

BOLSOVER DISTRICT COUNCIL

Notice of a diversion order confirmed under section 257 and Schedule 14 of the Town and Country Planning Act 1990 (TCPA 1990)

Footpath No 10 (Part) in the Parish of Shirebrook. Public Path Diversion Order No.1 of 2019 (Order)

1. **Bolsover District Council (Council) gives notice that it has confirmed the above Order without modification.**
2. **The effect of the Order is to: divert the whole width of footpath No 10 (Part) in the Parish of Shirebrook shown by a bold black line on the attached plan (Plan) commencing at Point A (Ordnance Survey Grid Reference ("GR") SK 51832 66737) and proceeding in a generally North Westerly direction to Point B (GR SK 51820 66744), for a distance of approximately 14 metres, and then turning to a generally North Easterly direction for a distance of approximately 94 metres to Point C (GR SK 51870 66814), a total distance of 108 metres or thereabouts to a 1.8 metre wide tarmac surfaced footpath shown on the plan by a bold black broken line commencing from the aforementioned Point A (GR SK 51832 66737) and proceeding in a generally North, North Westerly direction for a distance of approximately 19 metres to Point D (GR SK 51829 66755) then turning to a generally North Easterly direction for approximately 19 metres to Point E (GR SK 51844 66765). The footpath then continues in a generally Easterly direction for approximately 19 metres to Point F (GR SK 51861 66769), then turning in to a generally Northerly direction for approximately 50 metres to the aforementioned Point C (GR SK 51870 66814), a total distance of 107 metres or thereabouts.**
3. **A copy of the confirmed Order and Plan of Order No. 1 of 2019 may be inspected free of charge at the Council Offices at The Arc, High Street, Clowne, Derbyshire S43 4JY between the hours of 9:00 am and 4:00 pm Mondays to Fridays (excluding bank holidays and public holidays) from 28th March 2019 to 30th April 2019. A copy may also be viewed on the Council's website <https://www.bolsover.gov.uk/>**
4. **The Order comes into force on the date on which the Council certifies that the terms of Article 2 have been complied with.**
5. **Any person aggrieved by the Order and wishing to question its validity, or any provision contained in the Order, on the ground that it is not within the powers of the TCPA 1990 or that any procedural requirement of the TCPA 1990 or any regulation made under the TCPA 1990 has not been complied with in relation to the confirmation of the Order may within six weeks from 28th March 2019 apply to the High Court under section 287 of the TCPA 1990.**

Dated 21st March 2019


Sarah Sternberg
Solicitor to Bolsover District Council
The Arc, High Street, Clowne. S43 4JY

DATED 4TH FEBRUARY 2019.

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THE BOLSOVER DISTRICT COUNCIL

PUBLIC FOOTPATH NO. 10 (PART) –

PARISH OF SHIREBROOK

PUBLIC PATH DIVERSION ORDER 1 of 2019

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257
THE BOLSOVER DISTRICT COUNCIL
PUBLIC FOOTPATH No. 10 (PART) –
PARISH OF SHIREBROOK
PUBLIC PATH DIVERSION ORDER 1 of 2019

This Order is made by the Bolsover District Council (“The Council”) 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 “Residential development including the provision of open space, commercial/community use with new vehicular access from Meadow Lane including details of reserved matters of access - Land To The East Of Common Lane, North Of Meadow Lane And West Of Stinting Lane, Shirebrook”, conditionally approved, subject to the conditions set out under the decision notice of the Planning Permission granted by Bolsover District Council on 10/07/2015, relating to application code number 14/00594/OUT.

BY THIS ORDER:

1. The public footpath over the land show by a bold black line on the attached plan 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 the Bolsover 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 a bold black broken line on the map attached to this order.
3. The diversion of the footpath shall have effect on the date on which the Bolsover District Council certifies that the terms of Article 2 above have been complied with.

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule: Construction of a 1.8 metre wide tarmacadam-surfaced footpath on the route **A – D – E – F – C** as shown on the map attached to this Order.

