

## PUBLIC PATH DIVERSION ORDER

### TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

#### MALVERN HILLS DISTRICT COUNCIL (PUBLIC FOOTPATH NO. MV-748 (PART) MALVERN) PUBLIC PATH DIVERSION ORDER 2019

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 the construction of 110 dwellings, together with parking, landscaping and public open space on land at Lower Howsell Road, Malvern. (Planning Application number 14/01231/OUT and 18/01039/RM).

#### 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.
5. Bellway Homes (South Midlands) is 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

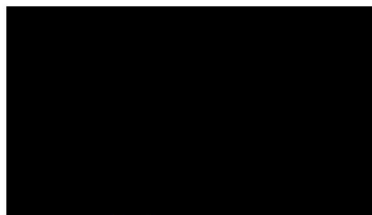
That length and the whole width of public footpath no. MV748, Malvern, running from point A, Ordnance Survey "OS" grid reference SO78644 48571, on Lower Howsell Road, in a south-easterly direction for 196 metres to point B, OS grid reference SO78815 48475.

PART 2

Description of Site of Alternative Highway

A length of public footpath at a width of 2 metres running from point A, OS grid reference SO78644 48571, a point on Lower Howsell Road, in a south-south-westerly direction for 9 metres on the footway to point C, grid reference SO78642 48562, then continuing on the footway in a south-easterly turning easterly direction for 36 metres to point D, grid reference SO78673 48548, then continuing on the footway in a south-easterly direction for 41 metres to point E, grid reference SO78708 48525, then continuing on the footway in a north-easterly direction for 11 metres to point F, grid reference SO78716 48530, then continuing across the road and on the footway in a south-easterly direction for 59 metres to point G, grid reference SO78764 48494, then continuing on the footway in an east-south-easterly direction for 34 metres to point H, grid reference SO78792 48488, then continuing on the footway in a south-easterly direction for 25 metres to point B, grid reference SO78815 48475. A total length of 215 metres.

GIVEN under the COMMON SEAL of the MALVERN HILLS DISTRICT COUNCIL this 5<sup>th</sup> day of June 2019 in the presence of:



