

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Hampshire County Council
(Basingstoke and Deane Borough No. 49) (Parish of St. Mary Bourne)
Definitive Map 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 **11 April 2017**.

Consideration of the Order will take the form of a hearing.

The Hearing will be held at The Nightingale Room, Elizabeth II Court, The Castle, Winchester, SO23 8UL on 15 August 2017 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 adding a restricted byway commencing at a junction with Doiley Bottom and Slade Bottom Road (Point A at Grid Reference SU 4078 5227) and proceeding in a generally south-easterly then south westerly direction to a junction with Binley Bottom (Point B at Grid Reference SU 4091 5180), with a variable width of 4.5 and 10 metres for a total distance of 515 metres as shown on Order map.

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/3167600 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 Hampshire County Council, The Castle, Winchester, Hampshire SO23 8UL, between the hours of 9:00am and 4:00pm. Council Contact: Ms Rohan Seeliger-Morley, tel: 01962 846981.

Timetable for sending in statements of case

Within 8 weeks of the start date [by 06 June 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, although 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 12 weeks of the start date [by 04 July 2017]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing 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 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 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).

All parties must keep to the timetable set out above and ensure that statements of case 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 hearing

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 hearing.

HAMPSHIRE COUNTY COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE HAMPSHIRE (BASINGSTOKE AND DEANE BOROUGH No. 49)
(PARISH OF ST MARY BOURNE)
DEFINITIVE MAP MODIFICATION ORDER 2016**

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 Hampshire Definitive Map of Public Rights of Way and The Hampshire Definitive 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) (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 of the Act, 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 3 October 2016.
2. The Hampshire Definitive Map of Public Rights of Way and The Hampshire Definitive Statement of Public Rights of Way (Dated 15th 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 (Basingstoke and Deane Borough No. 49)(Parish of St Mary Bourne) Definitive Map Modification Order 2016.

GIVEN this 27th day of October 2016

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 path or way to be added

St Mary Bourne Restricted Byway 504

From grid reference SU 4078 5227 to grid reference SU 4091 5180

A new restricted byway varying between 4.5 and 10.0 metres in width, running between a junction with Doiley Bottom (U5) and Slade Bottom Road (U37) in a generally south-easterly then south-westerly direction to a junction with Binley Bottom (C145), as shown by grey shading between points A and B on the map accompanying the Order.

A total distance of 515 metres

PART II

Modification of Definitive Statement Variation of particulars of path or way

The following description shall be added to the Definitive Statement for the Parish of St Mary Bourne:

St Mary Bourne Restricted Byway 504

Restricted byway varying between 4.5 and 10.0 metres in width between SU 4078 5227 and SU 4091 5180, as shown by grey shading on the accompanying Order map.

