

DATED

2020

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

THE WOKINGHAM BOROUGH COUNCIL
FOOTPATH 20 ST NICHOLAS HURST (PART)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2020

CIVIC OFFICES
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WOKINGHAM
RG40 1WH

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

WOKINGHAM BOROUGH COUNCIL FOOTPATH 20 ST NICHOLAS HURST (PART) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020

This Order is made by Wokingham Borough ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

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 Wokingham Borough Council Definitive Map and Statement requires modification in consequence of the occurrence of an event specified in Section 53(3)(a)(i) of the 1980 Act, namely the diversion (as authorised by this Order) of a highway shown or required to be shown on the map and statement.

The owner has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

St. Nicholas Hurst Parish Council has been consulted as required by Section 120(2) of the 1980 Act.

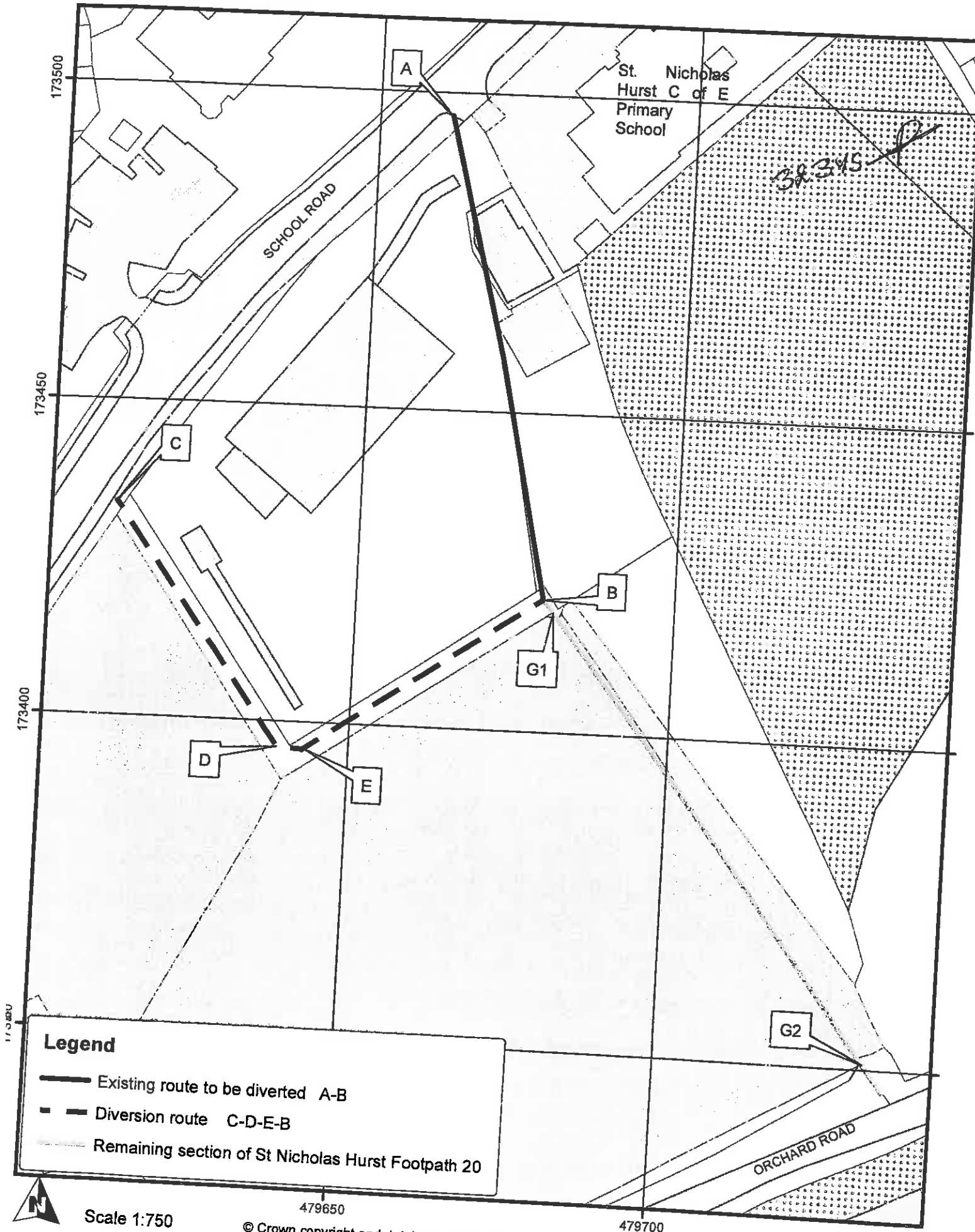
The Council has had due regard to the needs of agriculture and forestry.

