



## Order Decision

on papers on file

**by D. M. Young BSc (Hons) MA MRTPI MIHE**

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

**Decision date: 06 December 2018**

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### **Order Ref: ROW/3209576**

- This Order is made under Section 119 of the Highways Act 1980 (the 1980 Act) and is known as Dorset County Council (Parts of Footpaths 30, 31 and 33 Stour Provost) Public Path Diversion Order.
- The Order is dated 21 July 2006 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule.
- There were no objections outstanding when Dorset County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

**Summary of Decision: The Order is proposed for confirmation subject to modifications set out in the Formal Decision.**

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### **Procedural Matters**

1. The Order was initially opposed by the Ramblers – North Dorset Group. However following discussions with Dorset County Council, that objection was withdrawn on 10 July 2017. The reason for the objection was that the Order did not specify the various limitations and conditions along the proposed routes. Moreover, it did not reflect more recent changes to the routes as a result of ground conditions. Both matters are addressed by an amended Order Plan and a comprehensive set of amendments set out in my formal decision below. The withdrawal allowed me to consider the Order on the basis of the information contained in the papers on file.

### **Main issues**

2. The Order is made in the interests of the owner of the land crossed by the Footpaths. Before confirming the Order, I should be satisfied that it is expedient, in the interests of the owner, that the footpaths in question should be diverted having regard to the tests set out in section 119 of the 1980 Act.

### **Reasons**

3. The Order was made in 2006 and involved the reorganisation of various footpaths in and around Shadehouse Farm. At that time the legal alignment of Footpaths 30, 33 and 34 were obstructed by buildings and a slurry pit. Consequently, the aim of the Order is to divert the footpaths away from these obstructions and the area around the dairy yard thus improving security for the landowner and safety for the general public. The works to provide the proposed routes were completed in 2014.
4. No matters were raised in relation to any of the tests under the 1980 Act to suggest that the Order should not be confirmed. I have seen nothing to suggest that it would not be appropriate to confirm the Order but agree that

modifications to the Order and Map are necessary to provide clarity and to better reflect the situation on the ground.

5. In view of the above, I am satisfied that it is expedient, in the interests of the owner of the land, that the footpaths in question should be diverted.

### **Conclusion**

6. Having regard to all other matters raised, I conclude that the Order should be confirmed, subject to the modifications below.

### **Formal Decision**

7. I propose to confirm the Order subject to the following modifications:

- On the first page a new second paragraph shall be added which states:  
*"Notwithstanding this order, BT Openreach and Scottish & Southern Electricity Networks shall have the following rights over the land referred to in paragraph 1. Namely: full and free access for purposes connected to the use and maintenance of their apparatus now existing under, over or on the land referred to in paragraph 1".*
- A new fourth paragraph shall be added which states:  
*"the rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the schedule to this order".*
- On the second page underneath "SCHEDULE" and above "PART 1" the following words shall be added:  
*"The points specified relate to the map attached to the order and their positions are identified by national grid references".*
- On the second line of the second paragraph to Part 1 "Point I" shall be changed to "Point M"
- On the third line of the same paragraph the grid reference shall be changed to 80472132.
- Within Part 2 of the Order Schedule, the first paragraph shall be amended from the sixth line onwards and the words beginning "*southern boundary at point K*" and ending at "*grid reference ST 80462133*" shall be deleted and replaced with:  
*Junction with the access road to Shadehouse Farm at point N on the map attached to the order (approximate grid reference ST 80442138"*
- The width in the final sentence of the same paragraph shall be changed to "2" metres.
- In the third paragraph to Part 2 the following wording shall be added at the sixth line:  
*"....along the existing route of Footpath 31 on the access road to Shadehouse Farm to point M (approximate national grid reference ST 80472132) and then east across the next field to point D (approximate national grid reference ST 80552132) and then south east to....".*

- Underneath the third paragraph to Part 2 and above the date of the Order the following shall be added:

