Order Decision

On papers on file

by Mark Yates BA(Hons) MIPROW

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

Decision date: 18 December 2019

Order Ref: ROW/3226944

- This Order is made under Section 32 of the Acquisition of Land Act 1981 ("the 1981 Act") and is known as the Environment Agency (Oxford Flood Alleviation Scheme) (Footpath 352/2 South Hinksey to A34) Acquisition Extinguishment Order 2018.
- The Order was made by the Environment Agency ("the Authority") on 20 December 2018 and proposes to extinguish a section of Footpath 352/2, as detailed in the Order Map and Schedule.
- There was one objection outstanding when the Authority submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.

Decision

1. The Order is confirmed subject to the modification set out in paragraph 6 below.

Procedural Matter

2. The sole objection from Oxfordshire County Council was withdrawn as the Authority has requested a modification to correct the grid reference for point C in the Order. It would clearly be appropriate for the Order to be modified to include the correct grid references.

Main Issues

3. Section 32 of the 1981 Act sets out the relevant criteria to be considered.

Reasons

4. The statement submitted by the Authority outlines that a Compulsory Purchase Order has been made to facilitate the construction, operation and maintenance of the Oxford Flood Alleviation Scheme. It is deemed impractical to retain the section of footpath on its current alignment for a variety of reasons. An alternative highway will be provided for the section of footpath to be extinguished.

5. The information provided is supportive of the provisions of Section 32 of the 1981 Act being satisfied. Further, nothing has been raised to indicate that the Order should not be confirmed. On this basis, I conclude that the Order should be confirmed subject to the modification outlined below.

Modification

6. Part 2 of the Order Schedule is modified as follows:

    - Delete the grid reference specified for point C, namely "*SP 5107 0396*", and replace it with "*SP 5106 0396*".

Mark Yates

Inspector