

EXPLANATORY STATEMENT

Town and Country Planning Act 1990 Section 257 The Oxfordshire County Council Ardley Bridleway No 27 (part) Public Path Diversion and Definitive Map and Statement Modification Order 2021

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 257 of the Town and Country Planning Act 1990 (“the Act”).

This Order made on 18th January 2021 is as a result of an application received from Viridor Waste Management Ltd, the operator of the Ardley Energy Recovery Facility (ERF). The definitive route of Ardley Br 27 runs across the site of the ERF, operated under planning permission MW.0085/17. The route crosses the access road to the ERF, a roundabout and continues across an extensive attenuation ‘pond’.

The bridleway was originally temporarily diverted in 1996 to enable quarrying activities and was to be reinstated on its original line once restoration had taken place. However, in the intervening period the landfilling operations were partly replaced by the ERF (originally approved under planning ref 08/02472). The subsequent planning permissions associated with the ERF then required Viridor to submit to OCC a scheme whereby the legal line across the ERF would be accommodated across the roundabout, access road and attenuation pond. The current date by which a scheme must be submitted is 31st December 2021. However, this diversion Order (although made under s257 in association with development) will obviate the need for that reinstatement and will ensure the bridleway follows a more suitable route away from the operational site. The most recent temporary bridleway diversion expired on 31st December 2020.

In addition to this diverted route Viridor will be dedicating a further bridleway to the north of the ERF when landfill restoration to the west and north of the site has been completed. To this end a revised restoration scheme to include provision for the new bridleway has been submitted to OCC by Viridor. Creating an additional bridleway to the south via the permanent diversion and a dedication to the north would improve connectivity and lengthen the overall riding and walking network.

The existing and new routes are shown on Order plan TCPA90s257/635a/03577. The new route has a width of 3m and has a grass surface except where it crosses the tarmac surfaced haul access road. A steel fence alongside the new route separates path users from the Ardley site.

Legislation affecting this proposal is contained within section 257 of the Town and Country Planning Act 1990 (“the Act”). The ground for the diversion under s257 is that the competent authority (the County Council) must be satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act. 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 the bridleway should be diverted.

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. 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.*