

Record of Officer Decision

Decision title:	Town and Country Planning Act 1990, Section 257 (as amended) Proposed Public Path Diversion Order Footpath CD27 (Part) in the Parish of Cradley
Date of decision:	01 May 2026
Decision maker:	Group Manager - Streetscene, Public Rights of Way and Traffic Management
Authority for delegated decision:	Directorate scheme of delegation: updated 23 December 2021 Directorate: Economy and Place, section 75. To act on behalf of the council in respect of the legislation specified in the foregoing: Town and Country Planning Act 1990
Ward:	Bishops Frome & Cradley
Consultation:	Consultation undertaken by the applicant included: Prescribed organisations as set out in the Defra Rights of Way Circular 1/09 – No objections Local Member Councillor Tully - No objection to the proposal Cradley Parish Council – No objection to the proposal Statutory Undertakers – No objections to the proposal
Decision made:	THAT: (a) A public path diversion order, for definitive footpath CD27 in the parish of Cradley, is made in accordance with section 257 of the Town and Country Planning Act 1990, as shown in the draft order and plan TCPA107 in Appendix 1 attached to this report to enable development granted planning permission P251300/F for the proposed erection of new self-build detached dwelling and garage within the residential curtilage of existing house and; (b) In the event that there are no un-withdrawn objections to the formal advertising of the order, it is then confirmed. (c) If sustained objections are received, the matter can be passed to the Secretary of State for a decision.
Reasons for decision:	The rights of way department undertook to divert the right of way following a request from the applicant, “pursuant to the grant of planning permission for the erection of a self-build dwelling under reference 251300/F dated 10 th September 2025 (copy of planning permission appended herewith)”. The development plan is attached at Appendix 2. The proposed diversion meets the specified criteria set out in Council policy and in accordance with the provisions of section 257 of the Town and Country Planning Act 1990 in that the diversion is necessary to allow development granted planning permission to be carried out, and that the development is permitted as defined in Part III, paragraph 55 of the Town and Country Planning Act 1990.

	<p>The applicant has carried out a pre-order consultation based on a proposed route (see Appendix 3). There is general support for the proposal.</p> <p>The proposed diversion provides a route that is equally pleasant with similar views across the same field as the existing route. The surface and gradient of the proposed route is comparable to the existing route.</p> <p>If the proposed diversion is not made as recommended, the Council will have awarded a planning permission which is then incapable of being implemented.</p> <p>The applicant has agreed to pay the costs associated with advertising the order and any works required.</p> <p>The Local Member, Councillor Tully, has no objection to the proposal.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community impact: The applicant has carried out a comprehensive pre-order consultation, which included Cradley Council, to which there were no objections.</p> <p>Equality: Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows: A public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; • advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>The majority of public rights of way are in a very rural environment, often remote, with uneven surfaces and varying gradients. There are stiles and gates on many paths which are necessary for stock control. There are also bridges and steps on many paths which aid access to paths by providing crossings for streams and rivers and to help with steep gradients. The nature of the paths means that access may be difficult for members of the public with mobility issues or a disability.</p> <p>Diversion/creation orders seek to remove stiles wherever possible and improve access by installing gates in their place which allow use by a wider group of people. The Rights of Way Improvement Plan also aims to improve access to public rights of way in this way.</p> <p>For this proposal, the gradients and surface of the existing and proposed routes are similar, and both routes feature a gap resulting in a neutral impact. As such, the proposal is considered to comply with</p>

the requirements of the Equality Act 2010.

Finance:

The applicant has agreed to pay for all administration and advertising costs associated with this order and any works necessary to bring the new route into being. If the matter has to be referred to the Secretary of State, the costs associated with any Inquiry or Hearing will be met by the Council.

Environmental Impact:

This decision/proposal seeks to deliver the Council's environmental policy commitments and aligns to the following success measures in the County Plan:

- Improve residents' access to green space in Herefordshire.
- Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport.

Resource implications:

The applicant has agreed to pay for all administration and advertising costs associated with this order and any works necessary to bring the new route into being. If the matter has to be referred to the Secretary of State, the costs associated with any inquiry or hearing will be met by the budget allocated to the rights of way service through the annual plan.

