



**Dorset  
Council**

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

**Highways Act 1980  
Wildlife and Countryside Act 1981**

**Dorset Council (Footpath 73, Gillingham)  
Public Path Diversion Order 2022**

This Order is made by Dorset Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owners of the land crossed by the footpath described in paragraph 1 of this order and the public it is expedient that the line of the path should be diverted.

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 shown or required to be shown in the map and statement.

Gillingham Town Council has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

**BY THIS ORDER:**

1. The public right of way over the land situate at Gillingham and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 7 days from the date of confirmation of this Order or on the date which Dorset Council certify that work has been carried out to bring the site of the new highway mentioned in Part 2 of the Schedule to this Order into a fit condition for use by the public, whichever is the later and thereupon the County of Dorset definitive map shall be modified by deleting from it that public right of way.
2. Notwithstanding this Order, where immediately before the date on which the path is diverted in pursuance of this Order, there is apparatus under, in, on, over, along or across the path belonging to the statutory undertakers for the purpose of carrying out their undertaking then such undertakers shall continue to have the same rights in respect of their apparatus as they would have had if this Order had never been made.
3. There shall at the end of 7 days from the date of confirmation of this Order be a public footpath over the land situate at Gillingham described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in this Order and thereupon the County of Dorset definitive map shall be modified by adding that path to it.
4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule to this Order
5. The County of Dorset definitive statement shall be modified as described in Part 4 of the Schedule to this Order.

## **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**

##### **Footpath 73, Gillingham:**

- A – B      The whole width of the path from its junction with the B3092 road at point A (ST 80312793), north west across fields and the river, then continuing west north west across a third field to its junction with the C142 Road, at point B (ST 79712819). (No recorded width).

### **Part 2**

#### **Description of site of new path**

##### **Footpath 73, Gillingham:**

- C – D –      From its junction with Footpath 72, Gillingham at point C (ST  
E – F –      80102784), north north west crossing into the field at point D (ST  
G – H – I      80102786) and continuing north north west, along a double fenced  
– J      path, following the western field boundary, to point E (ST 80062813). It  
continues west north west along a double fenced path to its junction  
with Footpath 74, Gillingham at point F (ST 79972815), then west  
south west to the bridge at point G (ST 79958 28154) and west north  
west, crossing the river, to the field boundary at point H (ST 79954  
28155) and continuing west north west across the field to the north  
western corner of the field at point I (ST 79712820), then north, exiting  
the field, and north west to its junction with the C142 road at point J  
(ST 79712821). The width varies: 3 metres between points C (ST  
80102784) and F (ST 79972815), and points H (ST 79954 28155) to I  
(ST 79712820), 2 metres between points F (ST 79972815) and G (ST  
79958 28154) and points I (ST 79712820) to J (ST 79712821), 1 metre  
between points G (ST 79958 28154) to H (ST 79954 28155) (except for  
1.2 metres at points D (ST 80102786), E (ST 80062813), H (ST 79954  
28155) and I (ST 79712820)).

### **Part 3**

#### **Limitations and Conditions**

All to BS5709:2018:

Point D	ST 80102786	Pedestrian gate
Point E	ST 80062813	Pedestrian gate
Point H	ST 79954 28155	Pedestrian gate
Point I	ST 79712820	Pedestrian gate

#### Part 4

### **Modification of Definitive Statement**

#### **Variation of particulars of path**

##### Footpath 73, Gillingham

##### **Delete:**

From: 803279 To: 797281

Peacemarsh road at the Fir Tree Inn north west to the Little Marsh road near Milton Farm.

##### **Add:**

From: ST 80102784 To: ST 79712821

From its junction with Footpath 72, Gillingham, north north west crossing into the field at ST 80102786 and continuing north north west, along a double fenced path, following the western field boundary, to ST 80062813. It continues west north west along a double fenced path to its junction with Footpath 74, Gillingham at ST 79972815, then west south west to the bridge at ST 79958 28154 and west north west, crossing the river, to the field boundary at ST 79954 28155 and continuing west north west across the field to the north western corner of the field at ST 79712820, then north, exiting the field, and north west to its junction with the C142 road. The width varies: 3 metres between ST 80102784 and ST 79972815, and ST 79954 28155 to ST 79712820, 2 metres between ST 79972815 and ST 79958 28154 and ST 79712820 to ST 79712821, 1 metre between ST 79958 28154 and ST 79954 28155 (except for 1.2 metres at ST 80102786, ST 80062813, ST 79954 28155 and ST 79712820)).  
Limitations: Pedestrian gates at ST 80102786, ST 80062813, ST 79954 28155 and ST 79712820.

