

## NOTICE OF PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980 section 119

### **The Cheshire West and Chester Borough Council (Public Footpath No 7 (part) Norley) Public Path Diversion order 2016**

The above Order, made on the 19 July 2016 under section 119 of the Highways Act 1980, will divert Public Footpath No. 7 in the parish of Norley commencing at O.S. grid reference SJ 5702, then running in a generally north westerly direction for a distance of approximately 226 metres to O.S. grid reference SJ 5682 7296 to a new line commencing at O.S. grid reference SJ 5702 7287 then running in a generally south westerly direction for approximately 66 metres to O.S. grid reference SJ 5698 7282 then running in a generally northerly westerly direction for approximately 222 metres to Public Footpath No 9 Norley at O.S. grid reference SJ 5682 7296

Copies of the Order and plan have been deposited and may be seen free of charge during normal office hours at the Council Office, Wyvern House, The Drummer, Winsford CW7 1AH A copy may be obtained at a cost of £3.

Any representations about or objections to the Order may be sent in writing to the Head of Legal and Democratic, c/o Public Rights of Way, Highway Office, Guilden Sutton Lane, CH3 7EX not later than 1 September 2016. Please state the grounds on which they are made. If no such representations or objections are duly made, or if any so made are withdrawn, the Cheshire West and Chester Borough Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation, any representations and objections that have not been withdrawn will be sent with the Order.

4 August 2016

Head of Legal and Democratic Services, HQ, Chester, CH1 2NP



**PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980 S119**

**THE CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 7  
(PART), NORLEY) PUBLIC PATH DIVERSION ORDER 2016**

This Order is made by Cheshire West and Chester Borough Council ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interests of the owners of the land crossed by the paths described in Paragraph 1 of this Order it is expedient that the line of the paths should be diverted.

Norley Parish Council have been consulted as required by section 120 (2) of the 1980 Act;

**BY THIS ORDER:**

1. The Public Footpath over the land situated in Norley and shown by a continuous black line on the attached plan and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up on the date on which the Cheshire West and Chester Council certifies that the work has been carried out to bring the new highway mentioned in Article 2 into a condition fit for use by the public.
2. There shall be on the date of confirmation a public footpath over the land situated in Norley described in Part 2 of the Schedule and shown by a black dashed line on the attached plan.
3. Where immediately before the date on which the public footpaths referred to in paragraph 1 is diverted there is apparatus under, in, on, over, along or across them belonging to the 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.
4. This Order shall be cited as "The Cheshire West and Chester Borough Council (Public Footpath No. 7 (part), Norley) Public Path Diversion Order 2016"

THE COMMON SEAL OF CHESHIRE  
WEST AND CHESTER BOROUGH COUNCIL  
was hereunto affixed  
this nineteenth day of July  
Two Thousand and Sixteen  
in the presence of:-



  
Authorised Signatory

7409

## **SCHEDULE**

### **PART 1**

#### **Description of site of existing Path or Way**

That length of Public Footpath No. 7 in the parish of Norley commencing at O.S. grid reference SJ 5702 7287 (point A on Plan No. SD/039A), then running in a generally north westerly direction for a distance of approximately 226 metres to O.S. grid reference SJ 5682 7296 (point B on Plan No. SD/039A) as indicated by a continuous black line between the points marked A to B on Plan No. SD/039A.

