

# PUBLIC PATH DIVERSION ORDER

## Summary of Information provided in the Order Document and associated Public Notices

This summary is provided for accessibility purposes only. The original Order Documents Public Notices are provided in full at the end of this document

### Order Title, Preliminaries and Articles

#### Location and legislation

HIGHWAYS ACT 1980 SECTION 119  
WILDLIFE AND COUNTRYSIDE ACT 1981 Section 53(A)2  
WORCESTERSHIRE COUNTY COUNCIL  
DIVERSION OF FOOTPATH EA-500, FORMERLY FOOTPATH 1, IN THE PARISH OF EARLS CROOME  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2022

#### Order Preliminaries

This Order is made by Worcestershire County 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 footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the County of Worcestershire definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

Malvern Hills District Council have been consulted about the making of the Order as required by Section 120(2) of the 1980 Act.

#### Articles - By this Order

1. The public right of way over the land situated at Earls Croome and shown by a continuous bold line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up on the date of confirmation of this order, and thereupon the County of Worcestershire definitive map and statement shall be modified accordingly.
2. Notwithstanding this Order any statutory undertaker as shall for the time being have statutory powers in that respect shall have the right to open up the land referred to in paragraph 1 to install, maintain or alter their apparatus.
3. There shall on the date of confirmation of this order be a public footpath over the land situated in Earl's Croome described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this Order, and thereupon the County of Worcestershire definitive map and statement shall be modified accordingly.
4. The County of Worcestershire definitive statement shall be modified as described in Part 4 of the schedule of this Order.

5. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

**Signatory Details**

Dated 26 October 2022  
The Common Seal of Worcestershire County Council  
was affixed hereto in the presence of:

Signed by Principal Solicitor

**Confirmation**

Worcestershire County Council in exercise of the powers conferred upon them in that behalf confirmed this Order on 25 April 2024

Signed by Thomas Pollock  
Head of Commercial Law

# Schedule

## Part 1

### Description of Site of Existing Footpaths

#### FOOTPATHS EA-500

#### **FOOTPATH EA-500 (PART) (FORMERLY FOOTPATH No. 1) IN THE PARISH OF EARLS CROOME**

The length and entire width of footpath EA-500 (part) in the parish of Earls Croome to be diverted commences at Ordnance Survey Grid Reference (OSGR) SO 8602 4302 (Point A on the Order map); the footpath proceeds generally south-south-west for 220 metres to OSGR SO 8597 4281 (Point B on the Order map); turns west for 28 metres to OSGR SO 8594 4281 (Point C on the Order map); turns south-west for 207 metres to terminate at OSGR SO 8579 4268 (Point D on the Order map).

The total distance of footpath to be diverted is 455 metres.

## Part 2

### Description of Site of New Footpaths

#### **FOOTPATH EA-500 (PART) (FORMERLY FOOTPATH No. 1) IN THE PARISH OF EARLS CROOME**

The length of footpath EV-586 (part) in the parish of Earls Croome commences at OSGR SO 8602 4302 (Point A on the Order map) with a width of 2 metres; the footpath proceeds generally west-south-west for 90 metres to OSGR SO 8594 4299 (Point E on the Order map); turns south-south-west for 190 metres to a pedestrian gate at OSGR SO 8588 4281 (Point F on the Order map); continues south-south-west for 6 metres to a pedestrian gate at OSGR SO 8588 4280 (Point G on the Order map); turns south-west for 160 metres to OSGR SO 8579 4268 (Point D on the Order map) to join the existing footpath.

The total distance of the diverted footpath is 446 metres.

## Part 3

### Limitations and Conditions

#### **Position on path to which Limitations and Conditions apply**

OSGR SO 8588 4281 (Point F on the Order map)

#### **Limitations and Conditions**

Pedestrian Gate  
(Conforming to British Standard)

OSGR SO 8588 4280 (Point G on the Order map)

Pedestrian Gate  
(Conforming to British Standard)

## Part 4

### Modification of Definitive Statement **Variations of Particulars of Paths**

*(Variations to definitive statement shown in bold, text to be removed struck through)*

Parish of Earls Croome

District of **Malvern Hills (Formerly Rural District of Upton on Severn)**

500, 501, 502 (Formerly No. 1)

6-inch Ordnance Map Reference. Worcs 47 N.E. 1/2500 Worcs. 47/4

**Definitive Map Grid: Grid 84-11**

CLASSIFICATION Footpath

LOCATION

Commences western side A.38 at Severn Stoke – Earls Croome Parish Boundaries proceeding in south westerly direction ~~passing through Hollybeds Farm~~ at **OSGR SO 8602 4302 with a width of 2 metres; the footpath proceeds generally west-south-west for 90 metres to OSGR SO 8594 4299; turns south-south-west for 190 metres to a pedestrian gate at OSGR SO 8588 4281; continues south-south-west for 6 metres to a pedestrian gate at OSGR SO 8588 4280; turns south-west for 160 metres to OSGR SO 8579 4268** to terminate junction western end Donkey Lane and Footpath No. 14 at Browns Hill Cottage.

