

Legal notice to the public

Public notice

**MALDON DISTRICT COUNCIL
NOTICE OF MAKING OF AN ORDER
TOWN & COUNTRY PLANNING ACT 1990 – SECTION 257
FOOTPATH 41 MALDON AND FOOTPATH 14 HAZELEIGH**

Maldon District Council granted Discharge of Condition 21 (Public Footpath Diversion) of Planning Permission FUL/MAL/19/01134, and Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84) on approved application OUT/MAL/14/01103, which necessitates the re-routing of the footpaths.

The above order, made on 1 July 2022, under section 257 of the Town and Country Planning Act 1990, as shown on the order map will divert a part length of Footpath 41 Maldon shown by a bold black continuous line on the Order Map starting from a point east of Brookhead Farm running in a south east then generally easterly direction for a distance of 496 metres across a field to a point where it crosses the parish boundary and continues as Footpath 14 Hazeleigh running in a southerly direction for a distance of 245 meters to a point 12 metres north of the field boundary where it continues unaffected, to an alternative route 2 meters in width commencing from the aforementioned start point running in a generally southerly and then east south easterly direction for a total distance of 698 metres around the perimeter of the field and across parish boundaries to the aforementioned end point where it continues unaffected.

Copies of the order and order map can be requested to be posted or viewed by emailing publicpathorders@essexhighways.org to arrange a suitable time to inspect the documents quoting the Order title. Documents can be made available for inspection 8.30am-4.30pm Mon-Fri at Essex County Council, County Hall, E block main reception, Market Road, Chelmsford if so required following the current social distancing restrictions. Copies of the order and order map are available on Essex Highways website at:

<https://www.essexhighways.org/transport-and-roads/getting-around/public-rights-of-way/public-path-notice.aspx> and have also been sent to Maldon Town, Hazeleigh Parish and Maldon District Councils.

Any representations about or objections to the order may be sent in writing to Robert Lee, Definitive Map Service, Essex County Council, Seax House, 2nd Floor, Victoria Road South, Chelmsford CM1 1QH not later than 11 August 2022. 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, Maldon District Council may confirm the Order as an unopposed order. If the Order is sent to the Secretary of State for the Environment for confirmation any representations or objections which have not been withdrawn will be sent together with the Order. Any such representation or objections will be taken into account by the Council with the result that they may be made available to the public under the Local Government (Access to Information) Act 1985.

Dated 14 July 2022.



Essex County Council

MALDON DISTRICT COUNCIL

**PUBLIC PATH DIVERSION ORDER 2022
FOOTPATH 41 MALDON AND FOOTPATH 14 HAZELEIGH**

**IN
THE DISTRICT OF MALDON**

**TOWN & COUNTRY PLANNING ACT 1990 - SECTION 257
PUBLIC PATH DIVERSION ORDER**

MALDON DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 - SECTION 257

PUBLIC PATH DIVERSION ORDER

FOOTPATH 41 MALDON AND FOOTPATH 14 HAZELEIGH

This Order is made by MALDON DISTRICT COUNCIL (“the authority”) 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 the footpaths 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 by Maldon District Council namely: Planning Application 14/01103/OUT; construction of up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure. Land South Of Wycke Hill And Limebrook Way, Maldon, Essex

BY THIS ORDER:

1. The public rights of way over the land situated at Land South of Wycke Hill And Limebrook Way, Maldon, known as Footpaths 41 Maldon and 14 Hazeleigh in the District of Maldon and shown by a bold continuous black line on the Order Map (Plan No. PROW-21-03 rev.21.02.22) contained in this Order and described in Part 1 of the Schedule to this Order shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Essex County Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.

3. The diversion of the footpath shall have effect on the date on which Essex County Council certify that the terms of Article 2 above have been complied with.

