

# NOTICE OF ORDER

WILDLIFE & COUNTRYSIDE ACT 1981 – SECTION 53  
HAMPSHIRE COUNTY COUNCIL

The Hampshire Definitive Map and Statement of Public Rights of Ways (Dated 15 December 2007); The Hampshire (Test Valley Borough No. 63) (Parish of East Dean) Definitive Map 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 **17 April 2018**.

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

The Inquiry will be held at Farley Village Hall, Church Road, Farley, Salisbury, SP5 1AH on 06 November 2018 at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by recording public restricted byway rights and public footpath rights over land at Dean Hill, in the parish of East Dean as follows:

A restricted byway commencing at a junction with the road C59 (East Dean Road), opposite Manor Farm, proceeding in a southerly then easterly direction, to a point north of the former chalk pit at GR SU 2722 2649. A total length of 318 metres.

A footpath commencing at a junction with the road C59 (East Dean Road), west of its junction with the road U90 (Frenchmoor Lane), then proceeding in a southerly direction to a junction with East Dean Footpath 12. A total length of 818 metres.

A footpath commencing at a junction with East Dean Restricted Byway 501, then proceeding in a south-easterly direction to a junction with East Dean Footpath 505. A total length of 194 metres.

A footpath commencing at a junction with the road C59 (East Dean Road) opposite East Dean Manor, then proceeding in a southerly direction, to a junction with East Dean Footpath 505. A total length of 157 metres.

A footpath commencing at a junction with the road C59 (East Dean Road) at St. Winfrid's Church, then proceeding in a southerly and then south-easterly direction to a junction with East Dean Footpath 9 and East Dean Footpath 10. A total length of 903 metres.

A footpath commencing at a junction with East Dean Footpath 502, then proceeding in an easterly and then north-easterly direction to a junction with East Dean Footpath 505. A total length of 641 metres.

A footpath commencing at a junction with the road C59 (East Dean Road) at Swiss Cottage, then proceeding in a southerly and then south-westerly direction, crossing East Dean Footpath 9 at Dean Hill Barn Farm, to a second junction with East Dean Footpath 9. A total length of 972 metres.

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](mailto:clive.richards@pins.gsi.gov.uk). Please quote reference number ROW/3181878 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, Castle Avenue, Winchester, S023 8UJ between the hours of 9.00-4.00. [Council contact: Rohan Seeliger-Morley, email: [www.hants.gov.uk/countryside](http://www.hants.gov.uk/countryside) tel: 01962 846981]

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date by [by 12 June 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 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 24 July 2018]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> 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 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 (excluding copies of any supporting documents - 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 full copy to

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<sup>1</sup> 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.

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).

#### **4 weeks before the date of the inquiry [by 09 October 2018]**

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 (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.

**HAMPSHIRE COUNTY COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE HAMPSHIRE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY  
(DATED 15<sup>TH</sup> DECEMBER 2007)**

**THE HAMPSHIRE (TEST VALLEY BOROUGH No. 63)  
(PARISH OF EAST DEAN)  
DEFINITIVE MAP MODIFICATION ORDER 2017**

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This Order is made by Hampshire County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that The Definitive Map and Statement of Public Rights of Way (Dated 15<sup>th</sup> December 2007) requires modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) of the Act namely:-

c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows

- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;

The authority has consulted with every local authority whose area includes the land to which the Order relates.

**Hampshire County Council hereby orders that:**

1. For the purposes of the Order the relevant date is 1 May 2017.
2. The Hampshire Definitive Map and Statement of Public Rights of Way (Dated 15<sup>th</sup> December 2007) shall be modified as described in Part I and Part II of the Schedule as shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The Hampshire (Test Valley Borough No. 63)(Parish of East Dean) Definitive Map Modification Order 2017.

GIVEN this 3<sup>rd</sup> day of May 2017

THE COMMON SEAL of )  
HAMPSHIRE COUNTY COUNCIL )  
Was hereunto affixed in )  
The presence of:- )

Authorised Signatory



## SCHEDULE

### PART I

#### MODIFICATION OF DEFINITIVE MAP

##### DESCRIPTION OF PATHS OR WAYS TO BE ADDED

###### **From GR SU 2707 2669 to GR SU 2722 2649**

A restricted byway 3 metres wide, which commences at a junction with the road C59 (East Dean Road), opposite Manor Farm at Point D, and proceeds in a southerly and then easterly direction, via Point E, to Point X, as shown on the Order plan.

**A total length of 318 metres.**

###### **From GR SU 2676 2673 to GR SU 2679 2592**

A footpath 1.8 metres wide, which commences at a junction with the road C59 (East Dean Road), west of its junction with the road U90 (Frenchmoor Lane) at Point A, and proceeds in a southerly direction via Point B to Point C, at a junction with East Dean Footpath 12, as shown on the Order plan.

