

NOTICE OF MAKING AN ORDER

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**

The above named Order, made on 31 October 2018 under Section 119 of the Highways Act 1980, will divert part of Braishfield Footpath 4, commencing at a junction with Paynes Hay Road, SU 3690 2561 proceeding over a stile in a generally south eastward direction, along field edge to a stile, along natural path to field edge at SU 3711 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.

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 Test Valley Borough 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 5114 no later than 30 November 2018. 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 31st day of October 2018

KAREN MURRAY, 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 (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

37/0217

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



Authorised Signatory

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

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”

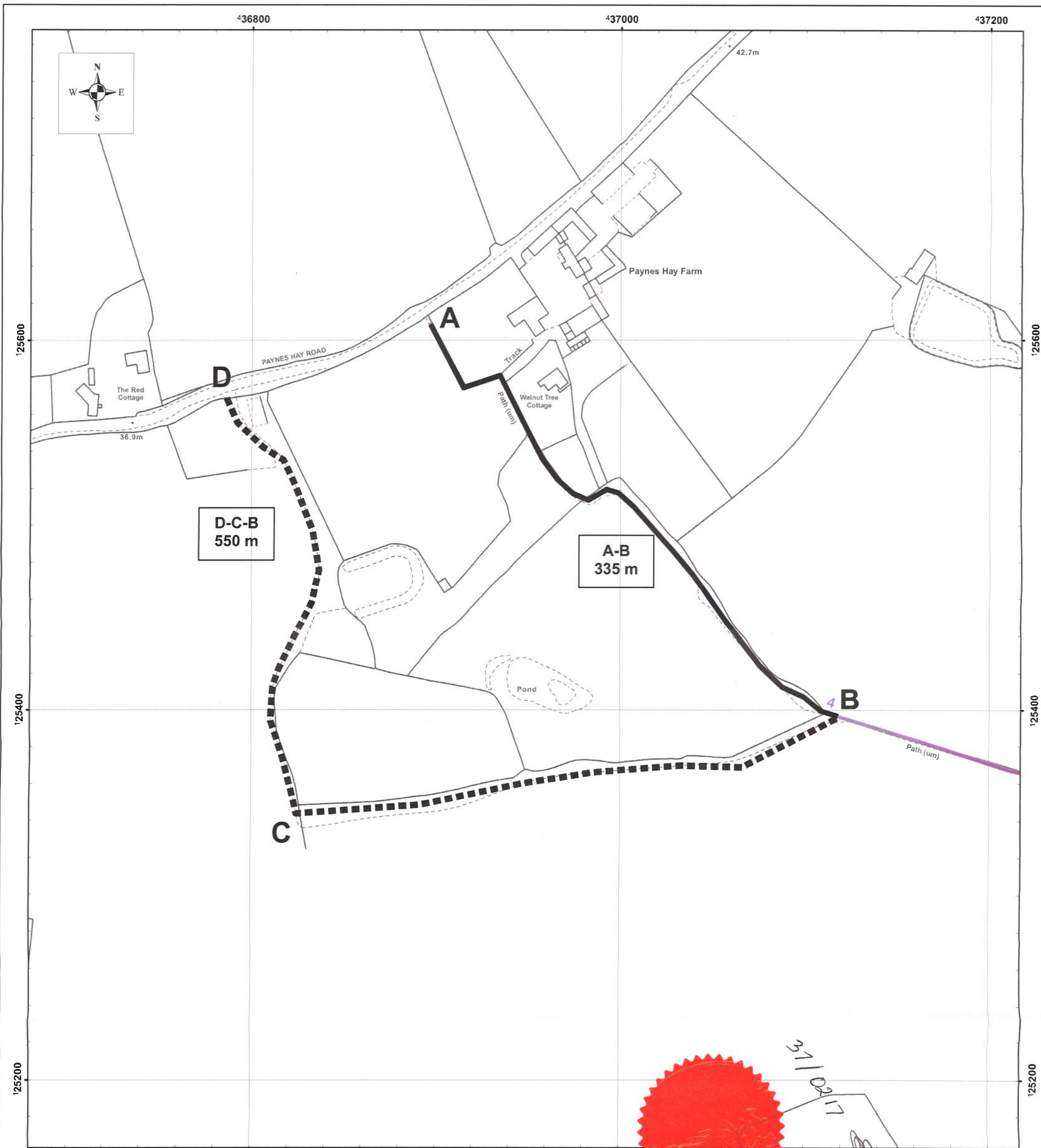
HAMPSHIRE COUNTY COUNCIL

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 WAS HEREUNTO AFFIXED IN THE PRESENCE OF:-

..... AUTHORIZED SIGNATORY

DATE 31st October 2018

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