

## **NOTICE OF ORDER**

# **HIGHWAYS ACT 1980 SECTION 119 HIGHWAYS ACT 1980 SECTION 118 WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53**

Wiltshire Council  
Malmesbury St Paul Without 13 (part), 16 (part) and 17 (part) and Lea  
and Cleverton 1A (part) Diversion Order and Definitive Map and  
Statement Modification Order 2015  
and  
Malmesbury Without 15 Extinguishment and Definitive Map and Statement  
Modification Order 2015

Notice is hereby given that the above referenced Orders have been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Orders.

The **start date** for the above Orders is **12 September 2016**.

Consideration of the Orders will take the form of exchanges of statements of case and comments on statements of case.

The effect of the first Order, if confirmed without modifications, will be to divert the following public footpaths:

Malmesbury St Paul Without 13 running from OS GR ST 9460-8690 in a south-easterly direction for approximately 278 metres to OS GR ST 9482-8672 to a line running from OS GR ST 9460-8690 in a south-easterly direction along the field boundary for approximately 293 metres to OS GR ST 9482-8672.

Malmesbury St Paul Without 16 running from OS GR ST 9487-8747 in a southerly direction for approximately 713 metres to OS GR ST 9493-8677 to a line running from OS GR ST 9487-8747 in a south-westerly direction for approximately 649 metres to OS Grid Reference ST 9459-8691.

Malmesbury St Paul Without 17 running from OS GR ST 9455-8666 in a westerly direction for approximately 76 metres to the parish boundary at OS GR ST 9447-8666 to a line running from OS GR ST 9455-8666 in a westerly direction for approximately 47 metres to the parish boundary at OS GR ST 9449-8664.

Lea and Cleverton 1A running from OS GR ST 9446-8662 in a northerly direction for approximately 35 metres to parish boundary at OS GR ST

9447-8666 to a line running from OS GR ST 9446-8662 in a north-easterly direction for approximately 37 metres to the parish boundary at OS GR ST 9449-8664.

The effect of the second Order, if confirmed without modifications, will be to extinguish the public footpath running from Southfield Farm, at OS GR ST 9496-8677, in a south-westerly direction for approximately 77 metres, then south-easterly for approximately 118m to OS GR ST 9492-8663. If confirmed the order will also have the effect of modifying the Malmesbury Rural District Council area definitive map and statement dated 1952 accordingly.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number FPS/Y3940/4/16 & FPS/Y3940/3/4 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at the following offices, from 9:00am to 5:00pm on Monday to Friday: Rights of Way and Countryside Team, Waste and Environment, Wiltshire Council, Unit 9, Ascot Court, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA. To arrange a viewing, please contact Mr Michael Crook on Telephone Number 01225 713349.

### **Timetable for sending in statements of case and comments**

#### **Within 2 weeks of the start date [by 26 September 2016]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

#### **Within 8 weeks of the start date [by 7 November 2016]**

Everyone who has made an objection or representation or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

**Within 14 weeks of the start date [by 19 December 2016]**

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Orders must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for w/r

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

**WILTSHIRE COUNCIL**

**THE WILTSHIRE COUNCIL MALMESBURY WITHOUT 15 EXTINGUISHMENT  
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015**

This order is made by Wiltshire Council ("the authority") under Section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that the footpath described in paragraph 1 below is not needed for public use.

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 Malmesbury Rural District Council area definitive map and statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this order) of a highway hitherto shown or required to be shown in the map and statement.

The Malmesbury St Paul Without Parish Council has been consulted as required by Section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public right of way over land situated at Southfield Farm, Malmesbury St Paul Without, shown by continuous bold line on the map attached to this order and described in Part 1 of the Schedule to this order shall be extinguished after 1 day from the date of confirmation of this order and thereupon the Malmesbury Rural District Council area definitive map dated 1952 shall be modified by deleting from it that public right of way, and the Malmesbury Area definitive statement dated 1952 shall be modified as described in Part 2 of the Schedule to this order.

## SCHEDULE

### PART 1

#### Description of Public Rights of Way Extinguished

That length of footpath as shown on the enclosed plan by a bold continuous line leading from point H at Southfield Farm, at OS Grid Reference ST 9496-8677, in a south-westerly direction for approximately 77 metres, then in a south-easterly direction for approximately 118m to point I at OS Grid Reference ST 9492-8663.

