

**EASTLEIGH BOROUGH COUNCIL**

**Town and Country Planning Act 1990 ("TCPA 1990")**

**STOPPING UP OR DIVERSION ORDER REFERENCE: The Eastleigh Borough Council (Unnumbered Presumed Dedicated Footpath at Pavilion Road, Hedge End) Diversion Order 2017 ("the Order")**


1. Eastleigh Borough Council ("the Council") makes this order in exercise of its powers under section 257 of the TCPA 1990 as amended by the Greater London Authority Act 1999 and any other enabling powers.
2. The Council authorises the stopping up of an area of the highway being a presumed dedicated footpath at land at Pavilion Road, Hedge End, Southampton shown as a solid black line commencing from point A on the attached plan ("the Plan") and running approximately north-east to point B on the Plan and measuring approximately 84 metres long and approximately 2 metres wide in order to enable the development described in the Schedule to be carried out in accordance with the planning permission granted under Part III of the TCPA 1990 to Frontier Estates (Southampton) Ltd ("the Developer") of 6<sup>th</sup> Floor North, 2 Charlotte Place, Southampton, Hampshire, SO14 0TB by the Council on 13 September 2016 under reference F/16/78015.
3. An alternative highway being a footpath at land at Pavilion Road, Hedge End, Southampton shown as a dashed black line commencing from point C on the Plan and running approximately north-east to point B on the Plan and measuring approximately 78 metres long and 3 metres wide shall be created to the reasonable satisfaction of the Council, having regard to the applicable footpath design specifications of Hampshire County Council.
4. Where immediately before the date of this order any apparatus of statutory undertakers lies under, in, on, over, along or across any length of highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the TCPA 1990, those undertakers shall have the same rights in relation to that apparatus after the area is stopped up as they had immediately before.
5. This order shall come into force on the date on which notice that it has been confirmed is first published in accordance with Part II of Schedule 14 to the TCPA 1990 or the date on which the Council has certified that the terms of article 3 of this order have been complied with, whichever is the later and may be cited as The

Eastleigh Borough Council (Unnumbered Presumed Dedicated Footpath at Park Road, Hedge End) Diversion Order 2017.

Made: 9 June 2017

The Common Seal of the  
Eastleigh Borough Council  
was hereto affixed  
in the presence of:



