

NOTICE OF ORDER HIGHWAYS ACT 1980 SECTION 119

Hampshire County Council (Test Valley Borough No.6) (Parish of Braishfield - Footpath No. 712) Public Path Diversion & Definitive Map and Statement Modification order 2016

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 **18 April 2017**.

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 that part of public footpath 712 running from its junction with Braishfield Road (Point A on the Order Map - Grid Reference: SU 3717 2838) in a generally south-easterly then southerly direction to the entrance of Sir Harold Hillier Gardens, at its junction with Jermyns Lane (Point B on the Order Map - Grid Reference: SU 3755 2351), a total distance of 560 metres. To a new line running from the aforementioned Point A in a southerly direction to the junction of Braishfield Road and Jermyns Lane (Point C on the Order Map - Grid Reference SU 3715 2340) then in a north-easterly direction to the entrance of Sir Harold Hillier Gardens at the aforementioned Point B. A total distance of 855 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: 0303444 5502. Email: clive.richards@pins.gsi.gov.uk. Please quote reference number ROW /3170417 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 02 May 2017]

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 13 June 2017]

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 25 July 2017]

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. 6)
(PARISH OF BRAISHFIELD – FOOTPATH No. 712)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016**

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.

Sir Harold Hillier Gardens 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 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 Braishfield 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 Braishfield 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 PATH OR WAY

Braishfield Footpath 712

From SU 3717 2383 to SU 3755 2351

That part of Footpath 712 in the Parish of Braishfield in the Borough of Test Valley that commences at a junction with Braishfield Road (Point A on the Order map), and proceeds in a generally south-easterly, then southerly direction to the entrance of the Sir Harold Hillier Gardens, at its junction with Jermyns Lane (Point B).

A total distance of 560 metres.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

From SU 3717 2383 to SU 3755 2351 via SU 3715 2340

A footpath, 2.0 metres wide, in the Parish of Braishfield in the Borough of Test Valley, that commences at a junction with Braishfield Road (Point A), proceeding in a southerly direction to the junction of Braishfield Road and Jermyns Lane (Point C), and from there in a north-easterly direction to the entrance of Sir Harold Hillier Gardens (Point B).

A total distance of 855 metres.

PART 3

LIMITATIONS AND CONDITIONS

None.

PART 4

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars or way

Braishfield Footpath 712

Delete: "From Road C.91 south eastwards along 8 ft. wide gravelled farm road, through double gates, along 10 ft. wide gravelled road enclosed approximately 15 ft. wide between bank and wire fence, eastwards along road on south side of main farm buildings, through iron field gate, along road, through iron field gate, southeastwards and eastwards along 8 ft. wide track enclosed 12 ft. wide (approximately) between wire fences, over post and rail fence, southwards along verge of arable field on east side of hedge and over post and rail fence to Road C.135.

Part shown on Romsey Extra Inclosure Award dated 1807 as public footway 6ft wide"

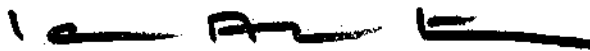
Add: "Commencing at a junction with Braishfield Road and proceeding southwards to the junction of Braishfield Road and Jermyns Lane, then proceeding north-eastward to the entrance of Sir Harold Hillier Gardens on Jermyns Lane."

