

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 HI-594 (FORMERLY FOOTPATH 38) IN THE
PARISH OF HIMBLETON
PUBLIC PATH DIVERSION AND DEFINITIVE MAP MODIFICATION
ORDER 2024

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 public it is expedient that the line of the footpath 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').

Wychavon 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 Himbleton 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 Himbleton 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 10 October 2024
The Common Seal of Worcestershire County Council
was affixed hereto in the presence of: Thomas Pollock

Schedule

Part 1

Description of Site of Existing Footpaths

FOOTPATH HI-594 (FORMERLY FOOTPATH No. 38)

The length and entire width of HI-594 in the parish of Himbleton, to be diverted, commences on Stoney Lane (U42200) at Ordnance Survey Grid Reference (OSGR) SO 9577 5912 (point A on the order plan). The footpath proceeds in a south easterly direction through the property of Orchard Cottage for 32 metres, before heading south for 3 metres to join the junction of footpaths HI-585 and HI-595 at OSGR SO 9579 5909 (point B on the order plan).

The total distance of footpath to be diverted is 35 metres.

Part 2

FOOTPATH HI-594 (FORMERLY FOOTPATH No. 38)

The diverted length of HI-594, in the parish of Himbleton, has a width of 2 metres and commences on Stoney Lane (U42200) OSGR SO 9577 5911 (point C on the order plan). The footpath proceeds in a south easterly direction for 34 metres to join the junction of footpaths HI-585 and HI-595 at OSGR SO 9579 5909 (point B on the order plan).

The total distance of the diverted footpath is 34 metres.

Part 3

Limitations and Conditions

FOOTPATH HI-594 (FORMERLY FOOTPATH No. 38)

Position on path to which Limitations and Conditions apply.	limitations and Conditions
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OSGR SO 9577 5911	Pedestrian gate
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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 Himbleton

~~Rural District of Droitwich~~ **Wychavon (formerly Rural district of Droitwich)**

6-inch Ordnance Map Reference. Worcs. XXIX S.E.

Definitive Map grid: 95-3

CLASSIFICATION

Footpath

LOCATION

Earl's Common. Commencing on east side of road at **Ordnance Survey Grid Reference (OSGR) SO 9577 5911**. The footpath proceeds in a south easterly direction for 34 metres to join the junction of footpaths HI-585 and HI-595 at **OSGR SO 9579 5909**. This section has a width of 2 metres. The footpath then **continues**—proceeding in a south easterly direction, crossing footpath no. 37, continuing to boundary with the Parish of Hanbury at commencement of footpath no. 89 Hanbury Parish, proceeding to Bossil Wood and continuing west of Bossil Wood and east King's Wood to join bridle road no. 43 at the boundary with Pershore Rural District, Parish of Grafton Flyford.

LENGTH Miles Metres

~~.823~~ **1332 metres**

DESCRIPTION General

~~Drive adjoining house~~ **Entering copse through a gate from Stoney Lane**, first field (poultry pens), no track, second field ploughed, no track, third, fourth and fifth fields grass, no tracks, sixth field ploughed, no track, seventh field grass, no track.

Stiles, Gates

One **pedestrian** drive gate, one stile, four field gates, fence at one stile position.

Conditions at time of inspection

~~(A) — Field divided up by wire netting to farm poultry pens completely obstructing the footpath~~

~~(B) — Stile of poor construction~~

~~(C) — One strand of barbed wire across line of footpath adjoining fence at stile position.~~

Remarks

~~The footpath is now incorporated in the drive leading to house owned by Mr H. M. McLeod and beyond is completely obstructed by the erection of poultry pens. This footpath is locally recognised as public footpath.~~

By Whom inspected

~~Luther Adams November 13th 1947~~

Scans of original documents

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

WORCESTERSHIRE COUNTY COUNCIL

DIVERSION OF FOOTPATH
HI-594 (FORMERLY FOOTPATH 38)
IN THE PARISH OF HIMBLETON

PUBLIC PATH DIVERSION AND DEFINITIVE MAP MODIFICATION ORDER 2024

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 of the land crossed by the footpath described in paragraph 1 of this order and the public, 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 path way into a fit condition for use by the public ('the works to the new site').

