

**TEMPORARY PUBLIC PATH STOPPING UP AND DIVERSION ORDER 2019**

**TOWN & COUNTRY PLANNING ACT 1990 - SECTIONS 257 AND 261**

**ESSEX COUNTY COUNCIL**

**BRIDLEWAY 1 & 40 KELVEDON / 81 COGGESHALL / 70 BRADWELL  
BRIDLEWAY 24 BRADWELL  
FOOTPATHS 53, 55 & 68 BRADWELL**

**IN**

**THE DISTRICT OF BRAINTREE**

**TEMPORARY PUBLIC PATH STOPPING UP AND DIVERSION ORDER 2019  
TOWN & COUNTRY PLANNING ACT 1990 - SECTIONS 257 AND 261**

**ESSEX COUNTY COUNCIL**

**TEMPORARY STOPPING UP, DIVERSION AND CREATION OF NEW PATHS  
TO ALLOW MINERAL EXTRACTION ORDER 2019  
BRIDLEWAY 1 & 40 KELVEDON / 81 COGGESHALL / 70 BRADWELL  
BRIDLEWAY 24 BRADWELL AND FOOTPATHS 53, 55 & 68 BRADWELL  
IN THE DISTRICT OF BRAINTREE**

This Order is made by Essex County Council (“the authority”) under Sections 257 and 261 of the Town and Country Planning Act 1990 (“the 1990 Act”) because it is satisfied that it is necessary to stop up and divert the bridleways and footpaths temporarily 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 & Country Planning Act 1990 namely: ESS/07/16/BTE - Continuation of development permitted by ESS/24/14/BTE without compliance with conditions 2 (application details), 7 (timescales), 38 (sequence of restoration) and 59 (no importation of mineral for processing) to allow amended restoration levels, revised phasing and additional time to complete extraction and restoration until 2021, utilisation of overburden in restoration and processing of mineral both arising from the Integrated Waste Management Facility (if implemented). Planning permission ESS/24/14/BTE being for Extraction of an estimated reserve of 3 million tonnes of sand and gravel (from Sites A3 and A4 as identified Minerals Local Plan) and retention of existing access onto the A120, private haul road, sand and gravel processing plant, ready mixed concrete plant, bagging plant, dry silo mortar plant and water management system, internal haul roads and re-contouring of restoration levels of extraction areas (Sites R and A2) with restoration to a combination of agriculture, woodland, biodiversity, water lagoons and to levels appropriate to safeguard implementation of planning permission ESS/37/08/BTE (Integrated Waste Management Facility), at Bradwell Quarry , Church Road, Bradwell CM77 8EP and land south of Cuthedge Lane.

**BY THIS ORDER:**

1. The footpaths and bridleways over the land shown by bold black lines on the plan PROW-14-33 rev22Feb 2019 (“the order plan”) and described in Part 1 of the Schedule to this Order (“the Schedule”) shall continue to be temporarily stopped up and diverted for a period not exceeding the 31 December 2021 as specified in Paragraph 6 of the approved Mineral Planning Authority permission

ESS/07/16/BTE. This order, being an extension to the previously confirmed order known as the '*Temporary public path stopping up and diversion order 2015, Town & Country Planning Act 1990 – Sections 257 and 261, Bridleway 1 & 40 Kelvedon / 81 Coggeshall / 70 Bradwell, Bridleway 24 Bradwell, Footpaths 53, 55 & 68 Bradwell*', as certified by the Highway Authority on 11 March 2016, applied by planning permission ESS/24/14/BTE with an expiry period not exceeding 4 years from 08 May 2015.

2. There shall be created to the reasonable satisfaction of Essex County Council alternative footpaths being a width of 2 metres for use as replacements of the said footpaths shown by bold black dashes on the Order plan, and an alternative bridleway being a width of 3 metres for use as a replacement of the said bridleway shown by bold black dashes with bars on the Order plan as provided in Part 2 of the Schedule.
3. The temporary stopping up and diversions of the footpaths and bridleways shall have effect on the confirmation of this order.
4. The paths shall continue to be fit for public use as certified by the Highway Authority on 11 March 2016, as described in Part 2 of the Schedule and as works carried out by Bradwell Aggregates as follows:
  - a) 2 metre wide level paths for the temporary footpath routes and a 3 metre wide level path for the temporary bridleway route
  - b) security fencing or earth bunds between the operational area and the said public paths for public safety purposes
  - c) appropriate drainage adjacent to paths situated at the foot of any such earth bunds aforementioned in 4(b) above in order to mitigate potential saturation of the said paths and marked as 'Drainage provision' on the Order plan
  - d) way-marking as required
  - e) appropriate signage where operation vehicles cross parts of the temporary routes for the safety of the public path users
5. Blackwater Aggregates whose registered address is situated at Bradwell Quarry, Church Road, Bradwell CM77 8EP is hereby required to pay the full costs of works required to maintain the condition of the paths as certified by the Highway Authority on 11 March 2016 and for any costs associated with the coming into force of this order (to include the costs of advertising and administration,

accommodation costs for any resulting inquiry or hearing, and the costs of removal or abandonment of any apparatus under, in, over, along or across the paths to be stopped up), and to defray the cost of any compensation which becomes payable in consequence of the coming into force of this order.