Dated this 4<sup>TH</sup> day of FEBRUARY 2022

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



*Christina Hall*

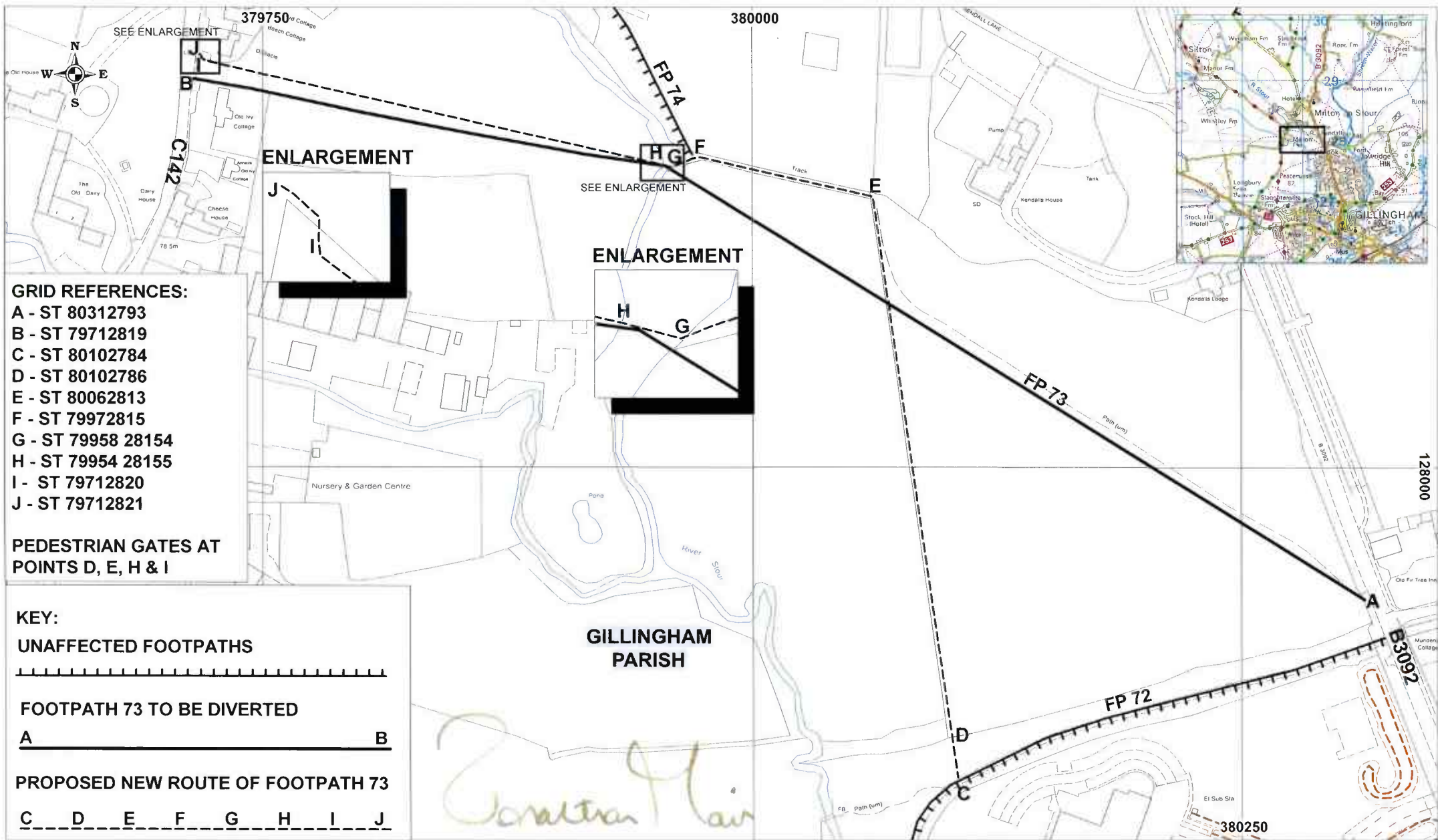
35/22

Authorised signatory

The foregoing Order is hereby confirmed unopposed

*J. M. House*  
Authorised Signatory

Dated this 14<sup>TH</sup> day of JULY 2023



# **DORSET COUNCIL (FOOTPATH 73, GILLINGHAM) PUBLIC PATH DIVERSION ORDER 2022**



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