**A total length of 818 metres.**

###### **From GR SU 2715 2647 to GR SU 2731 2638**

A footpath 1.8 metres wide, which commences at Point E, and proceeds in a south-easterly direction to Point P, as shown on the Order plan.

**A total length of 194 metres.**

###### **From GR SU 2726 2673 to GR SU 2731 2659**

A footpath 1.8 metres wide, which commences at a junction with the road C59 (East Dean Road) opposite East Dean Manor at Point J, and proceeds in a southerly direction to Point K, as shown on the Order plan.

**A total length of 157 metres.**

###### **From GR SU 2733 2676 to GR SU 2762 2598**

A footpath 1.8 metres wide, which commences at a junction with the road C59 (East Dean Road) at St. Winfrid's Church (Point M) and proceeds in a southerly direction through points K, (F), P and L, then south-easterly to Point H, at a junction with East Dean Footpath 9 and East Dean Footpath 10, as shown on the Order plan.

**A total length of 903 metres.**

**From GR SU 2679 2603 to GR SU 2732 2632**

A footpath 1.8 metres wide, which commences at Point B, and proceeds in an easterly, then north-easterly direction to Point L, as shown on the Order plan.

**A total length of 641 metres.**

**From GR SU 2837 2674 to GR SU 2782 2608**

A footpath 1.8 metres wide, which commences at a junction with the road C59 (East Dean Road) at Point N and then proceeds in a southerly direction to Point (R), then in a south-westerly direction, crossing East Dean Footpath 9 at Dean Hill Barn Farm, to a second junction with East Dean Footpath 9 at Point O, as shown on the Order plan.

**A total length of 972 metres.**

**PART II**

**MODIFICATION OF DEFINITIVE STATEMENT**

**VARIATION OF PARTICULARS OF PATHS OR WAYS**

The following descriptions shall be added to the Definitive Statement for the Parish of East Dean:

**East Dean Restricted Byway 501**

Commencing at a junction with the road C59 (East Dean Road), opposite Manor Farm, proceeding in a southerly then easterly direction, to a point north of the former chalk pit at GR SU 2722 2649. A total length of 318 metres.

3 metres wide between GR SU 2707 2669 to GR SU 2722 2649

**East Dean Footpath 502**

Commencing at a junction with the road C59 (East Dean Road), west of its junction with the road U90 (Frenchmoor Lane), then proceeding in a southerly direction to a junction with East Dean Footpath 12. A total length of 818 metres.

1.8 metres wide between GR SU 2676 2673 and GR SU 2679 2592

**East Dean Footpath 503**

Commencing at a junction with East Dean Restricted Byway 501, then proceeding in a south-easterly direction to a junction with East Dean Footpath 505. A total length of 194 metres.

1.8 metres wide between GR SU 2715 2647 and GR SU 2731 2638

#### **East Dean Footpath 504**

Commencing at a junction with the road C59 (East Dean Road) opposite East Dean Manor, then proceeding in a southerly direction, to a junction with East Dean Footpath 505. A total length of 157 metres.

1.8 metres wide between GR SU 2726 2673 and GR SU 2731 2659

#### **East Dean Footpath 505**

Commencing at a junction with the road C59 (East Dean Road) at St. Winfrid's Church, then proceeding in a southerly and then south-easterly direction to a junction with East Dean Footpath 9 and East Dean Footpath 10. A total length of 903 metres.

1.8 metres wide between GR SU 2733 2676 and GR SU 2762 2598

#### **East Dean Footpath 506**

Commencing at a junction with East Dean Footpath 502, then proceeding in an easterly and then north-easterly direction to a junction with East Dean Footpath 505. A total length of 641 metres.

1.8 metres wide between GR SU 2678 2603 and GR SU 2732 2632

#### **East Dean Footpath 507**

Commencing at a junction with the road C59 (East Dean Road) at Swiss Cottage, then proceeding in a southerly and then south-westerly direction, crossing East Dean Footpath 9 at Dean Hill Barn Farm, to a second junction with East Dean Footpath 9. A total length of 972 metres.