6. Where immediately before the date on which the footpaths are to be diverted and stopped up there is apparatus under, in, over, along or across them 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.
7. By no later than the expiration of the same date referred to in Article 1 aforementioned (for the avoidance of doubt 31 December 2021) the paths shall be restored to a width of not less than 2 metres for the footpaths and 3 metres for the bridleways and to a condition reasonably convenient for the exercise of the public rights of way to the satisfaction of the Highway Authority and thereupon the temporary footpaths and bridleway referred to in Article 2 above shall be stopped up.

## **SCHEDULE**

### **[PART 1]**

#### **DESCRIPTION OF SITE OF EXISTING PATHS OR WAYS**

**The following paths shall be temporarily stopped up;**

**P - K**

Bridleway 24 Bradwell of unknown width and shown by a black bold continuous line on the Order plan, commencing at point **P** at its junction with Cuthedge Lane east of Herons Farm proceeding initially west south-westerly then heading south where it terminates at point **K** approximately 116 metres due north of Footpath 55 Bradwell, for a total distance of approximately 155 metres.

**E – F**

A part length of Footpath 68 Bradwell of unknown width and shown by a black bold continuous line on the Order plan, commencing at point **E** at the junction with Cuthedge Lane proceeding south south-westerly on the western side of the hedge boundary at the field edge, passing across the track of Footpath 53 Bradwell to point **F** approximately 45

metres south westerly of Footpath 53 Bradwell on the western side of the earth bund, for a total distance of approximately 214 metres.

**The following paths shall be temporarily diverted;**

**A - B - C - D**

A bridleway of unknown width and shown by a black bold continuous line on the Order plan commencing as a part length of Bridleway 1 Kelvedon from point **A** approximately 70 metres westerly of its junction with Footpath 7 Kelvedon at the western end of Pantling's Lane track, proceeding in a west north-westerly direction to point **B** where it then continues in a northerly direction as Bridleway 40 Kelvedon to the parish boundary, continuing as Bridleway 81 Coggeshall in a northerly then west north-westerly direction to the next parish boundary where it continues as Bridleway 70 Bradwell to point **C** at its junction with Footpath 53 Bradwell, then continuing in a north north-easterly direction along the metalled track passing back into the parish of Coggeshall as Bridleway 81 to reach the junction with Cuthedge Lane at point **D**, for a total distance between points A-B-C-D of approximately 738 metres.

**C - G - H**

A part length of Footpath 53 Bradwell of unknown width shown by a black bold continuous line on the Order plan, commencing at point **C** south east of Deeks Cottage at the junction with Bridleway 70 Bradwell, proceeding west north-westerly along the track passing across Footpath 68 Bradwell to point **G** south west of Deeks Cottage where it continues northerly, westerly and northerly to point **H** at the junction with Cuthedge Lane east of Herons Farm, for a total distance between points C-G-H of approximately 583 metres.

**G - W**

A part length of Footpath 55 Bradwell 2 metres wide shown by a black bold continuous line on the Order plan, commencing at the aforementioned point **G** south west of Deeks Cottage at the junction with Footpath 53, proceeding west north-westerly then north westerly to the junction with Footpath 71 at the hedge corner, for a total distance of approximately 487 metres.

(This section of path is currently temporarily diverted by the Order known as; *FOOTPATHS 8, 31 & 35 KELVEDON, 55 56 & 68 BRADWELL TEMPORARY FOOTPATH DIVERSION SCHEME ORDER 2001*) and noted as path J – M due to

expire on 30/04/2024. Therefore section G-W will revert to the 2001 Order once this 2019 Order expires.

[PART 2]

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAYS

**The following paths shall be provided as temporary replacement highways;**

**A - L - T - U - D**

A bridleway being 3 metres in width and shown by a black bold broken line with bars on the Order plan, commencing at the aforementioned point **A** at the western end of Pantlings Lane track proceeding in a north easterly direction across the culvert to point **L** at the field edge then immediately heading east south-easterly on the northern side of the ditch to point **T** at the ditch corner, continuing in a north north-easterly direction on the western side of the ditch running parallel to Footpath 7 Kelvedon (which is on the eastern side of the ditch), to point **U** at the ditch corner, then proceeding north westerly adjacent to Cuthedge Lane on the southern side of the ditch to reach the aforementioned point **D** at the junction with Cuthedge Lane, for a total distance between points A-L-T-U-D of approximately 844 metres.

