

NOTICE OF ORDER HIGHWAYS ACT 1980 – S119

Hampshire County Council
(New Forest District No.5) (Parish of Fordingbridge – Footpath No.68)
Public Path Diversion and Definitive Map and Statement Modification
Order 2019

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 divert part of Fordingbridge Footpath 68, commencing at a junction with Southampton Road, Point A at SU 1631 1428 proceeding generally eastward through a kissing gate, across a field path to a pedestrian gate to continue on the existing footpath at Point B at SU1645 1329 **to a new route** commencing at the aforementioned Point A generally eastward via Point C, at SU 1637 1427 to the aforementioned Point B.

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/3243510 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

NOTICE OF MAKING AN ORDER

HAMPSHIRE COUNTY COUNCIL

HIGHWAYS ACT 1980 WILDLIFE AND COUNTRYSIDE ACT 1981

THE HAMPSHIRE (NEW FOREST DISTRICT NO. 5) (PARISH OF FORDINGBRIDGE – FOOTPATH NO. 68) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019

The above named Order, made on 28th August 2019 under Section 119 of the Highways Act 1980 ("the 1980 Act") and section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act"), will divert part of Fordingbridge Footpath 68, commencing at a junction with Southampton Road, proceeding generally eastward through a kissing gate, across a field path to a pedestrian gate to continue on the existing footpath.

A copy of the Order and the Order map have been placed and may be seen free of charge at the offices of Hampshire County Council, The Castle, Winchester, SO23 8UJ and at the offices of New Forest District Council; or online at <http://www.hants.gov.uk/publicnotices>. Copies of the Order and the map may be bought from me at a price of £4.40.

Any representations about or objections to the Order may be sent in writing to the Head of Countryside Access, Hampshire County Council, Castle Avenue, Winchester, SO23 8UL, or via e-mail to row.notices@hants.gov.uk quoting reference:- PPO 5120 no later than 27 September 2019. Please state the grounds on which they are made.

The personal data you provide in any representation will be treated in accordance with Data Protection Legislation, and may be published in a decision report, be disclosed to other interested parties, including the landowner (or their representatives). It may also be made public if the matter is referred to the Planning Inspectorate. Your data will be retained for a maximum period of two years from the date that the application is resolved. The legal basis for our use of this information is the compliance with a legal obligation – Highways Act 1980.

You have some legal rights in respect of the personal information we collect from you. Please see our website Data Protection page for further details: www.hants.gov.uk/dataprotection. You can contact the County Council's Data Protection Officer at data.protection@hants.gov.uk. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

If no such representations or objections are duly made, or if any so made are withdrawn, Hampshire County Council may confirm the Order as an unopposed order. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

DATED this 30th day of August 2019

Felicity Roe, Director of Culture, Communities and Business Services, The Castle, Winchester, SO23 8UJ

HAMPSHIRE COUNTY COUNCIL

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE HAMPSHIRE (NEW FOREST DISTRICT NO. 5)
(PARISH OF FORDINGBRIDGE – FOOTPATH NO. 68)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2019**

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.

Mr Sweeney has 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 Footpath into a fit condition for use by the public.

New Forest District 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 Fordingbridge 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 Fordingbridge 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 28th day of August 2019

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

Authorised Signatory



37/1155

SCHEDULE

Part 1

DESCRIPTION OF SITE OF EXISTING RIGHTS OF WAY

Fordingbridge Footpath 68 From SU 1631 1428 to SU 1645 1429

Footpath No. 68 in the Parish of Fordingbridge, in the New Forest District, commencing at a junction with Southampton Road, Point A on the order plan (SU 1631 1428), proceeding eastwards through a kissing gate, across field path to a pedestrian gate, Point B on the order plan (SU 1645 1429).

A total length of 140 metres.

PART 2

DESCRIPTION OF SITE OF NEW RIGHT OF WAY

Fordingbridge Footpath 68

From SU 1631 1428 to SU 1645 1429 via 1637 1427

A 2 metre wide grass path, in the Parish of Fordingbridge, in the New Forest District, commencing at a junction with Southampton Road, Point A on the order plan (SU 1631 1428), proceeding generally eastward through a kissing gate, across field path to a pedestrian gate, Point B on the Order plan (SU 1645 1429).

A total length of 144 metres.

NOTE: ALL LENGTHS ARE APPROXIMATE

PART 3

LIMITATIONS AND CONDITIONS

None.

