

**NOTICE OF ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**SECTION 257**  
**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**SECTION 53**

Wiltshire Council  
Parish of Heywood Paths 6 (part), 7 and 8 (part) Stopping Up and  
Diversion Order and Definitive Map and Statement Modification Order  
2016

Notice is hereby given that the above referenced Order has 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 Order.

The **start date** for the above Order is **13 September 2016**.

Consideration of the Order will take the form of a hearing.

The Hearing will be held at **Unit 9, Ascot Court, Aintree Avenue, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA** on **Tuesday 24 January 2017** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to stop up parts of Heywood footpath no. 6 leading from OS Grid ref. ST 8642 5353 to ST 8655 5337 (approx length 210 metres) and from ST 8660 5330 to ST 8672 5312 (approx length 225 metres), Heywood footpath no. 7 leading from ST 8642 5351 to Mill Lane (approx length 235 metres) and Heywood footpath no. 8 leading from ST 8668 5333 to ST 8670 5313 (approx length 205 metres) and to create a new length of footpath leading from Heywood no. 6 at ST 8642 5353 following the field boundary towards the Bitham Brook where south east following the brook to ST 8660 5339 (width 2 metres approx length 335 metres) and from Heywood 6 at ST 8660 5330 following the field boundary to ST 8672 5312 via its junction with Heywood path no. 8 at ST 8668 5333 (width 2 metres approx. Length 350 metres) and to change the Warminster and Westbury Rural District Council area definitive map and statement 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/Y3940/5/5 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment Monday to Friday inclusive 09:00 to 17:30 at the Rights of Way and Countryside office, Wiltshire Council, Unit 9, Ascot Court, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA. To arrange a viewing, please contact Ms Sally Madgwick on Telephone Number 01225 713392.

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

#### **Within 8 weeks of the start date [by 8 November 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 12 weeks of the start date [by 6 December 2016]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies 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 (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

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, the Secretary of State will send a copy 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 (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

All parties must keep to the timetable set out above and ensure that statements of case are received by the Secretary of State 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 hearing

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the hearing.

**PUBLIC PATH STOPPING UP AND DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53(A)(2)**

**WILTSHIRE COUNCIL PARISH OF HEYWOOD PATHS 6 (part), 7 and 8 (part) STOPPING UP  
AND DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
2016**

This order is made by Wiltshire Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up and divert the footpaths 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 namely the formation of a new business park (Class B1, B2 and B8) access and associated works to be implemented on a phased basis.

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 Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 as modified under the Wildlife and Countryside Act 1981 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 and diversion (as authorised by this Order) of highways hitherto shown or required to be shown in the map and statement.

**BY THIS ORDER:**

1. The footpaths 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 diverted and the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 and as modified by the Wildlife and Countryside Act 1981 shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of Wiltshire Council alternative highways for use as replacements for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion and stopping up of the footpaths shall have effect on the date on which Wiltshire Council certify that the terms of Article 2 have been complied with and upon the occurrence of that diversion and stopping up the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 as modified under the Wildlife and Countryside Act 1981 shall be modified by deleting from it those paths or ways referred to in paragraph 1 of this order and the paths or ways referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in part 3 of the Schedule.
4. Where immediately before the date on which the footpaths are stopped up and diverted there is apparatus under, in, on, over, along or across them 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.

## SCHEDULE

### PART 1

#### Description of site of existing paths or ways

That length of Heywood no. 6 leading from point A at Grid Ref ST 8642 5353 to point B at Grid Ref ST 8655 5337 as shown on the attached map by a solid black line. Approximate length 210 metres.

That length of Heywood no. 6 leading from point G at Grid Ref ST 8660 5330 to point H at Grid Ref ST 8672 5312 as shown on the attached map by a solid black line. Approximate length 225 metres.

That length of Heywood no. 7 leading from point D at Grid Ref ST 8642 5351 to point F at Grid Ref ST 8646 5328 as shown on the attached map by a solid black line. Approximate length 235 metres.

