

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council
The Wiltshire Council Durnford Paths Nos. 8, 25 and 26 Rights of Way
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 **9 May 2017**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Woodford Village Hall, Middle Woodford, Wiltshire, SP4 6NR** on **Tuesday 7 November 2017** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement for the area by adding a length of bridleway from OS Grid ref SU 1510 3807 at New Buildings on Woodrow (Durnford path no. 4) leading north north west to its junction with Durnford path no. 8 (width 3.3 metres approx length 450 metres), upgrading part of path no. 8 to bridleway for 135 metres heading east north east (width 3.3 metres) and by adding a length of bridleway from its junction with path no. 8 leading north for 200 metres to its junction with bridleway no. 10 (width 3.3 metres) and as shown on the Order plan.

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 Please quote reference number ROW/3168433 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 offices of Rights of Way and Countryside, Wiltshire Council, Unit 9, Ascot Court, Aintree Avenue, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA (Monday to Friday inclusive 0900 – 1700). To arrange a viewing, please contact Ms Sally Madgwick on Telephone Number 01225 713392.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 4 July 2017]

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 - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 15 August 2017]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to 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 - 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 full copy to the Authority. Copies will also be sent to 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 - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 10 October 2017]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence 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 inquiry

¹ 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 inquiry.

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE DEFINITIVE MAP AND STATEMENT FOR THE AMESBURY RURAL DISTRICT
COUNCIL AREA DATED 1952 AS MODIFIED UNDER THE PROVISIONS OF THE
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE WILTSHIRE COUNCIL DURNFORD PATHS Nos. 8, 25 and 26 RIGHTS OF WAY
MODIFICATION ORDER 2016**

This order is made by Wiltshire Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement for the Amesbury Rural District Council area dated 1952 as modified under the provisions of the Wildlife and Countryside Act 1981 require modification in consequence of the occurrence of events specified in section 53(3)(c)(i)(ii) & (iii) of the Act, namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows –

- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;
- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The Authority have consulted with every local authority whose area includes the land to which this order relates.

The Wiltshire Council hereby order that:

1. For the purposes of this Order the relevant date is the 24th August 2016
2. The Definitive Map and Statement for the Amesbury Rural District Council Area dated 1952 as modified under the provisions of the Wildlife and Countryside Act 1981 shall be modified as described in Parts I and II of the Schedule and shown on the plan attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Wiltshire Council Durnford Paths Nos. 8, 25 and 26 Rights of Way Modification Order 2016

THE COMMON SEAL of }
WILTSHIRE COUNCIL was }
hereunto affixed this 1st day }
of September 2016 }

in the presence of:

Kameelise

Senior Solicitor



84231

SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

Parish	Path No	Description of footpath to be upgraded to bridleway	Modified under Section 53(3) as specified
Durnford	8	<p>That length of path leading from point B to point C as shown on the plan attached hereto by a broken line with cross bars in the intervals.</p> <p>Approx. length = 135 metres Width = 3.3 metres</p>	53(3)(c)(ii) & (iii)
Parish	Path No	Description of bridleway to be added	Modified under Section 53(3) as specified
Durnford	25	<p>That length of path leading from point A to point B as shown on the plan attached hereto by a broken line with cross bars in the intervals.</p> <p>Approx. length = 450 metres Width = 3.3 metres</p>	53(3)(c)(i)
Durnford	26	<p>That length of path leading from point C to point D as shown on the plan attached hereto by a broken line with cross bars in the intervals.</p> <p>Approx. length = 200 metres Width = 3.3 metres</p>	53(3)(c)(i)

SCHEDULE

PART II

MODIFICATION OF DEFINITIVE STATEMENT

Parish	Path No	Description of path	Modified under Section 53(3) as specified
Durnford	8	<u>FOOTPATH</u> from path No. 4 320 m south east of road U/C.10048, leading through Ogbury Camp and east-south-east to OS Grid ref. SU 1498 3850 where <u>BRIDLEWAY</u> for 135 metres to OS Grid ref. SU 1511 3855 and its junction with Durnford 26 continuing as <u>FOOTPATH</u> to the Salisbury – Amesbury road A.345.	53(3)(c)(ii) & (iii)
Width 1 metre except for: SU 1498 3850 to SU 1511 3855 where 3.3 metres			
Limitations and Conditions: Part subject to ploughing			
Approximate length 1920 metres			
Durnford	25	<u>BRIDLEWAY</u> from path No. 4 at OS Grid ref. SU 1510 3807 leading north north west to its junction with path No. 8.	53(3)(c)(i)
Width 3.3 metres			
Approximate length 450 metres			
Durnford	26	<u>BRIDLEWAY</u> from path No. 8 at OS Grid ref. SU 1511 3875 leading north to its junction with path 10.	53(3)(c)(i)
Width 3.3 metres			
Approximate length 200 metres			

