



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 91, Marnhull) 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 develop land by the erection of up to 61 No. dwellings, form vehicular and pedestrian access, public open space and attenuation basins (reference 2/2018/1808/OUT).

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. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:
 - Construction of footpath to a width of 2 metres (except for at point H) with a maximum gradient of 1:20
 - Pedestrian gate to be installed at point H (to British Standard BS5709:2018).

5. C G Fry & Son Ltd is hereby required to pay for the cost of carrying out the said works.
6. 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 91, Marnhull:

- A – B The whole width of the footpath from its junction with Burton Street (C15) at point A (ST 78022 19187), north west across a field and the garden of 1 Burtonhayes and continuing north west across the field to the unaffected part of Footpath 91 at point B (ST 77851941). (No recorded width).

Part 2

Description of site of alternative highway

Part of Footpath 91, Marnhull:

- C – D – E From its junction with Burton Street (C15) at point C (ST 78023 19188), north
– F – G – along a tarmac surfaced path to point D (ST 78021920), turning north east
H – I – B and north west along a grass surfaced path, passing through a landscaped
 area to point E (ST 78011922), then west across the estate road and
 continuing west north west and north west along the tarmac surfaced estate
 path to point F (ST 77921932). It continues north east along the estate path
 then along a grass surfaced path to point G (ST 77941934) and north to the
 field boundary at point H (ST 77948 19348). Crossing into the field it turns
 west along the southern field boundary to point I (ST 77861935), then north
 along the western field boundary to rejoin the unaffected part of Footpath 91
 at point B (ST 77851941). Width: 2 metres, except for 1.5 metres at point H
 (ST 77948 19348).

Part 3

Modification of Definitive Statement

Variation of particulars of path

Footpath 91, Marnhull:

Delete:

From: 780191

To: 778194

Burton Street north west to Love Lane.

Add:

From: ST 78023 19188

To: ST 778194

From its junction with Burton Street (C15), north along a tarmac surfaced path to ST 78021920, turning north east and north west along a grass surfaced path, passing through a landscaped area to ST 78011922, then west across the estate road and continuing west north west and north west along the tarmac surfaced estate path to ST 77921932. It continues north east along the estate path then along a grass surfaced path to ST 77941934 and north to the field boundary at ST 77948 19348. Crossing into the field it turns west along the southern field boundary to ST 77861935, then continuing north and north north west along the western field boundary to its junction with Love Lane. Width: 2 metres, except for 1.5 metres at ST 77948 19348. Limitation: Pedestrian gate at ST 77948 19348 to British Standard BS5709:2018.