That length of Heywood no. 8 leading from point J at Grid Ref ST 8668 5333 to point K at Grid Ref ST 8670 5313 as shown on the attached map by a solid black line. Approximate length 205 metres.

### PART 2

#### Description of site of alternative highway

That length of footpath as shown on the attached map by a broken black line leading from point A at Grid Ref ST 8642 5353 to point C at Grid Ref ST 8660 5339. Width 2 metres. Approximate length 335 metres.

That length of footpath as shown on the attached map by a broken black line leading from point G at Grid Ref ST 8660 5330 to point H at Grid Ref ST 8672 5312 via point J at Grid Ref ST 8668 5333. Width 2 metres. Approximate length 350 metres.

### PART 3

#### Modification of Definitive Statement

#### Variation of particulars of path or way

Parish	Path No	Description	Modified under WCA 81 Section
Heywood	6	<u>FOOTPATH</u> From the southern end of road u/c 6127 at Hawkeridge leading south east to Grid Ref ST 8642 5353 where east north east, south south east, east north east and broadly south south east following the line of the brook to its junction with Heywood path No. 9 at Grid Ref ST 8660 5339. Continuing from Heywood path No. 9 at Grid Ref ST 8655 5336 where south east for approx. 75 metres to the perimeter of the Business Park where north east for	53(3)(a)(i)

**PART 3 Continued**

**Modification of Definitive Statement**

**Variation of particulars of path or way**

<b>Parish</b>	<b>Path No</b>	<b>Description</b>	<b>Modified under WCA 81 Section</b>
Heywood	6	contd  approximately 93 metres where south east to its junction with Heywood path No. 8. From there continuing south east and then south to Grid Ref ST 8672 5312 where east across the Railway then south to Shallow Wagon Lane (Heywood path No. 24) where south east to its junction with Westbury Path No. 6.  Width from ST 8642 5353 to ST 8660 5339 = 2 metres Width from ST 8660 5330 to ST 8668 5333 = 2 metres Width from ST 8668 5333 to ST 8672 5312 = 2 metres  Approximate length = 1215 metres	
Heywood	7	Delete entire statement	53(3)(a)(i)
Heywood	8	<u>FOOTPATH</u> From Heywood path No. 9 at Hawkeridge Mill leading south south east to Grid Ref ST 8668 5333.  Approximate length 40 metres	

THE COMMON SEAL OF }  
THE WILTSHIRE COUNCIL }  
Was hereunto affixed this }  
9th day of February 2016 }

