

NOTICE OF ORDER
TOWN AND COUNTRY PLANNING ACT 1990
Section 257

Southampton City Council
(Footpath at Bitterne Park Primary School)
Public Path Diversion Order of Southampton No: 3/2015

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **02 September 2016**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at The Council Chamber, Civic Centre, Southampton, Hampshire, SO14 7LY on 7 February 2017 at 10.00am.

The effect of the above Order, if confirmed without modifications, will be to stop up the existing footpath at Bitterne Park Primary School over the land shown by a bold black line between the points marked A and B on the Order Map. The existing footpath has a length of 166.7 metres and a minimum width of 1.8 metres and a maximum width of 2.4 metres and the Ordnance Survey Grid References are A 422699, 144026 ; B 472850, 300206.

The effect of the Order will also be to create an alternative footpath shown by bold black dashes and following the points marked A, C, D, E, F, B on the Order Map. The proposed alternative footpath will have a length of 349 metres and a width of 2.4 metres. The Ordnance Survey Grid References are A 422699, 144026; C 422907, 148690; D 402604, 167528; E 328573, 192167; F 362900, 310376; B 472850, 300206.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 4445502. Email: clive.richards@pins.gsi.gov.uk. Please quote reference number FPS/D1780/5/8 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Southampton and Fareham Legal Services Partnership, Southampton City Council, Civic Centre, Southampton, SO14 7LY between the hours of 9am to 4:30pm, Monday to Friday. Council contact: Christine Brislane, tel: 023 8083 2431.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 28 October 2016]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 09 December 2016]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies to the Authority, the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 10 January 2017]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

(together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry



PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)
THE CITY OF SOUTHAMPTON
(FOOTPATH AT BITTERNE PARK PRIMARY SCHOOL)
PUBLIC PATH DIVERSION ORDER OF SOUTHAMPTON NO:3/ 2015

This Order is made by Southampton City Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up and create an alternative footpath in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Town and Country Planning Act, 1990 for the demolition of part of the existing school boundary wall, enclosure of existing playing field with new gates and a fence (height 2.1) stopping up of the existing footpath and diversion to new route around perimeter of the fence (ref.15/00273/FUL/32902)

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 Southampton definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act namely the stopping up and provision of an alternative footpath (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

BY THIS ORDER

1. The footpath over the land shown by a bold black line between the points marked A and B and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up as provided below and the Southampton Definitive Map and statement shall be modified accordingly.
2. There shall be created to the reasonable satisfaction of Southampton City Council an alternative footpath for use as a replacement for the said footpath as provided in Part II of the Schedule and shown by bold black dashes on the attached map (marked A,C,D,E,F,B on the attached map and described in Part II of the Schedule and the Southampton Definitive Map shall be modified accordingly).

3. The stopping up and provision of an alternative footpath shall have effect on the date on which Southampton City Council certify that the terms of Article 2 above have been complied with and upon the occurrence of that diversion the Southampton Definitive Map and statement shall be modified accordingly.

SCHEDULE
PART I

Description of site of existing path or way

The existing footpath has a length of 166.7 metres with a minimum width of 1.8 metres and maximum width of 2.4 metres. The Ordnance Survey Grid references are A 422699, 144026; B 472850,300206

PART II

Description of site of alternative highway

The alternative footpath has a length of 349 metres and a width of 2.4 metres. The OS references are A 422699, 144026; C422907, 148960; D 402604, 167528; E328573, 192167; F 362900, 310376; B 472850,300206

The COMMON SEAL of
SOUTHAMPTON CITY COUNCIL
Was hereunto affixed this
1st April 2016 in the
presence of:



Authorised Signatory