Between 4.5 and 10.0 metres wide

NOTE: ALL LENGTHS ARE APPROXIMATE

HAMPSHIRE COUNTY COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

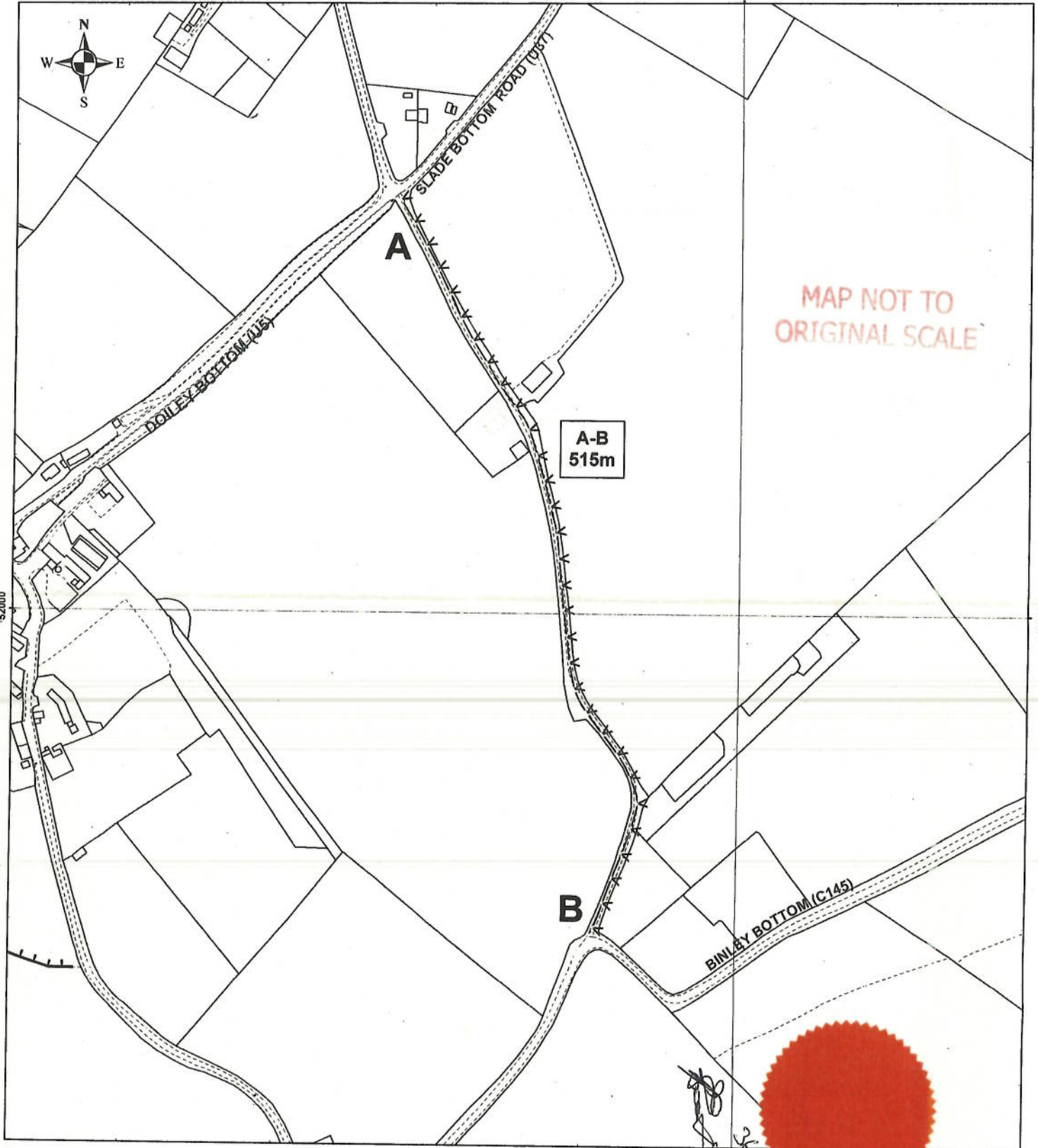
MAP REFERRED TO IN THE HAMPSHIRE

(BASINGSTOKE AND DEANE BOROUGH NO. 49)

(PARISH OF ST MARY BOURNE)

DEFINITIVE MAP MODIFICATION ORDER 2016

441000



MAP NOT TO ORIGINAL SCALE

A-B
515m

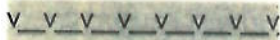
B

BINLEY BOTTOM (C145)

SCALE 1:2,500

LEGEND

RESTRICTED BYWAY
OF VARIABLE WIDTH TO BE
ADDED TO THE MAP SHOWN:-



MAP No.463 PRODUCED FROM DIGITAL DATA
SUPPLIED BY ORDNANCE SURVEY

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

AUTHORISED
SIGNATORY

DATE 27 October 2016

REPRODUCED FROM THE O.S. MAPPING
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KAREN MURRAY,
DIRECTOR OF CULTURE, COMMUNITIES
AND BUSINESS SERVICES, WINCHESTER