Legal:

The Council has a discretionary power under section 257, section 259 and schedule 14 of the Town and Country Planning Act 1990 to make diversion orders if it is satisfied it is necessary to enable development granted planning permission to be carried out. In making such an order the Council must consider any material provisions of its Rights of Way Improvement Plan.

It is considered that the criteria under section 257, are met. Once an order is made it must be advertised as prescribed in Schedule 14 of the Town and Country Planning Act 1990 and in accordance with the Town and Country Planning (Public Path Order) Regulations 1993. A minimum of 28 days must be given for objections to be made from the first publication of the notice of order in a newspaper circulating in the area where the land to which the order relates is located. Notice must also be served on each owner, occupier and lessee of the affected land. Statutory undertakers owning or using apparatus under, in, on or over along or across the land must also be served with notice of the making of the order. The bodies listed in the Town and Country Planning (Public Path Order) Regulations 1993 must be served with notice of the making of the order as well.

If no objections are received to the formal advertising of the order, or any received are withdrawn, then the Council, may itself confirm the order provided that it is satisfied that the criteria in Section 259 of the Town and Country Planning Act 1990 are met. These are that the relevant planning permission has been granted and it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.

	<p>If there are objections which are not withdrawn then the order will be referred to the Planning Inspectorate, which will act on behalf of the Secretary of State to determine the order. The Secretary of State will appoint an Inspector who will either hold an inquiry or hearing or deal with the matter by way of written representations before making a decision on whether or not to confirm the order.</p> <p>The Order will only come into effect once it has been confirmed by the Council or the Secretary of State as the case may be.</p> <p>Risk Management: There is a risk that if the Order is made as proposed, it may receive objections. If objections are so received, the matter must then be referred to the Secretary of State for a decision, which will place an increased demand on officer time and resources. The costs necessary for this referral cannot be passed onto the applicant.</p> <p>In this case a comprehensive pre-order consultation has been carried out by the applicant, to which no objections have been received and, therefore, the risk of receiving objections at Order making stage is relatively low.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Under the provisions of section 257 of the Town and Country Planning Act 1990 the Council has the power to make diversion orders to enable development to take place. It has no duty to do so. The Council could therefore reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. However, this would mean that a planning permission has been granted which would obstruct a public right of way and, therefore, it is appropriate to carry out the diversion in order to keep the path unobstructed.</p>
<p>Details of any declarations of interest made:</p>	<p>If any officers or members involved or consulted in the decision-making have declared an interest you should include the declaration here. N/A</p>

Signed:
Date: 01 May 2026

Please ensure that signatures are redacted before publishing.

Appendix 1

Appendix 1

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

**HEREFORDSHIRE COUNCIL
FOOTPATH CD27 (PART) CRADLEY
PUBLIC PATH DIVERSION ORDER 2026**

This order is made by the County of Herefordshire District Council (known as "Herefordshire 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 ("the footpath") in order to enable development to be carried out in accordance with planning permission P251300/F granted under Part III of the Town and Country Planning Act 1990 for development of a new self-build detached dwelling and garage within the residential curtilage of existing house.

BY THIS ORDER:

1. The footpath over the land shown by a bold black continuous line on the attached plan 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 Herefordshire Council an alternative highway for use as a replacement for the footpath as provided in Part 2 of the Schedule and shown by a bold black broken line on the attached plan.
3. The diversion of the footpath shall have effect on the date on which Herefordshire Council certifies that the terms of Article 2 and 4 herein have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule.
 - Creation of a gap at OS Grid Reference SO 7257 4654 (point E on the Order plan)
 - Signposting and waymarking as appropriate
5. [REDACTED] are hereby required to pay the costs of carrying out the said works.
6. Where immediately before the date on which the said 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.

Dated 2026

THE COMMON SEAL of the County of)
Herefordshire District Council was affixed)
BY ORDER)

Authorised Officer

SCHEDULE

PART 1

Description of Site of Existing Path or Way

The existing route of footpath CD27 commences at the driveway to Hillview at OS Grid Reference SO 7254 4659 (point A on the order plan) and travels in a generally south south-easterly direction for approximately 52 metres across a field to a gap at OS Grid Reference SO 7255 4654 (point B on the order plan) then continues in a generally southerly direction for approximately 35 metres across a field to OS Grid Reference SO 7256 4651 (point C on the order plan).

