

NOTICE OF MAKING AN ORDER

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

HAMPSHIRE COUNTY COUNCIL

**THE HAMPSHIRE (EAST HAMPSHIRE DISTRICT NO.19)
(PARISH OF BENTWORTH – PART OF FOOTPATH 5)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2021**

The above named Order, made on 13 January 2021 under Section 119B(1)(b) of the Highways Act 1980, will divert that part of Bentworth Footpath 5 that currently runs from a junction with School Lane at 6642 4037 in a south-easterly direction through the grounds of Saint Mary's Bentworth C of E Primary School to a junction with Bentworth Footpaths 6 and 7 at SU 6651 4027, to a new alignment commencing approximately 13m south of the existing junction with School Lane at SU 6643 4036 and proceeding in an easterly then southerly direction to the north of the school to a junction with Bentworth Footpath 6 at SU 6659 4036.

The Order and Order map can be viewed online at www.hants.gov.uk/publicnotices. Printed copies can be obtained by contacting row.notices@hants.gov.uk.

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 5136 no later than 19 March 2021. 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 19th day of February 2021.

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 (EAST HAMPSHIRE DISTRICT NO.19)
(PARISH OF BENTWORTH – PART OF FOOTPATH 5)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2021**

This Order is made by Hampshire County Council (“the authority”) under Section 119B(1)(b) of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that:

it is expedient, for the purpose of protecting pupils or staff from –

- (i) violence or the threat of violence,
- (ii) harassment,
- (iii) alarm or distress arising from unlawful activity, or
- (iv) any other risk to their health or safety arising from such activity,

that the line of the highway, or part of that line, 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 Diocese of Winchester 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 path into a fit condition for use by the public.

The police authority (Hampshire Police Authority) for the area in which the highway lies has been consulted as required by section 119B(6) of the 1980 Act.

East Hampshire 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 Bentworth 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 certification of this Order a public footpath over the land situate at Bentworth 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 13th day of *January* 2021

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

Authorised Signatory



37/6218

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING RIGHTS OF WAY

Bentworth No. 5
From SU 6642 4037 to SU 6651 4027

Footpath No. 5 in the Parish of Bentworth, commencing at SU 6642 4037 (Point A on the order plan), proceeding south-eastward, across pasture then through a school playground, to a junction with Church Street and Footpaths 6 and 7 at SU 6651 4027 (Point B on the order plan).

A total length of 136 metres.

PART 2

DESCRIPTION OF SITE OF NEW RIGHT OF WAY

Bentworth No. 5

From SU 6643 4036 to SU 6659 4036

A 1.5 metre wide footpath in the Parish of Bentworth, commencing at a junction with School Lane, SU 6643 4036 (Point C on the order plan), proceeding eastward through a kissing gate across pasture, then south-eastward to a kissing gate at a junction with Bentworth Footpath 6 at SU 6659 4036 (Point D on the Order Plan).

Approximately 190 metres in length.

NOTE: ALL LENGTHS ARE APPROXIMATE

PART 3

LIMITATIONS AND CONDITIONS

Kissing Gate at 6643 4036

Kissing Gate at 6659 4036

PART 4

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

Bentworth Footpath No. 5

Delete:

"6642 4037
Church Street
(U227)

Add:

"6643 4036
School Lane

The path follows a diverted route between 6643 4036 and 6659 4036

1.5 metres between 6643 4036 and 6659 4036"

HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

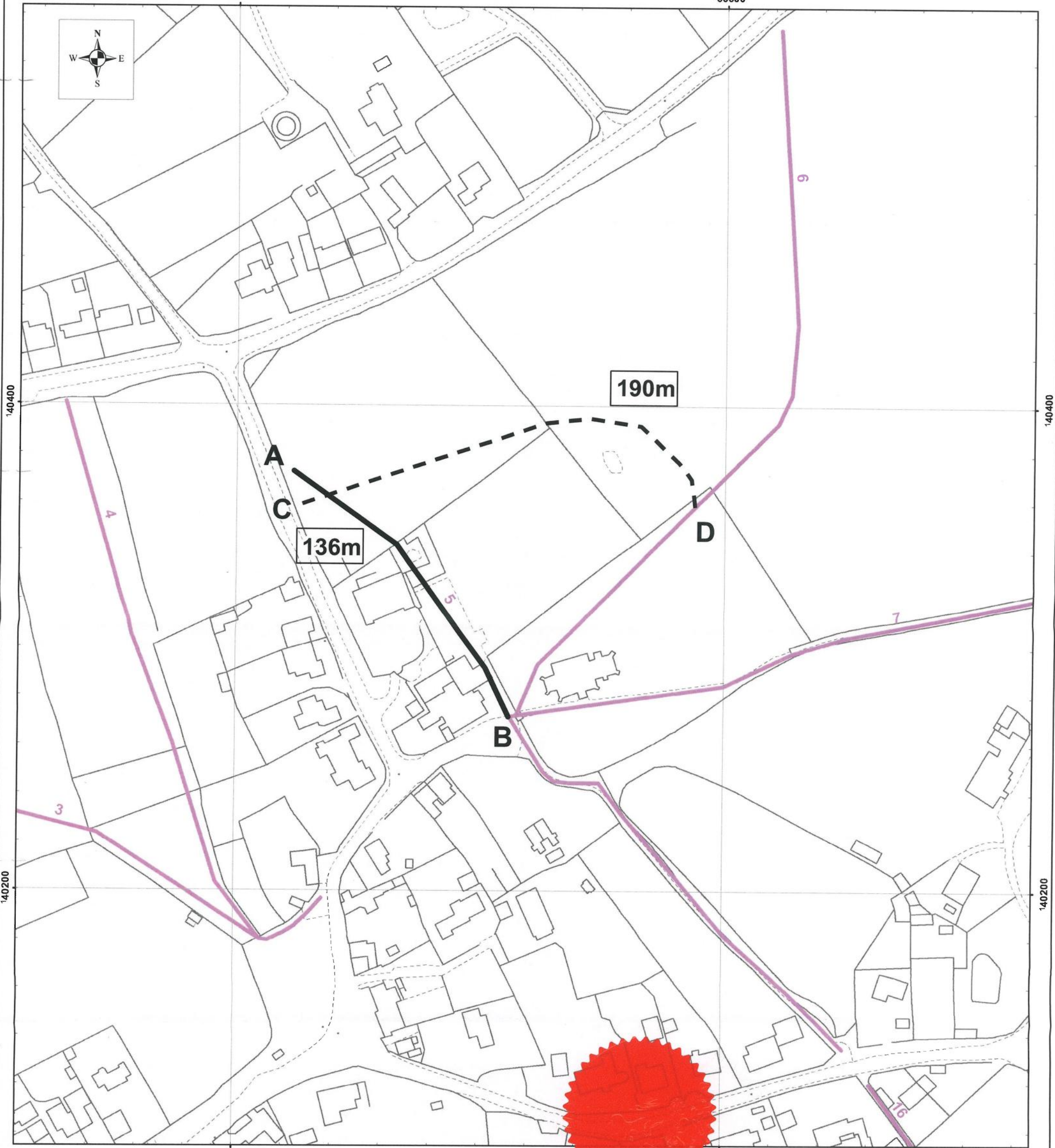
THE HAMPSHIRE (EAST HAMPSHIRE DISTRICT NO.19)

(PARISH OF BENTWORTH - PART OF FOOTPATH 5)

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2021

466400

466600



SCALE 1:1,500

LEGEND

FOOTPATH TO BE ADDED TO THE MAP:-



PUBLIC FOOTPATH TO BE RETAINED :-



PUBLIC FOOTPATH TO BE EXTINGUISHED:-



MAP 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 13/1/21

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 (05.01.21)

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