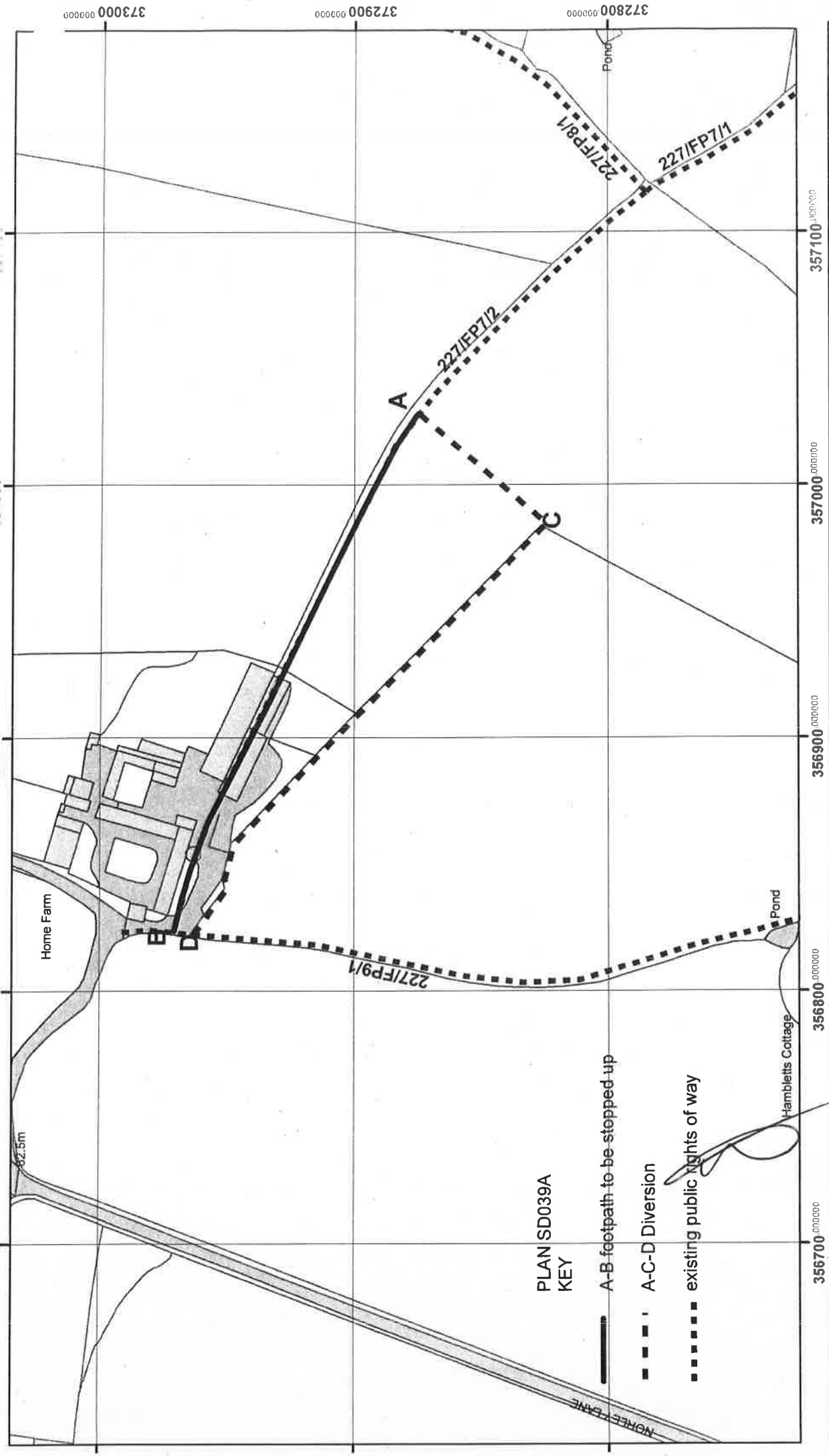
A total distance of approximately 226 metres.

### **PART 2**

#### **Description of site of new Path or Way**

A footpath in the parish of Norley commencing at O.S. grid reference SJ 5702 7287 (point A on Plan No SD/039A), then running in a generally south westerly direction for approximately 66 metres to O.S. grid reference SJ 5698 7282 (point C on Plan No SD/039A) then running in a generally northerly westerly direction for approximately 222 metres to Public Footpath No 9 Norley at O.S. grid reference SJ 5682 7296 (point D on Plan No SD/039A) as indicated by a black dashed line between the points marked A to C to D to B on Plan No. SD/039A.

