

EXPLANATORY STATEMENT

THIS EXPLANATORY STATEMENT DOES NOT FORM PART OF THE ORDER

PUBLIC PATH DIVERSION ORDER

SECTION 119 OF THE HIGHWAYS ACT 1980

HORSHAM DISTRICT COUNCIL (PUBLIC FOOTPATH No: 2487) DIVERSION ORDER

2020

LAND AT ABINGWORTH MEADOWS STORRINGTON ROAD THAKEHAM RH20 3EF

Section 119 of the Highway Act 1980 enables a Public Path Diversion Order to be made by Horsham District Council (HDC) (Order Making Authority) where it appears to HDC that in the interests of the owner, lessee or occupier of the land crossed by the path, or in the interest of the public, it is expedient that the line of the path, or part of that line should be diverted.

Further to the pre-order making consultation undertaken in October 2020, the Council have now made the order to divert Public Footpath No: 2487 at land at Abingworth Meadows Storrington Road Thakeham RH20 3EF.

The diversion has been made due to the impact the development on adjoining land at Phase 3 (DC/19/1707) is having on the existing footpath which currently runs along the north and east side boundary of the cattle field (As shown on the Map From Point A-B)

HDC have made the order as it appears that the applicant has management/farming grounds that demonstrates that it would be in their interest to divert FP2487. The realignment of the path will create a shorter, more direct route rather than walking around the field on existing FP2487 to get to FP2480. The proposed new path is therefore deemed a more convenient route and in context of the setting and surrounding routes and other factors considered above, the diversion is not deemed detrimental to the public enjoyment of the path as a whole.

Horsham District Council is therefore satisfied that the Order complies with the following legal provisions contained within s119 of the Act:

- The diversion is in the interests of the owner of the land crossed by the path
- The new termination point is on a connecting highway and is substantially convenient to the public
- The path will not be substantially less convenient to the public in consequence of the diversion and;

- That it is expedient to confirm the Order having regard to the effect which the diversion would have on public enjoyment of the path as a whole

The applicants have undertaken by statement signed and dated 12 June 2020 to carry out the following works to bring the new route into a fit condition as approved by the council.

The following works to the proposed route and costs to be borne by the applicant are: _

- (1) Route B-C to be provided with a constructed, unsealed granular type surface.
- (2) Open access along its length ie no gates or stiles.
- (3) The proposed route to have a 2m minimum width
- (4) To pay West Sussex County Council's costs to waymark the new route.

Horsham District Council will ensure that the required works above are completed by the applicant and give WSCC the opportunity to inspect and advise that they are satisfied with the new route prior to finally confirming the Order.

The Order will come into force only if it is confirmed; making and advertising the Order simply provides an opportunity for objections or representations to be made.

Data Protection Act: Horsham District 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.

If any objections are made and not withdrawn, HDC may refer the Order and objections to the Secretary of State 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 Order, confirm it with modifications, or refuse to confirm it.

The right of an objection is a statutory right, but it should be exercised in a reasonable manner.

If no objections are received HDC may confirm the Order itself, but it has no power to modify the Order.