EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 (TCPA 1990)

EASTLEIGH
15 OCT 2018
BOROUGH COUNCIL

DIVERSION ORDER REFERENCE: **The Eastleigh Borough Council (Botley Footpath 2) Diversion (No. 2) Order 2018 ("the Order")**

This Order is made by Eastleigh Borough Council (Council) makes this Order in exercise of its powers under section 257 of the TCPA 1990 as amended and any other enabling powers because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development described in Schedule One to be carried out in accordance with the planning permission granted under Part III of the TCPA 1990 by the Council on various dates under references O/12/71514 (granted 28 November 2013); R/14/74872 (approved 31 October 2014); R/15/77552 (approved 6 May 2016); R/15/77595 (approved 6 May 2016); and R/16/79470 (approved 13 October 2017).

BY THIS ORDER

1. The Council authorises the diversion of an area of the highway known as Botley Footpath No. 2 being shown coloured green between points G and L (a distance of approximately 905 metres) as shown on the attached Plan (reference PFD-SL.01 Rev G) (Plan) and described in Part One of Schedule Two as provided below.

2. There shall be created to the reasonable satisfaction of the Council an alternative highway for use as a replacement for the said footpath as provided for in Part Two of Schedule Two and shown dashed black on the Plan.

3. 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 diverted 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.

4. 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 2 of this Order have been complied with, whichever is the later and may be cited as The Eastleigh Borough Council (Botley Footpath 2) Diversion (No. 2) Order 2018.

Made: 26 July 2018

The Common Seal of EASTLEIGH

BOROUGH COUNCIL was hereto

Affixed in the presence of:



11074

Authorised Signatory

SCHEDULE ONE

The Development

O/12/71514

Outline application with all matters reserved (except for access) for the demolition of golf driving range shelter and groundsman's equipment store and the development of 1400 homes with access from Winchester Road and Maddoxford Lane (with upgrades to the Winchester Road/Woodhouse Lane Junction and approaches and Maypole Roundabout, construction of Sunday's Hill Bypass and approaches, extension to existing hotel (including new conference and leisure facilities, 44 no. new bedrooms and car parking), creation of new local centre (incorporating energy centre, pub, assisted living accommodation, retail and employment floorspace, including change of use of Braxells Farm House to employment), primary school, multi purpose community building, sports and open space facilities including play areas, allotments and Multi-Use Games Area, and changing facilities, together with construction of roads, footpaths (including diversion of Footpath No. 2) and cycle ways, and pumping stations. (Amended description following amended plans received 11/12/2012). This application is the subject of an Environmental Impact Assessment

R/14/74872

Reserved matters pursuant to outline permission O/12/71514 for erection of sports pavilion play area and laying out of playing pitches together with access, landscaping, car parking, cycle parking and bin storage, diversion of public footpath no. 2 and sustainable urban drainage system with access from Maddoxford Lane.

R/15/77552

Reserved Matters Application (Pursuant to outline planning permission O/12/71514 which was subject to an Environmental Impact Assessment) for the spine road infrastructure together with foul and surface water drainage networks, landscaping and associated works. This application includes the diversion of Footpath No. 2

R/15/77595

Reserved matters application (pursuant to outline planning permission O/12/71514 which was subject to an Environmental Impact Assessment) for the erection of 441no. dwellings, car parking, road infrastructure, pedestrian/cycle links, foul and surface water drainage networks, landscaping and associated works (phase 1). This application includes the diversion of Footpath no.2.

R/16/79470

Reserved matters application (pursuant to outline planning permission O/12/71514 which was subject to an Environmental Impact Assessment) for the erection of 889no. dwellings, community building, multi-use games area, land for use as allotments, open space, road infrastructure, pedestrian and cycle links, foul and surface water drainage networks, associated landscaping, car parking, changes to levels, boundary treatments and diversion of Botley Footpath Number 2.

SCHEDULE TWO – Part One

Description of Site of Existing Path

An area of the highway known as Botley Footpath No. 2 being shown coloured green between points L and G (a distance of approximately 905 metres) as shown on the attached Plan (reference PFD-SL.01 Rev G)

SCHEDULE TWO – Part Two

Description of Site of Alternative Highway

A footpath on the route shown dashed black between points G – F – J – K – L (a distance of approximately 1405 metres) and to include a spur from point J – D – E – C – B (a distance of approximately 310 metres).

The width of the said alternative highway is to be in accordance with the detail provided on the Plan.