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# Order Decision

On papers on file

**by Martin Elliott BSc FIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 07 August 2017**

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## **Order Ref: FPS/E1855/4/27M**

- This Order is made under Section 119 of the Highways Act 1980 (the 1980 Act) and Section 53A(2) of the Wildlife and Countryside Act 1981 and is known as Footpath RP-518 (Part), formerly footpath 11, in the parish of Ripple public path diversion and definitive map and statement modification order 2015.
- The Order was sealed on 23 July 2015 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule. If confirmed, the Order will also modify the definitive map and statement for the area, in accordance with Section 53(3)(a)(i) of the Wildlife and Countryside Act 1981 Act, once the provisions relating to the diversion come into force.
- In accordance with paragraph 2(3) of Schedule 6 to the 1980 Act notice of the proposal to confirm the Order subject to modification has been given.

**Summary of Decision: The Order is confirmed subject to modifications previously proposed and further modifications as set out below in the Formal Decision.**

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## **Preliminary Matters**

1. In my interim decision dated 14 March 2017 I proposed confirmation of the Order subject to a modification in respect of reference points identified in the Schedule to the Order, the addition of a width in respect of the proposed alternative route (D to E on the Order map) and the deletion of the word minimum. No objections were received in response to the notice of the proposed modifications.
2. Since my interim decision advice from Defra<sup>1</sup> indicates that, irrespective of works to be carried out, orders should specify an actual date when the new route will become operative as required by Section 119(1)(a) of the 1980 Act. The certification of works relates only to the date on which the existing route would be stopped up. In view of this I intend to modify Article 2 of the Order to provide for the alternative route to come into effect 28 days from the date of confirmation. I also propose to similarly modify Article 1 so as to be consistent with Article 2.

## **Conclusion**

3. Bearing in mind the above I conclude that the Order should be confirmed subject to modifications previously proposed and further modifications which do not require advertising.

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<sup>1</sup> Department for Environment, Food and Rural Affairs

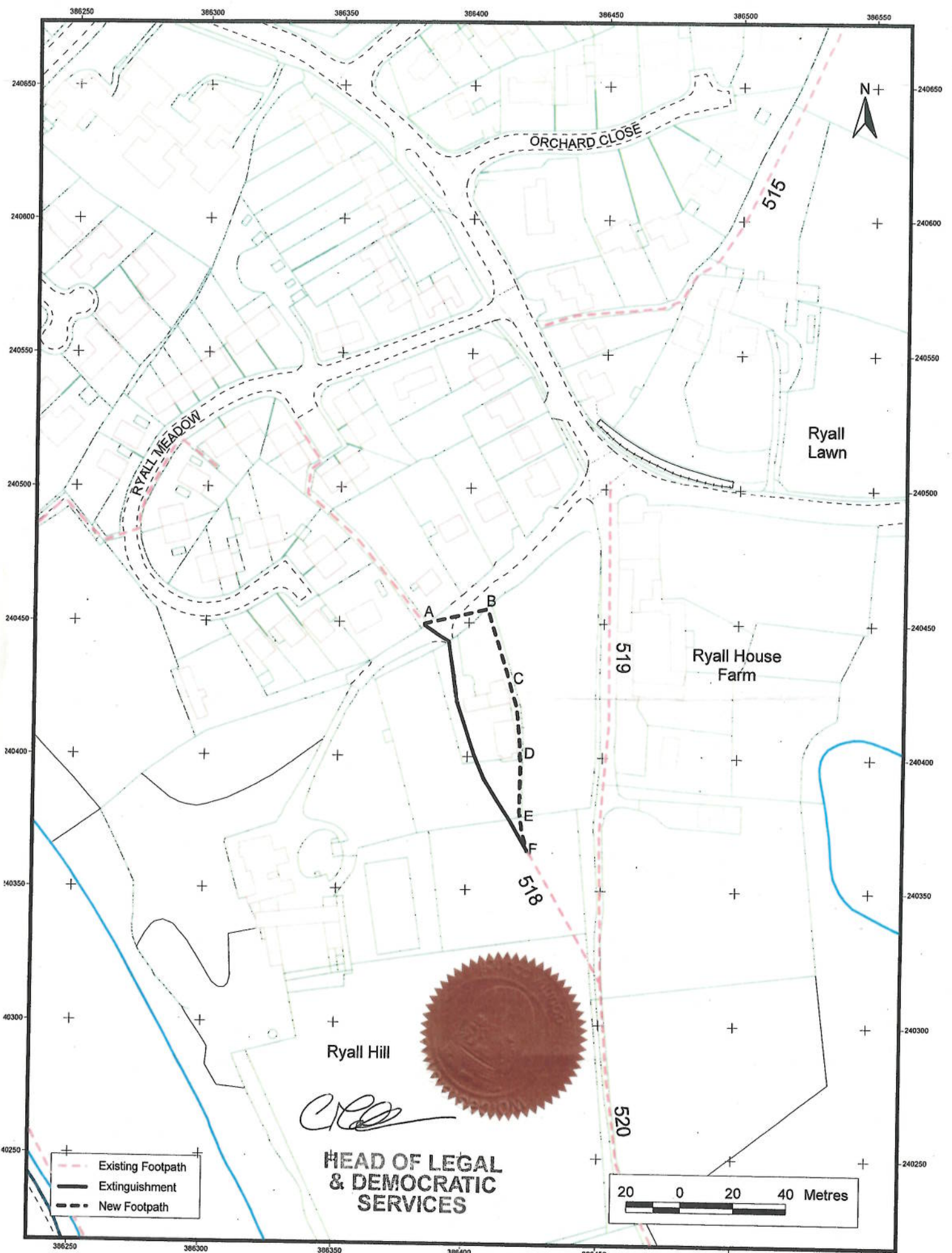
## **Formal Decision**

4. I confirm the Order subject to the following modifications:

- At line 4 of Article 1 to the Order after the words 'out or' insert 'on 28 days from'.
- At line one of Article 2 to the Order after 'There shall at the end of' delete 'the date referred to in Article 1' insert '28 days from the confirmation of the Order'.
- At part 1 of the Schedule to the Order from line 6 delete '(point B on the Order map)' and at line 8 after 'grid reference SO 8642 4036' insert '(point F on the Order map)'.
- At part 2 of the Schedule to the Order at line 12 after 'approximately 24 metres' insert 'at a width of 3 metres' and delete all references to the word 'minimum'.
- At part 4 of the Schedule to the Order after 'approximately 24 metres' insert 'at a width of 3 metres' and delete all references to the word 'minimum'.

*Martin Elliott*

Inspector



*[Signature]*

**HEAD OF LEGAL  
& DEMOCRATIC  
SERVICES**