

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

MALVERN HILLS DISTRICT COUNCIL (PUBLIC FOOTPATH NO. MV-880 (PART) MALVERN
PUBLIC PATH DIVERSION ORDER 2021

This order is made by Malvern Hills District Council ("The Authority") under section 257 of the Town and Country Planning Act 1990 ("The 1990 Act") because it is satisfied that it is necessary to divert the footpath to which this order relates in order 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 a development of 33 affordable dwellings at Barracks Store, Quinetic, St. Andrews Rd. Malvern, WR14 3PS. (Planning Application no. 19/01298/FUL).

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order ('the Schedule') shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Malvern Hills District Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which Malvern Hills District Council certify that the terms of Article 2 have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule namely the provision of a path 2 metres wide with a tarmac surface between points C, D, E, F and B on the Order Plan.
5. Hamein Partnerships Ltd. are hereby required to pay the cost of carrying out the said works.
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 on 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 Existing Path or Way

That length and the whole width of public footpath no. MV-880, Malvern, running from point A, Ordnance Survey 'OS' grid reference SO 78276 45086, in a generally easterly direction for approximately 80 metres to point B, grid reference SO 78356 45087.

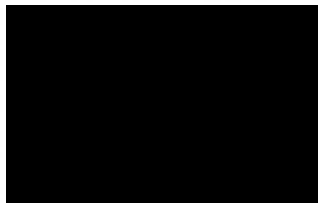
PART 2

Description of Site of Alternative Highway

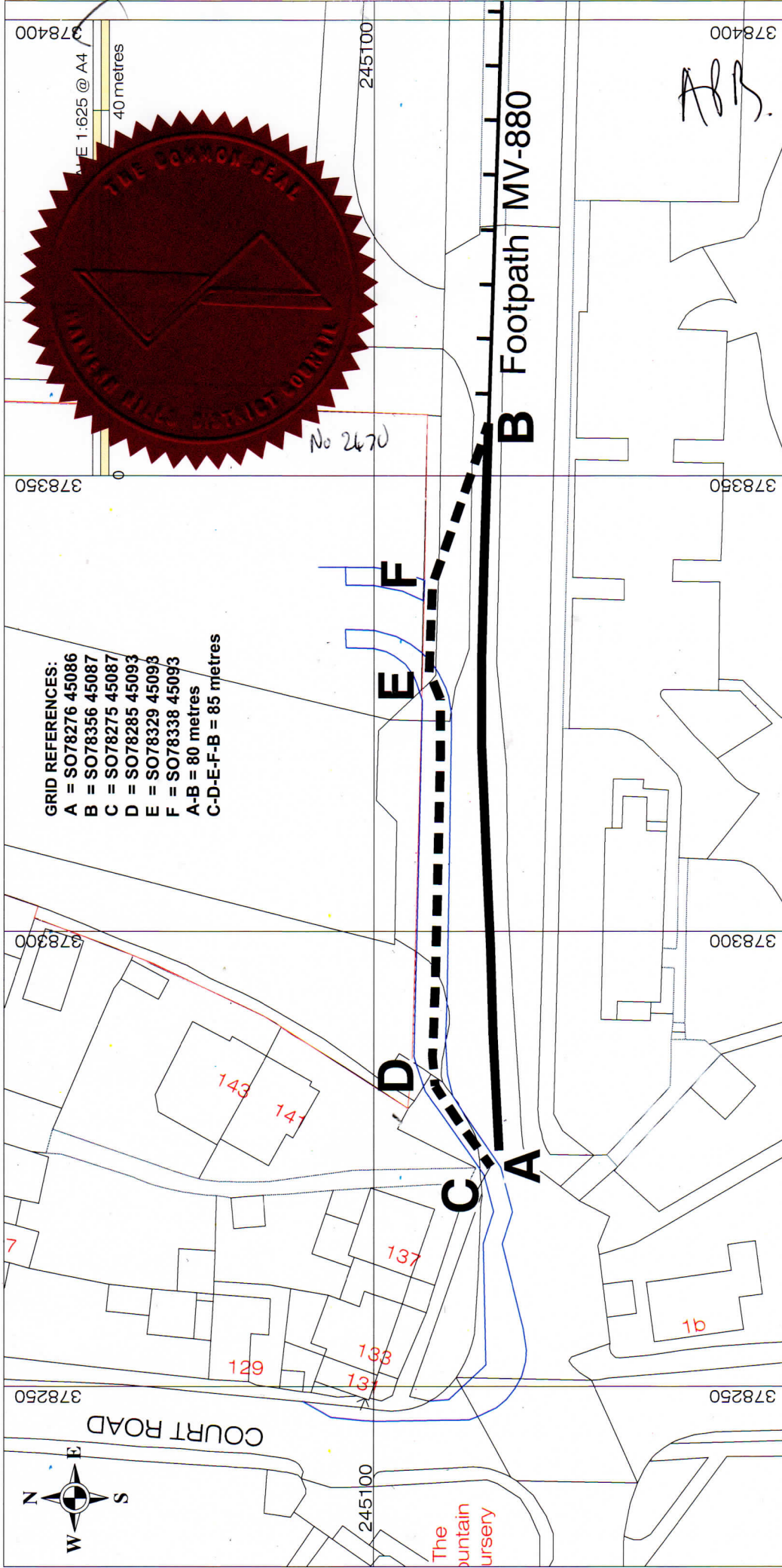
A length of public footpath at a width of 2 metres running from point C, grid reference SO 78275 45087 in a generally north-easterly direction for approximately 12 metres to point D, grid reference SO 78285 45093; continuing in a generally easterly direction for approximately 44 metres to point E, grid reference SO 78329 45093; then continuing across the road in a generally easterly direction for approximately 10 metres to point F, grid reference SO 78338 45093; before continuing in a generally east-south-easterly direction for approximately 19 metres to terminate at point B, grid reference SO 78356 45087.

GIVEN under the COMMON SEAL of the MALVERN HILLS DISTRICT COUNCIL this 13th day of April 2021 in the presence of:

No. In deeds register



No 2470



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Malvern Hills District Council
 Town & Country Planning Act 1990 Section 257
 Public Footpath No. MV-880 (part),
 Parish of Malvern Public Path Diversion Order 2021

- Footpath to be diverted A ——— B
- Alternative Footpath C - - - D - - - E - - - F - - - B
- Unaffected Footpaths ———



ARR.

DATED

13th April

2021

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TOWN AND COUNTRY PLANNING ACT 1990

THE MALVERN HILLS DISTRICT COUNCIL
PUBLIC FOOTPATH NO. MV880 (PART), MALVERN

PUBLIC FOOTPATH DIVERSION ORDER 2021

THE COUNCIL HOUSE
AVENUE ROAD
MALVERN
WORCESTERSHIRE
WR14 3AF