



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: 12 March 2019

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 confirmed subject to the modifications set out in the Formal Decision.

Procedural Matters

1. In my interim decision dated 6 December 2018 I proposed confirmation of the Order subject to a series of modifications identified in my Formal Decision. No objections were received in response to the notice of the proposed modifications.

Conclusion

2. Bearing in mind the above I conclude that the Order should be confirmed subject to modifications previously proposed.

Formal Decision

3. I 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

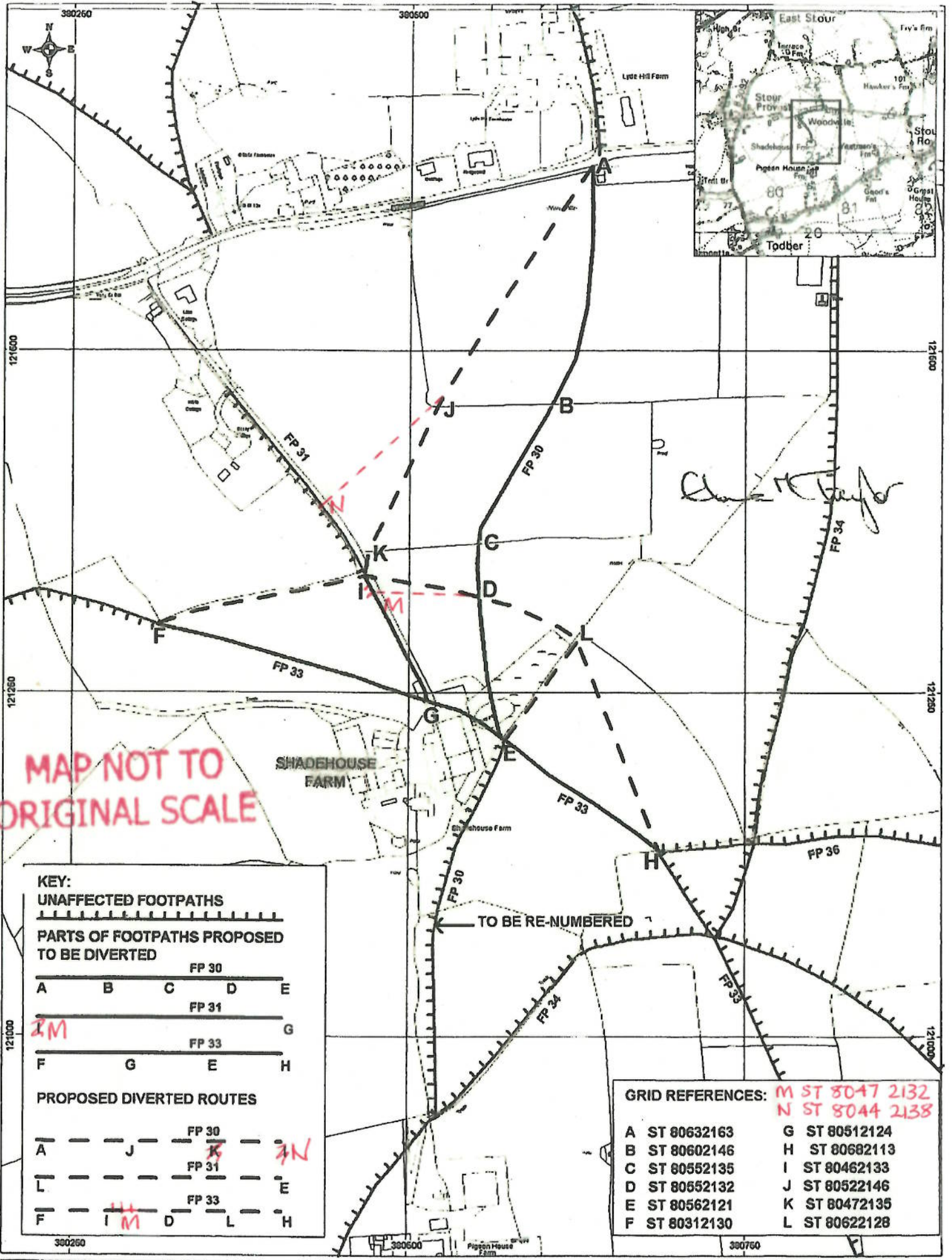
Point M ST 80472132 1metre pedestrian gate

Point N ST 80442138 1metre pedestrian gate"

- The Order map shall be amended to include points M and N.

Dominic Young

Inspector



MAP NOT TO ORIGINAL SCALE

KEY:

UNAFFECTED FOOTPATHS
 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				
L	E			
FP 33				
F	M	D	L	H

GRID REFERENCES:

M ST 8047 2132	
N ST 8044 2138	
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
 Cont X: 380548

GEOGRAPHICAL INFORMATION SYSTEMS

DORSET
 County Council

It is not to be used for any other purpose without the written permission of the Council.