

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council

The Wiltshire Council (Parish of Donhead St Andrew) Path No. 27  
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 **27 February 2018**.

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

The Inquiry will be held at **New Remembrance Hall, Remembrance Field, Charlton, Shaftesbury, Wiltshire, SP7 0PL** on **Tuesday 21 August 2018** 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 to them the footpath leading from OS Grid Reference ST 9149-2508, at its junction with Footpath no. 4 Donhead St Andrew, west of Kelloway's Mill, in a generally north-easterly direction for approximately 455 metres and then leading east-north-east for approximately 70 metres to OS Grid Reference ST 9174-2550, at its junction with Footpath no. 5 Donhead St Andrew, west of Donhead Mill, having a width of 1.8 metres.

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 ROW/3191396 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 the Rights of Way and Countryside Team, Waste and Environment, Wiltshire Council, Unit 9, Ascot Court, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA from 9:00am to 5:00pm on Monday to Friday. To arrange a viewing, please contact Ms Janice Green on Telephone Number 01225 713345.

### **Timetable for sending in statements of case and proofs of evidence**

**Within 8 weeks of the start date by [by 24 April 2018]**

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 5 June 2018]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry 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 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 24 July 2018]**

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

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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 inquiry.

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

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE DEFINITIVE MAP AND STATEMENT FOR THE MERE AND TISBURY  
RURAL DISTRICT COUNCIL AREA DATED 1952**

**THE WILTSHIRE COUNCIL (PARISH OF DONHEAD ST ANDREW) PATH NO.27  
DEFINITIVE MAP AND STATEMENT 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 Mere and Tisbury 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)(c)(i) 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.

The authority have consulted with every local authority whose area includes the land to which the order relates. The Wiltshire Council hereby order that:

1. For the purposes of this order the relevant date is 18<sup>th</sup> August 2016.
2. The Mere and Tisbury Rural District Council Area Definitive Map and Statement dated 1952 shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The Wiltshire Council (Parish of Donhead St Andrew) Path no.27 Definitive Map and Statement Modification Order 2016.

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Description of path or way to be added

That length of footpath as shown by a broken black line with short intervals on the attached plan, leading from point A at OS Grid Reference ST 9149-2508, at its junction with Footpath no.4 Donhead St Andrew, in a generally north-easterly direction for approximately 75 metres to point B at OS Grid Reference ST 9155-2513, before leading generally north-east for approximately 380 metres and then east-north-east for approximately 70 metres to point C at OS Grid Reference ST 9174-2550, at its junction with Footpath no.5 Donhead St Andrew, having a width of 1.8 metres.

### PART II

#### Modification of Definitive Statement

##### Variation of particulars of path or way

Parish	Path No.	Modified Statement to read:-	Modified under Section 53(3) as specified
Donhead St Andrew	27	<p><u>FOOTPATH</u>. From its junction with Footpath no.4 Donhead St Andrew, west of Kelloway's Mill at OS Grid Reference ST 9149-2508, leading generally north-east for approximately 455 metres and then east-north-east for approximately 70 metres to its junction with Footpath no.5 Donhead St Andrew to the west of Donhead Mill at OS Grid Reference ST 9174-2550.</p> <p>Approximate Length: 525 metres</p> <p>Width: 1.8 metres</p>	53(3)(c)(i)

THE COMMON SEAL OF }  
THE WILTSHIRE COUNCIL }  
was hereunto affixed this }  
18<sup>th</sup> day of August 2016 }  
in the presence of:



Senior Solicitor



84159

ORIGINAL COPY  
DITTON DAM  
WILTSHIRE COUNCIL

The Wiltshire Council (Parish of Donhead St Andrew)  
Path no.27 Definitive Map and Statement Modification Order 2016

Date: 16/08/2016

The Wiltshire Council (Parish of Donhead St Andrew) Path no.27 Definitive Map  
and Statement Modification Order 2016

