

NOTICE OF ORDER HIGHWAYS ACT 1980 – S119

Hampshire County Council
(Test Valley Borough No. 13) (Parish of Braishfield - Footpath No. 4) Public Path
Diversion and Definitive Map and Statement Modification Order 2018

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 **30 June 2020**.

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** part of Braishfield Footpath 4, commencing at a junction with Paynes Hay Road, SU3690 2561 proceeding over a stile in a generally south eastward direction, along a field edge to a stile, along natural path to field edge at SU3711 2540 **to a** footpath 2 metres wide, commencing at a junction with Paynes Hay Road SU 3679 2557, through pedestrian gate, along field edge, south eastwards, then south westwards, bearing east at SU 3682 2535 continuing to SU 3711 2540.

Any queries relating to this Order should be referred to Clive Richards 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 5502. Email: clive.richards@planninginspectorate.gov.uk. Please quote reference number ROW/3241920 on all correspondence. **N.B. Due to Covid 19 restrictions, the Planning Inspectorate office is being run with minimal staff cover so corresponding by email is recommended.**

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, SO23 8UL (between the hours of 9am-4pm). Council contact, Tara Potheary, Tel: 01962 847096, Email: Tara.potheary@hants.gov.uk **N.B. Due to Covid 19 restrictions, it is suggested that you contact the Council to make arrangements to view documents.**

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 14 July 2020]

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 25 August 2020]

Everyone who has made an objection or representation or any other written representation or any other person wishing to make representations in writing 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 06 October 2020]

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.

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 inflammatory, discriminatory 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.13)
(PARISH OF BRAISHFIELD – FOOTPATH NO.4)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2018**

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.

The applicants, Mr and Mrs Clake, have 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.

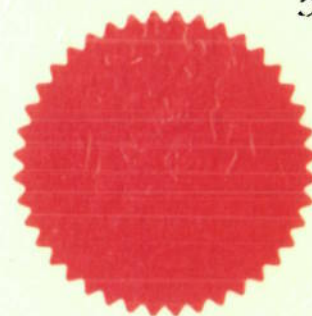
3. There shall be from the date of confirmation of this Order a public footpath over the land situate at Braishfield described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this Order, and thereupon the Hampshire Definitive Map of Public Rights of Way (dated 15th December 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.

GIVEN this 31st day of October 2018

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

Authorised Signatory



37/0217

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING RIGHTS OF WAY

Braishfield Footpath 4

SU 3690 2561 to SU 3711 2540

That part of Footpath No.4 in the Parish of Braishfield, in the Borough of Test Valley, commencing at a junction with Paynes Hay Road, SU 3690 2561 (Point A on the Order map), proceeding over a stile in a generally south eastward direction, along field edge to a stile, along natural path to field edge at Point B on the Order plan (SU 3711 2540).

A total length of 335 metres.

PART 2

DESCRIPTION OF SITE OF NEW RIGHT OF WAY

Braishfield Footpath 4

SU 3679 2557 to SU 3711 2540

A footpath 2 metres wide, in the Parish of Braishfield, in the Borough of Test Valley, commencing at a junction with Paynes Hay Road SU 3679 2557 (Point D on the plan), through pedestrian gate, along a 2 metre wide grass field edge, south eastwards, then south westwards along field, bearing east at SU 3682 2535 (Point C) continuing along 2 metre wide field edge path to Point B on the plan.
A total length of 546 metres.

NOTE: ALL LENGTHS ARE APPROXIMATE

PART 3

LIMITATIONS AND CONDITIONS

Pedestrian gate at SU 3679 2557

Part 4

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

Braishfield Footpath 4

Add:

"That part of the path which ran between 3690 2561 and 3711 2540 has been diverted and now runs between 3679 2557 and 3711 2540
2 metres wide"