4. The following works shall be carried out in relation to the highways described in Part 2 of the Schedule:

a) The proposed footpaths between points A-C shall comprise a clear level surface of 2 metres in width

b) The proposed new routes shall be signed where appropriate with way-markers in order to show the direction and route of the path

c) For the avoidance of doubt, following the certification of Article 2 as carried out by Article 5 of this Order, the Highway Authority shall be responsible for maintenance liabilities of the new paths commensurate to the status of rural unpaved Footpaths

5. Crest Nicholson (Eastern) Ltd are hereby required to pay the full costs of seeking the diversion Order; 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 part of 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 41 Maldon shown by a bold black continuous line on the Order Map starting from point **A** at grid reference 58348,20519 east of Brookhead Farm running in a south east then generally easterly direction for a distance of approximately 496 metres across a field to point **B** at grid reference 58395,20507 where it crosses the parish boundary and continues as Footpath 14 Hazeleigh running in a southerly direction for a distance of approximately 245 meters to point **C** at grid reference 58396,20483 approximately 12 metres north of the field boundary where it continues unaffected.

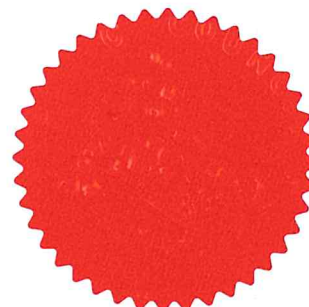
[PART 1]

