

**EASTLEIGH BOROUGH COUNCIL**

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

**STOPPING UP OR DIVERSION ORDER REFERENCE: The Eastleigh Borough Council (Footpath Cycleway No. 23 Eastleigh and unnumbered presumed dedicated footpath cycleway) Diversion Order 2016 (“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 footpath cycleways at former Magistrates Court site Villeneuve St Georges Way Leigh Road Eastleigh SO50 9SJ, shown as solid black lines on the attached plan (“Plan”), namely:
  - (a) The footpath cycleway number Eastleigh 23 south of Leigh Road Eastleigh from point A (SU44148 19447) on the Plan south towards point C (SU44140 19424) for a distance of 24 metres then south towards point D (SU44128 19390) for a distance of 37 metres then south east towards point F (SU44173 19307) for a distance of 96 metres.
  - (b) The unnumbered presumed dedicated footpath cycleway:
    - (i) From point B (SU44158 19446) on the Plan south towards point C (SU44140 19424) for a distance of 28 metres and of 3 metres width; and
    - (ii) From point D (SU44128 19390) south towards point E (SU44120 19305) for a distance of 56 metres and 3 metres width then east towards point F (SU44173 19307) for a distance of 62 metres and 3 metres width.

in order to enable the development described in the Schedule to be carried out in accordance with the planning application submitted under Part III of the TCPA 1990 by Mr Richard Ward of Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, Hampshire, SO50 9YN, received by the Council on 1 June 2016 under reference F/16/78623.

3. An alternative highway in the form of a 3 metre wide footpath cycleway shown as a dashed black line on the Plan commencing at point H (SU44140 19446) on the Plan and running south-west to point I (SU44077 19340) for a distance of 129 metres then south east to point G (SU44172 19271) for a distance of 121 metres shall be created to the reasonable satisfaction of the Council.

4. For the avoidance of doubt, the existing footpath cycleway shown as a dotted black line between point F (SU44173 19307) and point G (SU44172 19271) on the Plan shall not be affected by the provisions of this Order.
5. 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.
6. 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 (Footpath Cycleway No. 23 Eastleigh and unnumbered presumed dedicated footpath cycleway) Diversion Order 2016.

Made: 26 August 2016

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

.....  


Authorised Signatory

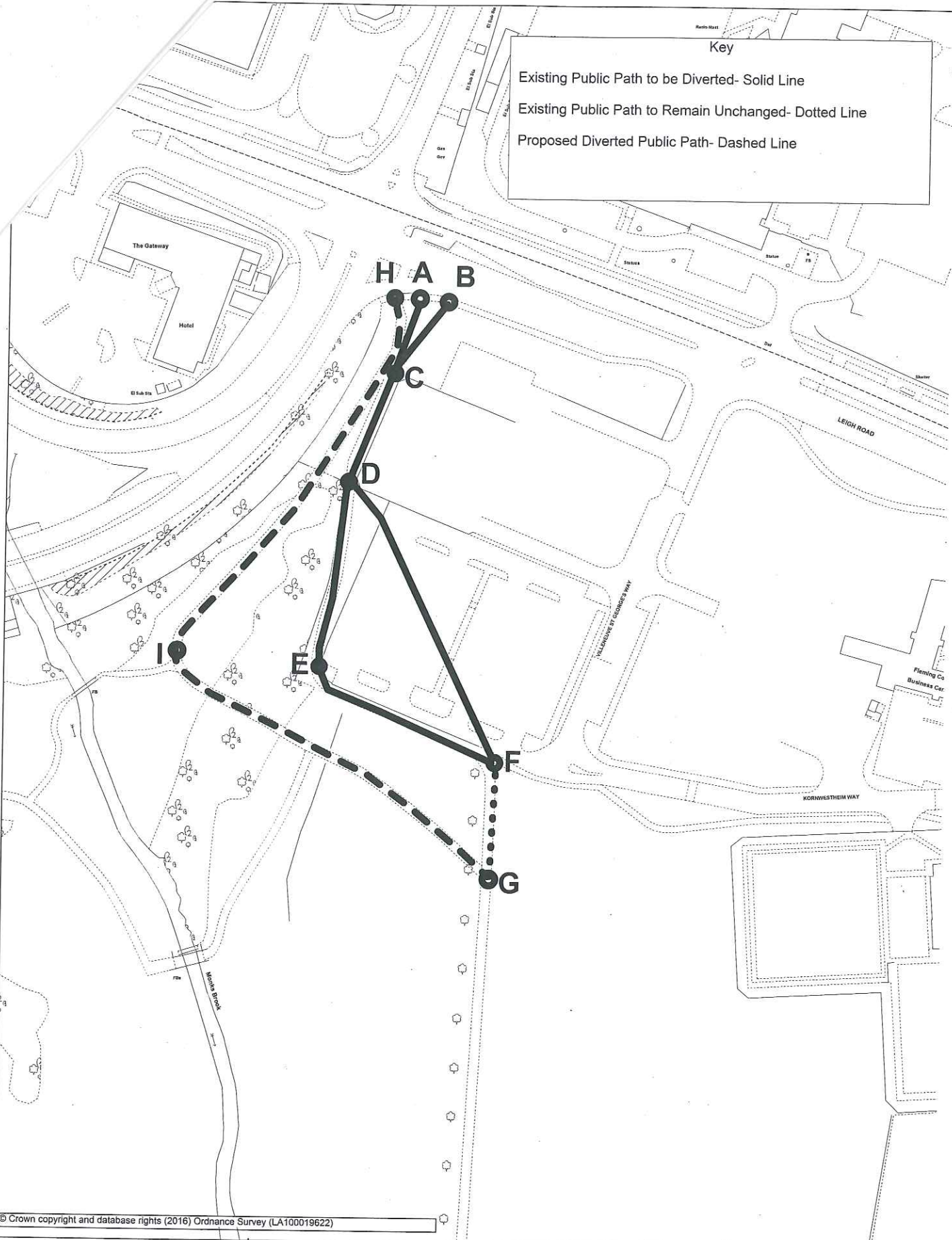


## **Schedule      Development**

“Construction of a car dealership comprising; three showroom buildings, car display courtyard on site frontage, separate sales tent (sui-generis use), workshop (B2 use), rear service yard, car parking, landscaping and access.”, more particularly described in planning application F/16/78623 submitted to Eastleigh Borough Council on 1 June 2016.

**Key**

- Existing Public Path to be Diverted- Solid Line
- Existing Public Path to Remain Unchanged- Dotted Line
- Proposed Diverted Public Path- Dashed Line



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Title:  
Public Path Diversion Order  
Footpath 23 and Unnumbered

Scale:  
1:1000  
Map Ref:  
SU4419SW  
Date:  
22/08/2016