5. Keepmoat Homes Ltd. of “Unit D1 Orchard Place, Nottingham Business Park, Nottingham, NG8 6PX” under Licence from the land owner “Homes England” are hereby responsible for carrying out the said works at their own cost.

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 their undertaking, the 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

Section as indicated on map	DESCRIPTION OF SITE OF EXISTING PATH OR WAY
A – B – C	The whole width of that part of Shirebrook Public Footpath No 10 commencing at Point A (Ordnance Survey Grid Reference (“GR”) SK 51832 66737) and proceeding in a generally North Westerly direction to Point B (GR SK 51820 66744), for a distance of approximately 14 metres, and then turning to a generally North Easterly direction for a distance of approximately 94 metres to Point C (GR SK 51870 66814), a total distance of 108 metres or thereabouts.

PART 2

Section as **DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY**
indicated on
map


**A – D – E –
F – C** A 1.8 metre wide tarmacadam surfaced footpath upon the land situate in the general South Easterly corner of the proposed development site, just off Stinting Lane, in the Parish of Shirebrook, commencing from the aforementioned Point A (GR SK 51832 66737) and proceeding in a generally North, North Westerly direction for a distance of approximately 19 metres to Point D (GR SK 51829 66755) then turning to a generally North Easterly direction for approximately 19 metres to Point E (GR SK 51844 66765). The footpath then continues in a generally Easterly direction for approximately 19 metres to Point F (GR SK 51861 66769), then turning in to a generally Northerly direction for approximately 50 metres to the aforementioned Point C (GR SK 51870 66814), a total distance of 107 metres or thereabouts.



The COMMON SEAL of the
BOLSOVER DISTRICT COUNCIL
was hereunto affixed this

4th day of February 2019

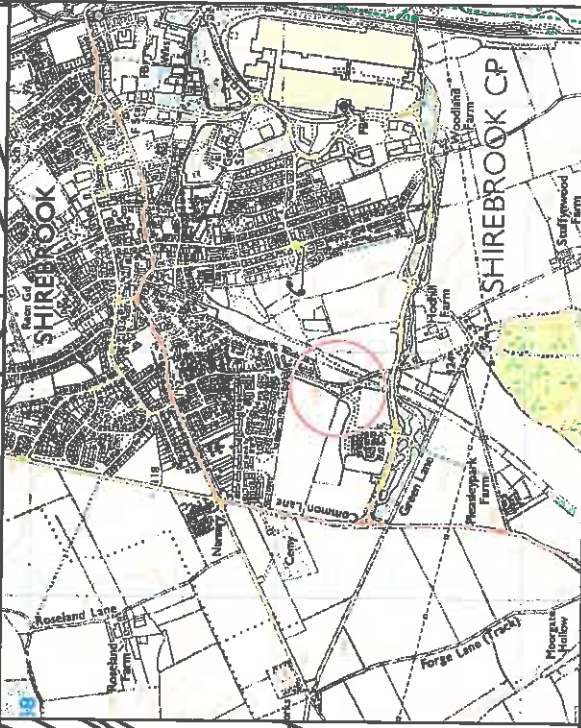
in the presence of:


Chair/Councillor **COUNCILLOR TOM
MUNRO**


Authorised Signatory



- Key**
- Footpath to be Diverted
 - Alternative Footpath
 - Unaffected Footpath
 - Proposed Footpath
 - Site Boundary

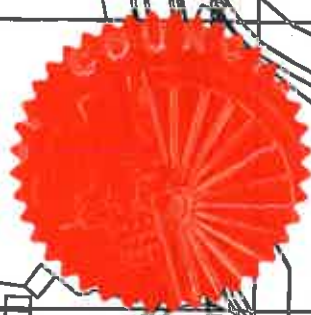


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TIP MEMBER

J.S. Frederick
SOLICITOR TO THE COUNCIL

SEAL No 12586



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AMENDMENT
 Note: Do Not Scale

CHIEF CLERK
 L. Frithson
 January 2019
 11/2019 48 Overdale A4

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