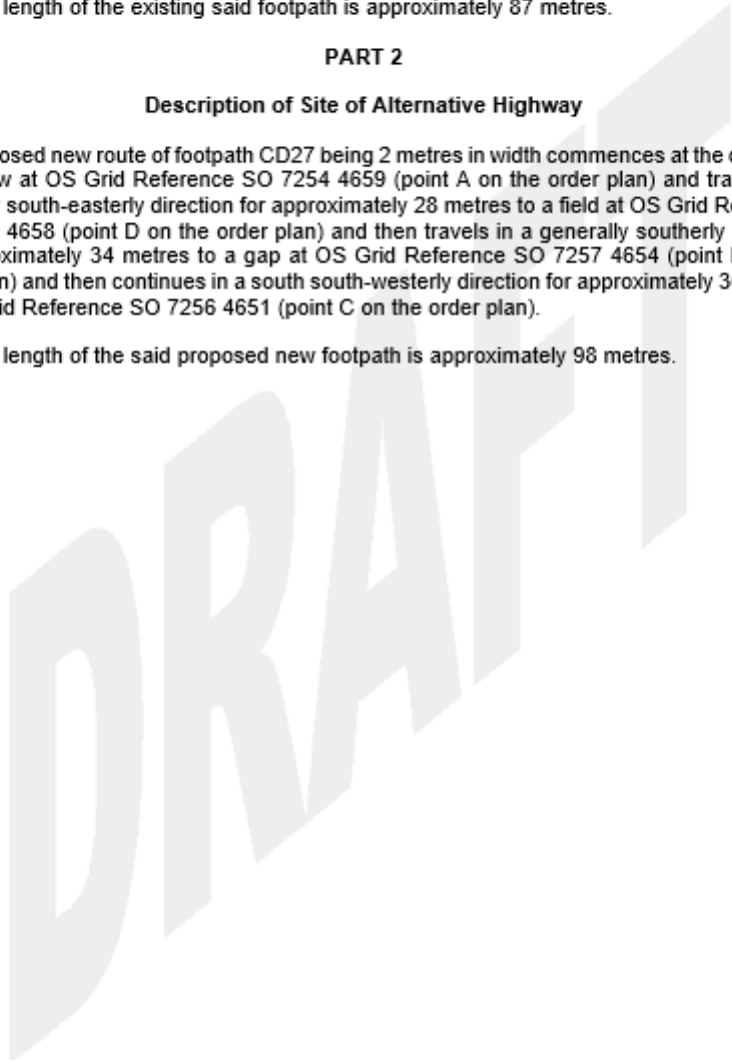
The total length of the existing said footpath is approximately 87 metres.

