

**NOTICE OF CONFIRMED ORDER**

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

**HAMPSHIRE COUNTY COUNCIL**

**THE HAMPSHIRE (WINCHESTER CITY NO.26)  
(PARISH OF BISHOPS WALTHAM - PART OF FOOTPATH 26)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2021**

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On the 22 April 2021 Hampshire County Council confirmed the above Order made under section 119 of the Highways Act 1980.

The effect of the Order as confirmed is to divert the public footpath that currently runs from a junction with Bishops Waltham Footpath 26 in a south-westerly direction across paddocks for approximately 217m to a point just east of Bishops Waltham Restricted Byway 47. The diverted route will proceed westward from the same junction with Footpath 26 for approximately 242m to a field boundary, continuing in a south-westerly direction to rejoin Footpath 26 to the east of Restricted Byway 47.

The Order and Order maps can be viewed online at [www.hants.gov.uk/publicnotices](http://www.hants.gov.uk/publicnotices). Printed copies can be obtained by contacting [row.notices@hants.gov.uk](mailto:row.notices@hants.gov.uk).

The Order comes into force when Hampshire County Council has certified that the work necessary to bring the new path into a fit condition for use by the public has been carried out, but if any person aggrieved by the Order wants to question its validity, or any provision contained in it, on the grounds that it is not within the powers of the Highways Act 1980, as amended, or on the grounds that any requirement of the Act, as amended, or any regulation made under the Act has not been complied with in relation to the Order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within six weeks from 30 April 2021 make an application to the High Court.

DATED this 30<sup>th</sup> day of April 2021.

FELICITY ROE, Director of Culture, Communities and Business Services, The Castle, Winchester, SO23 8UJ

**HAMPSHIRE COUNTY COUNCIL**

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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 15<sup>th</sup> 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.

Edmund Byers 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.

Winchester City 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 Bishops Waltham 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 15<sup>th</sup> 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 Bishops Waltham 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 15<sup>th</sup> December 2007) shall be modified by adding that footpath to it.

3A. The Hampshire Definitive Statement of Public Rights of Way (dated 15<sup>th</sup> December 2007) shall be modified as described in Part 4 of the Schedule to this Order.

GIVEN this 22<sup>nd</sup> day of February 2021.

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

Authorised Signatory



3716354

**SCHEDULE**

**PART 1**

DESCRIPTION OF SITE OF EXISTING RIGHTS OF WAY

**Bishops Waltham No. 26**  
**From SU 5526 1912 to SU 5504 1907**

Footpath No. 26 in the Parish of Bishops Waltham, commencing at SU 5526 1912 (Point A on the order plan) proceeding south westward across paddocks to SU 5504 1907 (Point B on the order plan).

Approximately 217 metres in length.

**PART 2**

DESCRIPTION OF SITE OF NEW RIGHT OF WAY

**Bishops Waltham No. 26**

**From SU 5526 1912 to SU 5504 1907 (via SU 5513 1915)**

A 3 metre wide grass path commencing at Point A on the plan (SU 5526 1912), proceeding north-westward, through kissing gate, across field to Point C (SU 5513 1915), then south-westward through field gates to Point B (SU 5504 1907).

Approximately 242 metres in length.

**NOTE: ALL LENGTHS ARE APPROXIMATE**

**PART 3**

LIMITATIONS AND CONDITIONS

Kissing Gate at 5526 1912  
Field Gate at 5513 1915  
Field Gate at 5511 1913  
Kissing Gate at 5504 1907

**PART 4**

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

**Bishops Waltham Footpath No.26**

Add:

"The path follows a diverted route between 5526 1912 and 5504 1907

3 metres wide between 5526 1912 and 5504 1907

Kissing Gate at 5526 1912  
Field Gate at 5513 1915  
Field Gate at 5511 1913  
Kissing Gate at 5504 1907"

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(PARISH OF BISHOPS WALTHAM - PART OF FOOTPATH 26)  
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MODIFICATION ORDER 2021**

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This Order is hereby confirmed as an unopposed Order.

GIVEN this 22<sup>nd</sup> day of April 2021

37/6538

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



A handwritten signature in black ink, appearing to be 'Pfe', written over a horizontal line.

