

## **EXPLANATORY STATEMENT**

### **The Oxfordshire County Council, Spelsbury Footpath No. 12 (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 119 of Highways Act 1980 (“the Act”).

This Order to divert part of Footpath No. 12 is made as a consequence of a Definitive Map Modification Order which has been made to record the route of Footpath No. 12 that was historically available until redevelopment took place in the 1980s. The County Council has found evidence that shows public rights subsist on the historic route and, therefore, must record them. As this route is obstructed by buildings, the purpose of this Order is to divert the footpath away from the obstructed historic route onto that which is currently in use on a permissive basis on the ground.

The footpath to be diverted and its new route, together with its widths are shown on the plan HA1980 s.119/652/03172 accompanying this statement.

The length of footpath being diverted is 93 metres and begins at its junction with the existing line of Footpath No. 12 (point A on the plan), running in a north-easterly, then northerly direction through the gardens of Middle Farm Cottage and Middle Farm, to a point where it joins the track where the existing route of Footpath No. 12 will remain unchanged.

The new footpath follows the route which is in use on the ground is 97 metres in length and will begin at Point A. It will pass through a pedestrian gate and run in a north-westerly and north-north-easterly direction around the rear of Middle Farm Cottage and then continue around the perimeter of the Middle Farm Cottage garden over a grass surface. It then passes through a further pedestrian gate onto a driveway with a compacted gravel and then a compacted earth surface, which runs in a north-north-westerly direction and then an east-north-easterly direction to a point where it re-joins the definitive route of Spelsbury Footpath No. 12. The path will vary in width between 1.3 and 2.0 metres in the garden of Middle Farm Cottage, running between a hedge and the cottage and then alongside the hedge in the garden. There is a pinch point of 0.8 metres where there are 3 steps to the rear of the cottage. The path will have a width of 3 metres along the driveway where it runs between hedges and buildings.

The County Council 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](http://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.*