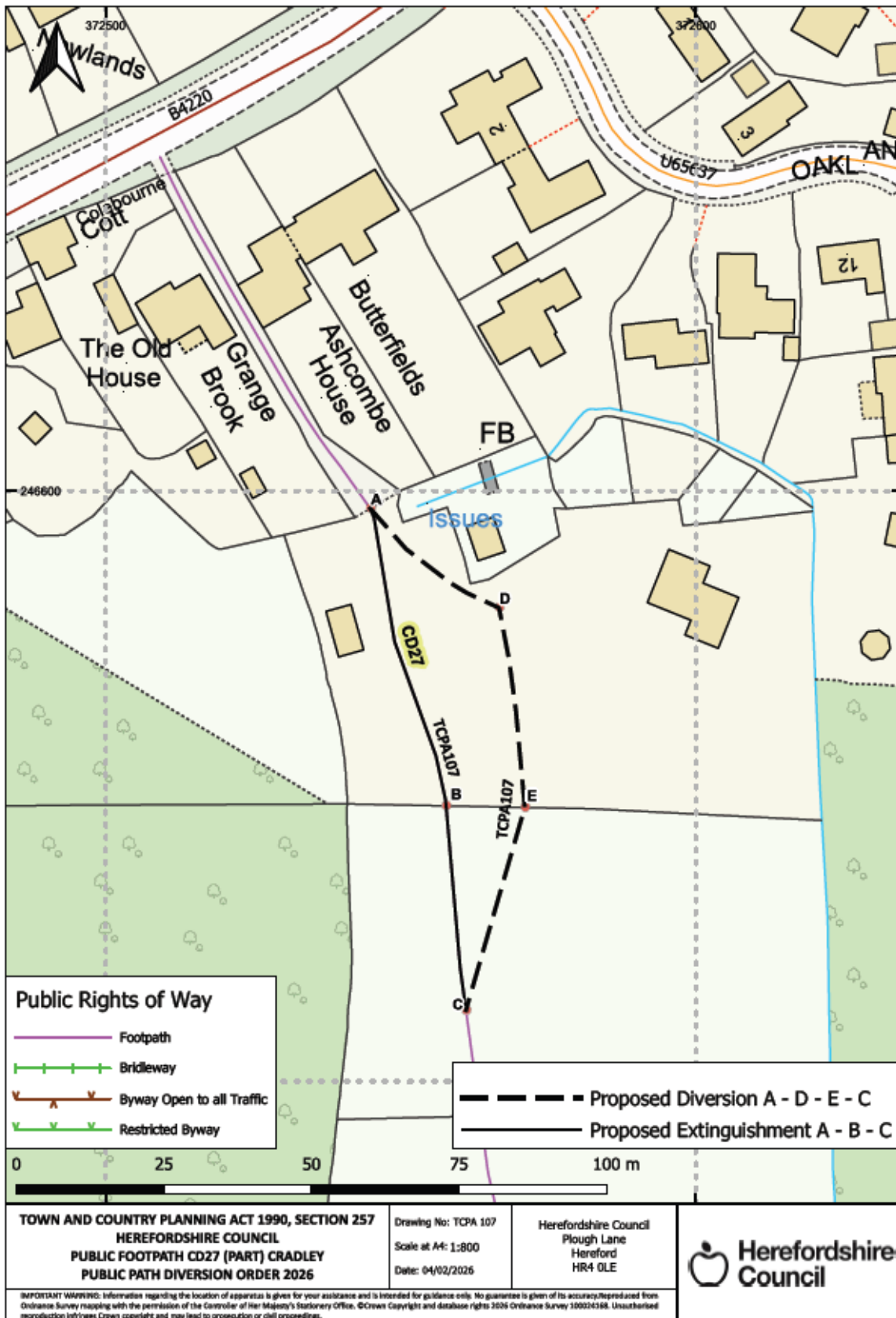
PART 2

Description of Site of Alternative Highway

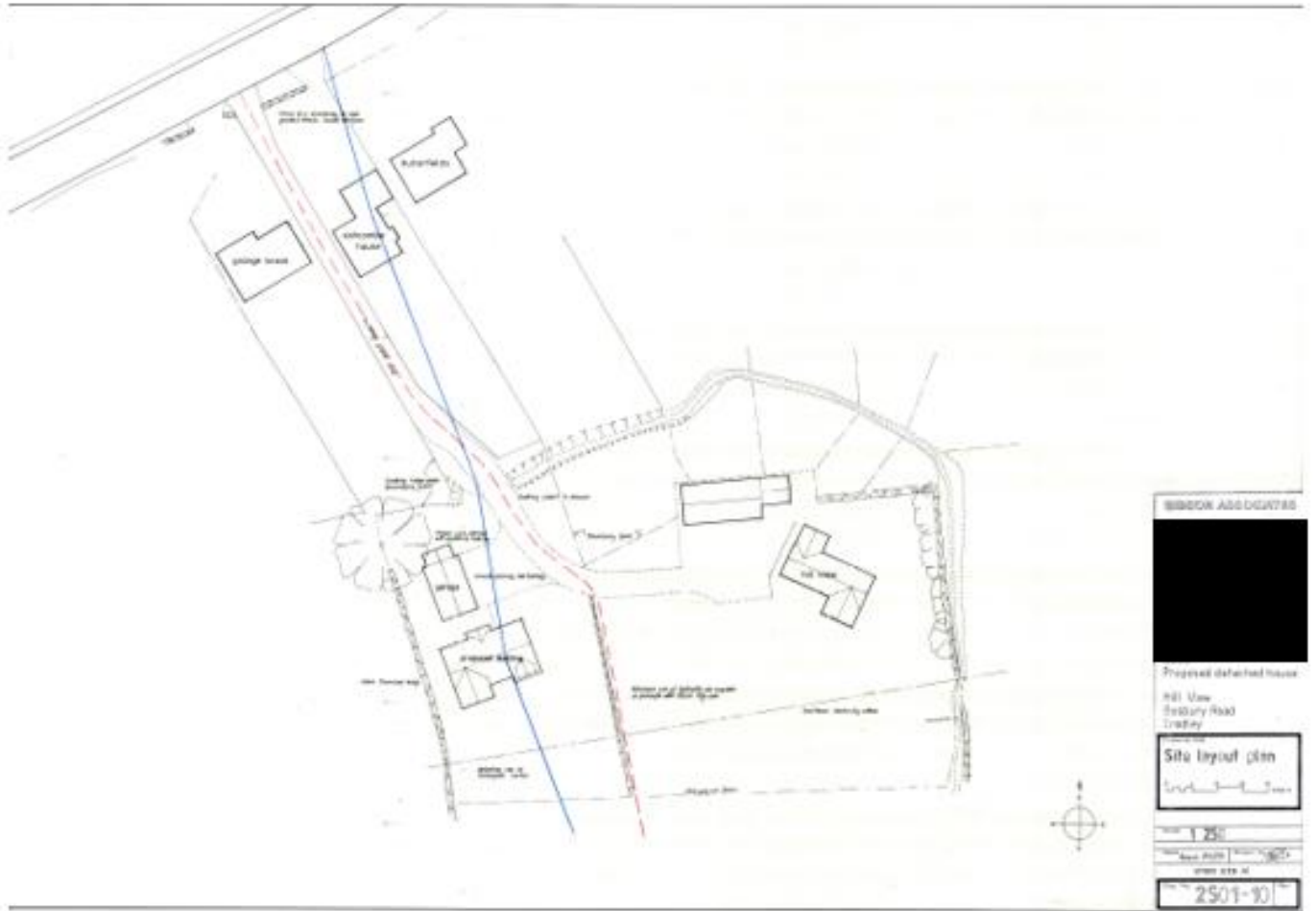
The proposed new route of footpath CD27 being 2 metres in width commences at the driveway to Hillview at OS Grid Reference SO 7254 4659 (point A on the order plan) and travels in a generally south-easterly direction for approximately 28 metres to a field at OS Grid Reference SO 7256 4658 (point D on the order plan) and then travels in a generally southerly direction for approximately 34 metres to a gap at OS Grid Reference SO 7257 4654 (point E on the order plan) and then continues in a south south-westerly direction for approximately 36 metres to OS Grid Reference SO 7256 4651 (point C on the order plan).

The total length of the said proposed new footpath is approximately 98 metres.









Appendix 2



Appendix 3

Appendix 3

Consultation Response Summary – CD27 Cradley

<p>Parish Council</p> <p>Dear Ed</p> <p>Yes, the diversion was supported by the Parish Council.</p> <p>All the best</p> <p></p> <p>Clerk Cradley & Storrige Parish Council</p>
<p>Open Spaces Society</p> <p>Dear Ed</p> <p>I do apologise for not having responded earlier. The society does not at present have a local representative covering Cradley, and therefore, has no comment on the proposed diversion.</p> <p>With kind regards</p> <p></p> <p>Open Spaces Society</p>
<p>Ramblers' Association</p> <p>Many thanks for this Pre-order Consultation which has been sent to me to respond to on behalf of The Ramblers Association.</p> <p>I have visited the site and have no objection should a formal order be placed.</p> <p>Should the diversion go ahead please ensure that the new path is appropriately waymarked</p> <p>Thank you for the opportunity to comment.</p> <p>Yours faithfully</p> <p></p> <p>Footpath Secretary for Leadon Vale Group of The Ramblers Association</p>
<p>Atkins Global</p> <p>New Roads and Street Works Act 1991</p> <p>Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order</p> <p><u>No Objection</u></p> <p><u>We refer to the below or attached order and confirm that we have no objections</u></p> <p>Please email Stopping Ups to </p>

Cadent Gas

An assessment has been carried out with respect to Cadent Gas Limited plc's. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<https://cadentgas.com/help-advice/digging-safely>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry.

