



**Dorset
Council**

**Public Path Diversion
and
Definitive Map and Statement Modification Order**

**Town and Country Planning Act 1990, Section 257
Wildlife and Countryside Act 1981, Section 53A(2)**

**Dorset Council (Part of Footpath 144, Weymouth at Tollerdown Road)
Public Path Diversion Order 2023**

This Order is made by Dorset Council ("the authority") under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: to allow modifications to existing surface water ditch and erection of pedestrian footbridge (reference P/FUL/2021/03098).

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the County of Dorset definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted and the County of Dorset definitive map and statement shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of Dorset Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which Dorset Council certify that the terms of Article 2 above have been complied with, and upon the occurrence of that diversion the County of Dorset definitive map shall be modified by deleting from it the path or way referred to in Article 1 of this Order and the path or way referred to in Article 2 of this Order shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

Part 1

Description of site of existing path

Part of Footpath 144, Weymouth:

A – B – C From its junction with the adopted path south of Tollerdown Road at point A (SY 65957877) south to point B (SY 6595378759) then south east to the unaffected part of Footpath 144, Weymouth at point C (SY 6595978757). Width 1 metre minimum.

Part 2

Description of site of alternative highway

Part of Footpath 144, Weymouth:

D – E – C From its junction with the adopted path north west of the Lanehouse General Practice Surgery at point D (SY 65917875) generally east via point E (SY 65927875) and continuing generally east to its junction with the unaffected part of Footpath 144, Weymouth at point C (SY 6595978757). Width 2 metres apart from between point D (SY 65917875) and point E (SY 65927875) where the width will be 1.4 metres between the surgery boundary and the fence line of the culvert.

Part 3

Modification of Definitive Statement Variation of particulars of path

Footpath 144, Weymouth:

Delete:

From: 65957877 To: 65987872

From its junction with the adopted path between Nos 8 and 10 Tollerdown Road south into the playground and east to the fenced boundary at approx GR SY 66037875 and then generally south west to its junction with Ludlow Road/Lichfield Road. The width of the path is 1m minimum.

Add:

From: SY 65917875 To: SY 65987872

From its junction with the adopted path north west of the Lanehouse General Practice Surgery at SY 65917875 generally east via SY 65927875 continuing generally east to its junction with the unaffected part of Footpath 144, Weymouth at SY 6595978757. Width 2 metres apart from between SY 65917875 and SY 65927875 where the width will be 1.4 metres between the surgery boundary and the fence line of the culvert.

Dated this 13 day of January 2023

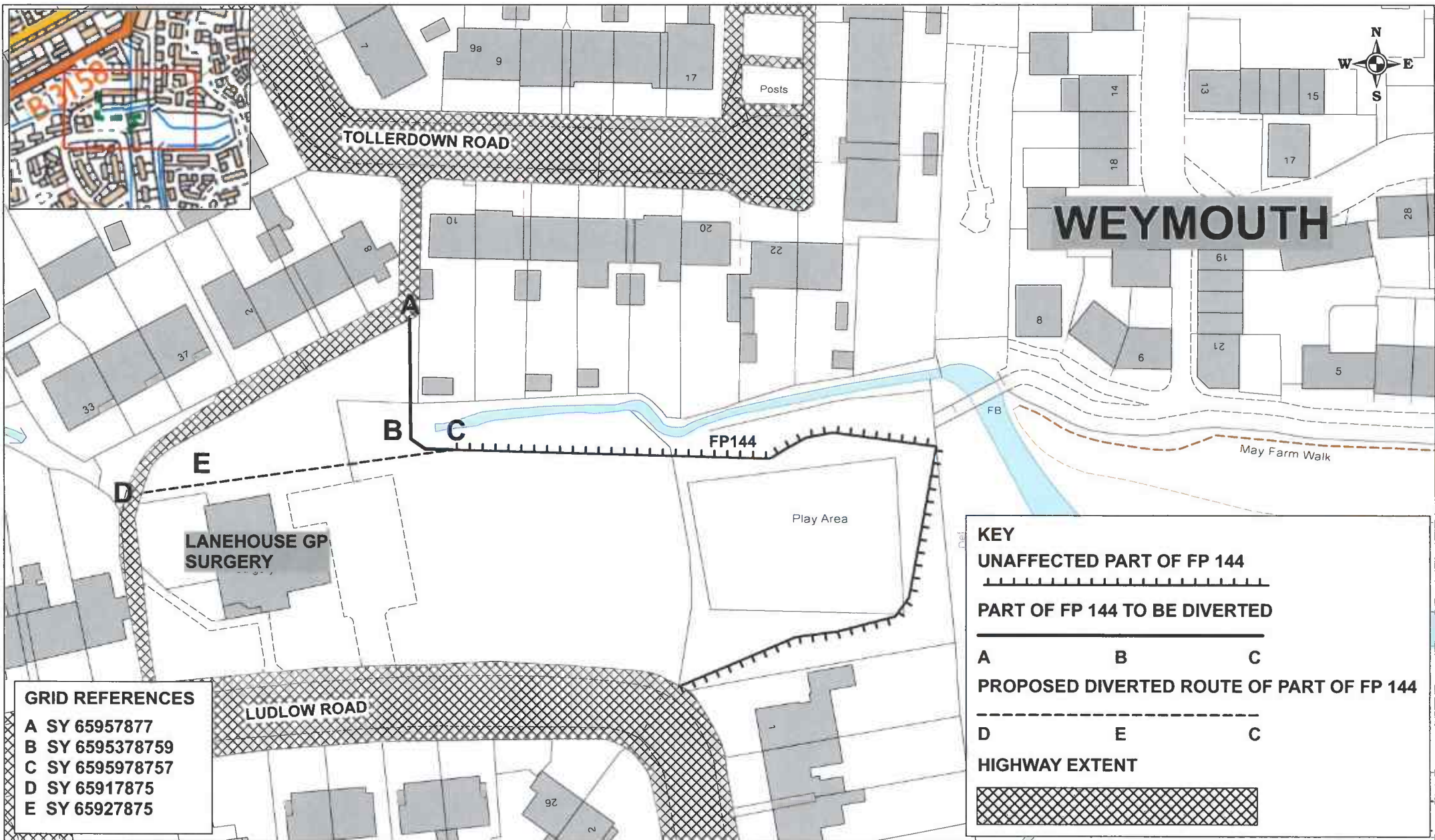
THE COMMON SEAL of
DORSET COUNCIL
was affixed in the presence of:-


Jonathan Hill

28/23



Authorised signatory



Section 257, Town and Country Planning Act 1990
Dorset Council (part of Footpath 144, Weymouth at Tollerdown Road) Public Path Diversion Order 2023

S. Johnston

Ref: P242/22/2
Date: 14/12/2022
Scale: 1:600 at A4
Drawn by: AH
Cent X: 365,999
Cent Y: 78,762



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