

NOTICE OF ORDER

WILDLIFE & COUNTRYSIDE ACT 1981 – SECTION 53

Hampshire County Council
The Hampshire (Winchester City No. 44) (Parish Of Kings Worthy)
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 **21 March 2018**.

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

The Inquiry will be held at **St Mary's Chapel Hall, Fraser Road, Springvale, Kings Worthy, Hampshire, SO23 7PJ** on **22 August 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 footpath rights over land at Springvale, in the parish of Kings Worthy as follows:

A path of at least 1.8 metres width in the Parish of Kings Worthy commencing at a junction with Kings Worthy Footpath 506a, at point A on the plan accompanying the Order, and running in an easterly, then generally south south-easterly direction to point B on the plan, and continuing along an unenclosed path 2 metres wide in a westerly direction to point G and turning to run in a northerly direction to point H on the plan accompanying the Order, to join Kings Worthy Footpath 506b.

An unenclosed path of at least 1.8 metres width in the Parish of Kings Worthy commencing at point C on the accompanying plan, and running in a generally west north-westerly direction via point E on the plan, and then in a generally westerly direction, then in a south-westerly direction to point F on the plan accompanying the Order.

A path of at least 1.8 metres wide in the Parish of Kings Worthy, commencing at point D on the accompanying plan and running in a generally east south-easterly direction down the side of the railway embankment to meet Road C95 (Springvale Road) at point J on the plan accompanying the Order.

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 4445502. Email: clive.richards@pins.gsi.gov.uk Please quote reference number ROW/3189777 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 Hampshire County Council Offices, The Castle, Winchester, SO23 8UL between the hours of 9:00 – 4:00 (Council contact: Rohan Seeliger-Morley, Tel: 01962 846981).

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 16 May 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 27 June 2018]

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

4 weeks before the date of the inquiry [by 25 July 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:

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 inquiry.

- 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.

Notice of order for inquiry

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 (WINCHESTER CITY NO. 44)
(PARISH OF KINGS WORTHY)
DEFINITIVE MAP MODIFICATION ORDER 2017**

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 of Public Rights of Way and The Definitive Statement of Public Rights of Way (Dated 15th 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 21 June 2017.
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 (Winchester City No. 44)(Parish of Kings Worthy) Definitive Map Modification Order 2017.

GIVEN this 18th day of July 2017

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


Authorised Signatory



36/8257

SCHEDULE

PART 1

MODIFICATION OF DEFINITIVE MAP DESCRIPTION OF PATHS TO BE ADDED

From **GR SU 4860 3371 to GR SU 4844 3368 via GR SU 4878 3349**

A path of at least 1.8 metres width in the Parish of Kings Worthy commencing at a junction with Kings Worthy Footpath 506a, at point A on the plan accompanying the Order, and running in an easterly, then generally south south-easterly direction to point B on the plan, and continuing along an unenclosed path 2 metres wide in a westerly direction to point G and turning to run in a northerly direction to point H on the plan accompanying the Order, to join Kings Worthy Footpath 506b.

A total length of 985 metres.

From **GR SU 4876 3349 to GR SU 4865 3350**

An unenclosed path of at least 1.8 metres width in the Parish of Kings Worthy commencing at point C on the accompanying plan, and running in a generally west north-westerly direction via point E on the plan, and then in a generally westerly direction, then in a south-westerly direction to point F on the plan accompanying the Order.

A total length of 120 metres.

From **GR SU 4872 3349 to GR SU 4894 3343**

A path of at least 1.8 metres wide in the Parish of Kings Worthy, commencing at point D on the accompanying plan and running in a generally east south-easterly direction down the side of the railway embankment to meet Road C95 (Springvale Road) at point J on the plan accompanying the Order.

A total length of 230 metres.

PART II

MODIFICATION OF DEFINITIVE STATEMENT VARIATION OF PARTICULARS OF PATHS

The following particulars shall be added to the Definitive Statement of Public Rights of Way for the following footpaths in the Parish of Kings Worthy:

Kings Worthy 507

Commencing at a junction with Kings Worthy Footpath 506a, then proceeding east and south-south easterly on an unenclosed path of a minimum width of 1.8 metres, turning in a westerly and then northerly direction to a junction with Kings Worthy Footpath 506b, on an unenclosed path of 2 metres minimum width. A total length of 985 metres.

Kings Worthy 508

Commencing at a junction with Kings Worthy Footpath 507 and running in a north westerly, westerly and then south westerly direction to re-join Kings Worthy Footpath 507, on a path of at least 1.8 metres minimum width. A total length of 120 metres.