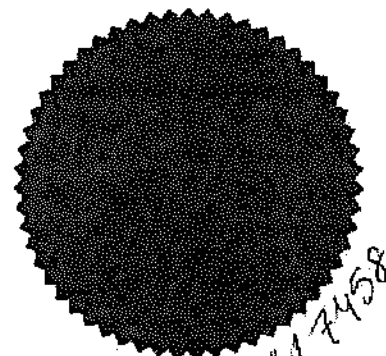
NOTE: ALL LENGTHS ARE APPROXIMATE

GIVEN this 20th day of November 2016

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

Authorised Signatory

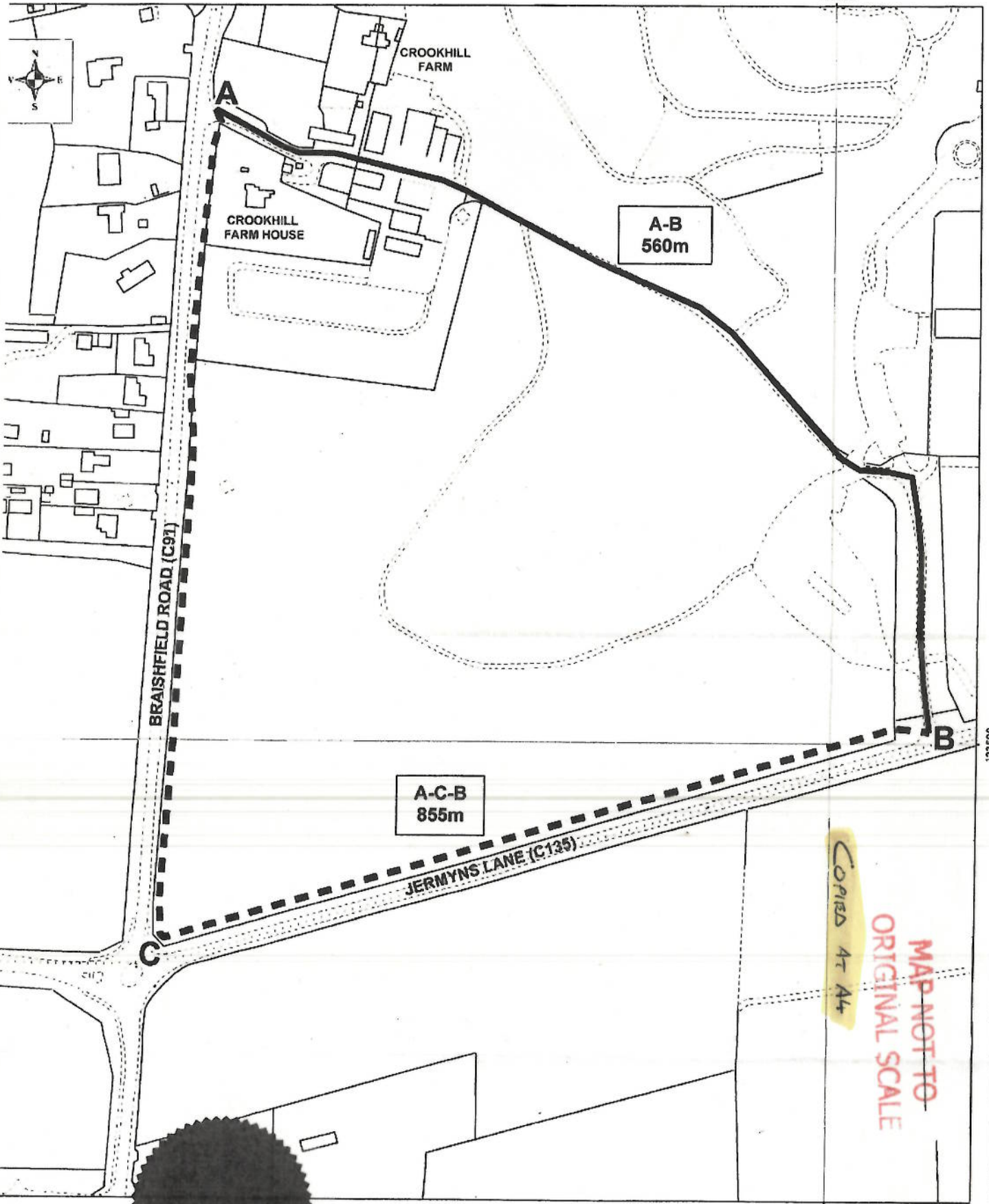




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(PARISH OF BRAISHFIELD - FOOTPATH No. 712)
 PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2016

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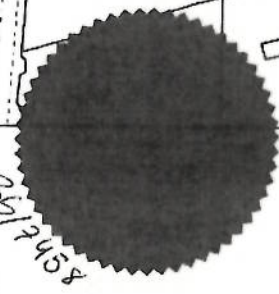


MAP NOT TO ORIGINAL SCALE
 COPIED AT A4

SCALE 1:2,000
 END

ROUTE TO BE DIVERTED:-

ROUTE OF PATH:-



MAP No.1608 PRODUCED FROM DIGITAL DATA SUPPLIED BY ORDNANCE SURVEY

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

..... AUTHORIZED SIGNATORY

DATE 29th November 2016

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

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