

NOTICE OF ORDER HIGHWAYS ACT 1980 SECTION 119 & WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53

Hampshire County Council
The Hampshire (Test Valley Borough No. 7) (Parish of East Tytherley - Part of Footpath No. 12) Public Path Diversion and Definitive Map and Statement Modification Order 2017

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 **30 January 2018**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to divert the public footpath running from SU 2989 2890 to SU 2999 2943, to a line running from SU 2989 2890 to SU 2996 2944, as shown on the Order map and as described in the Schedules below:-

SCHEDULE

PART 1

DESCRIPTION OF EXISTING RIGHTS OF WAY

From SU 2989 2890 to SU 2999 2943

That part of Footpath No. 12 in the Parish of East Tytherley in the Borough of Test Valley that commences at Point A and proceeds in a generally northerly direction to Point B. A total length of 629 metres.

PART 2

DESCRIPTION OF SITE OF NEW RIGHT OF WAY

From SU 2989 2890 to SU 2996 2944

A Footpath, 2.5 metres wide, in the Parish of East Tytherley in the Borough of Test Valley, that commences at Point A and proceeds north westwards the north eastwards, between fences to a junction with Footpath 1 at Point C. A total length of 629 metres. **NOTE: ALL LENGTHS ARE APPROXIMATE**

PART 3

LIMITATIONS AND CONDITIONS

A gate, compliant with British Standard 5709:2006 at SU 2996 2944

PART 4

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

Delete: "The path follows a diverted route between 2987 2897 and 2989 2906 3 metres wide between 2987 2897 and 2989 2906"

Add: "The Path follows a diverted route between SU 2989 2890 and SU 2996 2944. 2.5 metres wide between fences between SU 2989 2890 and SU 2996 2944

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 444 5502.
Email: clive.richards@pins.gsi.gov.uk. Please quote reference number
ROW/3190343 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 the offices of the County Council, The Castle, Winchester, Hampshire S023 8UL between the hours of 9:00am - 4:00PM. Council Contact: Ms Rohan Seeliger-Morley, Tel: 01962 846891.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 13 February 2018]

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 - these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 27 March 2018]

Everyone who has made an objection or representation or any other written representation 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 full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) will also be sent to 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.

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, Secretary of State will send a full copy to the Authority. Copies will also be sent to 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 - these will be available to view at the Authority's offices).

Within 14 weeks of the start date [by 08 May 2018]

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order(s) must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received 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 w/r

HAMPSHIRE COUNTY COUNCIL

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE HAMPSHIRE (TEST VALLEY BOROUGH NO. 7)
(PARISH OF EAST TYTHERLEY – PART OF FOOTPATH NO. 12)
PUBLIC PATH DIVERSION AND
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017**

This Order is made by Hampshire County Council (“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 Hampshire Definitive Map and Statement of Public Rights of Way (dated 15th December 2007) require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

The applicants, Mr and Mrs Asher, have 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 path into a fit condition for use by the public.

Test Valley Borough Council has been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situated at East Tytherley 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 when Hampshire County Council has certified that the work necessary to bring the site of the new footpath, specified in paragraph 3 below, into a fit condition for use by the public has been carried out, and thereupon the Hampshire Definitive Map of Public Rights of Way (dated 15th December 2007) shall be modified by deleting from it that public right of way.
2. Notwithstanding this Order all Statutory Undertakers shall have the same rights over the land referred to in paragraph 1 as they have hitherto enjoyed.

3. There shall be at the end of 56 days from the date of confirmation of this Order a public footpath over the land situate at East Tytherley described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this Order, and thereupon the Hampshire Definitive Map of Public Rights of Way (dated 15th December 2007) shall be modified by adding that footpath to it.
- 3A. The Hampshire Definitive Statement of Public Rights of Way (dated 15th December 2007) shall be modified as described in Part 4 of the Schedule to this Order.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING RIGHTS OF WAY

From SU 2989 2890 to SU 2999 2943

That part of Footpath No.12 in the Parish of East Tytherley in the Borough of Test Valley that commences at Point A and proceeds in a generally northerly direction to Point B.

A total length of 629 metres.

PART 2

DESCRIPTION OF SITE OF NEW RIGHT OF WAY

From SU 2989 2890 to SU 2996 2944

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A total length of 629 metres.

NOTE: ALL LENGTHS ARE APPROXIMATE

PART 3
LIMITATIONS AND CONDITIONS

A gate, compliant with British Standard 5709:2006 at SU 2996 2944

PART 4
MODIFICATION OF DEFINITIVE STATEMENT

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3 metres wide between 2987 2897 and 2989 2906"

Add: "The path follows a diverted route between SU 2989 2890 and SU 2996
2944.

2.5 metres wide between fences between SU 2989 2890 and SU 2996 2944."

