

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

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. Following an earlier hearing, the Inspector appointed to determine the Order issued a letter in which she proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections / representations have been received.

The **start date** for the above Order is **16 January 2018**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case which contain evidence in respect of the Inspector's proposed modifications only.

The effect of the proposed modifications(s) would be to modify the Order by providing for the following modifications:

- All references in the Order and on the Order plan to 'restricted byway' to be deleted and replaced by references to 'bridleway'.
- The notation of the route on the Order plan to be amended to show the symbol for a bridleway as far as is practicable.

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, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN, tel 0303 4445502 Email: clive.richards@pins.gsi.gov.uk. Please quote reference number ROW/3167600M 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 and comments

Within 8 weeks of the start date [by 13 March 2018]

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modification(s) or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after receiving it the Secretary of State will send a full copy 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 everyone who has made an objection or representation following the proposed modification(s), the applicant and any other person who has previously written to us in respect of the Order.

Within 14 weeks of the start date [by 24 April 2018]

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

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.

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 27 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**

Bridleway
~~Byway~~
St Mary Bourne Restricted Byway 504

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

A new *bridleway* ~~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:

Bridleway
St Mary Bourne Restricted Byway 504

Bridleway
~~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

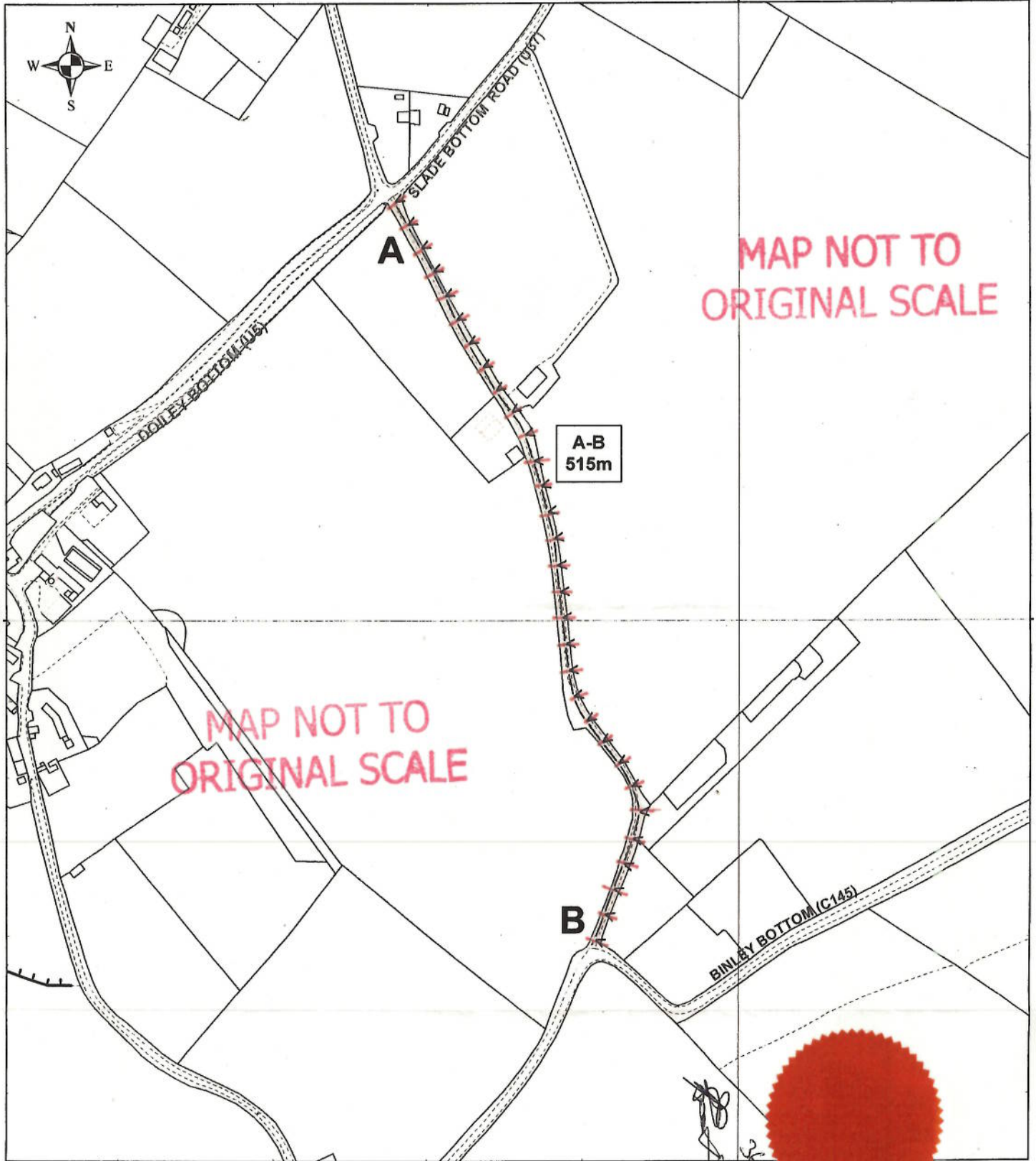
MAP REFERRED TO IN THE HAMPSHIRE

(BASINGSTOKE AND DEANE BOROUGH NO. 49)

(PARISH OF ST MARY BOURNE)

DEFINITIVE MAP MODIFICATION ORDER 2016

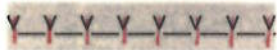
441000



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
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 13.10.16

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

* PHOTOCOPIED AT A4 (FROM A3)