DESCRIPTION OF SITE OF NEW PATH OR WAY

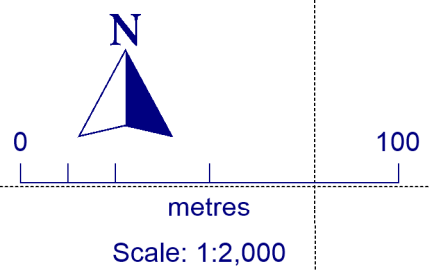
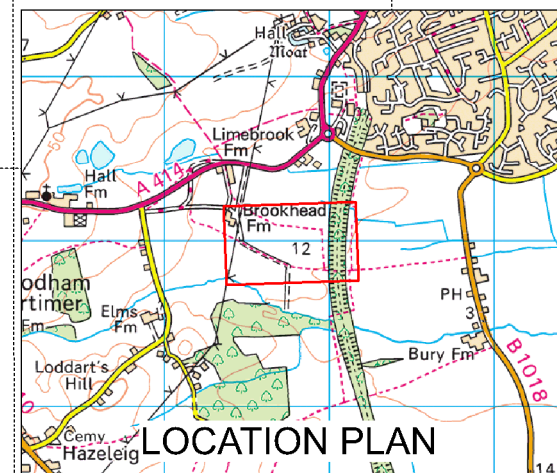
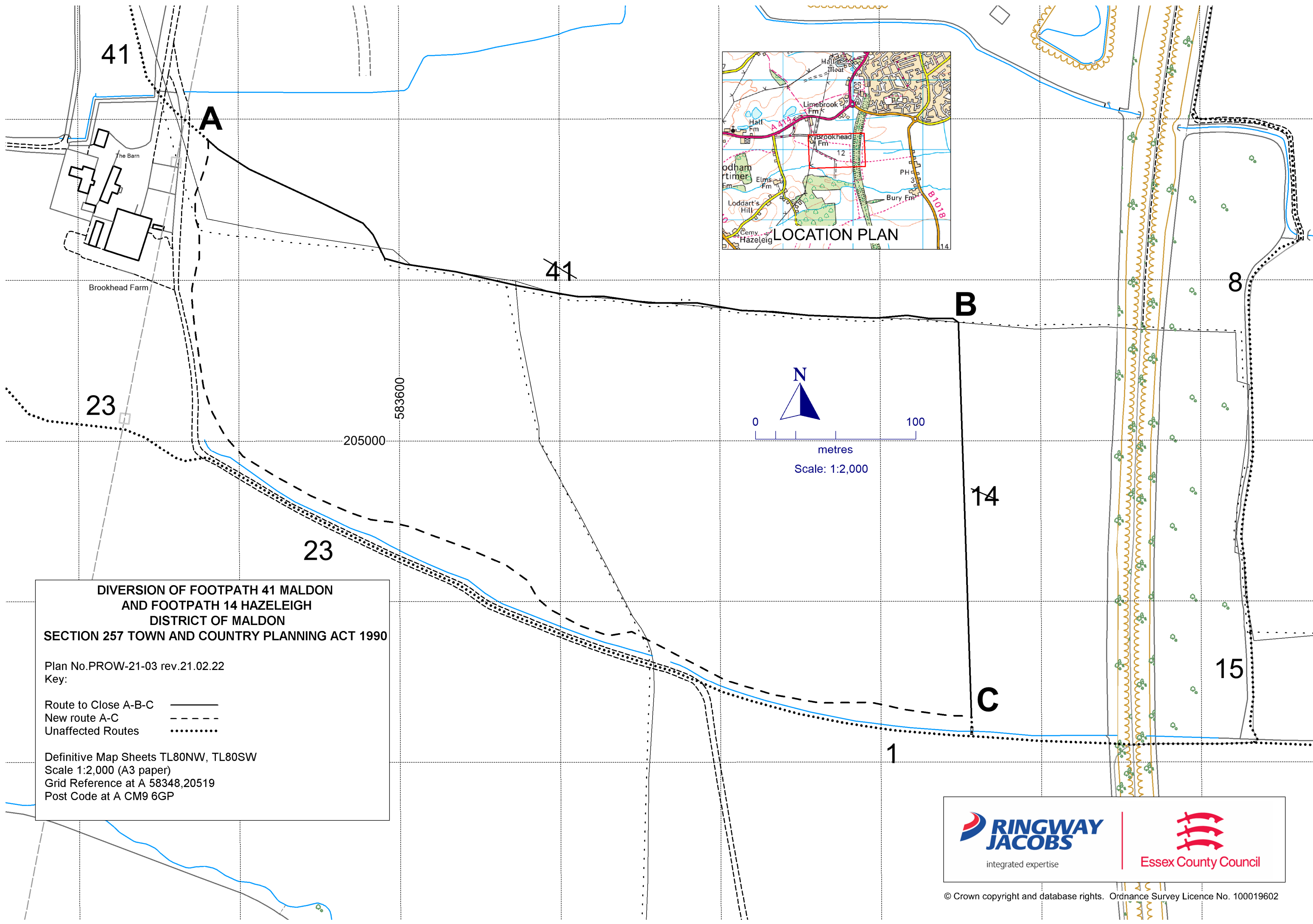
A Footpath being 2 metres in width shown by a bold black dashed line on the Order Map commencing at the aforementioned point **A** running in a generally southerly and then east south easterly direction for a total distance of approximately 698 metres around the perimeter of the field and across parish boundaries to the aforementioned point **C** where it continues unaffected.

Given under the Common Seal of the MALDON DISTRICT COUNCIL this day of *1st July* 2022

The common seal of the
MALDON DISTRICT COUNCIL)
was hereunto affixed in the)
presence of:-)



5919



**DIVERSION OF FOOTPATH 41 MALDON
AND FOOTPATH 14 HAZELEIGH
DISTRICT OF MALDON
SECTION 257 TOWN AND COUNTRY PLANNING ACT 1990**

Plan No. PROW-21-03 rev.21.02.22
Key:

Route to Close A-B-C ———
New route A-C - - - - -
Unaffected Routes
.....

Definitive Map Sheets TL80NW, TL80SW
Scale 1:2,000 (A3 paper)
Grid Reference at A 58348,20519
Post Code at A CM9 6GP

Dated: 1st day of July
2022

PUBLIC PATH DIVERSION ORDER

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

Footpaths 41 Maldon and 14 Hazeleigh
District of Maldon

**MALDON DISTRICT COUNCIL
Princes Road, Maldon,
CM9 5DL, Essex**