BY THIS ORDER

1. The public right of way over land situated at St Nicholas Hurst Church of England Primary School, St Nicholas Hurst, and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order, shall be stopped up as provided below and thereupon the Wokingham Borough Council Definitive Map and Statement shall be modified by deleting from it that part of the public right of way.
2. Notwithstanding anything contained in paragraph 1 of this Order, where, immediately before the date on which the highway is stopped up in pursuance of this Order, there is apparatus in, under or across that highway belonging to the statutory undertakers for the purpose of carrying on their undertaking, the undertakers continue to have the same rights in respect of the apparatus which they then had.
3. There shall be created to the reasonable satisfaction of the Authority a public footpath over the land situated at St Nicholas Hurst Church of England Primary School, St Nicholas Hurst, described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map attached to this Order and thereupon the

Highways Act 1980
Wildlife and Countryside Act 1981
Footpath 20 St Nicholas Hurst (part) Public Path Diversion Order and
Definitive Map and Statement Modification Order 2020

WOKINGHAM
BOROUGH COUNCIL



Wokingham Borough Council Definitive Map and Statement shall be modified by adding that footpath to it.

4. The Wokingham Borough Council Definitive Map and Statement shall be modified as set out in Part 4 of the Schedule to this Order.
5. The diversion of the footpath shall have effect on the date on which the Authority certifies that the terms of Article 3 have been complied with.
6. The rights conferred on the public under this Order shall be subject to the limitation and conditions set out in Part 3 of the Schedule to this Order.
7. This Order may be cited as the Wokingham Borough Council Footpath 20 St Nicholas Hurst (Part) Public Path Diversion and Definitive Map and Statement Modification Order 2020.

SCHEDULE

(Lettered points are as indicated on the map and all distances are approximate.)

PART 1

DESCRIPTION OF SITE OF EXISTING PATH

Section of path as indicated on the map	Position and length	Width
A-B	The section of path which commences at point A on School Road, adjacent to the south-western side of the field gate at the entrance to the school grounds (grid reference 479661, 173496), and running in a south-south-easterly direction across the school playing field for a distance of 75 metres to point B (grid reference 479680, 173421)	Undefined

PART 2

DESCRIPTION OF SITE OF NEW PATH

Section of path as indicated on the map	Position and length	Width
C-D-E-B	The section of path which commences at point C on School Road, at the north-western corner of the school playing field (grid reference 479612, 173432), and runs in a south-easterly direction for a distance of 45 metres to point D (grid reference 479638, 173395), and running in a generally easterly direction for 4 metres to point E (479642, 173395) before turning in a	2.8 metres

north-easterly direction to point E (grid reference 479680, 173421).

PART 3

LIMITATIONS AND CONDITIONS

Point on map	Limitation
G1	Kissing Gate compliant with BS5709:2018
G2	Kissing Gate compliant with BS5709:2018

PART 4

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATH OR WAY

The Wokingham Borough Council Definitive Statement is modified by the addition of the length of footpath, addition of the defined width and addition of the limitations described in Part 2 of the Schedule with the description as follows:
(Lettered points are as indicated on the map and all distances are approximate.)

The description of this way shall be:

“From”	School Road, SW of the St Nicholas Hurst C of E Primary School Playground, SE, E, NE, SE	OS Map Ref: SU 77 SE
“To”	Orchard Road	

The width of the way shall be recorded as 2.8 metres (C-D-E-B)

Limitations will be recorded as follows:

G1	Kissing Gate compliant with BS5709:2018
G2	Kissing Gate compliant with BS5709:2018

**THE COMMON SEAL of
WOKINGHAM BOROUGH COUNCIL**

was hereunto affixed this

4th day of June 2020

in the presence of:

ANN BROSENS

AUTHORISED SIGNATORY

Solicitor

