

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

THE MALVERN HILLS DISTRICT COUNCIL (PUBLIC BRIDLEWAY HT 507(PART), PARISH OF
HOLT) PUBLIC PATH DIVERSION ORDER 2018 (2)

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 bridleway HT 507, Holt. 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 for the of a vertical slot fish pass cut into the river bank including metal mesh walkways with handrails, associated hard and soft landscaping and security fencing to enclose the site. (Planning application number 17/01597/FUL).

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 bridleway 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 bridleway will be 3 metres wide with a compacted stone surface.

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 simply 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 June 2018. 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 25th May 2018

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