GIVEN this 21st day of April

2017

THE COMMON SEAL of HAMPSHIRE)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-)

Authorised Signatory

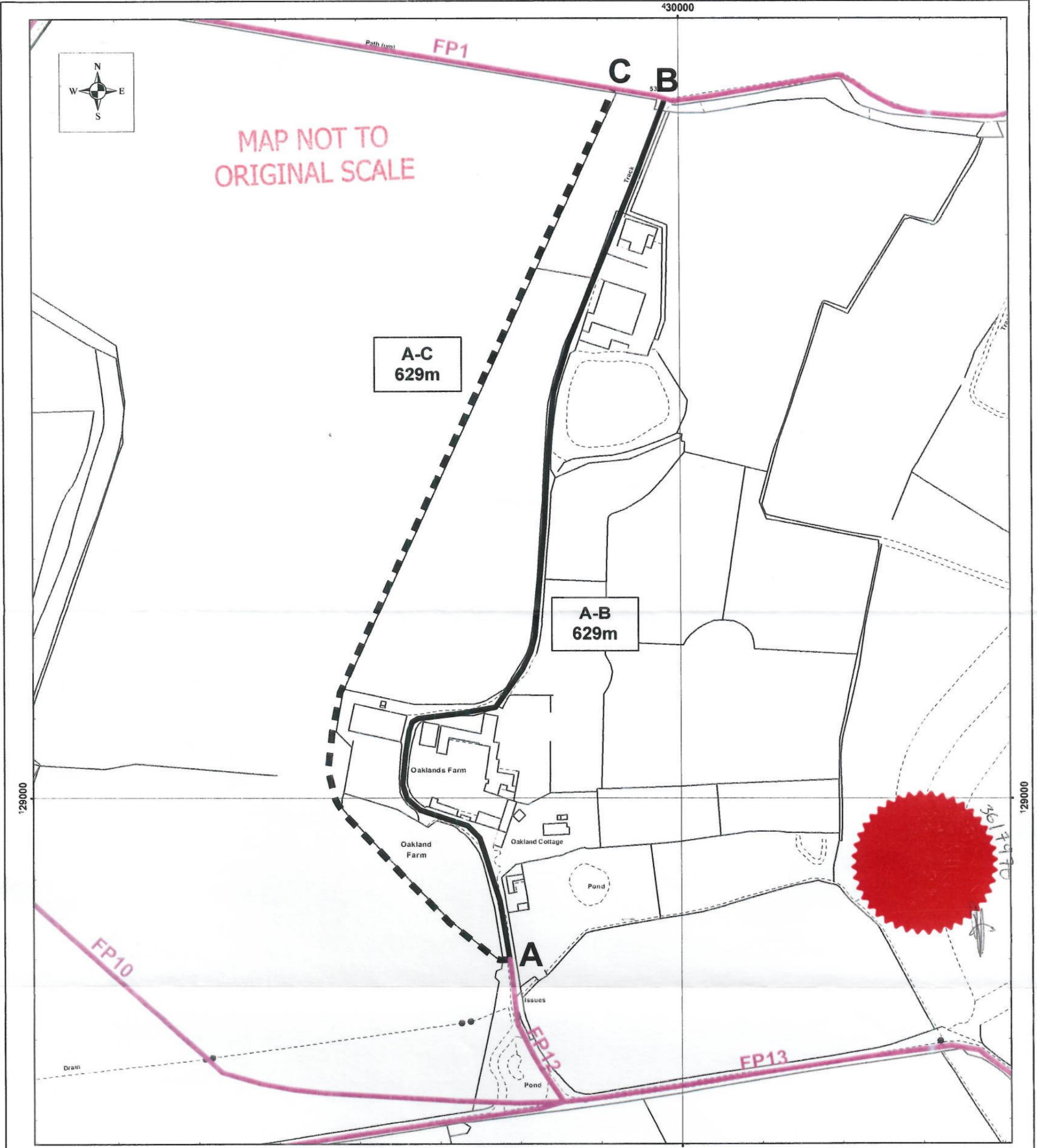


HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

THE HAMPSHIRE (TEST VALLEY BOROUGH NO. 7)
(PARISH OF EAST TYTHERLEY - PART OF FOOTPATH NO. 12)

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017



SCALE 1:2,250

LEGEND

FOOTPATH TO BE DELETED:-



NEW ROUTE OF FOOTPATH:-



EXISTING FOOTPATH TO BE RETAINED:-



MAP No.1614 PRODUCED FROM DIGITAL DATA SUPPLIED BY ORDNANCE SURVEY

THE COMMON SEAL OF HAMPSHIRE COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-

.....
.....
DATE 21st April 2017

AUTHORISED SIGNATORY

REPRODUCED FROM THE O.S. MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HMSO © CROWN. UNAUTHORISED REPRODUCTION INFRINGES © CROWN AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. HCC LICENCE No.100019180 DATE (03.04.17)

KAREN MURRAY,
DIRECTOR OF CULTURE, COMMUNITIES AND BUSINESS SERVICES, WINCHESTER