A total distance of approximately 288 metres. The footpath running between points A to C to D to B on Plan No. SD/039A is 2 metres wide throughout



**Highways Act 1980 s119  
 The Cheshire West and Chester Borough Council  
 (Public Footpath No 7 (part) Norley) Public Path Diversion Order 2016**



1:2,000



**PUBLIC PATH DIVERSION ORDER  
HIGHWAYS ACT 1980 S119**

**THE CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (PUBLIC  
FOOTPATH NO. 7 (PART), NORLEY) PUBLIC PATH DIVERSION ORDER 2016**

**Statement of Reasons for making the order**

Under the Highways Act 1980, the Council has the power to make an order to extinguish or divert public rights of way. A notice that such an order has been made has to be advertised in the local press and at the ends of the path affected. This provides an opportunity for objections or representations to be made to the proposed change.

The Cheshire West and Chester Borough Council have made an order to divert part of Public Footpath No 7, Norley. This statement has been prepared to explain various aspects of the Order.

**This statement does not form part of the order.**

1. The Cheshire West and Chester Borough Council has made the Order following an application by Mr and Mrs Sellers, Home Farm, Norley. The applicant owns land over which the current line of the path runs and the land over which it is proposed to divert the path.
2. The applicants state that the purpose of diverting a 226 metre section of footpath running away from the busy working farm yard is to increase safety for the footpath user and reduce the risk to the farm. Stock is moved around in the yard and housed in the barns close to the footpath and there may be conflict with dogs and public walking around. The current line of the footpath runs part way along the driveway to the property; the diversion is approximately 288 metres long and will divert the path to the curtilage of the farm buildings and part way across a field. The width of the new route is 2 metres.
3. The length of the diversion has been considered both with regard to the comparative length of the diversions and also with comparison to the path as a whole. The current path is part hard material surfacing and part grass; the new route will be part cultivated and part pasture. The path has a rural setting and generally serves a recreational rather than functional purpose and, as such it is considered that the diversion provides a satisfactory alternative to the current path and is considered to be equally as convenient to the users of the current route and it satisfies the statutory requirements.
4. The Definitive Statement has no recorded limitations for this path. Where gates are required for stock control on this path the landowner has agreed to install kissing gates to council standards for path furniture. Gates will be installed under license. Surfacing where the field is cultivated will be levelled at plough time before the new route is certified as satisfactory.
5. There were no objections raised on the consultation of the proposal.

6. Due notice has been given to the needs of agriculture and forestry and desirability of conserving flora, fauna and geological and physiological features.

7. An assessment in relation to equality legislation has been carried out and it is considered that the proposed diversion is an equivalent or improvement to the current route with a comparable surface.

8. In making this order the Cheshire West and Chester Borough Council has paid due consideration to the conservation of bio-diversity (section 40 of the Natural Environment and Rural Communities Act 2006).

9. The Authority is satisfied that the Order complies with the following legal grounds and tests laid down in section 119 of the Highways Act 1980:

a) It appears to the Authority to be expedient to make the Order in the interests of the owners and occupiers of the land

b) And it is expedient for the Order to be confirmed having regard to the following grounds:

i) Whether the path will not be substantially less-convenient to the public as a consequence of the diversion

ii) The effect which the diversion would have on the enjoyment of the path or way as a whole

iii) The effect which the coming into operation of the Order would have as respects other land served by the existing public right of ways

iv) The effect which any new public right of way created by the Order would have as respects the land over which the right is so created and any land held with it.

11. The new path will come into operation only on the date of certification of the new route. The original path will only be stopped up on the date on which the Council certifies that the new path is suitable for public use.

12. Making and advertising of the Order simply provides an opportunity for objectors or representations to be made in writing by 1 September 2016 to Head of Legal and Democratic, Cheshire West and Chester Council, C/o Public Rights of Way, Highway Depot, Guilden Sutton Lane, Guilden Sutton CH3 7EX