

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

SWINDON BOROUGH COUNCIL

PUBLIC FOOTPATH 2, PARISH OF CENTRAL SWINDON SOUTH

ORDER 2022

This order is made by Swindon Borough Council (“the authority”) under section 257 of the Town and Country Planning Act 1990 (“the 1990 Act”) 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 1990 Act namely for the construction of up to 300 dwellings and public open space with associated works, including noise attenuation bunds, structural landscaping and drainage infrastructure associated with Phase 3 of Badbury Park at Commonhead (application no. S/OUT/18/1140) and specifically application no. S/RES/20/1494 for the construction of residential development of 182 dwellings and associated works and application no. S/RES/21/0868 for the erection of 126 residential units with associated landscaping and infrastructure works.

BY THIS ORDER:

1. The footpath over the land shown by a continuous bold line on the attached map (Drawing No 2022/CSS/126/MF/Rev1) 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 the authority an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by broken bold line on the attached map.
3. The diversion of the footpath shall have effect on the date of confirmation of this order.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:

The construction of a surfaced path, predominantly rolled stone, between Points Z, Y, X and W on the attached map.
5. Persimmon Homes Wessex and Redrow Homes Ltd are hereby required to pay for 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 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

A length, and the full width, of Public Footpath 2 in the Parish of Central Swindon South as shown on the order map by a bold continuous line from Point A on Day House Lane at OS grid reference SU19098137, approximately 210 metres north west of the centre of the A419 bridge over Day House Lane, in a generally south south easterly direction through Points Y and V for approximately 340 metres to Point B at OS grid reference SU18958104, approximately 85 metres west of the boundary fence of the Highways Maintenance Depot.

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

A length of footpath, to be known as Footpath 2 in the Parish of Central Swindon South, as shown on the order map by a bold broken line, from Point Z on Day House Lane at OS grid reference SU19058139, approximately 240 metres north west of the centre of the A419 bridge over Day House Lane, in a generally south westerly and then south south easterly direction through Point Y, then a south westerly direction to Point X, and then south easterly and south south westerly to Point W at OS grid reference SU19028103, approximately 25 metres west of the boundary fence of the Highways Maintenance Depot, a total distance of approximately 435 metres. The footpath will have a width of 2 metres. (All distances are approximate.)

THE COMMON SEAL of THE SWINDON BOROUGH COUNCIL

was hereunto affixed this

day of

2022

in the presence of

Swindon Borough Council hereby confirms the foregoing order as an unopposed order.

**THE COMMON SEAL of
THE SWINDON BOROUGH COUNCIL**

was hereunto affixed this

day of 2022

in the presence of