

EXPLANATORY STATEMENT

The Oxfordshire County Council, West Challow Footpath No 4 (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 4 is made in the interests of the owner as a result of an application received from the owner of Coppice Leaze Farm. The purpose of the Order is to improve the owner’s privacy by diverting the footpath from its current route running in front of and alongside the farmhouse.

The existing path runs north-north-westwards from Silver Lane along the drive, over the Childrey Brook via a bridge and heads past the farmhouse. It then turns south-westwards and runs immediately beside the house until it reaches the public highway opposite Mays Farmhouse. The proposed route of the footpath would avoid the existing bridge and instead run south-westward alongside the brook until it would cross it via a new footbridge. The path would then continue south-westwards to join the public highway. The new path would not have gates or stiles and have a 2m width.

Please note that the “lane” through Manor Farm is private access, becoming public highway immediately to the south-east of the Childrey Brook.

The diversion would address the concerns of the landowner whilst the proposal has the aim of providing an enjoyable and approximately equidistant walk.

The new route will be opened through two garden walls and this, together with the construction of the footbridge, would be carried out by the landowner. The administration and advertising costs this Council incurs in respect of any Order will be recharged to the applicant.

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 landowner.

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 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.*