

NOTICE OF ORDER

HIGHWAYS ACT 1980 – SECTION 118A WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Dorset County Council
(Footpath 14, Wool at East Burton) Rail Crossing Extinguishment Order
2018

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **17 April 2019**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **East Burton Village Hall, Burton Road, Wool, Wareham, Dorset, BH20 6EY** on **Wednesday 16 October 2019** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to extinguish the public Footpath running from its junction with East Burton Road, between the properties Southbrook and Marbrouk at SY 83468690, south south west along a grass surfaced path, hedged on both sides, to the boundary of the railway at SY 83428679, continuing south south west across the railway (known as 'Darkies' Crossing) to the edge of a field at SY 83428677, then south south west across the field to its junction with Footpath 13 at SY 8338656 as shown on the Order map. (No recorded width).

Please note that the current definitive map of rights of way does not show the route of Footpath 14 crossing the railway. However, the accompanying definitive statement describes the path from East Burton Road to join Footpath 13, with no mention of a gap. The route of Footpath 14 across the railway has clearly been used, well known and accepted as the legal route.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: helen.sparks@planninginspectorate.gov.uk. Please quote reference number ROW/3217265 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at the offices of Dorset County Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ during normal office hours. To arrange a viewing of the documents, please contact Ms Rebecca Buck on Telephone Number 01305 221744.

As the Authority has indicated that it will not be supporting the Order at the Inquiry, the case for the Order will be presented by Network Rail. They will be expected to adhere to the following timetable as if they were the Authority.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 12 June 2019]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 24 July 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 18 September 2019]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

Dorset County Council



**Rail Crossing Extinguishment
and
Definitive Map and Statement Modification Order**

**Highways Act 1980
Wildlife and Countryside Act 1981**

**Dorset County Council (Footpath 14, Wool at East Burton)
Rail Crossing Extinguishment Order 2018**

This Order is made by Dorset County Council ("the authority") under section 118A of the Highways Act 1980 ("the 1980 Act").

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the County of Dorset definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

The Footpath in the authority's area described below crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said Footpath that it should be stopped up.

Wool Parish Council, Purbeck District Council and Natural England have been consulted as required by section 120(2) of the 1980 Act.

The authority has required the operator of the railway to enter into an agreement with it to defray any expenses which the authority may incur in connection with the erection or maintenance of barriers and signs.

THIS ORDER EXTINGUISHES the public right of way over the land situate at East Burton, Wool shown by a continuous bold line on the map attached to this order and described in Part 1 of the schedule after 28 days from the date of confirmation of this order and requires that upon the occurrence of that extinguishment the County of Dorset definitive map shall be modified by deleting from it that public right of way, and the definitive statement shall be modified as described in Part 2 of the Schedule.

Notwithstanding this Order, Statutory Undertakers shall have the same rights over the land described in the schedule, in respect of their apparatus under, in, upon, over, along, or across the said land as they had immediately before the date of confirmation of this order.

Dated this 16TH day of MARCH 2018

THE COMMON SEAL of THE
DORSET COUNTY COUNCIL
was affixed in the presence of:-

112/18



Authorised signatory

SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

Part 1

Description of Public Right of Way Extinguished

Footpath 14, Wool in the Purbeck District:

- A – B – C From its junction with East Burton Road, between the properties Southbrook and Marbrouk at point A (SY 83468690), south south west along a grass surfaced path, hedged on both sides, to the boundary of the railway at point B (SY 83428679), continuing south south west across the railway (known as 'Darkies' Crossing) to the edge of a field at point C (SY 83428677), then south south west across the field to its junction with Footpath 13 at point D (SY 83378656). (No recorded width).