Dated this 10TH day of NOVEMBER 2023

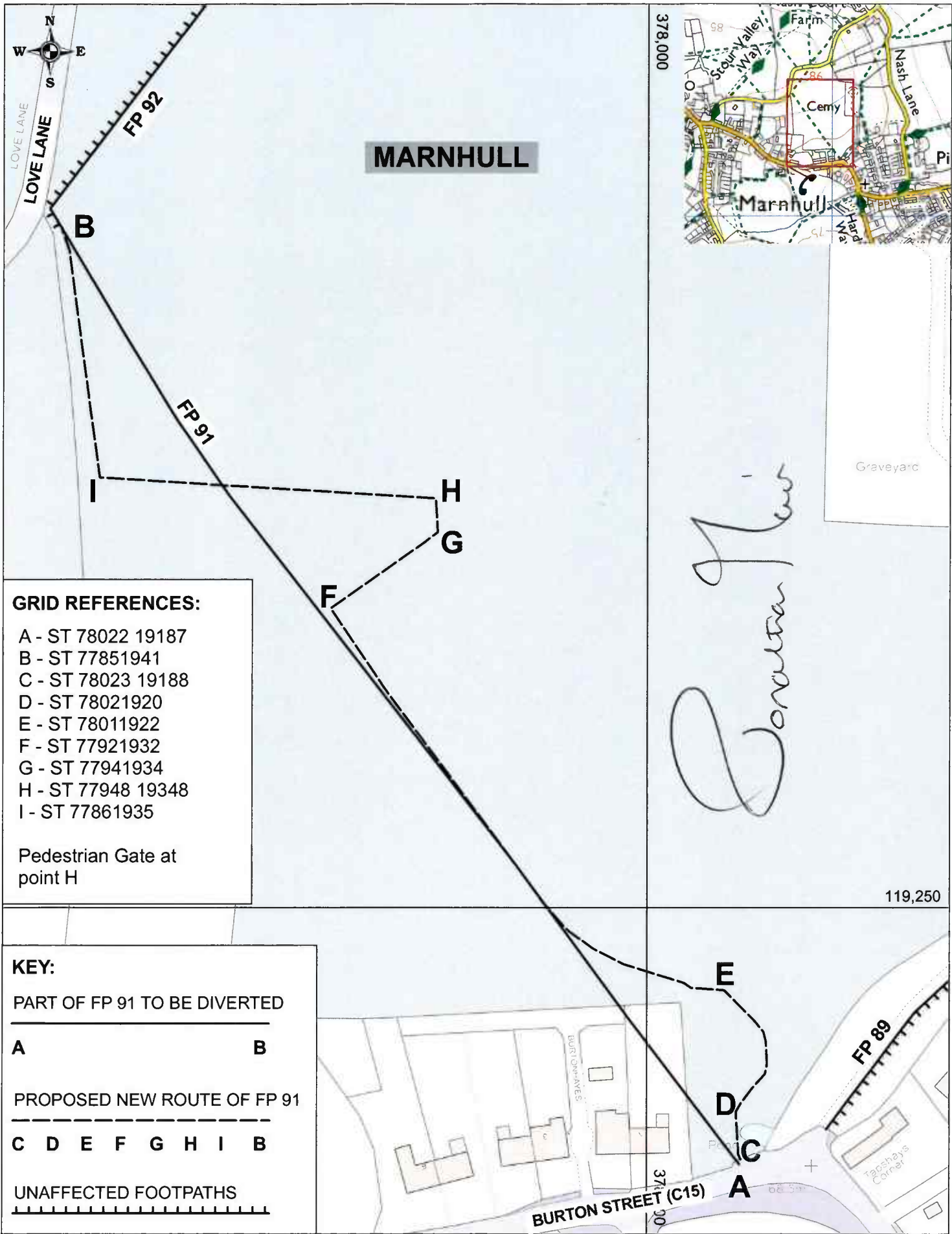
THE COMMON SEAL of
DORSET COUNCIL
was affixed in the presence of:-



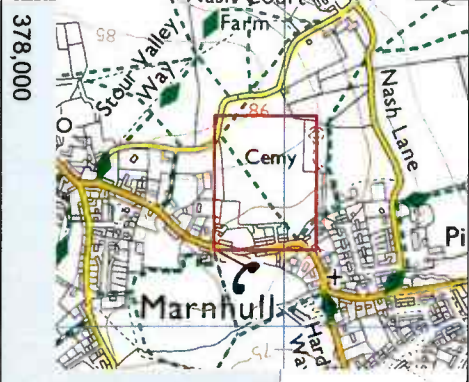
752/23

Authorised signatory





MARNHULL



GRID REFERENCES:

- A - ST 78022 19187
- B - ST 77851941
- C - ST 78023 19188
- D - ST 78021920
- E - ST 78011922
- F - ST 77921932
- G - ST 77941934
- H - ST 77948 19348
- I - ST 77861935

Pedestrian Gate at point H

KEY:

PART OF FP 91 TO BE DIVERTED

A B

PROPOSED NEW ROUTE OF FP 91

C D E F G H I B

UNAFFECTED FOOTPATHS

Sarah Hill

119,250

SECTION 257, TOWN AND COUNTRY PLANNING ACT 1990

DORSET COUNCIL (PART OF FOOTPATH 91, MARNHULL) PUBLIC PATH DIVERSION ORDER 2023

Ref: P252/23/1

Date: 06/11/2023

Drawn by: KJD

Scale: 1:1200

Cent X: 377,958

Cent Y: 119,320



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 Limited (2017 onwards)