

EXPLANATORY STATEMENT

THIS EXPLANATORY STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. Dorset Council is responsible for the definitive map and statement which can only be changed by legal order.

One of the ways these changes can be made is by means of diversion order under Section 257 of the Town and Country Planning Act 1990 (TCPA 1990).

A diversion order under Section 257 of the TCPA 1990 does not come into effect until Dorset Council have certified that the work necessary to bring the new section of the path into a fit condition for use by the public has been carried out, which will stop up the old section of path and create the new path.

Where a TCPA diversion is confirmed before the works are complete, the current definitive paths remain unchanged, and the new routes do not yet exist. Once the works are completed a notice of coming into operation is advertised, which has the effect of creating the new routes and deleting the old routes simultaneously. If the certificate is never issued there is no legal change to the right of way even though there is a confirmed order.

In this case Dorset Council has made a diversion Order to divert part of Footpath 91, Marnhull in accordance with planning permission (2/2018/1808/OUT and P/RES/2022/05524). The diversion Order has been confirmed before the works are complete. When the new route of Footpath 91 is constructed, Dorset Council will inspect and certify the route, and a notice of coming into operation will be advertised.

If you have any queries regarding the above please contact the case officer, Carol McKay by email carol.mckay@dorsetcouncil.gov.uk or telephone 01305 225136.