Part 4

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

Fordingbridge Footpath No.68

Add:

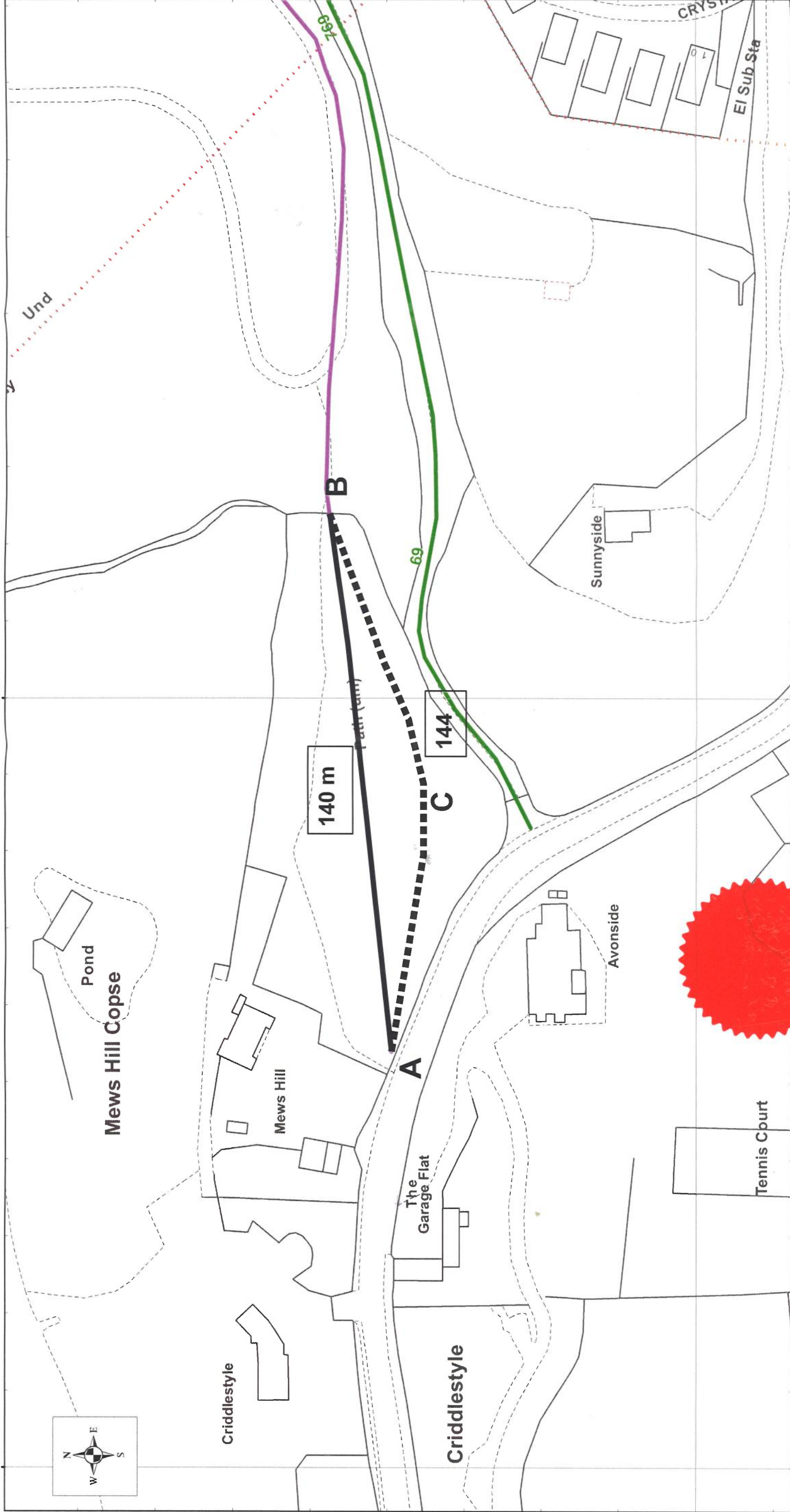
"The path follows a diverted route between 1631 1428 and 1645 1429
2 metre wide between 1631 1428 and 1645 1429"

HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN
THE HAMPSHIRE (NEW FOREST DISTRICT NO.5) (PARISH OF FORDINGBRIDGE - FOOTPATH NO.68)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019

416200

416400



FOOTPATH TO BE
EXTINGUISHED:-

FOOTPATH TO BE
ADDED TO THE MAP:-

EXISTING FOOTPATH:-

EXISTING BRIDLEWAY:-

MAP NO. 1677 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 28/08/2019

SCALE 1:1,000
LEGEND

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 (14.03.19)

FELICITY ROE, DIRECTOR OF CULTURE, COMMUNITIES AND BUSINESS SERVICES, WINCHESTER