

EXPLANATORY STATEMENT

The Oxfordshire County Council, Wigginton Footpath No. 1 (part) Public Path Diversion and Definitive Map and Statement Modification Order 2019

THIS EXPLANATORY STATEMENT PROVIDES BACKGROUND INFORMATION AND DOES NOT FORM PART OF THE ORDER

Oxfordshire County Council (“the County Council”) has the power to make Orders to divert public rights of way under section 119 of Highways Act 1980 (“the Act”).

This Order to divert part of Fp. 1 is made as a result of an application received from the owner of South View Farm, Wigginton. The overall purpose of the Order is to divert the footpath to enable the owner to create more suitably shaped and sized paddocks. The existing footpath would require fencing along its two boundaries thereby preventing the most appropriate field shapes to be set out. The landowner is also improving the landscaping with tree planting

The existing path begins at the Hook Norton to Wigginton road and runs south-westwards across a field. The path reaches the south-eastern boundary of the field and then runs south-south-westwards along it before continuing to Wigginton. The path has no defined width. The new route would run in a more southerly direction from the same point at the road to reach the existing field boundary before again running alongside the boundary to re-join the existing path. The path would have a recorded width of 3m although 3.25m has been provided between newly installed fences. No structures would exist on the diverted route.

Please note the following points:

- 1) ***1) The administration and advertising costs this Council incurs in respect of any Order will be recharged to the applicant.***
- 2) ***2) The applicant owns all the land across which the existing and proposed route would run. In this respect no other landowner will have a footpath diverted within, from or to their land.***
- 3) ***3) The field across which both the existing and proposed routes run is currently being used for access for contractors to the neighbouring farm where building works are taking place. These works, which include overturned topsoil, are temporary and when complete the field will be restored.***

The County Council has considered the application and has consulted with key interest groups and the parish council. It appears to the Council that it complies with the legal provisions contained in the Act and that it is expedient that the footpath should be diverted in the interest of the landowners.

The making and advertising of this Order provides an opportunity for objections or representations to be made. Any responses must be received by the date set out in the Notice. The Council will then consider how to proceed. The Order will only come into force if it is confirmed.

If any objections are made and not withdrawn, the Planning and Regulation Committee of the County Council may refer the Order and objections to the Secretary of State for Environment Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then either take written representations or hear the objections at a Public Inquiry or Hearing. The Inspector can confirm the Order, confirm it with modifications, or refuse to confirm it.

The right of an objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour.

If no objections are received the County Council may confirm the Order itself, but it has no power to modify the Order.

Further information about public path order procedures and the relevant legal provisions are available in our Guidance Notes at www.oxfordshire.gov.uk/modificationsanddiversions and Natural England's "A guide to definitive maps and changes to public rights of way" (reference NE112) at <https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>.

Data Protection Act and GDPR: *The County Council will consider all correspondence, objections and representations received in response to this order. They may be disseminated widely for these purposes and made available to the public.*