### PART 2

#### Modification of Definitive Statement

#### Variation of Particulars of Path or Way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to Read</u>	<u>Modified Under Section 53(3) as Specified</u>
Malmesbury St Paul Without	15	[path to be deleted from statement]	53(3)(a)(i)

THE COMMON SEAL of }  
THE WILTSHIRE COUNCIL }  
Was hereunto affixed this }  
1<sup>st</sup> day of December 2015 }  
in the presence of:

*W. E. Varker*

Team Leader (Legal)

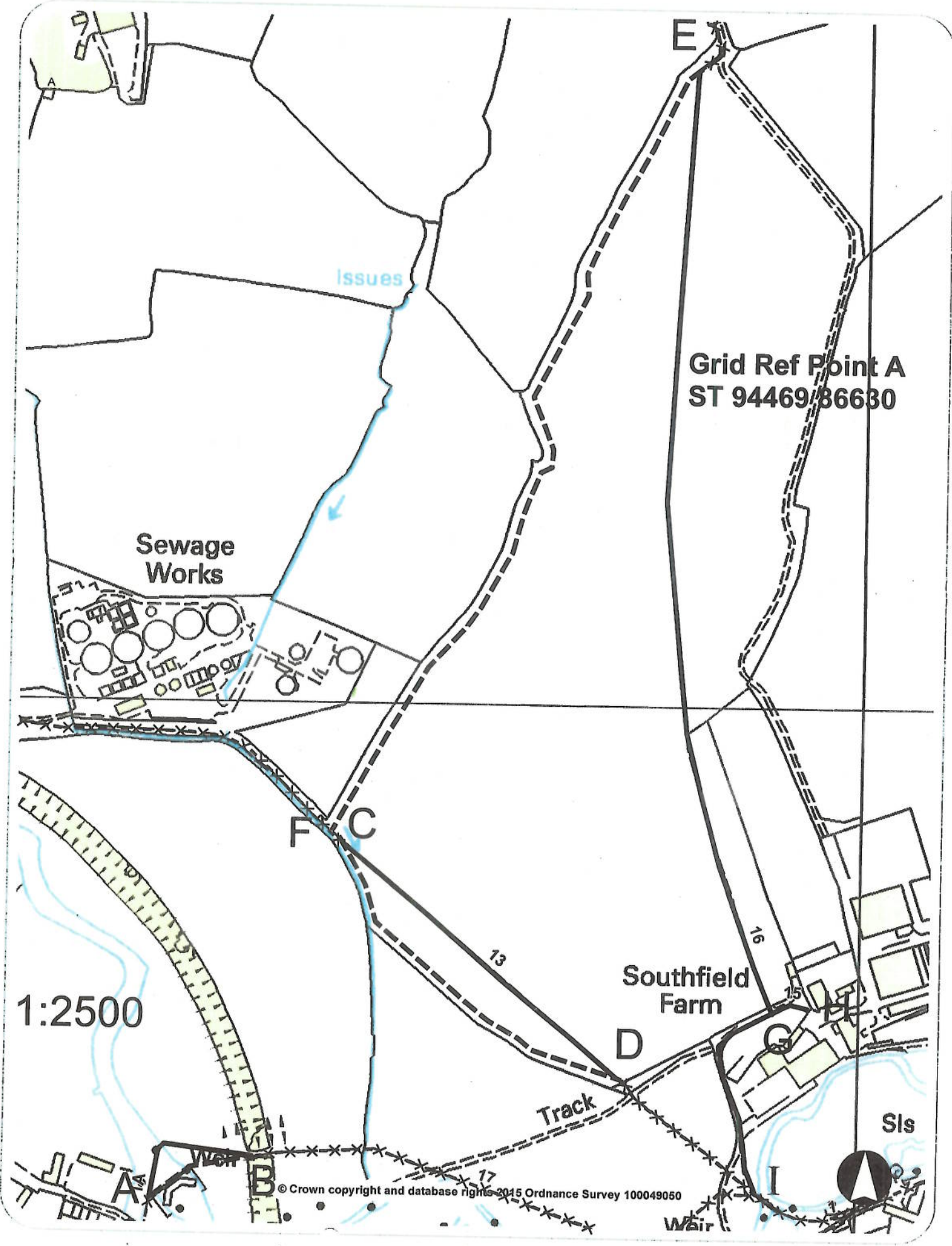


**DIVERSION OF MALW15, 16, 17 (PARTS), LECL1A (PART) ORDER PLAN**

**PATHS TO BE EXTINGUISHED: A — B C — D E — G H — I**

**PATHS TO BE CREATED: A - - - B D - - - F E - - - F**

**UNAFFECTED PATHS: x-x-x-**



**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER  
HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
WILTSHIRE COUNCIL**

**THE WILTSHIRE COUNCIL MALMESBURY ST PAUL WITHOUT 13 (PART), 16  
(PART) AND 17 (PART) AND LEA AND CLEVERTON 1A (PART) DIVERSION  
ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015**

This order is made by Wiltshire 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 footpaths described in paragraph 1 of this order and the public it is expedient that the lines of the paths 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 Malmesbury Rural District Council area definitive map and statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversions (as authorised by this order) of the highways shown or required to be shown in the map and statement.

The applicant 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 site of the path into a fit condition for use by the public.

