

Dorset County Council



Public Path Diversion and Definitive Map and Statement Modification Order

**Town and Country Planning Act 1990, Section 257 and Section 261(2)
Wildlife and Countryside Act 1981, Section 53A(2)**

Dorset County Council (Part of Footpath 4, Woodsford) Public Path Diversion Order 2015

This order is made by Dorset County Council ("the authority") under section 257 and section 261(2) of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is required to divert part of the footpath to which this Order relates in order to enable minerals to be worked by surface working and that that part of the footpath can be restored after the minerals have been worked to a condition not substantially less convenient to the public in accordance with planning permission 1/E/2005/0742 granted under Part III of the Town and Country Planning Act 1990 namely: to allow mineral extraction and progressive restoration to agriculture and woodland at Woodsford Farm, Woodsford.

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 and the reinstatement (as provided by this Order) of the original route of that highway.

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 temporarily 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 County 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 County 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. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule: Vegetation clearance and culvert to be installed at point C (SY 76519017).

5. The footpath referred to in Article 1 of this Order shall be reinstated to the reasonable satisfaction of Dorset County Council on or before 1 October 2029.
6. The diversion of the footpath shall come to an end on the date on which Dorset County Council certify that the terms of Article 5 above have been complied with and upon the occurrence of that event the County of Dorset definitive map shall be modified by deleting from it the path referred to in Article 2 of the Order and the path referred to in Article 1 of this Order shall be added back to it and the definitive statement shall be modified as described in Part 4 of the Schedule.
7. The following works shall be carried out to reinstate the footpath described in Part 1 of the Schedule on or before 1 October 2029: As stated in the Environmental Statement attached to the planning permission granted (1/E/2005/0742).
8. Hills Quarry Products Ltd is hereby required to pay the cost of carrying out the works described in Article 4 and Article 7.
9. Where immediately before the date on which the footpath is [stopped up] 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 4, Woodsford in the West Dorset District:

- A – B From the unaffected part of Footpath 4, in the south western corner of the field south of East Woodsford at point A (SY 76309014), crossing south into the next field and continuing south south east along the field edge to the north western corner of the next field at point B (SY 76398971). (No recorded width).

Part 2

Description of site of alternative highway

Part of Footpath 4, Woodsford in the West Dorset District:

- A – C – D From the unaffected part of Footpath 4, in the south western corner of the
– E – F – field south of East Woodsford at point A (SY 76309014), east north east along
B the field edge to point C (SY 76519017) near farm buildings, then south,
 crossing into the next field to point D (SY 76529014), then generally east
 north east, following the field boundary to the north eastern corner of the field
 at point E (SY 76699017), continuing south along the field boundary parallel
 with Woodsford Road to point F (SY 76708973). Then cross south into the
 next field and continuing west south west along the field edge to the north
 western corner of the field to rejoin the unaffected part of Footpath 4 at point
 B (SY 76398971). Width: 3 metres.

Part 3

Modification of Definitive Statement

Variation of particulars of path

Footpath 4, Woodsford

Delete:

From: 762904 To: 765892

East Woodsford to Higher Woodsford.

Add:

From: 762904

To: 765892

East Woodsford generally south to the south western corner of the field south of East Woodsford at SY 76309014, east north east along the field edge to SY 76519017 near farm buildings, then south, crossing into the next field to SY 76529014, then generally east north east, following the field boundary to the north eastern corner of the field at SY 76699017, continuing south along the field boundary parallel with Woodsford Road to SY 76708973. Then cross south into the next field and continuing west south west along the field edge to the north western corner of the field at SY 76398971 and continuing generally south south east to Higher Woodsford. Width: Between SY 76309014 and SY 76398971 is 3 metres.

Part 4

Modification of definitive statement

Variation of particulars of path (following reinstatement)

Footpath 4, Woodsford

Delete:

From: 762904

To: 765892

East Woodsford generally south to the south western corner of the field south of East Woodsford at SY 76309014, east north east along the field edge to SY 76519017 near farm buildings, then south, crossing into the next field to SY 76529014, then generally east north east, following the field boundary to the north eastern corner of the field at SY 76699017, continuing south along the field boundary parallel with Woodsford Road to SY 76708973. Then cross south into the next field and continuing west south west along the field edge to the north western corner of the field at SY 76398971 and continuing generally south south east to Higher Woodsford. Width: Between SY 76309014 and SY 76398971 is 3 metres.

Add:

From: 762904

To: 765892

East Woodsford to Higher Woodsford.

Dated this 20th day of ~~march~~ 2015

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

L. E. Henson

141/15

Authorised signatory

The foregoing Order is hereby confirmed unopposed

Grace Evans

Authorised Signatory

Dated this 23rd day of ~~NOVEMBER~~ 2018

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2015