Wychavon 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 Himbleton 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 Himbleton 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 10 October 2024

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



Thomas Pollock
Head of Commercial Law
(Legal & Governance)



SCHEDULE

PART 1

Description of Site of Existing Footpaths

FOOTPATH HI-594 (FORMERLY FOOTPATH No. 38)

The length and entire width of HI-594 in the parish of Himbleton, to be diverted, commences on Stoney Lane (U42200) at Ordnance Survey Grid Reference (OSGR) SO 9577 5912 (point A on the order plan). The footpath proceeds in a south easterly direction through the property of Orchard Cottage for 32 metres, before heading south for 3 metres to join the junction of footpaths HI-585 and HI-595 at OSGR SO 9579 5909 (point B on the order plan).

The total distance of footpath to be diverted is 35 metres.

PART 2

Description of Site of New Footpaths

FOOTPATH HI-594 (FORMERLY FOOTPATH No. 38)

The diverted length of HI-594, in the parish of Himbleton, has a width of 2 metres and commences on Stoney Lane (U42200) OSGR SO 9577 5911 (point C on the order plan). The footpath proceeds in a south easterly direction for 34 metres to join the junction of footpaths HI-585 and HI-595 at OSGR SO 9579 5909 (point B on the order plan).

The total distance of the diverted footpath is 34 metres.

PART 3

Limitations and Conditions

FOOTPATH HI-594 (FORMERLY FOOTPATH No. 38)

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

Limitations and Conditions

OSGR SO 9577 5911

Pedestrian gate

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 Himbleton

Rural District of Droitwich **Wychavon** (formerly Rural district of Droitwich)

6-inch Ordnance Map Reference. Worcs XXIX S.E.
Definitive Map grid: 95-3

CLASSIFICATION

Footpath

LOCATION

Earl's Common. Commencing on east side of road at **Ordnance Survey Grid Reference (OSGR) SO 9577 5911. The footpath proceeds in a south easterly direction for 34 metres to join the junction of footpaths HI-585 and HI-595 at OSGR SO 9579 5909. This section has a width of 2 metres. The footpath then continues**~~proceeding~~ in a south easterly direction, crossing footpath no. 37, continuing to boundary with the Parish of Hanbury at commencement of footpath no. 89 Hanbury Parish, proceeding to Bossil Wood and continuing west of Bossil Wood and east King's Wood to join bridle road no. 43 at the boundary with Pershore Rural District, Parish of Grafton Flyford.

LENGTH Miles Metres

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DESCRIPTION General

~~Drive adjoining house~~ **Entering copse through a gate from Stoney Lane**, first field (poultry pens), no track, second field ploughed, no track, third, fourth and fifth fields grass, no tracks, sixth field ploughed, no track, seventh field grass, no track.

Stiles, Gates

One **pedestrian drive gate**, one stile, four field gates, fence at one stile position.

Conditions at time of inspection

~~(A) — Field divided up by wire netting to farm poultry pens completely obstructing the footpath~~