  
.....  
Authorised Signatory

10752

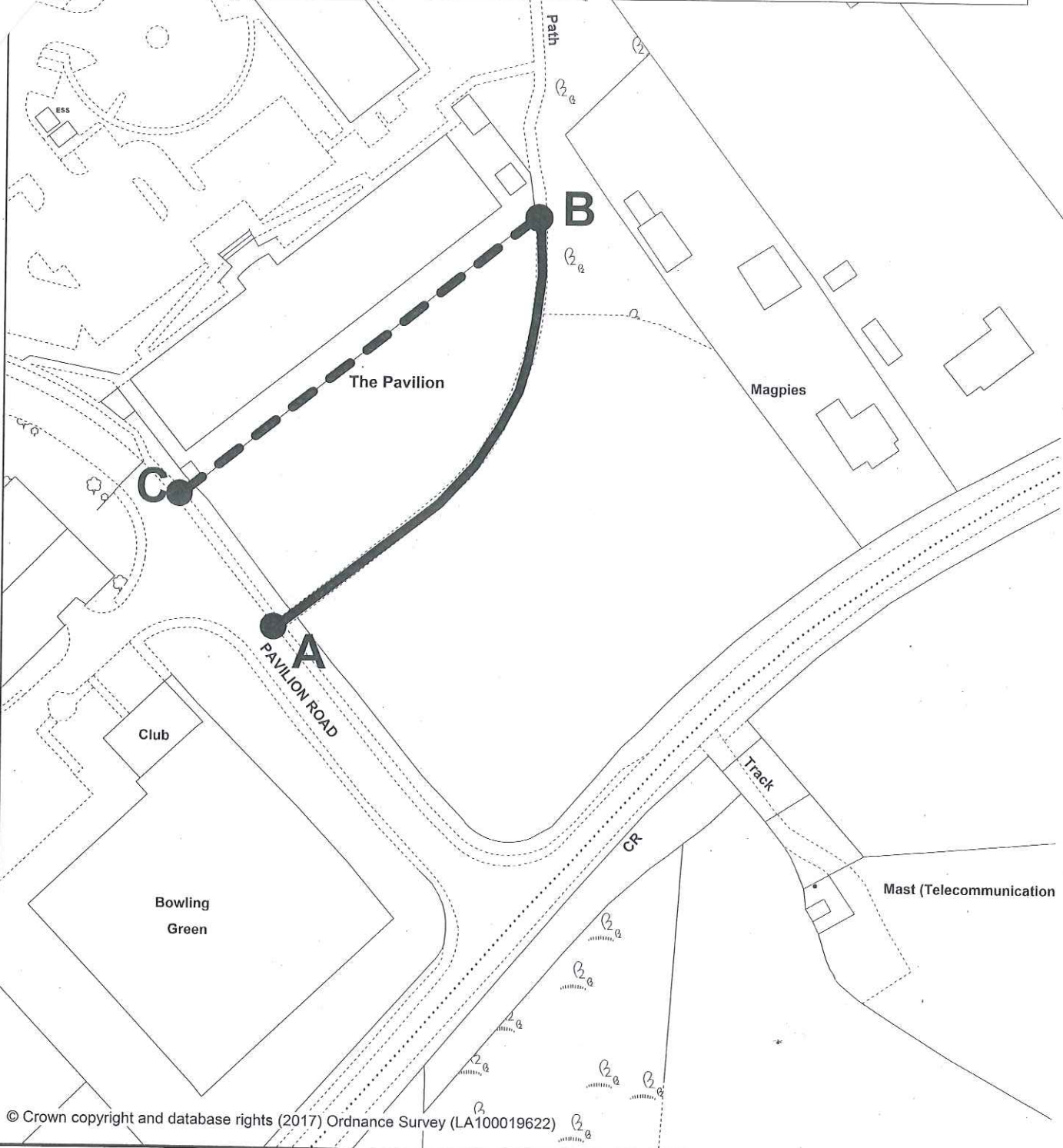
**Schedule      Development**

“Erection of 70 bed care home (within Class C2), parking, access, footpath, landscaping and other associated works”, more particularly described in planning application F/16/78015 submitted to Eastleigh Borough Council on 8 February 2016 and approved by Eastleigh Borough Council on 13 September 2016.

**Key**

Existing unnumbered presumed dedicated footpath- Solid line (A-B)

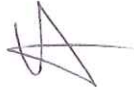
Proposed footpath to be created- Dashed line (B-C)



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Title:  
Public Right of Way Order  
HEWEB EN1268



Scale:  
1:1000  
Map Ref:  
SU5013NW  
Date:  
09/06/2017



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2. The Council authorises the stopping up of an area of the highway being a presumed dedicated footpath at land at Pavilion Road, Hedge End, Southampton shown as a solid black line commencing from point A on the attached plan ("the Plan") and running approximately north-east to point B on the Plan and measuring approximately 84 metres long and approximately 2 metres wide in order to enable the development described in the Schedule to be carried out in accordance with the planning permission granted under Part III of the TCPA 1990 to Frontier Estates (Southampton) Ltd ("the Developer") of 6<sup>th</sup> Floor North, 2 Charlotte Place, Southampton, Hampshire, SO14 0TB by the Council on 13 September 2016 under reference F/16/78015.
3. An alternative highway being a footpath at land at Pavilion Road, Hedge End, Southampton shown as a dashed black line commencing from point C on the Plan and running approximately north-east to point B on the Plan and measuring approximately 78 metres long and 3 metres wide shall be created to the reasonable satisfaction of the Council, having regard to the applicable footpath design specifications of Hampshire County Council.
4. Where immediately before the date of this order any apparatus of statutory undertakers lies under, in, on, over, along or across any length of highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the TCPA 1990, those undertakers shall have the same rights in relation to that apparatus after the area is stopped up as they had immediately before.
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