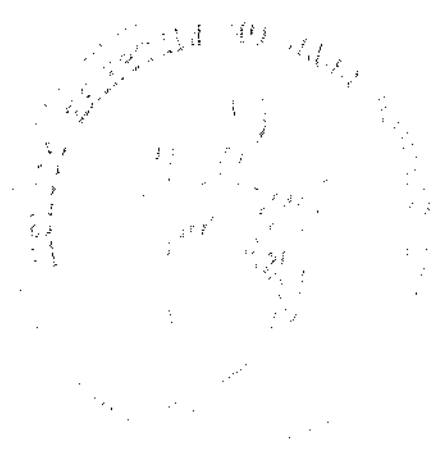
In the presence of: -



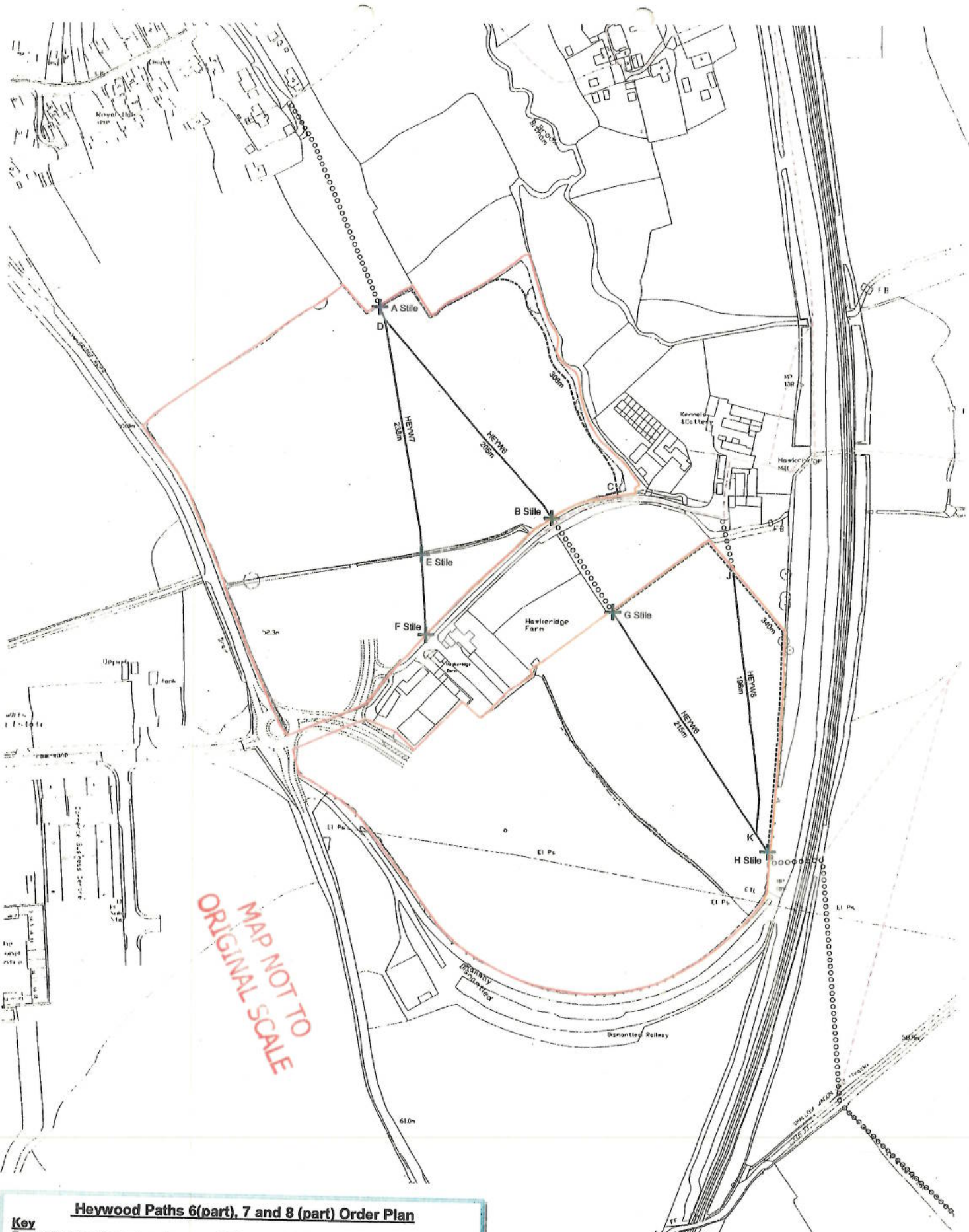
**Senior Solicitor**



82788



1952



MAP NOT TO ORIGINAL SCALE

**Heywood Paths 6(part), 7 and 8(part) Order Plan**

**Key**  
 Footpath to be stopped up A — B D — F G — H J — K  
 Footpath to be created A - - - C G - - - J - - - H  
 Unaffected paths o

© Crown Copyright and Database rights 2011 Ordnance Survey 100049050  
 Grid Ref A ST8642 5353  
 Scale 1:2500 at A3

**Wiltshire**  
 Where everybody matters



at  
 Hawke Ridge Business Park

Drawn by  
 Footpath Proposals

Scale  
 1:2500 @ A3

Date  
 September 2015

Drawn  
 AGL

Check  
 AGL

Job No  
 2272

Client  
 Footpath 01 E

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