**D - E - M - N - J - P**

A footpath being 2 metres in width and shown by a black bold broken line on the Order plan commencing from the aforementioned point **D** at the junction with Cuthedge Lane, proceeding in a north westerly direction via point **E** (being the northern end of the stopped up Footpath 68 Bradwell) continuing on the southern side of the boundary adjacent to Cuthedge Lane, circumnavigating around the southern edge of the Deeks Cottage property to its north western corner at point **M**, continuing on the southern side of the hedge boundary adjacent to Cuthedge Lane to point **N** at the junction of Cuthedge Lane and the south east corner of the small copse, continuing around the southern edge of the copse to point **J** connecting to the replacement path J-Q, continuing north easterly at the field edge adjacent to the copse to reach point **P** at the junction with Cuthedge Lane, for a total distance between points D-E-M-N-J-P of approximately 503 metres.

**F - W**

A footpath being 2 metres in width and shown by a black bold broken line on the Order plan, commencing at the aforementioned point **F** approximately 45 metres south westerly of Footpath 53 Bradwell, proceeding initially north westerly then west north-

westerly between the fencing on the southern side of the earth bund to the quarry haul road where it deviates westerly across the haul road and continues north westerly at the field edge to reach the aforementioned point **W** at the junction of Footpath 71 Bradwell and the unaffected part of Footpath 55 Bradwell, for a total distance of approximately 750 metres.

**J - Q**

A footpath being 2 metres in width and shown by a black bold broken line on the Order plan commencing from the aforementioned point **J** at the connection with the replacement path D-E-M-N-P in the field corner adjacent to the small copse, proceeding in a south westerly direction at the foot of the earth bund on its northern side following the line of the bund turning in a north westerly direction to the junction with Footpath 55 Bradwell at point **Q** for a total distance of approximately 378 metres.

**V - R - S**

A footpath being 2 metres in width and shown by a black bold broken line on the Order plan commencing from point **V** at the junction with Footpath 7 Kevledon approximately 18 metres south westerly from the junction of Bridleway 1 Kelvedon at the western end of Pantlings Lane proceeding in a westerly direction across the field to the foot of the earth bund on its southern side, continuing to point **R** at the bund corner then in a northerly direction to connect to the unaffected Footpath 8 Kelvedon at point **S** north easterly of Woodhouse Farm Cottage, for a total distance between points **V-R-S** of approximately 514 metres.

