

PUBLIC PATH DIVERSION ORDER 2023

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

DIVERSION OF PUBLIC RIGHT OF WAY 1-10-FP17

This order is made by Lancaster City Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath 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 namely: Planning Permission 21/01284/FUL for the erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping at Land south of Hawthorn Avenue, Brookhouse, LA2 9NR.

BY THIS ORDER

1. The footpath over the land shown by a bold black line on the attached 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 Lancaster City 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 Lancaster City 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 highway described in Part 2 of the Schedule: namely the construction of a smooth finished highway surface.
5. The developer (Applethwaite Homes) is hereby required to pay the cost of carrying out the said works.
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 had.

Schedule

PART 1

Description of site of existing path or way

The existing path is shown on the attached plan by a bold black line commencing at point A (SD 5370 6438) where Hawthorn Close and Hawthorn Avenue meet, running in a generally southerly direction for 170 metres to a junction with footpath 1-10-FP11 by the south eastern boundary of the site at point H (SD 5376 6422) as indicated on the Order Map. All lengths and compass directions are approximate.

PART 2

Description of alternative highway

The alternative footpath is shown on the attached plan by bold black dashes commencing at a point where Hawthorn Close and Hawthorn Avenue meet at Point B (SD 5370 6438) and running in a generally southerly direction to Point D at a width of 1.8 metres, it then continues running in a southerly direction at a width of 2 metres following a curving tarmac path to cross a culverted ditch then a hedge at point H (SD 5376 6422) to a junction with footpath 1-10-FP11 at, as indicated on the Order Map. All lengths and compass directions are approximate.

The COMMON SEAL of the)
City Council of)
Lancaster was hereunto)
Affixed this 23.4.24)
Day of April 2024)
In the presence of:)



Mark Davies
Chief Executive

SEAL REGISTER
No: 26679