

NOTICE OF ORDER

**TOWN AND COUNTRY PLANNING ACT 1990 –
SECTION 257**

**WILDLIFE AND COUNTRYSIDE ACT 1981 –
SECTION 53A (2)**

Bournemouth Borough Council
The Borough of Bournemouth Public Footpath U45 Stopping Up Order

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 **10 September 2019**.

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

The Inquiry will be held at **The Committee Suite, Poole Civic Centre, Poole, Dorset, BH15 2RU** on **Tuesday 10 March 2020** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to stop up Public Footpath U45 which commences on a point near Tedder Road on Footpath U25 at NGR SZ 06743 95312 running to a point on Moorside Road NGR SZ 06691 95267.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: helen.sparks@planninginspectorate.gov.uk Please quote reference number ROW/3222427 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 Bournemouth Christchurch & Poole Council, Town Hall, Bourne Avenue, Bournemouth, Dorset BH2 6DY between 8:30am and 5pm. To arrange a viewing of the documents, please contact Mr Philip Elias on Telephone Number 01202 262017.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 5 November 2019]

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 17 December 2019]

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 11 February 2020]

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

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.

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

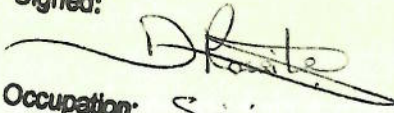
PUBLIC PATH STOPPING UP ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53A(2)
THE BOROUGH OF BOURNEMOUTH
PUBLIC FOOTPATH U45
STOPPING UP ORDER 2018

This Order is made by The Council of the Borough of Bournemouth ("the Council") under Section 257 of the Town and County Planning Act 1990 because it is satisfied that it is necessary to stop up the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely 'Erection of fourteen dwellinghouses, formation of new vehicular access and parking spaces at Moorside Road', planning reference: 7-2016-26471

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 Definitive Map and Statement for the Borough of Bournemouth requires modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

BY THIS ORDER

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up as provided below.
2. The stopping up of the footpath shall have effect on the date of the confirmation of this order.
3. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
4. The Definitive Statement for the Borough of Bournemouth shall be modified as described in Part 2 of the schedule to this Order.

I, DAVID ROSSITER
Hereby certify this to be a true copy of the original
as seen by me.
Signed: 
Occupation: Solicitor
Date: 10 January 2019

SCHEDULE

PART 1

Description of site of existing path

Public Footpath 'U45' which commences on a point on Footpath U25 at NGR SZ 06743 95312 (Point A) and extends in a westerly direction for a length of 49.5m to NGR SZ 06694 95303 (Point B) then in a southerly direction for 35.5m to adjoin Moorside Road at NGR SZ 06691 95267 (Point C).

PART 2

Modification of the Definitive Statement

The entry for Public Footpath U45 is modified by the deletion of the following:

Public Footpath U45

From: Footpath U25 (NGR SZ 06743 95312)

To: Moorside Road (NGR SZ 06691 95267)

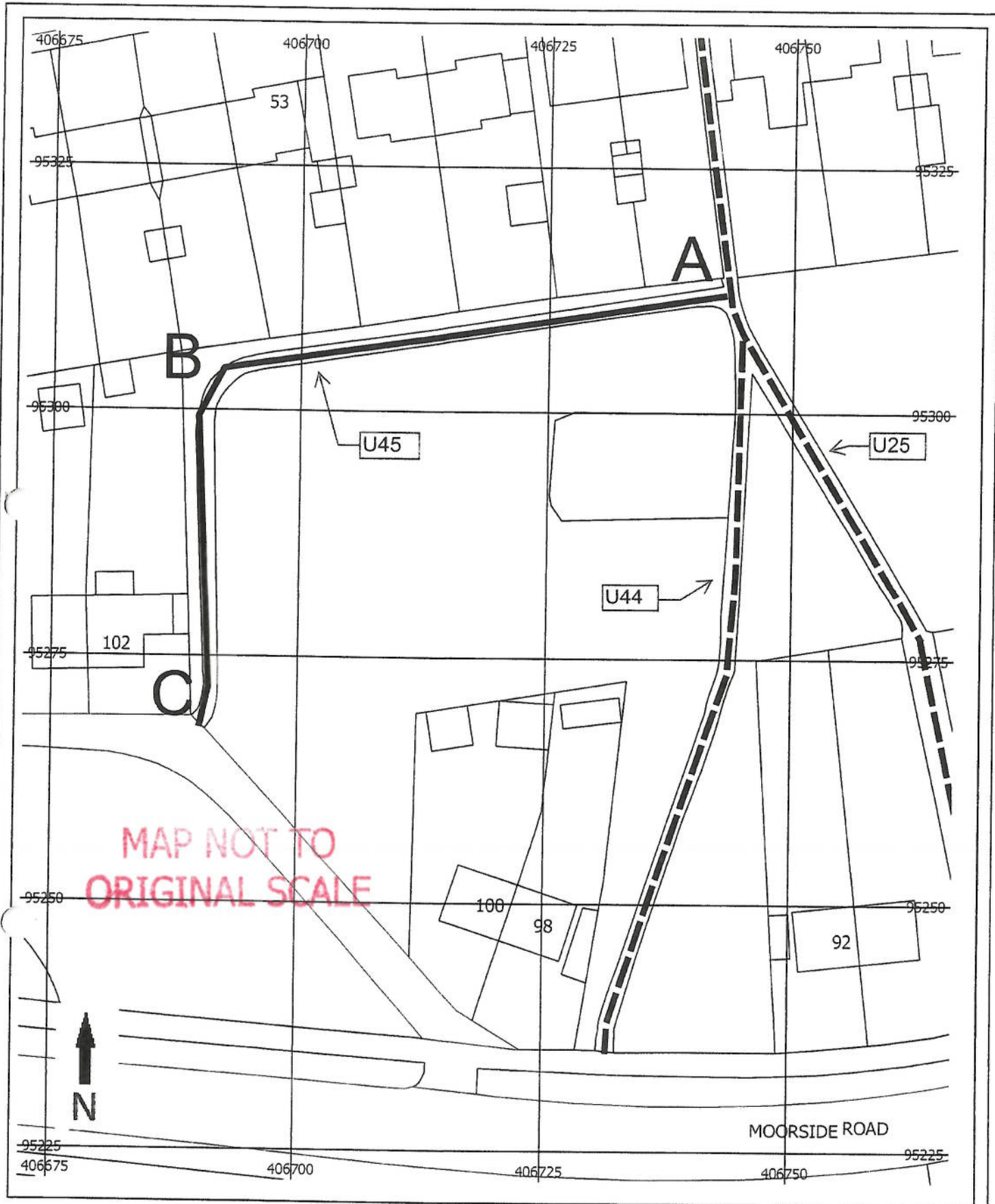
Width: 1m, Length: 85m

GIVEN UNDER THE SEAL OF BOURNEMOUTH BOROUGH COUNCIL THIS 22nd DAY OF NOVEMBER
IN THE YEAR 2018

THE COMMON SEAL of THE COUNCIL)
OF THE BOROUGH OF BOURNEMOUTH)
was hereunto affixed in the presence of:-)





Signature *Tanya Conroy*
Full Name *Tanya Conroy*
Position *MONITORING OFFICER*



MAP NOT TO ORIGINAL SCALE

Legend

-  Unaffected Public Footpaths
-  Path to be Stopped Up

Public Footpath U45

Stopping Up Order Map

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Bournemouth
SEAFOOD FORUM

Handwritten signature