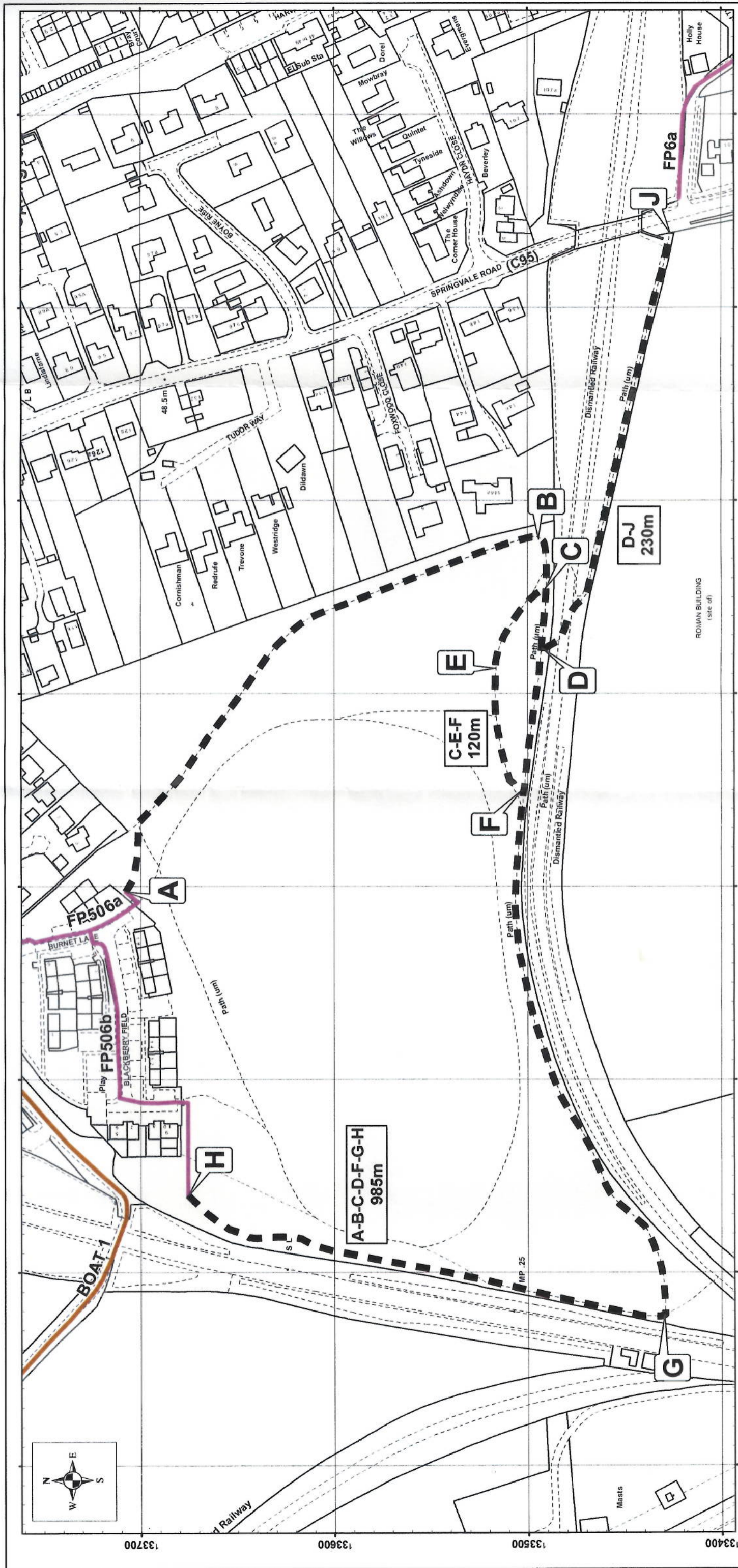
Kings Worthy 509

From a junction with Kings Worthy Footpath 507, running in a south easterly direction, to a junction with the Road C95 (Springvale Road), on an unenclosed path of a minimum width of at least 1.8 metres. A total length of 230 metres.

NOTE: ALL LENGTHS ARE APPROXIMATE

HAMPSHIRE COUNTY COUNCIL
 MAP REFERRED TO IN
 THE HAMPSHIRE (WINCHESTER CITY NO. 44)
 (PARISH OF KINGS WORTHY)
 DEFINITIVE MAP MODIFICATION ORDER 2017

MAP NOT TO ORIGINAL SCALE



448300 448400 448500 448600 448700 448800 448900 449000

SCALE 1:2,000

LEGEND

FOOTPATH TO BE ADDED TO THE MAP:-

FOOTPATH TO BE RETAINED:-

BYWAY OPEN TO ALL TRAFFIC TO BE RETAINED:-

34/257

3

MAP No.467 PRODUCED FROM DIGITAL DATA SUPPLIED BY ORDNANCE SURVEY

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 (27.06.17)

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

[Signature]

AUTHORISED SIGNATORY

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

DATE 18th July 2017