Part 2

Modification of Definitive Statement

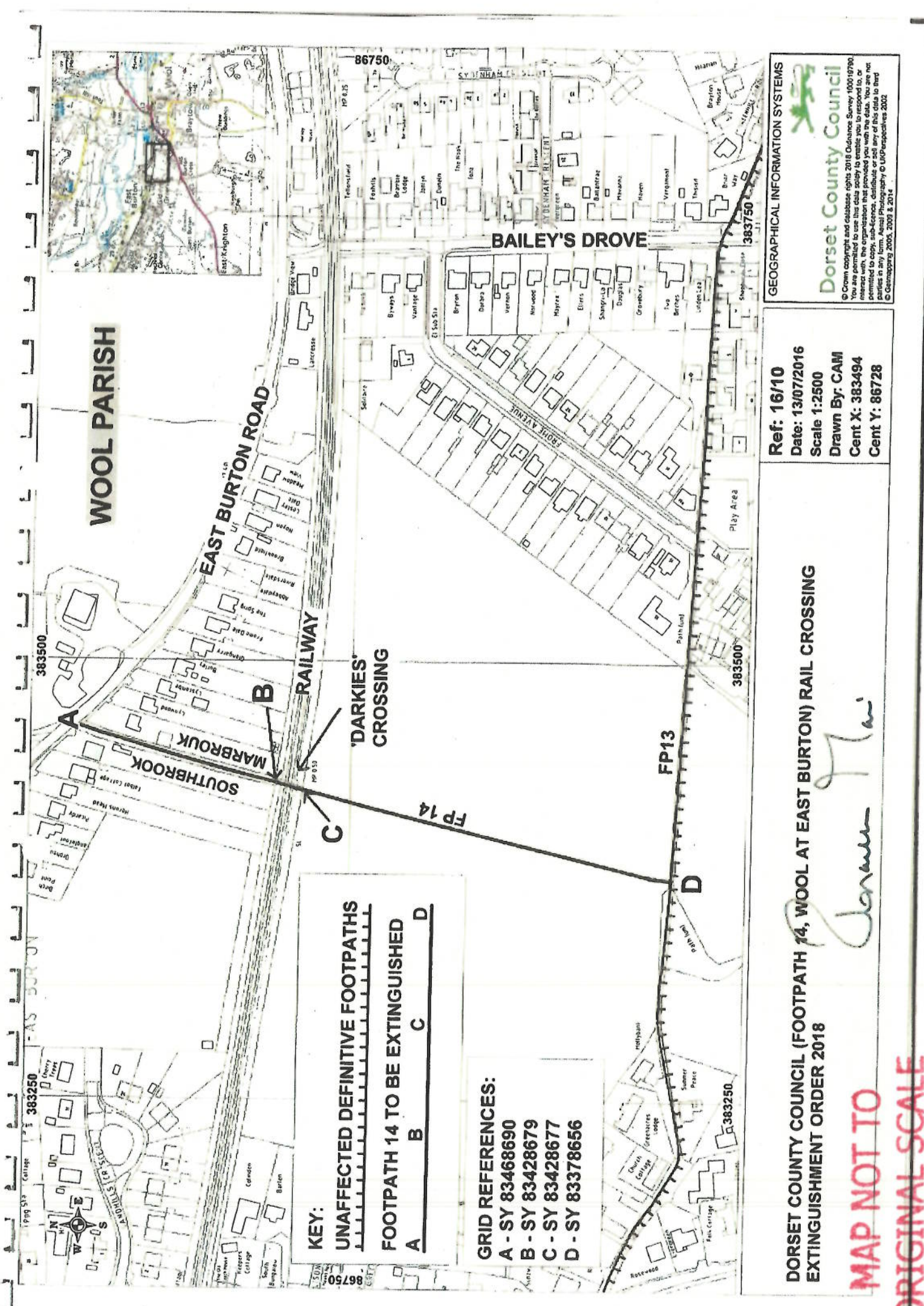
Variation of particulars of path

Footpath 14, Wool in the Purbeck District:

Delete:

From: 834869 To: 833865

East Burton Road south east of Burton Farm to join Path No 13.



KEY:
 UNAFFECTED DEFINITIVE FOOTPATHS
 FOOTPATH 14 TO BE EXTINGUISHED
 A B C D

GRID REFERENCES:
 A - SY 83468690
 B - SY 83428679
 C - SY 83428677
 D - SY 83378656

GEOGRAPHICAL INFORMATION SYSTEMS

 Dorset County Council
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Ref: 16/10
 Date: 13/07/2016
 Scale 1:2500
 Drawn By: CAM
 Cent X: 383494
 Cent Y: 86728

DORSET COUNTY COUNCIL (FOOTPATH 14, WOOL AT EAST BURTON) RAIL CROSSING
 EXTINGUISHMENT ORDER 2018

Carman

MAP NOT TO ORIGINAL SCALE