EXPLANATORY STATEMENT

**The Oxfordshire County Council, Wardington Footpath No. 27 (part) Public Path Diversion and Definitive Map and Statement**

**Modification Order 2018**

# THIS EXPLANATORY STATEMENT PROVIDES BACKGROUND INFORMATION AND DOES NOT FORM PART OF THE ORDER

Oxfordshire County Council (“the County Council”) has the power to make Orders to divert public rights of way under section 119 of Highways Act 1980 (“the Act”).

This Order to divert part of Fp. 27 is made as a result of an application received from the owner of Glen Meadows Farmhouse, Chacombe. The overall purpose of the Order is to divert the footpath further from the property to provide increased privacy for the owner. The costs this Council incurs in administering and advertising the Order will be recharged to the applicant. The applicant will also be responsible for works to bring the new route into a satisfactory condition for the public

Wardington Fp 27 begins at the Northamptonshire County boundary at a footbridge crossing a stream and runs west-north-westwards across a pasture field and past the front of Glen Meadows Farmhouse in sight of the garden and swimming pool. The path terminates at Wardington Road via a stile beside the main entrance to the property.

The path would be diverted to a new route within the field and would terminate 37m further southward along Wardington Road via an existing culvert. The existing close boarded gates at that location would be replaced by a field gate and a gap to the side for pedestrians. The width of the new path would be 3m and no structures would be installed along its length. The diversion would afford the landowner an improved level of privacy within the house but at the same time ensure the views for the public and the ability to walk across an open field where retained. The footpath to be diverted is 91m in length whereas the proposed length is 81m long.

Alternative steps to diverting the path were first explored such as screening the path but in this case the County Council considered such screening would lead to negative impact on the landowner when the diversion would achieve her aims whilst having limited impact on the public. Walkers would still be able to cross the middle of the field with same level of enjoyment and little (if any) compromise in terms of convenience.

The County Council has considered the application and has consulted with key interest groups and the parish council. It appears to the Council that it complies with the legal provisions contained in the Act and that it is expedient that the footpath should be diverted in the interest of the landowners.

The making and advertising of this Order provides an opportunity for objections or representations to be made. Any responses must be received by the date set out in Notice. The Council will then consider how to proceed. The Order will only come into force if it is confirmed.

If any objections are made and not withdrawn, the Planning and Regulation Committee of the County Council may refer the Order and objections to the Secretary of State for Environment Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then either take written representations or hear the objections at a Public Inquiry or Hearing. The Inspector can confirm the Order, confirm it with modifications, or refuse to confirm it.

*The right of an objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour.*

If no objections are received the County Council may confirm the Order itself, but it has no power to modify the Order.

Further information about public path order procedures and the relevant legal provisions is available in our Guidance Notes at [www.oxfordshire.gov.uk/modificationsanddiversions](http://www.oxfordshire.gov.uk/modificationsanddiversions) and Natural England’s ‘’*A guide to definitive maps and changes to public rights of way’’* (reference NE112) at <https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>.

***Data Protection Act:*** *The County Council will consider all correspondence, objections and representations received in response to this order. They may be disseminated widely for these purposes and made available to the public.*