

**PUBLIC PATH DIVERSION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 257**

**The Stroud District Council Footpath EEL17, Elmore Court, Elmore**

**Section 257 Diversion Order 2023 No. 2**

1. **IN THIS ORDER** the following expressions shall have the following meanings attributed to them:
  - 1.1 **"Applicant"** means Elmore Court Estate of Elmore Court, Elmore, Gloucestershire who has applied for this Order to be made;
  - 1.2 **"Certificate of Completion"** means confirmation in writing provided by the Highway Authority certifying that it is satisfied that the Works have been properly carried out at the cost of the Applicant;
  - 1.3 **"Consent"** means the planning permission granted on the 22 December 2021 in respect of reference number S.21/2019/FUL for the carrying out of the Development;
  - 1.4 **"Development"** means the erection of 6 treehouses and communal area at Land at Elmore Court, Elmore, Gloucester, Gloucestershire;
  - 1.5 **"Footpath"** means public footpath, Footpath EEL17;
  - 1.6 **"Highway Authority"** means Gloucestershire County Council of Shire Hall, Westgate Street, Gloucester GL1 2TG
  - 1.7 **"New Route"** means the route shown by a broken black line between points A and C as marked on the attached plan and described in Part II of the Schedule to this Order;
  - 1.8 **"Original Section"** means that section of the Footpath shown by a solid black line between points A and B as marked on the attached plan and described in Part I of the Schedule to this Order;
  - 1.9 **"Works"** means the works for the purpose of creating a right of way over the New Route as specified in Part III of the Schedule to this Order.
  
2. **THIS ORDER IS MADE** by Stroud District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the Footpath in order to enable the Development to be carried out in accordance with the Consent granted under Part III of the Town and Country Planning Act 1990.
  
3. **BY THIS ORDER:**
  - 3.1 The Original Section shall be diverted as provided for herein;

- 3.2 The New Route shall be created as an alternative public right of way for use as a replacement for the Original Section, subject to the issue of the Certificate of Completion;
  - 3.3 The Works shall be carried out at the cost of the Applicant;
  - 3.4 The diversion of the Original Section shall take effect from the date of issue of the Certificate of Completion for the Works; and,
  - 3.5 Where immediately before the date on which this order comes into effect there is apparatus in, on, over, under, along or across the Original Section belonging to statutory undertakers for the purpose of carrying on their undertaking, those undertakers shall continue to have the same rights in respect of that apparatus as they then had.
4. **THIS ORDER SHALL COME INTO FORCE** on the date of issue of the Certificate of Completion for the Works and may be cited as the "Stroud District Council Footpath EEL17 Elmore Court, Elmore Section 257 Diversion Order 2023 No. 2".

## **SCHEDULE**

### **PART I**

#### **Description of the Original Section**

The section of Footpath situated between points A (OS Grid Reference 378210 215498) and B (OS Grid Reference 378307 215626) marked on the attached plan with a solid black line which measures approximately 185 metres long and unknown width.

### **PART II**

#### **Description of New Route**

The route shown by a broken black line on the attached plan commencing at A (OS Grid Reference 378210 215498), where the route heads east 160 metres to point C (OS Grid Reference 378350 215557) and is approximately 2 metres in width or 2.5 metres if enclosed.

### **PART III**

#### **Description of the Works**

The Footpath is to remain a grass track.

The Order is made this *twelfth* day of *May* 2023

THE COMMON SEAL of the  
STROUD DISTRICT COUNCIL  
was hereunto affixed in the presence of:

)  
) *H. Sims*  
)

Authorised Officer  
*Hayley Sims*  
Head of Law  
(Commercial & Property)





**DIVERSION OF  
PART OF FOOTPATH  
EEL 17 IN THE PARISH  
OF ELMORE**

**Public Rights of Way**

Key

Public footpath proposed to be stopped

Proposed new footpath

Unaffected Footpath

**Public Rights of Way**



Drawn by: Elmore Court  
SCALE: 1:2,500  
DATE: 01/04/2023

*N Davis*