Cadent have no objection to these proposed activities.

Welsh Water

As you have confirmed there will be no excavation works in the vicinity of Welsh Water apparatus I can confirm the objection can be removed.

Thank you



Programme & Scheduling Assistant | Developer Services
Dŵr Cymru Welsh Water

Severn Trent

We have no objections in respect of the proposals.

Appendix 4

Equality Impact Assessment (EIA) Form

Please read EIA guidelines when completing this form

1. Name of Service Area/Directorate

Name of Head of Service for area being assessed:.....Leigh Whitehouse
 Directorate:.....Economy and Environment
 Individual(s) completing this assessment:.....Alastair Lewis
 Date assessment completed:.....26.3.26

2. What is being assessed

Activity being assessed (eg, policy, procedure, document, service redesign, strategy etc.)

Public Path Diversion Order

What is the aim, purpose and/or intended outcomes of this activity?

To successfully divert Public Footpath CD27 (Part) Cradley

Name of lead for activity

Alastair Lewis

Who will be affected by the development and implementation of this activity?

- Service users
- Patients
- Carers
- Visitors
- Staff
- Communities
- Other:

Is this:

- Review of an existing activity/policy
- New activity/policy
- Planning to withdraw or reduce a service, activity or presence?

What information and evidence have you reviewed to help inform this assessment? (name your sources, eg, demographic information for services/staff groups affected, complaints etc.)

Pre-order consultation with statutory undertakers and consultees, parish council and local member. Discussions with the applicant/landowner and other affected landowners. GPS survey of the diverted route. Comparison of the existing and proposed routes and checking that the proposal meets the legal tests for making a diversion order and does not adversely impact the public.

Summary of engagement or consultation undertaken (eg, who and how have you engaged with, or why do you believe this is not required)

Pre-order consultation with statutory undertakers and consultees, parish council and local member

Summary of relevant findings

There were no objections to the proposal.

3. The impact of this activity

Please consider the potential impact of this activity (during development and implementation) on each of the equality groups outlined below. Please tick one or more impact box below for each Equality Group and explain your rationale. Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. Remember to consider the impact on staff, public, patients, carers, partner organisations, etc. in these equality groups.

Equality Group	Potential positive impact	Potential neutral impact	Potential negative impact	Please explain your reasons for any potential positive, neutral or negative impact identified
Age	✓			The gradients and surface of the existing and proposed routes are similar, and both routes feature a gap resulting in a neutral impact.
Disability	✓			
Gender Reassignment		✓		The nature of the diverted footpath, i.e. surface/gradient/accessibility is approximately equal to that of the original so there is no positive or negative impact.
Marriage & Civil Partnerships		✓		
Pregnancy & Maternity		✓		
Race (including Travelling Communities and people of other nationalities)		✓		
Religion & Belief		✓		
Sex (including issues of safety and sexual violence)		✓		
Sexual Orientation		✓		
Other Vulnerable and Disadvantaged Groups (eg. carers, care leavers, homeless, social/ economic deprivation, etc)		✓		
Health Inequalities (any preventable, unfair & unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic conditions within societies)		✓		

What actions will you take to mitigate any potential negative impacts?

Potential negative impact	Actions required to reduce/eliminate negative impact	Who will lead on action?	Timeframe
None			

Where an impact on any of the Equality Groups is realised after the implementation of the project/service/policy, the commissioners and/or providers of the project/service/policy will seek to minimise the impact and carry out a full review of this EIA.

4. Monitoring and review

How will you monitor these actions?

The Diversion Order will go through a legal and public process whereby a wider group of the community will be able to comment on it. If there are no objections the Order will be confirmed and the diversion will take place on the ground. If there are objections the Order will be submitted to the Secretary of State for a decision on whether it can be confirmed.

When will you review this EIA? (eg in a service redesign, this EIA should be revisited regularly throughout the design & implementation)

The condition of the path will be reviewed before the diversion order is confirmed. There is no review once the legal process has been completed and the Order has been confirmed.

5. Equality Statement

- All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics.
- Herefordshire Council will challenge discrimination, promote equality, respect human rights, and design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.
- All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carers etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

Signature of person completing EIA

A.Lewis

Date signed

26.3.26