

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council

(Parish of Bratton) Path No. 42 and the (Parish of Edington) Path No. 36
Definitive Map and Statement Modification Order 2017

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 **20 March 2018**.

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

The Inquiry will be held at **Bratton Jubilee Hall, Melbourne Street, Bratton, Westbury, Wiltshire, BA13 4RW** on **Tuesday 18 September 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 at OS Grid Reference ST 9205-5204, at its junction with Imber Road, leading in a broadly east-north-easterly direction for approximately 165 metres where the path crosses onto a raised walkway over the watercourse to the Edington/Bratton parish boundary at OS Grid Reference ST 9223-5205. At the end of the raised walkway the path then leads in a southerly direction following a well-defined track crossing back over the Edington/Bratton parish boundary at OS Grid Reference ST 9230-5200. Continuing in a broadly southerly direction for approximately 225 metres to OS Grid Reference ST 9229-5179 where the path turns in a broadly north westerly direction uphill for approximately 94 metres to its junction with Imber Road, at OS Grid Reference ST 9222-5184. The path will have a recorded width of 1.5 metres for the entirety of the path except the raised walkway at the Edington/Bratton parish boundary which will have a recorded width of 1 metre.

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/3191558 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 office of Rights of Way and Countryside, Waste and Environment, Wiltshire Council, Unit 9, Ascot Court, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA

from 9am to 5pm, Monday to Friday. To arrange a viewing, please contact Mr Craig Harlow on Telephone Number 01249 468568.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 15 May 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 26 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 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 21 August 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);

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.

- 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

WILDLIFE AND COUNTRYSIDE ACT 1981

THE DEFINITIVE MAP AND STATEMENT FOR THE WARMINSTER AND WESTBURY RURAL DISTRICT COUNCIL AREA DATED 1953

THE WILTSHIRE COUNCIL (PARISH OF BRATTON) PATH NO.42 AND THE (PARISH OF EDINGTON) PATH NO.36 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017

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 Warminster and Westbury Rural District Council Area definitive map and statement dated 1953 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 4th July 2017.
2. The Warminster and Westbury Rural District Council Area definitive map and statement dated 1953 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 Bratton) Path no.42 and the (Parish of Edington) Path no.36 Definitive Map and Statement Modification Order 2017.

THE COMMON SEAL OF
THE WILTSHIRE COUNCIL
was hereunto affixed this
4th of July 2017
in the presence of:

}
}
}
}



Senior Solicitor



84465

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 9205-5204, at its junction with Imber Road, in an east-north-easterly direction for approximately 165 metres where the path crosses onto a raised walkway over the watercourse to the Edington/Bratton parish boundary at OS Grid Reference ST 9223-5205. At the end of the raised walkway the path then turns in a southerly direction following a well-defined track crossing back over the Edington/Bratton parish boundary at OS Grid Reference ST 9230-5200. Continuing in a broadly southerly direction to OS Grid Reference ST 9229-5179 where the path turns in a broadly north westerly direction uphill for approximately 94 metres to its junction with Imber Road, at point B, at OS Grid Reference ST 9222-5184.

PART II

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>
Bratton	42	From OS Grid Reference ST 9205-5204 at its junction with Imber Road, Bratton leading in an east-north-easterly direction for approximately 165 metres where the path crosses onto a raised walkway across the waterbed to the Edington parish boundary at ST 9225-5204. At ST 9230-5200 the path re-enters the parish of Bratton continuing in a southerly direction on a well-defined track to ST 9229-5179 where the path turns in a north westerly direction uphill to Imber Road at ST 9222-5184. Approximate length – 503 Metres	53(3)(c)(i)

Width- 1.5 metres for length of path except the section over the raised walkway leading to the Edington Parish boundary which has a width of 1 metre.

Edington	36	At OS Grid Reference ST 9225-5204 the path continues across the raised walkway at ST 9230-5202 the path turns in a broadly southerly direction to the Bratton Parish boundary at ST 9230-5200.	53(3)(c)(i)
----------	----	--	-------------

Approximate length – 108 metres

Width – 1 metre over raised walkway, 1.5 metres otherwise.

The Wiltshire Council (Parish of Bratton and Edington)
Path no. 42 (Bratton) and Path no. 36 (Edington)
Definitive Map and Statement Modification Order 2017

The Wiltshire Council (Parish of Bratton and Edington)
Path no. 42 (Bratton) and Path no. 36 (Edington)
Definitive Map and Statement Modification Order 2017

Key

Length of footpath to be added: A - - - - - B

© Crown Copyright and Database Rights 2017 Ordnance Survey 100049050
Tracy Carter – Associate Director Waste and Environment

Prepared by: CPH Date: 3rd July 2017 Scale 1: 2,500 Grid Ref: ST 920-520

Wiltshire Council
Where everybody matters