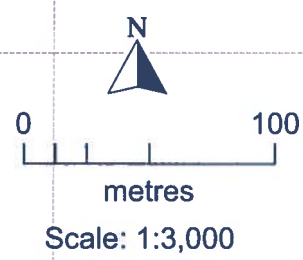
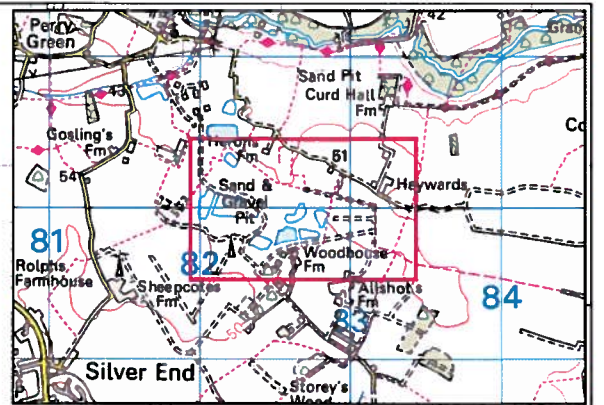
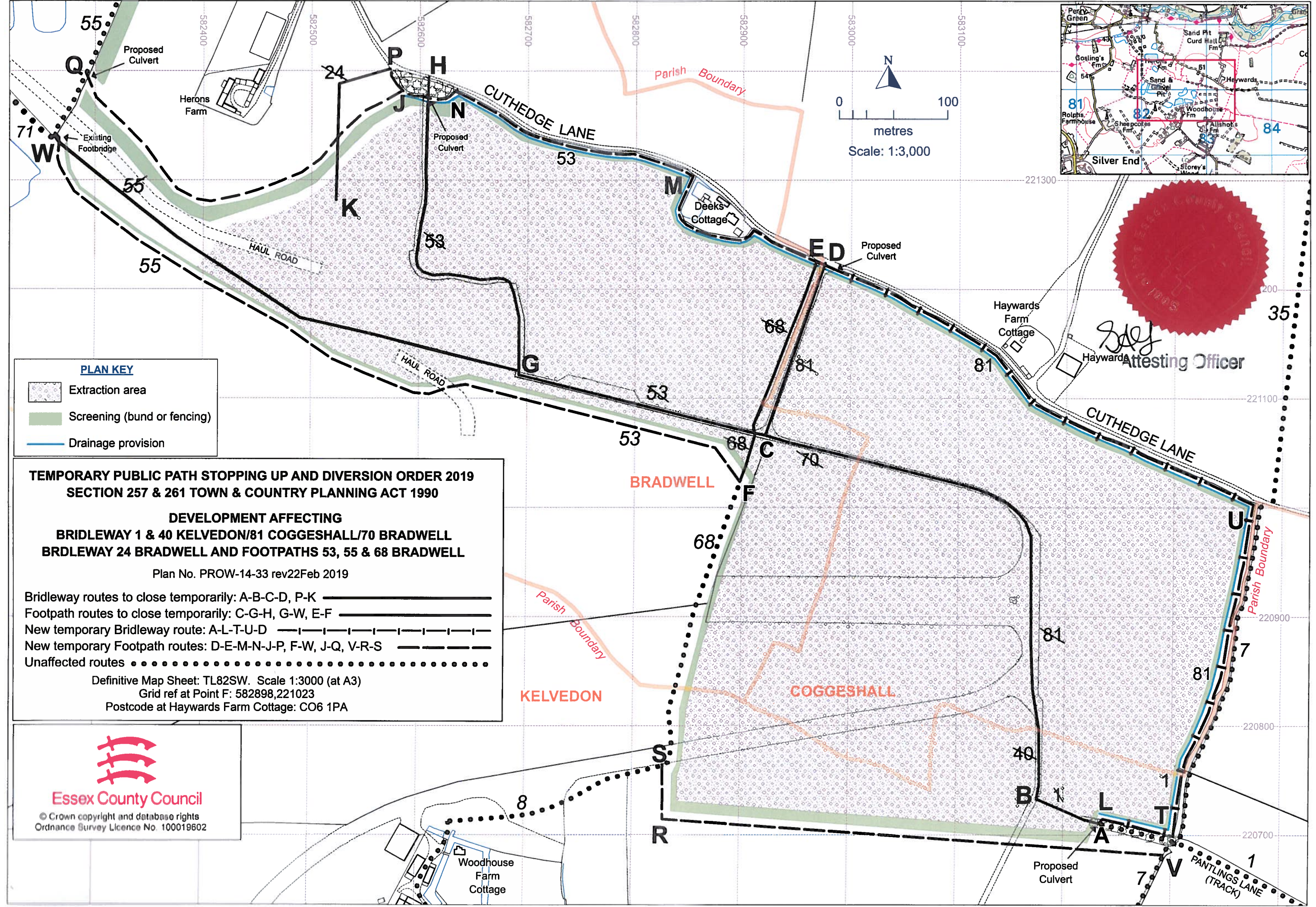
Given under the Common Seal of Essex County Council this *Third* day of *May* 2019

The common seal of **ESSEX** )  
**COUNTY COUNCIL** was here- )  
unto affixed in the presence of:- )

  
Attesting Officer

*SARAH SMART*





**PLAN KEY**

- Extraction area
- Screening (bund or fencing)
- Drainage provision

**TEMPORARY PUBLIC PATH STOPPING UP AND DIVERSION ORDER 2019**  
**SECTION 257 & 261 TOWN & COUNTRY PLANNING ACT 1990**

**DEVELOPMENT AFFECTING**  
**BRIDLEWAY 1 & 40 KELVEDON/81 COGGESHALL/70 BRADWELL**  
**BRDLEWAY 24 BRADWELL AND FOOTPATHS 53, 55 & 68 BRADWELL**

Plan No. PROW-14-33 rev22Feb 2019

Bridleway routes to close temporarily: A-B-C-D, P-K  
 Footpath routes to close temporarily: C-G-H, G-W, E-F  
 New temporary Bridleway route: A-L-T-U-D  
 New temporary Footpath routes: D-E-M-N-J-P, F-W, J-Q, V-R-S  
 Unaffected routes

Definitive Map Sheet: TL82SW. Scale 1:3000 (at A3)  
 Grid ref at Point F: 582898,221023  
 Postcode at Haywards Farm Cottage: CO6 1PA

**Essex County Council**

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*[Signature]*  
 Attesting Officer