

HAMPSHIRE AREA of the



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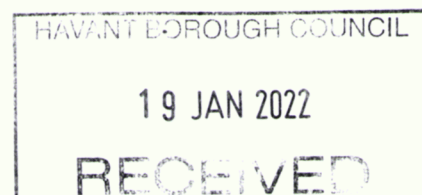
18 January 2022

Dear Mr. Oliver,

RE – HAVANT BOROUGH COUNCIL: (BRIDLEWAY 121) (PUBLIC BRIDLEWAY DIVERSION) ORDER 2021

On behalf of the Ramblers' Association I hereby lodge an objection to the above order on the grounds that the Order is not in the prescribed form and legal requirements set out in Statutory Instrument 1993 No 10.

Below is an extract of the template prescribed form upon which I have indicated in red the paragraphs that should have been used. The procedure is for the Order to be confirmed, then the applicant has to make the new route suitable to the reasonable satisfaction of the Order Making Authority who upon being so satisfied issues a certificate, then the Order comes into effect. The way that this Order is drafted would result in the diversion coming into immediate effect upon confirmation without the Order Making Authority being reasonably satisfied that the new route has been constructed to an acceptable standard and in accordance with the planning consent.



HAMPSHIRE AREA of the



[TITLE OF ORDER]

This order is made by [name of authority] under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to [stop up] [divert] the [footpath] [bridleway] to which this order relates in order to enable development to be carried out [in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990] [by a government department] namely: [insert description of development and, if appropriate, name of department].

BY THIS ORDER:

1. The [footpath] [bridleway] over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order ("the Schedule") shall be [stopped up] [diverted] as provided below.

[2. There shall be created to the reasonable satisfaction of [name of authority] an alternative highway for use as a replacement for the said [footpath] [bridleway] as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.]

[2. The [footpath] [bridleway] over the land described in Part 3 of the Schedule and shown hatched black on the attached map shall be improved to the reasonable satisfaction of [name of authority] by [description of improvement].]

3. The [stopping up] [diversion] of the [footpath] [bridleway] shall have effect on [the date on which [name of authority] certify that the terms of Article 2 above have been complied with] [the confirmation of this order].

[4. The following works [may] [shall] be carried out in relation to the highway described in Part [1] [2] [3] of the Schedule: [description of works].]

[5. [Name of person] is hereby required to [pay] [make the payments of [details of payments]] [for] [towards] the cost of carrying out the said works.]

[6. Where immediately before the date on which the [footpath] [bridleway] is [stopped up] [diverted] there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.]

The Plans should be prepared so that the Ordnance Survey information is not greyed out, the base layer should be no less prominent than the additional layers.

In the Title 2002 should replace 2021.

Yours sincerely

Richard C. Kenchington FRICS IRRV (Hons),
Walking Environment Officer,
Hampshire Area of the Ramblers