



# 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 (Parts of Footpaths 10 & 12, Sturminster Newton) 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 footpaths 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: the demolition of farm buildings and erection of 98 dwellings, formation of vehicular access from Elm Close and Bull Ground Lane, public open space, allotments and associated infrastructure (reference 2/2019/1801/FUL).

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 footpaths over the land shown by bold black lines 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 footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpaths 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: Removal of the kissing gates at points A and D.
5. Wyatt Homes is hereby required to pay for the cost of carrying out the said works.

6. Where immediately before the date on which the footpaths are 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 paths**

##### Part of Footpath 10, Sturminster Newton:

- A – B The whole width of the footpath from the unaffected part of Footpath 10 at the northern field boundary at point A (ST 79331421), south west and generally west south west across fields to its junction with Footpath 12, Sturminster Newton at point B (ST 79112 14140). (No recorded width).

##### Part of Footpath 12, Sturminster Newton:

- C – D The whole width of the footpath from the unaffected part of Footpath 12, in a field at point C (ST 79110 14143), generally north west across the field to rejoin the unaffected part of Footpath 12 at the north western corner of the field at point D (ST 79021425). (No recorded width).

### **Part 2**

#### **Description of site of alternative highway**

##### Part of Footpath 10, Sturminster Newton:

- A – E – F From the unaffected part of Footpath 10 at point A (ST 79331421), south  
– G – H – south west, crossing the estate road to point E (ST 79321420) and continuing  
I – J – K – generally south east along a compacted gravel surfaced path, passing  
L – C through a greenspace area to point F (ST 79401410), then west south west to  
point G (ST 79371408) and continuing generally west to the edge of the  
estate road at point H (ST 79241410). It continues west north west and north  
north west to point I (ST 79211413), then north and west along a tarmac  
surfaced estate path to point J (ST 79191413), north and generally west to  
point K (ST 79143 14141), then north, crossing the estate road to point L (ST  
79142 14148) and continuing west along a tarmac surfaced estate path to its  
junction with Footpath 12 at point C (ST 79110 14143). Width: 2 metres.

##### Part of Footpath 12, Sturminster Newton:

- C – M – D From its junction with the proposed new route of Footpath 10, Sturminster  
Newton at point C (ST 79110 14143), generally north west along a tarmac  
surfaced estate path to point M (ST 79031423), then north west along a  
compacted gravel surfaced path to rejoin the unaffected part of Footpath 12 at  
point D (ST 79021425). Width: 2 metres.

Part 3

**Modification of Definitive Statement**

**Variation of particulars of paths**

Footpath 10, Sturminster Newton:

**Delete:**

From: 793143 To: 791141

Path No 9 east of Rixon to join Path No 12 at railway arch.

**Add:**

From: ST 793143 To: ST 79110 14143

Path No 9 east of Rixon south to ST 79331421, south south west, crossing the estate road to ST 79321420 and continuing generally south east along a compacted gravel surfaced path, passing through a greenspace area to ST 79401410, then west south west to ST 79371408 and continuing generally west to the edge of the estate road at ST 79241410. It continues west north west and north north west to ST 79211413, then north and west along a tarmac surfaced estate path to ST 79191413, north and generally west to ST 79143 14141, then north, crossing the estate road to ST 79142 14148 and continuing west along a tarmac surfaced estate path to its junction with Footpath 12. Width: 2 metres between ST 79331421 and ST 79110 14143.

Footpath 12, Sturminster Newton:

**Delete:**

From: 789143 To: 790139

Butts Pond, under railway bridge to join Path No 17 at Ham Lane.

**Add:**

From: ST 7906 1394 To: ST 79011425

Path No 17 at Ham Lane, generally north passing under the railway bridge to its junction with Footpath 10, Sturminster Newton at ST 79110 14143, generally north west along a tarmac surfaced estate path to ST 79031423, then north west along a compacted gravel surfaced path to ST 79021425 and continuing north west to its junction with Footpath 11. Width: 2 metres between ST 79110 14143 and ST 79021425.