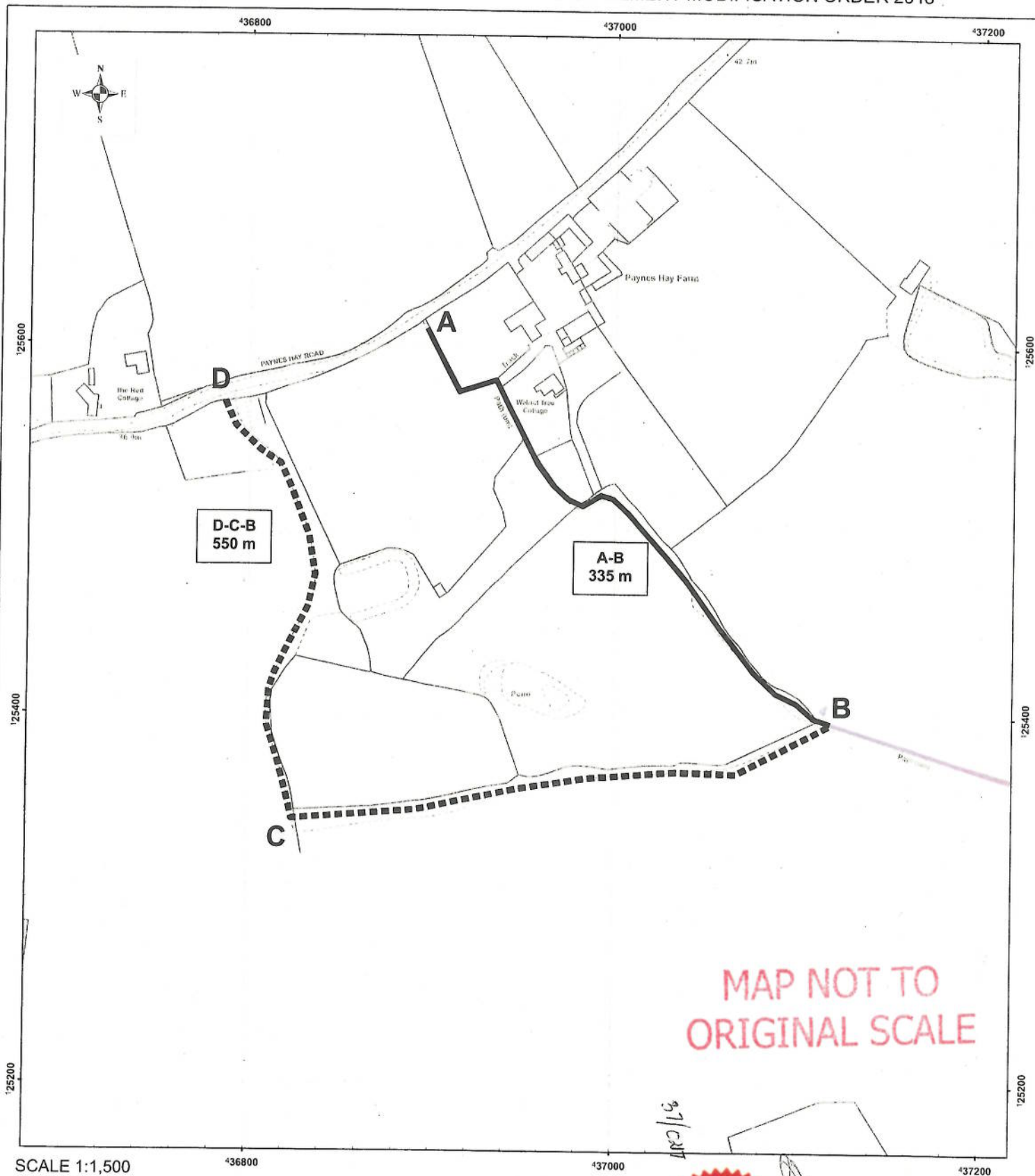
HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

THE HAMPSHIRE (TEST VALLEY BOROUGH COUNCIL NO.13)

(PARISH OF BRAISHFIELD - PART OF FOOTPATHS NO.4)

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2018



SCALE 1:1,500
LEGEND

FOOTPATH TO BE
DELETED:-

FOOTPATH TO BE
ADDED TO THE MAP:-

EXISTING FOOTPATH
TO BE RETAINED:-

MAP No.1659 PRODUCED FROM DIGITAL DATA
SUPPLIED BY ORDNANCE SURVEY

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

AUTHORISED
SIGNATORY

DATE 27 October 18

MAP NOT TO
ORIGINAL SCALE

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