



## Order Decision

Site visit made on 27 November 2017

by **K R Saward Solicitor**

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

Decision date: **01 May 2018**

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### Order Ref: **ROW/3174213M**

- This Order is made under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") and is known as the Breckland District Council (Bridleway 15) Public Path Diversion Order 2016.
- The Order is dated 19 July 2016 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule.
- In accordance with Paragraph 3 (6) of Schedule 14 to the Town and Country Planning Act 1990 I have given notice of my proposal to confirm the Order subject to modifications.

**Summary of Decision: The Order is confirmed subject to modifications set out below in the Formal Decision.**

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### Preliminary Matters

1. The Interim Order Decision ("IOD") was issued on 23 January 2018. There was an error in the heading of that Decision where it referred to my appointment by the Secretary of State for Communities and Local Government. Reference should have been made to the Secretary of State for Environment, Food and Rural Affairs who I have been appointed by throughout.
2. The IOD referred to another Order affecting the same development relating to part of Shipdham Bridleway 16. That Order, Order B, reference ROW/3174214 was confirmed in that Order Decision (with minor typographical corrections) and so is not considered further here.
3. In my IOD, I proposed some modifications to the above Order (Order A), as made, involving alterations to the alignment of the Order route, being part of Shipdham Bridleway 15 ("BR15") and correction of some minor typographical errors. The effect of the Order, if confirmed with the modifications that I previously proposed, would be to divert part of BR15 along the centre of the farm track shown on the Order map rather than in a straight line between points BR15B and BR15C. The diverted route would then connect with point BR15D in a straight line from the exit point along the farm track.
4. The proposed modification of the alignment shown on the Order map arose as a result of concerns expressed by The Open Spaces Society. Among other issues, they objected that part of the diverted route would not achieve the full 4m width due to its proximity to the edge of the track near to a boundary treatment.
5. No representations were made in response to the advertisement of the proposed modifications.

## Reasons

6. I was satisfied that it was appropriate to propose confirmation of the Order in relation to the tests set out in section 257 of the Town and Country Planning Act 1990.
7. I remain satisfied that it is appropriate for me to confirm the Order, subject to the same modifications, as it meets the legislative tests set out in section 257 of the 1990 Act.

## Conclusion

8. I conclude that the Order should be confirmed subject to the modifications identified in paragraph 44 of my IOD and as set out below.

## Formal Decision

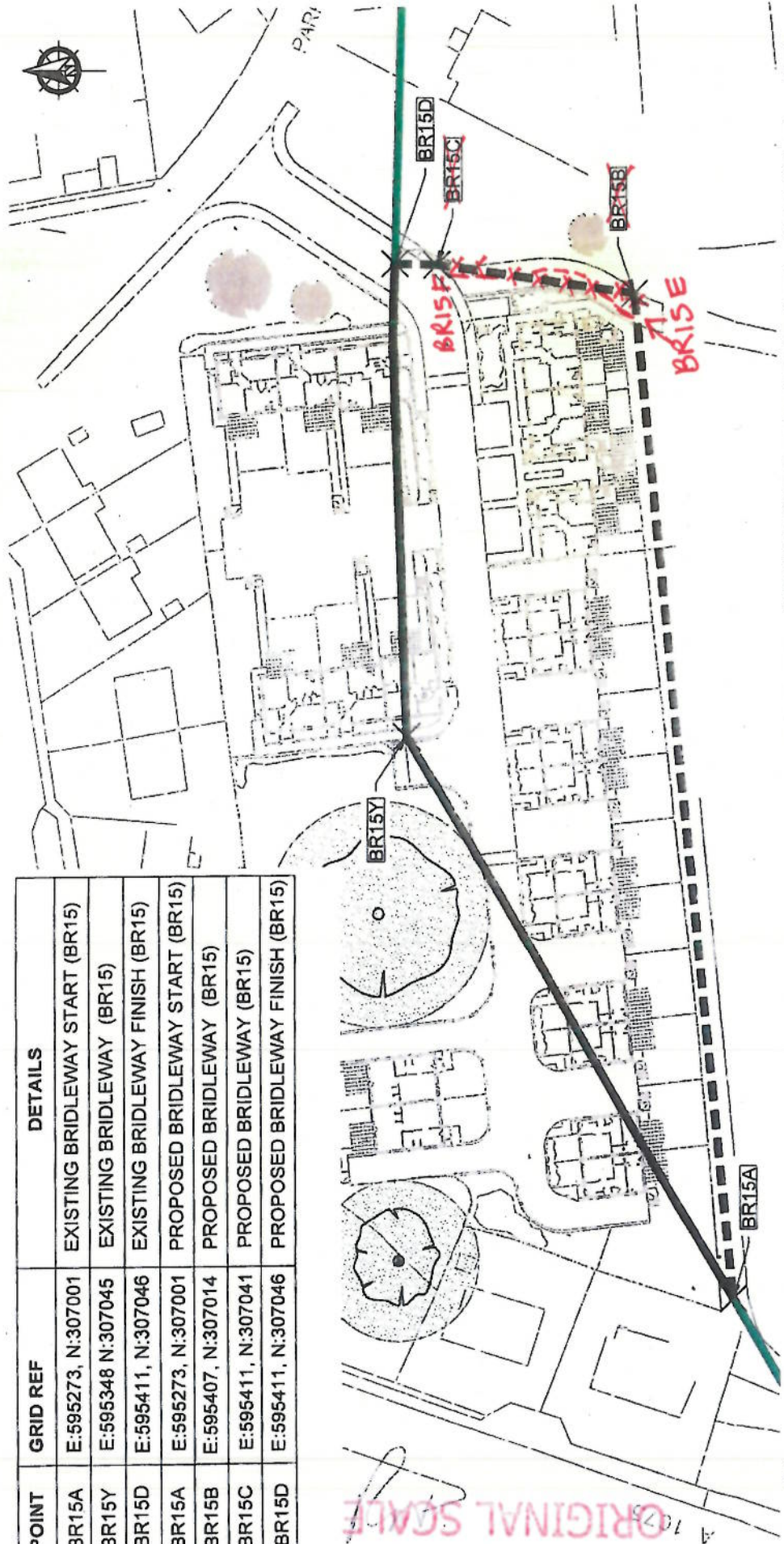
9. In exercise of the powers transferred to me, the Order is confirmed subject to the modifications previously proposed:
  - In paragraph number 3. delete "bridleways" and replace with "bridleway"
  - In paragraph number 6. delete "bridleways are" and replace with "bridleway is"
  - Within Part 2 of the Schedule delete the text and replace with:

