

TENDRING DISTRICT COUNCIL

**PUBLIC PATH DIVERSION ORDER 2020
FOOTPATH 23 GREAT CLACTON**

**IN
THE DISTRICT OF TENDRING**

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

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FOOTPATH 23 GREAT CLACTON

This Order is made by TENDRING DISTRICT COUNCIL (“the authority”) under sections 257 of the Town & Country Planning Act, 1990 (“the 1990 Act”) because it is satisfied that it is necessary to divert part of the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under the Town and Country Planning Act 1990 namely: Planning Application no. 20/00160/FUL approved 22 June 2020 to facilitate a single storey extension to an existing storage building and to provide an extended compound at Northbourne Depot, Vista Road, Clacton On Sea.

BY THIS ORDER:

1. The public right of way over the land situated north of Northbourne Depot, Clacton On Sea and known as Footpath 23 Great Clacton in the District of Tendring and shown by a bold continuous line on the map contained in this Order which is marked Plan No. PROW-20-16 (“the Order Map”) and described in Part 1 of the Schedule to this Order shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of TENDRING DISTRICT COUNCIL an alternative highway for use as a replacement for the said footpath as described in part 2 of the schedule and as shown by a bold broken black line on the Order Map Plan No. PROW-20-16
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. Tendring District Council are hereby required to pay the full costs of seeking the diversion Order and for carrying out the 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.

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

(a) The levelling of the current grass mound area in so far as is required to facilitate the diverted footpath route

(b) The surfacing to the same standard as the existing footpath of a 2.4 metre footpath route along a firm and even surface

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 23 Great Clacton shown by a bold continuous line on the Order Map starting from point **A** at grid reference 61782,21565 located north of the current boundary of Northbourne Depot running in a north westerly direction along a defined path, parallel to the current depot boundary fence for a distance of approximately 33 metres to point **C** at grid reference 61780, 21567 close to the north west corner of the current depot boundary running in a north, north easterly direction parallel to the railway line for a distance of approximately 21 metres to point **B** at grid reference 61781,21569 where it continues unaffected.

[PART 2]

DESCRIPTION OF SITE OF NEW PATH OR WAY

A Footpath being 2.4 metres in width shown by a bold broken line on the Order Map commencing at the aforementioned point **A** running in first a generally northerly direction then north westerly direction across the current grass area for a distance of approximately 49 metres to the aforementioned point **B** where it continues unaffected.

Given under the Common Seal of the TENDRING DISTRICT COUNCIL this
day of 2020

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

Dated: day of
 2020

PUBLIC PATH DIVERSION ORDER

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

Footpath 23 Great Clacton
District of Tendring

**TENDRING DISTRICT COUNCIL
Thorpe Road, Weeley, CO16 9AJ**