



**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
PUBLIC PATH DIVERSION ORDER 2024
BRAINTREE DISTRICT COUNCIL
(PART OF FOOTPATH 4, GESTINGTHORPE & PART OF FOOTPATH 19, CASTLE
HEDINGHAM)**

This Order is made by Braintree District Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert 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 Braintree District Council: namely planning permission reference 20/02053/FUL comprising of the conversion of existing agricultural buildings to 5 residential dwellings to include recent repair works to listed buildings at Parkgate Farm, Delvyns Lane, Gestingthorpe, Essex CO9 3AE

BY THIS ORDER:

1. The footpaths over the land shown by a bold solid line on the attached Order map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Braintree District Council an alternative highway for use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached Order map.
3. The diversion of the footpaths shall have effect on the date on which Braintree District Council certifies 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: Such works to bring the proposed diversion up to Essex County Council standards for footpaths.
5. Mrs Deborah Ruffel of Nansledan, Newquay, Cornwall is hereby required to make the payments of all the costs associated with the making of this diversion Order, including any costs for any resulting hearing or inquiry, and the cost of carrying out the said works required by Braintree District Council in diverting the line of the footpaths from Point A to E, to Points A, B, C, D and E on the Order map. These works include, but are not limited to, the following:
 - a. To move the existing paddock fencing which forms the northern boundary of the site by 2.5 metres to accommodate the new line of the footpaths with a minimum width of 2 metres between points B, C, D and E. The new line of the footpaths to be setback from the new fence line by 0.5 metres. The provision of fencing between points B, C, D and E is

required in order to define the line of the footpaths and to avoid encroachment on the width of the public footpaths and to provide a safe clear separation from private land and any livestock.

- b. Between points A and B the footpath will have a natural surface consistent with the location and free from any obstructions. From Points B to E the footpath will have a level and firm natural surface consistent with the rural location and free of any obstructions.
 - c. Signposts/waymarkers to be placed at the points at which the route of the footpaths change direction to enable users of the public footpath to follow the definitive line without trespassing onto private land.
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 on 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

Lengths of Footpath 4, Gestingthorpe and Footpath 19, Castle Hedingham to be diverted.

That length of Footpath 4, Gestingthorpe which runs from Point A on the Order map in a westerly direction for a distance of approximately 61 metres to the parish boundary between the parishes of Gestingthorpe and Castle Hedingham where it continues as Footpath 19, Castle Hedingham for a distance of approximately 43 metres to Point E on the Order map.

The existing route is shown as a solid black line on the Order map.

The parish boundary is shown as a blue solid line on the Order map.

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE FOOTPATHS

Alternative to Footpath 4, Gestingthorpe

From its junction with Delvyns Lane, Gestingthorpe the unaffected length of Footpath 4, Gestingthorpe runs in a westerly direction for approximately 15 metres to Point A on the Order map. From Point A, the route of the footpath turns and continues in a northerly direction along the track for a distance of approximately 52 metres to Point B on the Order map. From Point B the footpath turns and continues in a south-westerly direction along the north side of the fence for a distance of approximately 63 metres to the parish boundary between the parishes of Castle Hedingham and

Gestingthorpe, Point C on the Order map. The parish boundary is show as a blue solid line on the Order map.

The width of Footpath 4, Gestingthorpe between Points A and B along the track is no less than 3 metres. Between Points B and C, the Footpath will have a minimum width of 2 metres and will be set back from the fence line by at least 0.5 metres. The Footpath from points B to C will have a level and firm natural surface consistent with the rural location.

Alternative to Footpath 19, Castle Hedingham

Commencing from the parish boundary between the parishes of Castle Hedingham and Gestingthorpe, from Point C on the Order map, Footpath 19, Castle Hedingham continues in a south-westerly direction along the north side of the fence for a distance of approximately 41 metres to point D on the Order map. From Point D the footpath turns and continues in a southerly direction along the western side of the fence for a distance of approximately 4.4 metres joining the unaffected length of Footpath 19,Castle Hedingham at Point E on the Order map.

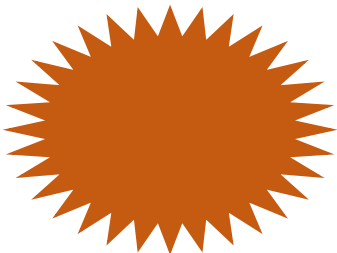
The width of Footpath 19, Castle Hedingham between points C to E will have a minimum width of 2 metres wide and will be set back from the fence line by at least 0.5 metres. The footpath from points C to E will have a level and firm natural surface consistent with the rural location.

The diverted routes of Footpath 4, Gestingthorpe and Footpath 19, Castle Hedingham are shown as a broken black line on the Order map.

The parish boundary is show as a blue solid line on the Order map.

Dated this 22nd day of April 2024.

The Common Seal of the)
BRAINTREE DISTRICT COUNCIL)
was hereunto affixed in the)
presence of)



Sealed

Authorised Signatory