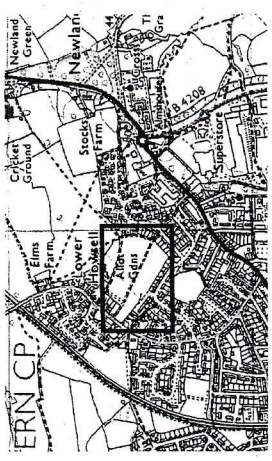
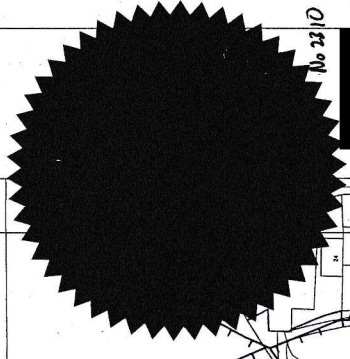
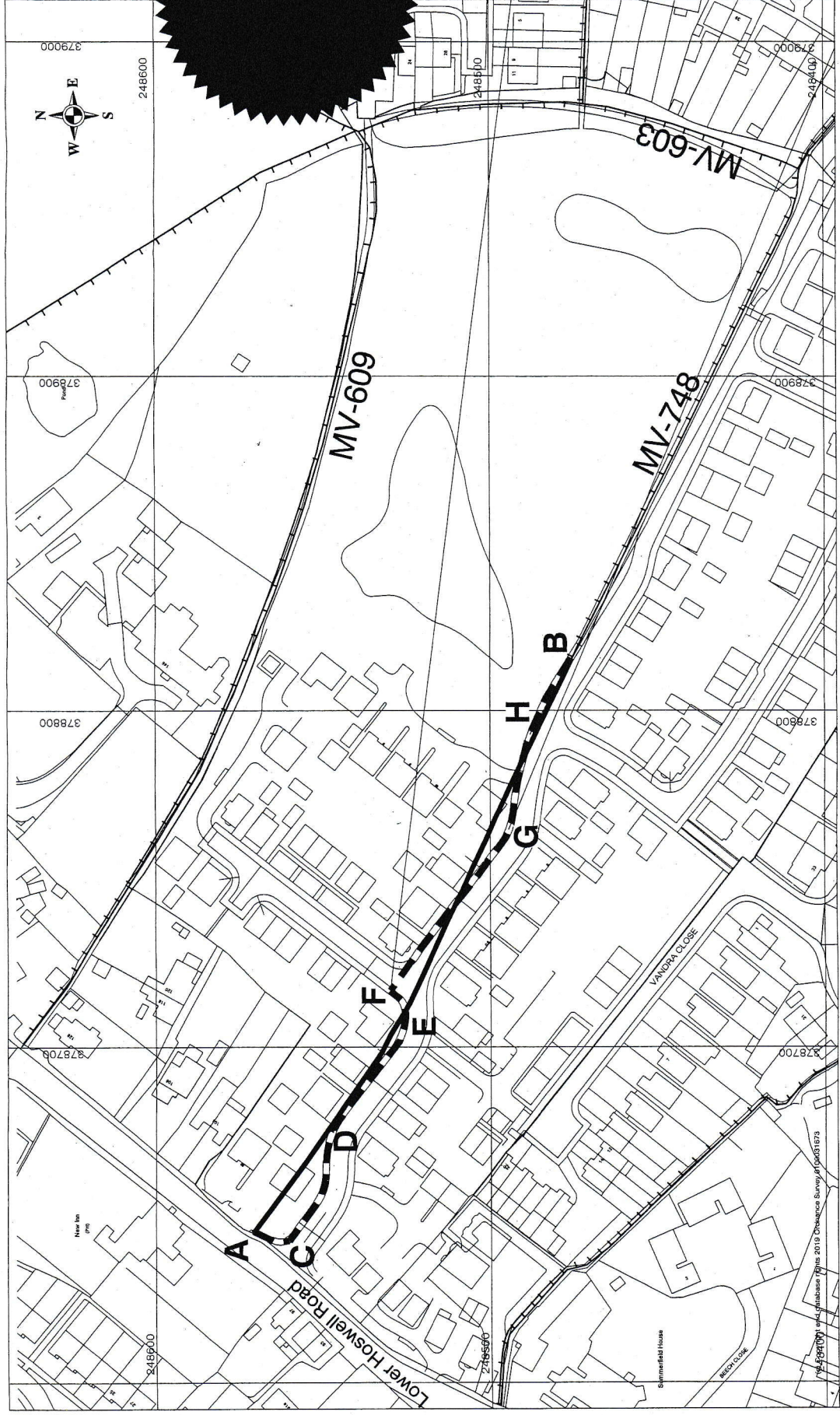
DEPUTY CHIEF  
EXECUTIVE



No. in deeds register

No 2310

SCALE 1:1250 @ A3  
 0 10 20 30 40 50 60 70 80 90 metres



**GRID REFERENCES:**

A	SO78644 48571
B	SO78815 48475
C	SO78642 48562
D	SO78673 48548
E	SO78708 48525
F	SO78716 48530
G	SO78764 48494
H	SO78792 48488

Malvern Hills District Council  
 Town & Country Planning Act 1990 S.257.  
 Public Footpath No. MV-748 (part),  
 Parish of Malvern Public Path Diversion Order 2019

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

**Malvern Hills District Council**  
[www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 257**

**MALVERN HILLS DISTRICT COUNCIL (PUBLIC FOOTPATH NO. 748 (PART) MALVERN) PUBLIC PATH  
DIVERSION ORDER 2019**

The above Order is hereby **CONFIRMED**

Dated this *26<sup>th</sup>* day of *September* 2019



Legal Services Manager

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