**Diverted under HA 1980, section 119, 2022**

LENGTH Miles ~~.33 mile = 950 yards~~ **820 metres (0.82 Km)**

DESCRIPTION

General

Commences as above with field gate (needs rehanging – barbed wire on top), and follows north eastern boundary hedge of pasture field (95 – no track), ~~to north western corner and bearing in southerly direction western boundary hedge ending at south western corner with climbable fence (note – fenced in enclosure (part of 95) removed). Footpath passes through farmyard north of farm ending with Field Gate and crossing south eastern corner of pasture field (98) ending with gap immediately west of farmhouse and continuing across orchard (400)~~ **OSGR SO 8602 4302, grass field to OSGR SO 8594 4299; grass field to pedestrian gate at OSGR SO 8588 4281; farm track to pedestrian gate at OSGR SO 8588 4280; grass field to OSGR SO 8579 4268;** to end at south western corner with field gate. (Note – Footpath No. 11 commences at this point).

Footpath No. 1 enters pasture plot 110a follows eastern boundary hedge as cart track continuing through orchard plot 110 (note – no dividing fence) ending at southern corner with field gate and continuing through fenced in plot east of Browns Hill Cottage – tenant

Mr. Jackson – ending with field gate at junction western end Donkey Lane at Bridle Road and Footpath No. 14.

## **PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981**

**WORCESTERSHIRE COUNTY COUNCIL**

**DIVERSION OF FOOTPATH  
EA-500 (PART) (FORMERLY FOOTPATH 1)  
IN THE PARISH OF EARLS CROOME**

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP MODIFICATION ORDER 2022**

This Order is made by Worcestershire County 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 owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ('the 1981 Act') because it appears to the authority that the County of Worcestershire definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

The applicant has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public ('the works to the new site').

Malvern Hills District Council have been consulted about the making of the Order as required by Section 120(2) of the 1980 Act.

### **BY THIS ORDER:**

1. The public right of way over the land situated at Earls Croome and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up on the date of confirmation of this order, and thereupon the County of Worcestershire definitive map and statement shall be modified accordingly.
2. Notwithstanding this Order any statutory undertaker as shall for the time being have statutory powers in that respect shall have the right to open up the land referred to in paragraph 1 to install, maintain or alter their apparatus.
3. There shall on the date of confirmation of this order be a public footpath over the land situated in Earls Croome described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this Order, and thereupon the County of Worcestershire definitive map and statement shall be modified accordingly

4. The County of Worcestershire definitive statement shall be modified as described in Part 4 of the schedule of this Order.
5. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

Dated 26 October 2022

The Common Seal of  
Worcestershire County Council  
was affixed hereto in the presence of:-



A handwritten signature in black ink, appearing to be "J. [unclear]".

PRINCIPAL SOLICITOR

## SCHEDULE

### PART 1

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The total distance of footpath to be diverted is 455 metres.

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#### Description of Site of New Footpaths

#### **FOOTPATH EA-500 (PART) (FORMERLY FOOTPATH No. 1) IN THE PARISH OF EARLS CROOME**

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The total distance of the diverted footpath is 446 metres.

### PART 3

#### Limitations and Conditions

#### **Position on path to which Limitations and Conditions apply**

#### **Limitations and Conditions**

OSGR SO 8588 4281 (Point F on the Order map)

Pedestrian Gate (Conforming to British Standard)

OSGR SO 8588 4280 (Point G on the Order map)

Pedestrian Gate (Conforming to British Standard)



## PART 4

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#### Variations of Particulars of Paths

*(Variations to definitive statement shown in bold, text to be removed struck through)*

Parish of Earls Croome

District of **Malvern Hills (Formerly Rural District of Upton on Severn)**

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6-inch Ordnance Map Reference: Worcs 47 N.E. 1/2500 Worcs. 47/4

**Definitive Map Grid: Grid 84-11**

CLASSIFICATION Footpath

#### LOCATION

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Worcestershire County Council in exercise of the powers  
conferred upon them in that behalf confirmed this order

on: 25 APRIL 2024

Thomas Pollock.....  
Head of Commercial Law