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

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

*J. M. House*

497/23

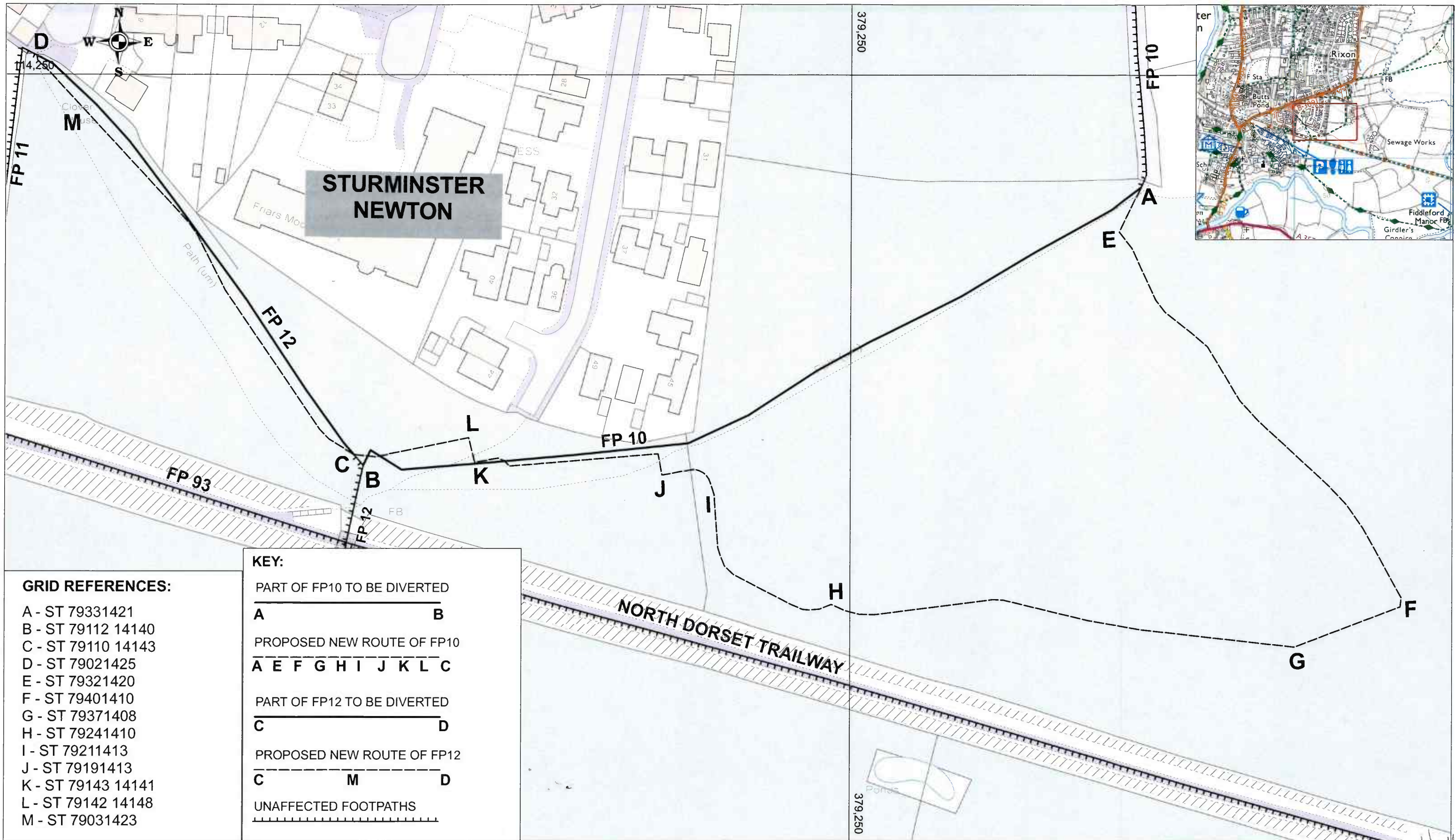
Authorised signatory

The foregoing Order is hereby confirmed unopposed

*Soraya Hair*  
Authorised Signatory

(Sturminster Newton) Public Path

Dated this 10<sup>TH</sup> day of NOVEMBER 2023



**GRID REFERENCES:**

- A - ST 79331421
- B - ST 79112 14140
- C - ST 79110 14143
- D - ST 79021425
- E - ST 79321420
- F - ST 79401410
- G - ST 79371408
- H - ST 79241410
- I - ST 79211413
- J - ST 79191413
- K - ST 79143 14141
- L - ST 79142 14148
- M - ST 79031423

**KEY:**

- PART OF FP10 TO BE DIVERTED  
 A  B
- PROPOSED NEW ROUTE OF FP10  
 A E F G H I J K L C
- PART OF FP12 TO BE DIVERTED  
 C  D
- PROPOSED NEW ROUTE OF FP12  
 C  M  D
- UNAFFECTED FOOTPATHS

**SECTION 257, TOWN & COUNTRY PLANNING ACT 1990  
 DORSET COUNCIL (PARTS OF FOOTPATHS 10 & 12, STURMINSTER NEWTON) PUBLIC  
 PATH DIVERSION ORDER 2023**

**Ref: P246/23/2**  
**Date: 10/05/2023**  
**Scale: :1100 at A3**  
**Drawn by: KJD**  
**Cent X: 379,215**  
**Cent Y: 114,152**



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