EXPLANATORY STATEMENT

The Oxfordshire County Council, Mollington Footpath No 3 (part) Public Path Diversion and Definitive Map and Statement Modification Order 2020

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 3 is made as a result of an application received from the owners of The Yews, Mollington. The purpose of the Order is to divert the footpath from the property’s garden.

The Definitive route to be diverted and the new route together with its widths are shown on the plan HA1980s119/612a/03551 accompanying this statement.

The length of footpath being diverted is 85m and begins at its junction with Fp 2 (Point A on the plan), runs NE across a paddock to Point B and then NW through the garden of The Yews to the property’s access drive at Point C where it continues NE for a short distance to opposite the access to Anita’s Caravan Site (Point D). The new footpath avoids the garden, is 55m in length and will begin further NW along Fp 2 at Point E. It will run NE along a grass field-edge path and then SE to re-join the unaffected route of Fp 3. The path will be 3m wide and run between a hedge and fence. A 9m length between Point G (where there will be a pedestrian gate) and Point D will be 1.5m wide.

Both Fp 2 and Fp 3 run through the owner’s garden on opposite sides of the house. The diversion of Fp 3 from the NE side of the property will provide them with privacy within an enclosed area. The new route will provide a path for the public along the edge of a pasture field and maintain a link for those walking to Fp 2, part of the D’Arcy Dalton Way long distance path.

- The administration and advertising costs this Council incurs in respect of the 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.


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.