*"Part 3"*

*"Limitations and Conditions"*

*"To BS5709:2006:*

*Point I ST 80462133 1metre pedestrian gate*

*Point L ST 80622128 2 x 1metre pedestrian gates*

*1metre pedestrian bridge*

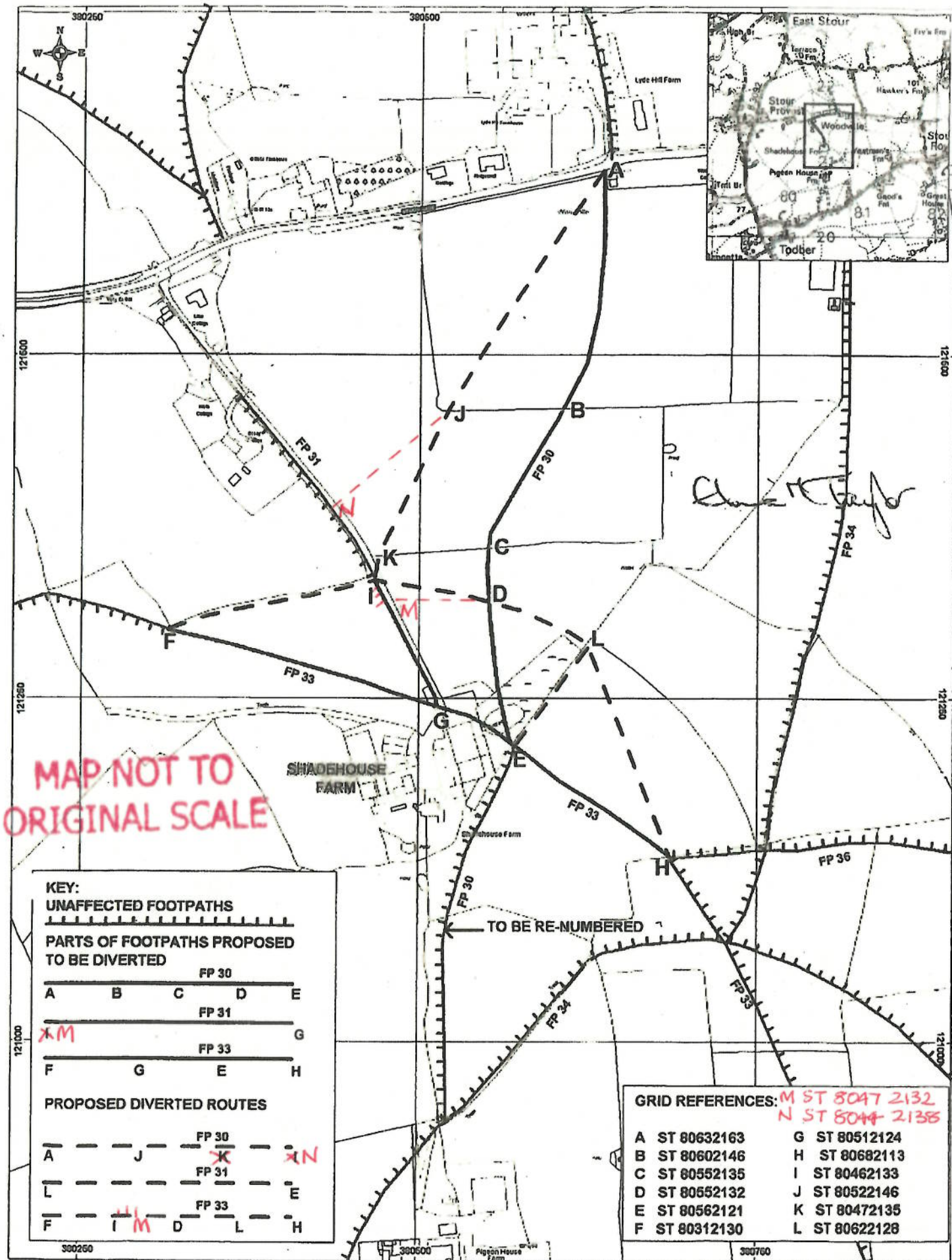
*Point M ST 80472132 1metre pedestrian gate*

*Point N ST 80442138 1metre pedestrian gate"*

- The Order map shall be amended to include points M and N.
8. Since the confirmed Order would affect land not affected by the Order as submitted I am required by virtue of paragraph 2(3) to Schedule 6 of the 1980 Act to give notice of the proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

*Dominic Young*

**Inspector**



MAP NOT TO ORIGINAL SCALE

*David Taylor*

**KEY:**

**UNAFFECTED FOOTPATHS**  
 [Solid line with hatching]

**PARTS OF FOOTPATHS PROPOSED TO BE DIVERTED**

FP 30				
A	B	C	D	E
FP 31				
G				
FP 33				
F	G	E	H	

**PROPOSED DIVERTED ROUTES**

FP 30				
A	J	K	N	
FP 31				
E				
FP 33				
F	I	M	D	L
H				

**GRID REFERENCES:**

M ST 8047 2132  
 N ST 8044 2135

A ST 80632163	G ST 80512124
B ST 80602146	H ST 80682113
C ST 80552135	I ST 80462133
D ST 80552132	J ST 80522146
E ST 80562121	K ST 80472135
F ST 80312130	L ST 80622128

**PROPOSED PUBLIC PATH REORGANISATION**  
 SHADEHOUSE FARM, STOUR PROVOST

Scale: Reduced  
 from 1:2500

Ref: 05/50  
 Date: 6/10/2005  
 Drawn By: JLC  
 Cent X: 380548  
 Cent Y: 121298

GEOGRAPHICAL INFORMATION SYSTEMS

**DORSET**  
 County Council

We are a limited liability company, registered with the Companies Office of Dorset County Council. Our registered office is at the County Council Offices, Dorchester, Dorset, DT1 1TA. Our registered number is 05069014. Our registered office is at the County Council Offices, Dorchester, Dorset, DT1 1TA. Our registered number is 05069014. Our registered office is at the County Council Offices, Dorchester, Dorset, DT1 1TA. Our registered number is 05069014.