~~(B) — Stile of poor construction~~

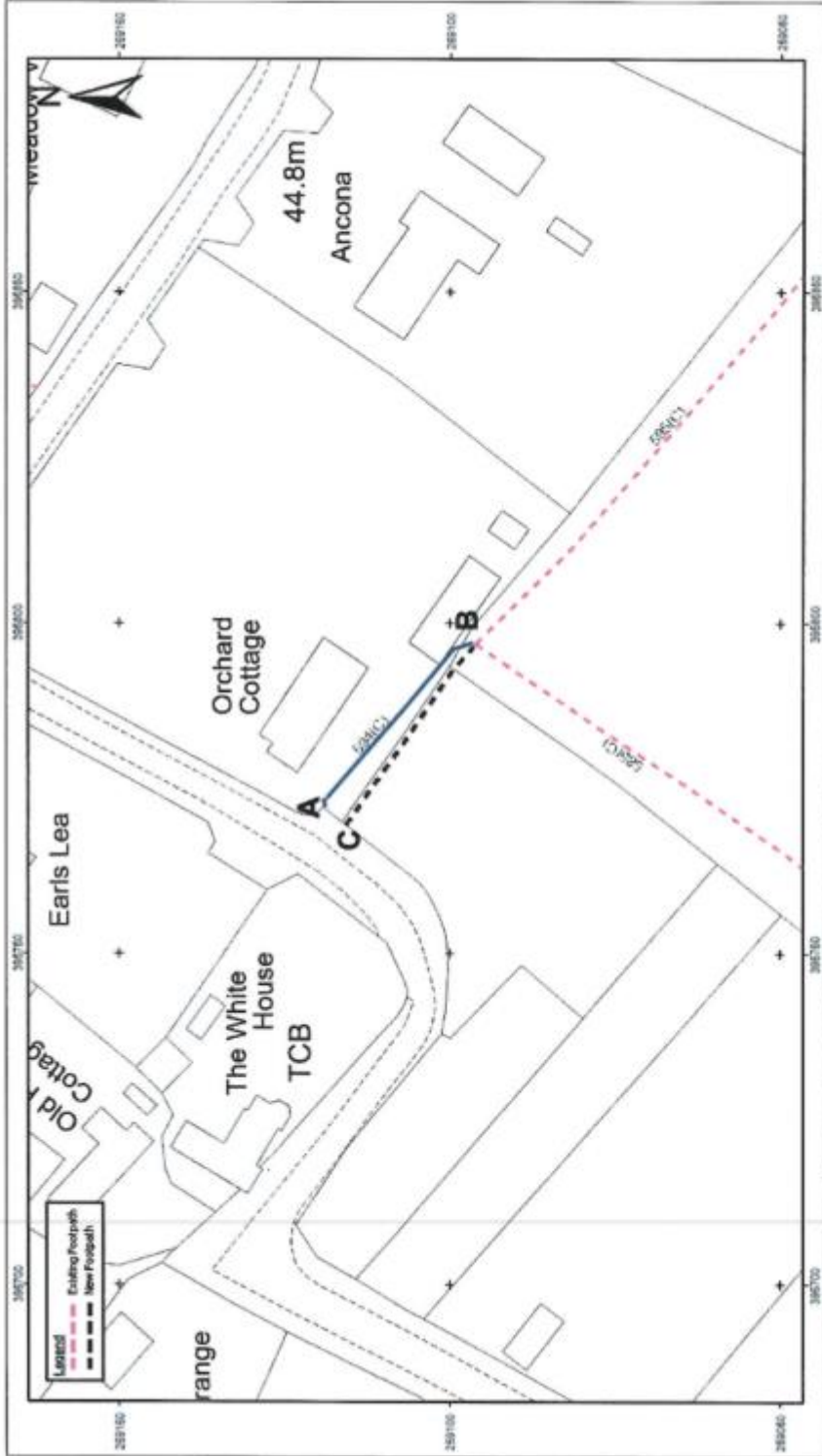
~~(C) — One strand of barbed wire across line of footpath adjoining fence at stile position.~~

Remarks

~~The footpath is now incorporated in the drive leading to house owned by Mr H. M. McLeod and beyond is completely obstructed by the erection of poultry pens. This footpath is locally recognised as public footpath.~~

By Whom inspected

~~Luther Adams November 13th 1947~~



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<p>Public Path Order (Reference D612) Section 119, Highways Act 1980 District of Wychavon, Parish of Himbleton Proposed Diversion of Footpath HI-594</p>	<p>0 5 25 50 metres</p>
<p>Indicative Scale: 1:800 Date Printed: 6/12/2023</p>	