

EXPLANATORY STATEMENT

**The Oxfordshire County Council, Spelsbury Footpath No 19 and Spelsbury
Footpath No 21 (parts) and Charlbury Footpath No 3 (part),
Public Path Diversion and Definitive Map and Statement Modification Order 2022.
The Oxfordshire County Council, Spelsbury Footpath No 19 (part)
Public Path Extinguishment and Definitive Map and Statement Modification Order
2022.**

**THIS EXPLANATORY STATEMENT PROVIDES BACKGROUND INFORMATION AND
DOES NOT FORM PART OF THE ORDERS**

Oxfordshire County Council has powers to make Orders to divert and extinguish public rights of way under s119 and s118 of the Highways Act 1980 respectively. The diversion is in the interests of the landowner and the extinguishment is on the ground that the path is not needed for public use.

The current owners bought Coldron Mill, Spelsbury in 1998. To the south of the property is a pond with a footbridge crossing it, both of which were put in place by a previous owner. The legal lines of FP19 and FP21 meet and form a 'T' junction within the pond. The bridge does not accord with any of the legal path's alignments, is not to the Council's specification, is too narrow and liable to flood. To remedy the previous owner's obstruction of the paths the owners would like to divert the paths to cross the pond on one route via a new structure. As part of the proposal they also wish to divert the parts of FP 19 and FP 21 that run through their garden and in front of the house to improve their privacy.

The Definitive routes being diverted and extinguished together with the new routes are shown on the Order plans HA1980s119/675a/03626 and HA1980s118/675b/03626. The length EDCHI (parts of FP's 19, 21 and 3) and ABF (part of FP19) will be diverted in the interest of the owners of the land crossed by the footpaths whilst the short length BC (FP19 part) will be extinguished on the grounds that it is not needed for public use (since there would be alternative route via a bridge across the pond). The new routes will be AJKLMNOP (FP 19), and EQGF (FP 3 and FP 21).

The current route of FP 19 runs from the entrance gate to Coldron Mill southwards through the property's garden in front of the house and across a pond to the Charlbury Parish boundary (ABCDE). The path continues south-eastwards as Charlbury FP 3. A spur of FP 19 also runs westward from the middle of the garden close to Coldron Mill and crosses a small stream (BFI). FP 21 runs south-eastward from Point I across the garden into the pond where it meets FP 19 (IHGC).

The new FP 19 AJKLMNOPR begins to the side of the entrance gate, via a footbridge (to be improved) and will be separated from the drive by metal post and rail fencing. The path runs westward beside Taston Brook, then south-eastward beside the mill race toward the mill and wheel. It then crosses it via a new bridge (Point N), runs beside the Coldron brook through a wood, over a boardwalk between Point P and Q and re-joins the unaffected length of FP19 at Point R. The new FP 21 SGF begins south at the Charlbury Parish boundary and runs over the new bridge across the pond, with views of the Mill, running around the enclosed part of the garden with views of the Mill's wheel, to re-join the unaffected length of FP 19. The new Charlbury FP 3 ES runs from the new bridge at Spelsbury Parish Boundary. As the diverted paths provide access to the existing destinations, together with the provision of the new bridge, the section BC will not be needed and will be extinguished.

The bridge across the pond will be constructed by the owner to the Council's required standard and maintained by the landowner in perpetuity, as will the new footbridge between Points N and O, Points J and K and the boardwalk between Points P and O. There will be two pedestrian gates on the diversion route at Points J and S.

The Council has considered the application, consulted with key interest groups and both parish councils. It appears to the Council that it complies with the legal provisions contained in the Act and that it is expedient that the footpaths should be diverted in the interest of the landowner and the short length extinguished as it will no longer be needed.

The making and advertising of these Orders provides an opportunity for objections or representations to be made. Any responses must be received by the date set out in the Notice. The Council will then consider how to proceed. The Orders will only come into force if they are confirmed and the existing routes will not be extinguished until this Council satisfactory completion of all works.

If any objections are made and not withdrawn, the Council may refer the Order and objections to the Secretary of State for Environment Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then either take written representations or hear the objections at a Public Inquiry or Hearing. The Inspector can confirm the Orders, confirm them with modifications, or refuse to confirm them.

The right of an objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour.

If no objections are received the County Council may confirm the Orders itself, but it has no power to modify the Orders.

Further information about public path order procedures and the relevant legal provisions are available in our Guidance Notes at www.oxfordshire.gov.uk/modificationsanddiversions and Natural England's "A guide to definitive maps and changes to public rights of way" (reference NE112) at <https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>.

Data Protection Act and GDPR: *The County Council will consider all correspondence, objections and representations received in response to this order. They may be disseminated widely for these purposes and made available to the public.*