

EXPLANATORY STATEMENT

The Oxfordshire County Council, Ewelme Footpath No. 32 (part) and Brightwell Baldwin Footpath No 2 (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 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 parts of Ewelme Fp 32 and Brightwell Baldwin Fp 2 is made as a result of an application received from the owner of Whitehouse Farm, Brightwell Baldwin. The overall purpose of the Order is to divert the footpath from running past the house thereby increasing the owner’s privacy.

Ewelme Fp 32 runs northwards from the junction of Br 33 and Br 13 on Rumbolds Lane south of Whitehouse Farm (see Order plan 646/03571), over the access drive leading to Whitehouse Lodge and into the garden of Whitehouse Farm between two hedges. It continues past the front of the property over a parking and turning area, after which it runs part way into an arable field before turning north-eastwards within Brightwell Baldwin Parish. It then turns northwards again and continues across the field to run through Cadwell Covert. The existing path to be diverted running through the property has three stiles along its length.

The proposed route of the footpath will run eastwards from Rumbolds Lane through the copse south of Whitehouse Farm to the junction of the access drives to the two properties. Here it will turn northwards in a straight line across a paddock and the arable field to re-join the existing path. The new path will have two kissing gates installed (at the boundary between the paddock and arable field and at the southern end of the paddock). The path width will be 3m within both the copse and paddock and 1.5m within the neighbour’s field (who has given consent to the proposal). The applicant will plant trees along each side of the new path within the paddock to provide a pleasant path. Full details of the existing and proposed routes are shown on the plan.

As explained above the path runs between two hedges within the garden. One hedge was specifically planted several years ago to provide privacy within the remainder of the garden. The landowner would like to now remove this but to do so under the current circumstances would result in an open garden being crossed by the footpath. The diversion will enable the landowner to remove the hedgerow without the path impacting on the family’s privacy. The diversion will also secure privacy in front of the house and past the front door. The proposal also has the aim of providing an enjoyable and approximately equidistant route for walkers whilst replacing the dogleg within the middle of the field to one which follows a logical boundary and track.

The applicant is responsible for works required to bring the new route into a satisfactory condition for public use. The diversion Order will not come into operation until and unless the works are completed to the Council’s satisfaction.

The administration and advertising costs the Council incurs as a result of the Order will be recharged to the applicant. All new signage will be carried out by the Council.

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

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

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.

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.*