Malmesbury St Paul Without Parish Council has been consulted as required by Section 120(2) of the 1980 Act;

**BY THIS ORDER:**

1. The public rights of way over land situated at Southfield Farm, Malmesbury St Paul Without and shown by bold continuous lines on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 7 days from the date of confirmation of this order, and thereupon the Malmesbury Rural District Council area definitive map dated 1952 shall be modified by deleting from it those public rights of way.
2. There shall be at the date of certification of the new footpaths over the land situate at Southfield Farm, Malmesbury St Paul Without described in Part 2 of the Schedule and shown by broken lines on the map contained in this order
3. The Malmesbury Rural Council area definitive statements dated 1952 shall be modified as described in Part 3 of the Schedule to this order.

## **SCHEDULE**

### **PART 1**

#### **DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

That length of footpath Malmesbury St Paul Without 13 leading from point C at OS Grid Reference ST 9460-8690 in a south-easterly direction for approximately 278 metres to point D at OS Grid Reference ST 9482-8672.

That length of footpath Malmesbury St Paul Without 16 leading from point E at OS Grid Reference ST 9487-8747 in a southerly direction for approximately 713 metres to point G at OS Grid Reference ST 9493-8677.

That length of footpath Malmesbury St Paul Without 17 leading from point B at OS Grid Reference ST 9455-8666 in a westerly direction for approximately 76 metres to the parish boundary at OS Grid Reference ST 9447-8666.

That length of footpath Lea and Cleverton 1A leading from point A at OS Grid Reference ST 9446-8662 in a northerly direction for approximately 35 metres to the parish boundary at OS Grid Reference ST 9447-8666.

### **PART 2**

#### **DESCRIPTION OF SITE OF NEW PATH OR WAY**

That length of footpath Malmesbury St Paul Without 13 leading from point C at OS Grid Reference ST 9460-8690 in a south-easterly direction along the field boundary for approximately 293 metres to point D at OS Grid Reference ST 9482-8672, with a width of 2 metres between these points.

That length of footpath Malmesbury St Paul Without 16 leading from point E at OS Grid Reference ST 9487-8747 in a south-westerly direction for approximately 649 metres to point F at OS Grid Reference ST 9459-8691, with a width of 2 metres between these points.

That length of footpath Malmesbury St Paul Without 17 leading from point B at OS Grid Reference ST 9455-8666 in a westerly direction for approximately 47 metres to



the parish boundary at OS Grid Reference ST 9449-8664, with a width of 2 metres between these points.

That length of footpath Lea and Cleverton 1A leading from point A at OS Grid Reference ST 9446-8662 in a north-easterly direction for approximately 37 metres to the parish boundary at OS Grid Reference ST 9449-8664, with a width of 2 metres between these points.

### PART 3

#### Modification of Definitive Statement

#### Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53(3) as specified</u>
Malmesbury St Paul Without	13	<u>FOOTPATH.</u> From the Malmesbury Borough boundary at Baskerville leading east across the Railway then south-east to its junction with path Lea and Cleverton 1 on the Lea and Cleverton Parish boundary. Approximate length – 1233 m. Width from Grid Reference ST 9460-8690 to 9482-8672 = 2.0 m.	53(3)(a)(i)
Malmesbury St Paul Without	16	<u>FOOTPATH.</u> From path 13 at Grid Reference ST 9459-8691 leading north to the southern end of road U/C 1060 at Milbourne. Approximate length 699 m. Width from Grid Reference ST 9459-8691 to 9487-8747 = 2.0 m. North of 9487-8747 width = 0.9 m.	53(3)(a)(i)
Malmesbury St Paul Without	17	<u>FOOTPATH.</u> From path No.13 at the Ford at Crabb Mill leading west under the [disused] Railway to the Lea and Cleverton parish boundary at Grid Reference ST 9449-8664 then continuing from Grid Reference ST 9438-8647 on the Lea and Cleverton parish boundary to the Malmesbury to Royal Wootton Bassett road B4042. Width from Grid Reference ST 9455-8666 to ST 9449-8664 = 2.0 m, elsewhere width = 0.9 m	53(3)(a)(i)

Approximate length = 681 m.

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53(3) as specified</u>
Lea and Cleverton	1A	<u>FOOTPATH.</u> From Cowbridge Mill leading north alongside the River Avon then north-east across the river Avon bridge to the St. Paul Malmesbury Without Parish boundary. Width from Grid Reference ST 9446-8662 to ST 9449-8664 = 2.0 m. Approximate length 220 m.	53(3)(a)(i)

THE COMMON SEAL OF }  
THE WILTSHIRE COUNCIL }  
was hereunto affixed this }  
1<sup>st</sup> day of December 2015 }  
in the presence of:



*W. E. Vasher*

82365

**Team Leader (Legal)**

**DIVERSION OF MALW15, 16, 17 (PARTS), LECL1A (PART) ORDER PLAN**

**PATHS TO BE EXTINGUISHED: A—B C—D E—G H—I**

**PATHS TO BE CREATED: A---B D---F E---F**

**UNAFFECTED PATHS: x-x-x-**