*"A new bridleway 4 metres wide, running from point BR15A on Shipdham Bridleway 15 (grid reference E:595273, N:307001) in an Easterly direction for approximately 132.5 metres to point BR15E (grid reference E:595405, N:307014) and then in a Northerly direction for approximately 26.5 metres to point BR15F (grid reference E:595409, N:307039) and then in a Northerly direction for approximately 7.9 metres to point BR15D (grid reference E:595411, N307046)."*
  - On the Order map:
    - delete points BR15B and BR15C;
    - insert points BR15E and BR15F;
    - modify the route between points BR15E and BR15F to show the alignment along the centre of the track and then in a straight line between points BR15F and BR15D.

*KR Seward*

INSPECTOR

POINT	GRID REF	DETAILS
BR15A	E:595273, N:307001	EXISTING BRIDLEWAY START (BR15)
BR15Y	E:595348 N:307045	EXISTING BRIDLEWAY (BR15)
BR15D	E:595411, N:307046	EXISTING BRIDLEWAY FINISH (BR15)
BR15A	E:595273, N:307001	PROPOSED BRIDLEWAY START (BR15)
BR15B	E:595407, N:307014	PROPOSED BRIDLEWAY (BR15)
BR15C	E:595411, N:307041	PROPOSED BRIDLEWAY (BR15)
BR15D	E:595411, N:307046	PROPOSED BRIDLEWAY FINISH (BR15)



MAP NOT TO ORIGINAL SCALE

SCALE 1:750m

**Canham Consulting**  
 Structural Engineers  
 Civil Engineers  
 Building Surveyors

Canham Consulting Ltd, The Old School, School Lane, Norwich  
 Norfolk NR7 8EP Tel: +44 (0)1603 420050 Fax: +44 (0)1603 43208  
 Email: mail@canhamconsulting.co.uk www.canhamconsulting.co.uk

**Wellington**  
 Distribution Ltd

**Cap**  
 Mechanical Services

PARKLANDS AVENUE, SHIPDHAM

BRIDLEWAY BR15  
 EXISTING AND PROPOSED  
 REALIGNMENT PLAN

DATE: 06/07/16  
 DRAWN BY: MEH  
 CHECKED BY: MAB  
 SCALE: 1:750@A4  
 PROJECT NO: 205041-552-P1

KEY

- EXISTING BR15 ROUTE TO BE DIVERTED
- PROPOSED BR15 ROUTE
- EXISTING ROUTE NOT AFFECTED

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