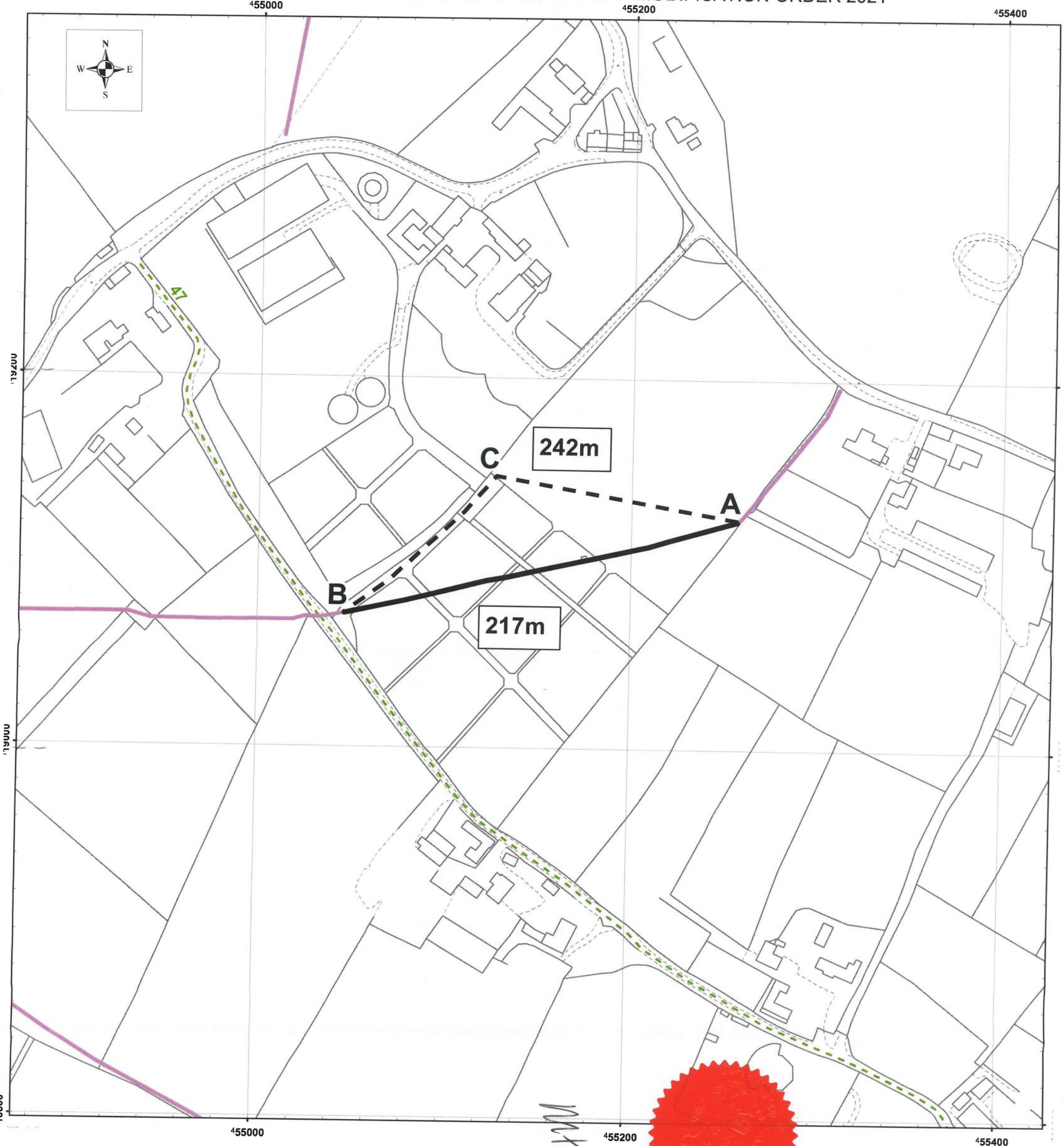
Authorised Signatory

# HAMPSHIRE COUNTY COUNCIL

MAP REFERRED TO IN

THE HAMPSHIRE (WINCHESTER CITY NO.26)  
(PARISH OF BISHOPS WALTHAM - PART OF FOOTPATH 26)

PUBLIC PATH DIVERSION AND DEFINITIVE MAP MODIFICATION ORDER 2021



## LEGEND

- PUBLIC FOOTPATH TO BE ADDED TO THE MAP:-
- PUBLIC FOOTPATH TO BE EXTINGUISHED:-
- PUBLIC FOOTPATH TO BE RETAINED:-
- RESTRICTED BYWAY TO BE RETAINED:-

MAP 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 22/02/2021

SCALE 1:2,000

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

*M. Roe*  
27/03/21

