

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 261

THE METROPOLITAN BOROUGH OF SOLIHULL

(M229 BERKSWELL)

TEMPORARY PUBLIC PATH DIVERSION ORDER 2023

This order is made by Solihull Metropolitan Borough Council (“the authority”) under section 261 of the Town and Country Planning Act 1990 (“the 1990 Act”) because it is satisfied that it is necessary to temporarily stop up the footpath to which this order relates in order to enable development to be carried out in accordance with a planning permissions granted under Part III of the 1990 Act including consents under applications numbered PL/2001/02722, PL/2003/01480 and PL/2003/01876/FULM for the purpose of enabling minerals to be worked by surface working and that the authority is satisfied that the footpath can be restored, after minerals have been worked, to a condition not substantially less convenient to the public.

BY THIS ORDER

1. The footpath over the land situated at Berkswell and shown by a solid black line on the map contained in this order (“the map”) and described in Part 1 of the Schedule to this order (“the Schedule”) shall be temporarily diverted as provided below.
2. There shall be created by and continue to be maintained by Cemex UK Operations Limited at its sole expense to the reasonable satisfaction of the authority to its normal standard an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and show by a black broken line on the attached map.
3. Where immediately before the date on which the footpath was originally stopped up there was 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.
4. The diversion of the footpath shall have effect on the date on which the authority confirms this order and shall continue until 31st December 2031 whereupon the line of the original path between points B and C shall have been reinstated by Cemex UK Operations Limited at their sole expense to the reasonable satisfaction of the authority.

SCHEDULE

Part 1

Description of site of existing path or way to be temporarily diverted

That part of a Public Footpath M229 of unknown width as shown with a solid black line on the plan running from Grid Reference SP 23307 80861 (point C on the map) in a generally south west direction for 698 metres to SP 22663 80663 (point B) where it connects with Public Footpath M217.

Part 2

Description of site of alternative highway

The new path as shown with a broken black line will run from a point at Grid Reference SP 23307 80861 (Point C) in a southerly direction for 445 metres to SP 23284 80448 (Point E) and then in a westerly direction for 222 metres to Grid Reference SP 23065 80482 (Point D) where it connects with Public Footpath M218. The width of the new path will be 1.8 metres.

DATED 3rd October 2023

THE COMMON SEAL of THE)
METROPOLITAN BOROUGH OF SOLIHULL)
was hereunto affixed in the presence of:-)



A. Unwin
Solicitor to the Council

378/23

Confirmed as an uncontested order.
12/03/2024

A. Unwin
SOLICITOR TO THE COUNCIL



A. Unwin 379123

SOLICITOR TO THE COUNCIL

- Key:
- Existing line of footpath M229 to be diverted: ————
 - Proposed line of footpath M229: - - - - -
 - Connecting network of unaffected public footpaths: ········

Proposed footpath diversion
of public footpath
M229 at Berkswell Quarry,
Berkswell



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Date: 012/12/2017 Drawn By: David Keaney Scale: 1:3,500