the proposed diversion has received no objections and so this is an unopposed Order.

It is considered that the footpath diversion meet all the other relevant statutory tests. The new path will be two metres in width and limitations are not required.

**Resolved**

Authority is now given to confirm the above mentioned Order to divert Footpath 89 in the parish of Radwinter under Section 257 of the Town & Country Planning Act 1990

<b>Signature(s)</b>		<b>Date</b>
Authorising Chief Officer 	Designation: Public Rights of Way Records Manager	19 <sup>th</sup> August, 2016

Garry White