

**BRAINTREE DISTRICT COUNCIL**

**PUBLIC PATH DIVERSION ORDER 2012  
FOOTPATH 32 KELVEDON and FOOTPATH 35 RIVENHALL**

**IN  
THE DISTRICT OF BRAINTREE**

**TOWN & COUNTRY PLANNING ACT 1990 SECTION 257**

**TOWN & COUNTRY PLANNING ACT 1990  
PUBLIC PATH DIVERSION ORDER**

**BRAINTREE DISTRICT COUNCIL**  
**TOWN & COUNTY PLANNING ACT 1990 SECTION 257**  
**PUBLIC PATH DIVERSION ORDER**  
**FOOTPATH 32 KELVEDON and FOOTPATH 35 RIVENHALL**

This Order is made by Braintree District Council under section 257 of the Town & Country Planning Act, 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert part of Footpath 32 Kelvedon which crosses the parish boundary to become Footpath 35 Rivenhall on land belonging to the Essex County Fire and Rescue Service in Braintree District to which this order relates in order to enable development to be carried out in accordance with planning permission granted on 15<sup>th</sup> June, 2012 by Braintree District Council under the Town and Country Planning Act 1990 namely under planning permission number 12/00300/FUL

**BY THIS ORDER:**

1. The footpath over the land situated at Kelvedon known as Footpath 32 which crosses the parish boundary to become Footpath 35 Rivenhall at Durwards Hall and described in Part 1 of the Schedule to this Order and shown by a bold black continuous line on the order plan numbered KELV 32A contained in this Order shall be diverted from the date on which certification is given under Article 3 below.
2. There shall be created to the reasonable satisfaction of Essex County Council as highway authority, an alternative highway for use as a replacement for the said footpaths as provided in part 2 of the Schedule and shown by a bold black broken line as shown on the attached order plan numbered KELV 32A

3. The diversion of the footpath shall have effect at the date on which Essex County Council as highways authority certify 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:

(a) The proposed footpath from points D to E to F to comprise a clear level path of two metres

(b) The proposed new route to be delineated by way-markers as agreed with public rights of way Essex County Council local highways office.

5. The Essex County Fire and Rescue Service whose address is Kelvedon Park, London Road, Rivenhall Witham CM8 3HB and who is the landowner and the applicant seeking planning permission is hereby required to pay the full costs of seeking the diversion Order and for carrying out the above mentioned works; this to include costs of advertising and administration, accommodation costs for any resulting hearing or inquiry, and the removal or abandonment of any apparatus, including the cost of providing any telecom apparatus rendered useless under, in, on, over, along or across the path to be stopped up.

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 out 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 SITE OF EXISTING PATH OR WAY

A part length of Footpath 32 Kelvedon of undefined width and shown by a bold continuous line on the Order Map commencing from point **A** where it connects to the A12 trunk road and running in a south-easterly direction along the access road to the west of the pond and the property known as Woodlands to the parish border where it becomes Footpath 35 Rivenhall and then in a south westerly direction to point **B** just east of Durwards Hall for a distance of 166 metres and continuing in a south easterly direction and then a generally southerly direction for a distance of 140 metres to point **C** where it connects with Footpath 36 Rivenhall.

### [PART 2]

#### DESCRIPTION OF THE SITE OF THE ALTERNATIVE HIGHWAY

A length of Footpath two metres in width and shown by a bold black dashed line on the Order Map commencing from point **D** at the A12 trunk road 5 metres further to the south east than the aforementioned point **A** and running in a generally south-easterly direction crossing then running almost parallel to the current path for a distance of 135 metres to point **E** at the parish boundary then continuing in a south easterly direction and then a southerly direction and finally a south easterly direction for a distance of 188 metres to point **F** where it connects at the footbridge with Footpath 36 Rivenhall and continues unaffected.

Given under the Common Seal of the Braintree District Council this day of 13<sup>th</sup> August 2012

The common seal of  
**BRAINTREE DISTRICT COUNCIL**  
was hereunto affixed in the  
presence of:-

