

NOTICE OF ORDER

HIGHWAYS ACT 1980 SECTION 119

&

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Wiltshire Council
Dilton Marsh 15A (Part) Diversion and 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 **8 August 2018**.

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

The Hearing will be held at **Dilton Marsh Memorial Hall, Dilton Marsh, Westbury, Wiltshire, BA13 4DW** on **Tuesday 4 December 2018** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the public footpath running from OSGR ST 8530-5065 and then leading in a broadly north-easterly direction for approximately 180m, to OSGR ST 8546-5075, to a new route at OSGR ST 8533-5058 running in a broadly north-easterly direction for approximately 160m to OSGR ST 8548-5065, having a width of 2m and thereupon the Warminster and Westbury District Council area definitive map dated 1953 shall be modified accordingly.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle 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/3197792 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment between the hours of 0900 and 1700 Monday to Friday inclusive at the office of Rights of Way and Countryside, Unit 9, Ascot Court, Aintree Avenue, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA. To arrange a viewing please contact Ali Roberts on telephone number 01225 756178.

Timetable for sending in statements of case

Within 8 weeks of the start date [by 3 October 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, 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 31 October 2018]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing 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).

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

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 hearing.

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

HIGHWAYS ACT 1980 – SECTION 119

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

**THE WILTSHIRE COUNCIL DILTON MARSH 15A (PART) DIVERSION AND
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017**

This order is made by Wiltshire Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

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 area definitive map and statement dated 1953 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

The applicant has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Dilton Marsh Parish Council has been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situate at Fairwood Road, Penleigh and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 14 days from the date of confirmation of this order, and thereupon the Warminster and Westbury District Council area definitive map dated 1953 shall be modified by deleting from it that public right of way.
2. There shall at the end of 14 days from the date of confirmation of this order be a public footpath over the land situate at Fairwood Road, Penleigh, described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this order, and thereupon the Warminster and Westbury District Council area definitive map dated 1953 shall be modified by adding that path to it.

- 2A. The Warminster and Westbury area definitive statement dated 1953 shall be modified as described in Part 3 of the Schedule to this order.
3. Notwithstanding paragraph 1 of this order Virgin Media and Openreach BT shall have the following rights over the land referred to in paragraph 1 above, namely:-

Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it 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 PATH OR WAY

That length of footpath leading from point A, at OS Grid Reference ST 8530-5065 and then leading in a broadly north-easterly direction for approximately 180 metres, to point B at OS Grid Reference ST 8546-5075.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

That length of footpath leading from point C, at OS Grid Reference ST 8533-5058, in a broadly north-easterly direction for approximately 160 metres to point D at OS Grid Reference ST 8548-5065, having a width of 2 metres.

PART 3

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> |
|---------------|-----------------|--|---|
| Dilton Marsh | 15a | FOOTPATH. From path No.11 leading north-east across path No.15 to Fairwood Road, Penleigh. Approximate length 254 m | 53(3)(a)(i) |

Width: 2 metres on that section between
OS Grid Reference ST 8533-5058 to ST
8548-5065

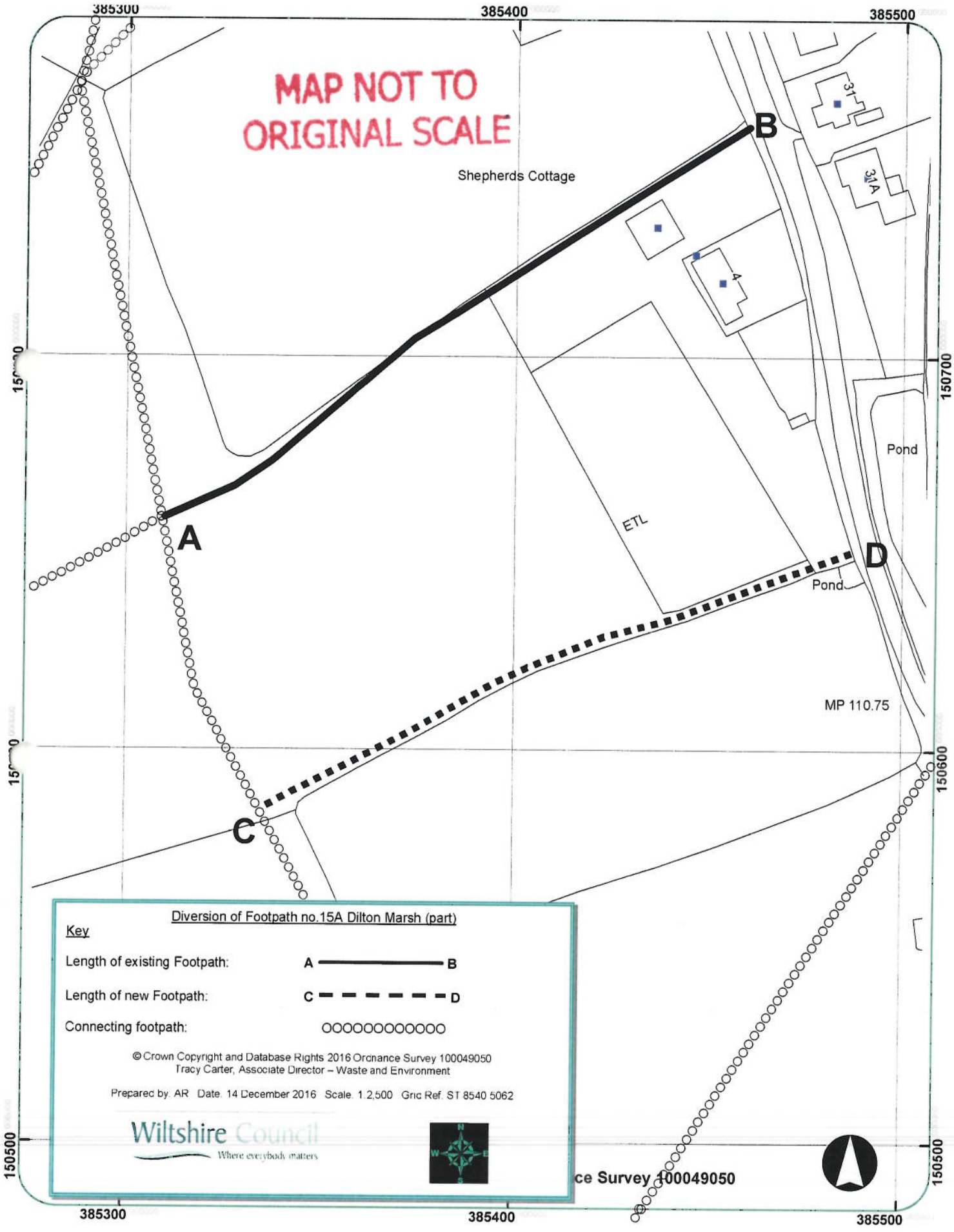
THE COMMON SEAL OF }
THE WILTSHIRE COUNCIL }
was hereunto affixed this }
1 February 2017 }
in the presence of:

Eileen Cowley
Senior Solicitor



Diversion of footpath no. 15A Dilton Marsh (part)

MAP NOT TO ORIGINAL SCALE



Key

Diversion of Footpath no.15A Dilton Marsh (part)

Length of existing Footpath: **A** ————— **B**

Length of new Footpath: **C** - - - - - **D**

Connecting footpath: OOOOOOOOOO

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Tracy Carter, Associate Director – Waste and Environment

Prepared by: AR Date: 14 December 2016 Scale: 1:2,500 Grid Ref: ST 8540 5062

Wiltshire Council
Where everybody matters

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