

THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE ORDER
TOWN AND COUNTY PLANNING ACT 1990 S.257

MALVERN HILLS DISTRICT COUNCIL (PUBLIC FOOTPATH NO. LI-704 (PART) LEIGH SINTON)
PUBLIC PATH DIVERSION ORDER 2019

Under the Town and Country Planning Act 1990 county and district councils have the power to make orders to create, extinguish or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed changes.

Malvern Hills District Council has made such an order to divert part of public footpath 704, Leigh Sinton. This statement has been prepared to explain various aspects of the order.

The Council may authorise the diversion or stopping-up of any footpath, bridleway or restricted byway under section 257 of the Town and Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to allow development to be carried out in accordance with planning permission granted under Part III of the Act.

The Council has made the order because it is satisfied that it is necessary to divert the footpath to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely the construction of up to 35 dwellings on land adjacent to Elmhurst Farm, Leigh Sinton, Worcestershire. WR13 5EA. (Planning Reference number 14/00324/OUT, APP/J1860/A/14/2219414 and 16/01328/REM).

The Council is satisfied that there will be no disadvantage or loss to members of the public generally or to persons whose properties adjoin the footpath as a consequence of the diversion. The proposed diversion retains a means of access which will meet the needs of members of the public and local residents. The new public footpath will be 3 metres wide with a gravel surface.

In addition to the diversion of the footpath proposed by the diversion order, the changes to the network of paths include the creation of two additional lengths of footpath, which are shown on the map attached to this Explanatory Statement. The new footpaths between A-B and C- D will provide a link between the diverted footpath and the network of roads and footways within the development. These paths will be created by means of a Public Path Creation Agreement under section 25 of the Highways Act 1980, and will be dealt with by a separate legal process to that of the diversion order.

The diversion order will come into effect only after it has been confirmed and the necessary site works have been completed. Making and advertising the order provides an opportunity for objections and representations to be made.

Any representation about or objection to the order must be sent in writing to: Planning Services Manager, Malvern Hills District Council, The Council House, Avenue Road, Malvern, Worcestershire, WR14 3AF, or via e mail to planningapplicationcomments@malvernhills.gov.uk, not later than 25th March 2019. Please state the grounds on which it is made.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn, the Council will need to refer the order to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council can itself confirm the order, but has no powers to make modifications to it.

Dated 22nd February 2019

Planning Services Manager,
Malvern Hills District Council,
The Council House, Avenue Road,
Malvern,
Worcestershire.
WR14 3AF