*M. Hodgins*

order

Authorised Signatory





# PLAN NO. Kelv 32A

Diversion of Footpath 32 Kelvedon /  
35 Rivenhall

Route to Close A-B-C —————

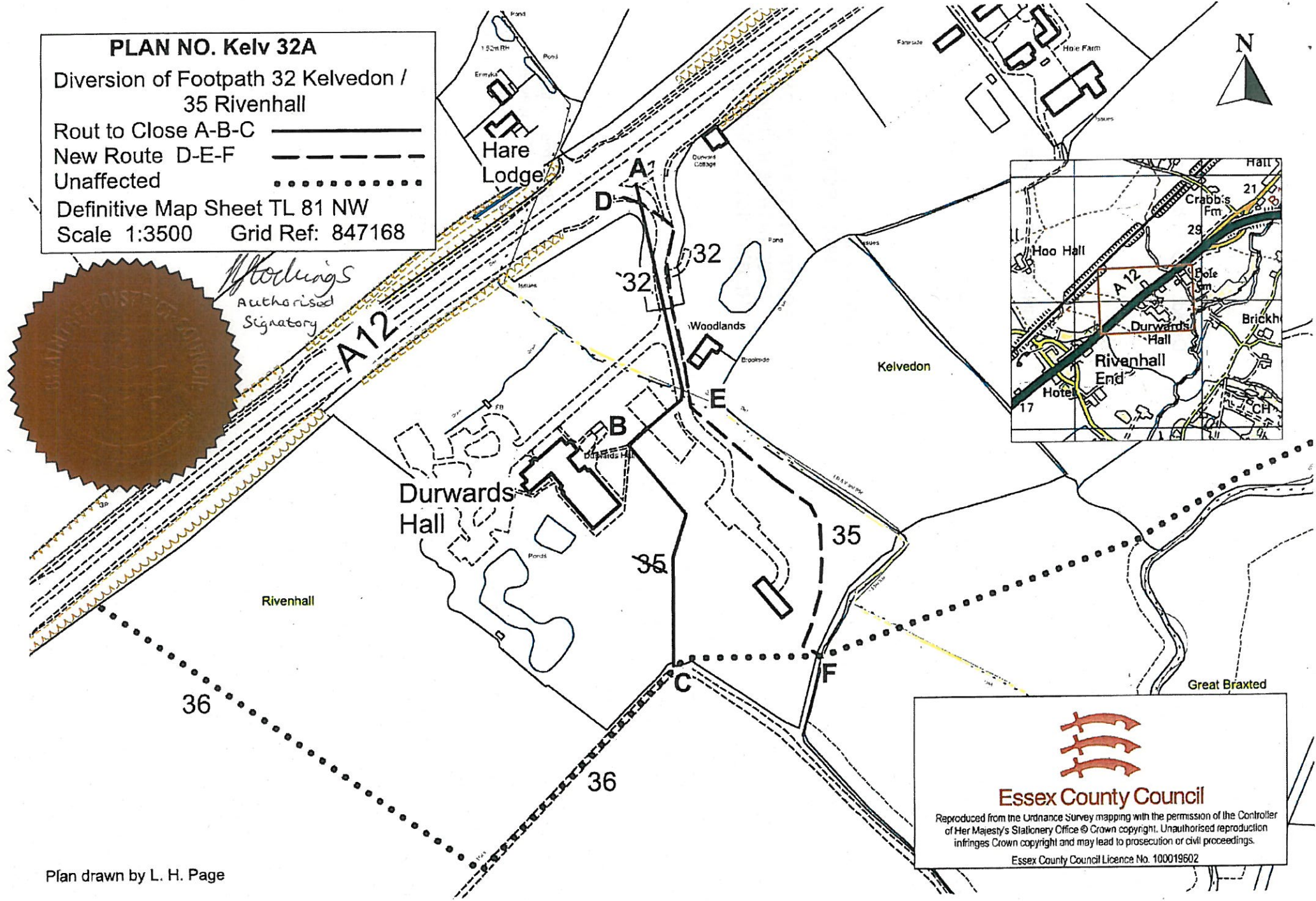
New Route D-E-F - - - - -

Unaffected .....

Definitive Map Sheet TL 81 NW

Scale 1:3500 Grid Ref: 847168

*Holdings*  
Authorised  
Signatory



**Essex County Council**

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Dated: 13<sup>th</sup> day of August 2012

**PUBLIC PATH DIVERSION ORDER**

**TOWN & COUNTY PLANNING ACT  
1990 SECTION 257**

**FOOTPATH 32 KELVEDON and  
FOOTPATH 35 RIVENHALL  
THE DISTRICT OF BRAINTREE**

Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex.  
CM7 9HB

**TOWN & COUNTY PLANNING ACT 1990, SECTION 257**

**FOOTPATH 32 KELVEDON and FOOTPATH 35 RIVENHALL  
THE DISTRICT OF BRAINTREE**

BRAINTREE DISTRICT COUNCIL in the exercise of the powers conferred upon them in  
that behalf, hereby confirm the foregoing Order

**THIS ORDER IS HEREBY CONFIRMED AS UNOPPOSED ORDER**

The COMMON SEAL of  
BRAINTREE DISTRICT COUNCIL  
Was hereunto affixed on 1st October 2012  
In the presence of:-

)  
)  
)  
)

*M. Hocking*

Authorised Signatory



Dated: 1st day of October 2012

**CONFIRMATION ORDER**

**PUBLIC PATH DIVERSION ORDER**

**TOWN & COUNTY PLANNING ACT 1990 SECTION 257**

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THE DISTRICT OF BRAINTREE**

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