1.8 metres wide between GR SU 2837 2674 and GR SU 2782 2608

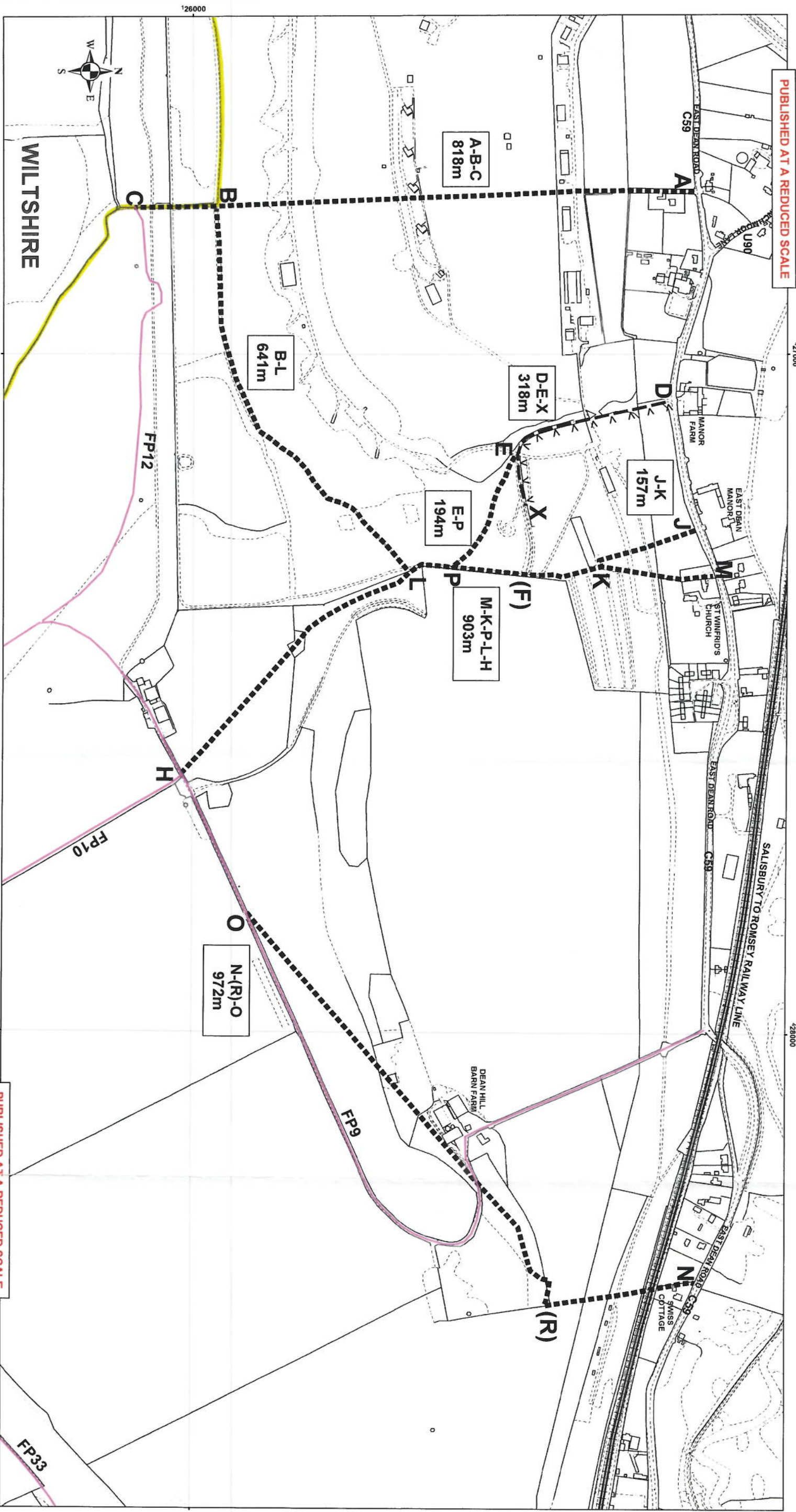
**NOTE: ALL LENGTHS ARE APPROXIMATE**



# HAMPSHIRE COUNTY COUNCIL WILDLIFE AND COUNTRYSIDE ACT 1981

MAP REFERRED TO IN THE HAMPSHIRE

(TEST VALLEY BOROUGH No. 63)(PARISH OF EAST DEAN)  
DEFINITIVE MAP MODIFICATION ORDER 2017



SCALE 1:4000

**LEGEND**

- FOOTPATH TO BE ADDED TO THE MAP SHOWN:-
- RESTRICTED BYWAY TO BE ADDED TO THE MAP SHOWN:-
- EXISTING FOOTPATH TO BE RETAINED SHOWN:-
- COUNTY BOUNDARY:-

PUBLISHED AT A REDUCED SCALE

MAP No.465 PRODUCED FROM DIGITAL DATA  
SUPPLIED BY ORDNANCE SURVEY

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

AUTHORISED  
SIGNATORY

DATE

PUBLISHED AT A REDUCED SCALE

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 02.05.17

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