**Key**

Length of Footpath to be added:    A ——— B ——— C ———

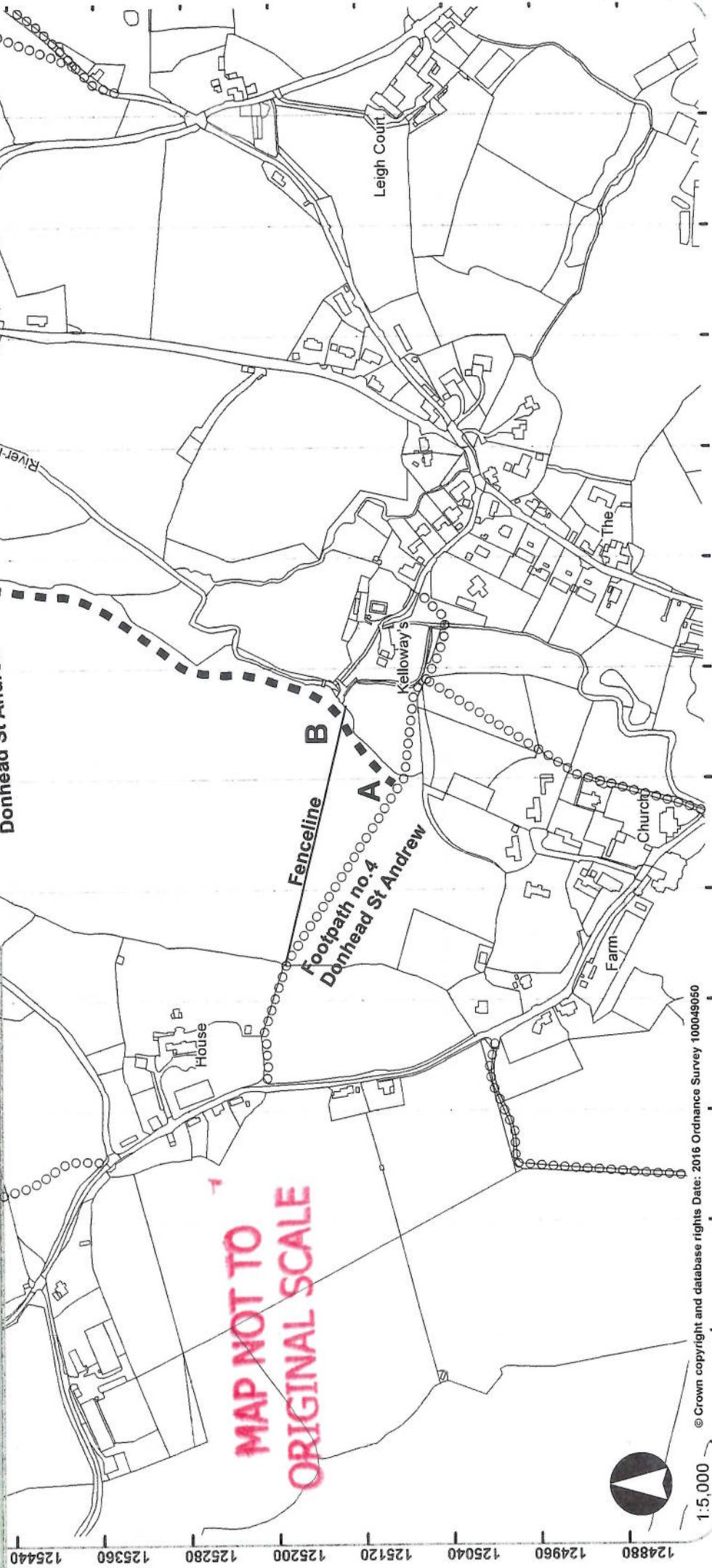
Connecting Footpaths:    OOOOOOOOOOOO

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Tracy Carler – Associate Director Waste and Environment

Prepared by: JEG Date: 16<sup>th</sup> August 2016 Scale: 1:5,000 Grid Ref: ST 915-252



Wiltshire  
Where everybody matters



**MAP NOT TO ORIGINAL SCALE**



1:5,000

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