

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council

Parish of Whiteparish Path No. 41 Rights of Way 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 **3 April 2018**.

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

The Inquiry will be held at **Whiteparish Memorial Centre, Common Road, Whiteparish, Salisbury, Wiltshire, SP5 2SU** on **Tuesday 2 October 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 through Mean Wood, Whiteparish from OS Grid ref. SU2510 2566 leading in a southerly direction to SU2546 2471 (width 1 metre approx. length 1030 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/3192264 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, 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 or e-mail address sally.madgwick@wiltshire.gov.uk

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 29 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 10 July 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 4 September 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 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 SALISBURY AND WILTON RURAL DISTRICT COUNCIL AREA DATED 1953 AS MODIFIED UNDER THE PROVISIONS OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

THE WILTSHIRE COUNCIL PARISH OF WHITEPARISH PATH No. 41 RIGHTS OF WAY 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 Definitive Map and Statement for the Salisbury and Wilton Rural District Council area dated 1953 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) and (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;
- (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 27th April 2017
2. The Definitive Map and Statement for the Salisbury and Wilton Rural District Council Area dated 1953 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 Parish of Whiteparish Path No. 41 Rights of Way Modification Order 2017

THE COMMON SEAL of }
WILTSHIRE COUNCIL was }
hereunto affixed this 8th day }
of May 2017 }



in the presence of:

R. J. Jarrett
Senior Solicitor

85519

SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

Parish	Path No	Description of footpath to be added	Modified under Section 53(3) as specified
Whiteparish	41	That length of footpath leading from point A at OS Grid ref. SU2510 2566 to point B at OS Grid ref. SU 2546 2471 as shown on the plan attached hereto by a black broken line. Approx. length = 1030 metres Width = 1 metre	53(3)(c)(i)

SCHEDULE

PART II

MODIFICATION OF DEFINITIVE STATEMENT

Parish	Path No	Description of path	Modified under Section 53(3) as specified
Whiteparish	41	FOOTPATH leading from its junction with Path no. 20 at the northern end of Mean Wood leading in a south south easterly direction through the woods to its junction With path no 21. Width = 1 metre Approx. length = 1030 metres	53(3)(c)(i) & (iii)

Whiteparish 41 Order Plan
Footpath to be added A
Existing public footpaths
on definitive map

