

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council

Parish of Pewsey Path No. 82 and Path No. 82A and the Parish of Milton  
Lilbourne Path No. 34 and Path No. 34A 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 **3 September 2018**.

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

The Inquiry will be held at **Pewsey Vale Bowls Club, The Recreation Ground, Kings Corner, Pewsey, Wiltshire, SN9 5AQ** on **Tuesday 26 March 2019** 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 a footpath leading from OS Grid Reference SU 1704-5986, at its junction with PEWS37, leading in a southerly direction for approximately 140 metres where the path crosses over a culvert and leads in an easterly direction following the field edge for approximately 215 metres to PEWS38. The path then splits either side of Hurly Lake stream. The spur on the northern side of Hurly Lake leads in an east north easterly direction for approximately 125 metres to SU 1740-5990 where it crosses over Hurly Lake via a culvert and continues in an east north easterly direction to its junction with MLIL 18 at SU 1770-6009. At SU 1730-5983 the southern spur of the path follows the stream in a south easterly direction for approximately 675 metres to its junction with MLIL 18 at SU 1789-5972.

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/3201496 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during the hours of 9am – 5pm Monday to Friday at Rights of Way and Countryside, Waste and Environment, Wiltshire Council, Unit 9, Ascot Court, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XA. If a potential office move takes

place in the next few months, the documents will be available to view at Rights of Way and Countryside, Waste and Environment, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN. Appointments to view can be made by contacting Mr Craig Harlow by telephone on 01249 468568 or [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)

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

#### **Within 8 weeks of the start date [by 29 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 - 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 December 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 26 February 2019]**

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

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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.

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

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**THE WILTSHIRE COUNCIL PARISH OF PEWSEY PATH NO.82 AND PATH  
NO.82A AND THE PARISH OF MILTON LILBOURNE PATH NO.34 AND PATH  
NO. 34A 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 Pewsey 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 2nd November 2017.
2. The Pewsey 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 Pewsey Path no.82 and Path no.82A and the Parish of Milton Lilbourne Path no.34 and Path no.34A Definitive Map and Statement Modification Order 2017.

THE COMMON SEAL OF }  
THE WILTSHIRE COUNCIL }  
was hereunto affixed this }  
7th of November 2017 }  
in the presence of:

*Pauline Turt*

Senior Solicitor



85557

## 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 SU 1704-5986, at its junction with PEWS37, leading in a southerly direction for approximately 140 metres where the path crosses over a culvert and leads in an easterly direction following the field edge for approximately 215 metres to PEWS38. The path then splits either side of Hurly Lake stream. The spur on the northern side of Hurly Lake leads in east north easterly direction for approximately 125 metres to SU 1740-5990 where it crosses over Hurly Lake via a culvert and continues in an east north easterly direction to its junction with MLIL18 at point E at SU 1770-6009. At point C at SU 1730-5983 the southern spur of the path follows the stream in a south easterly direction for approximately 675 metres to point F and its junction with MLIL 18 at SU 1789-5972.

### PART II

#### Modification of Definitive Statement

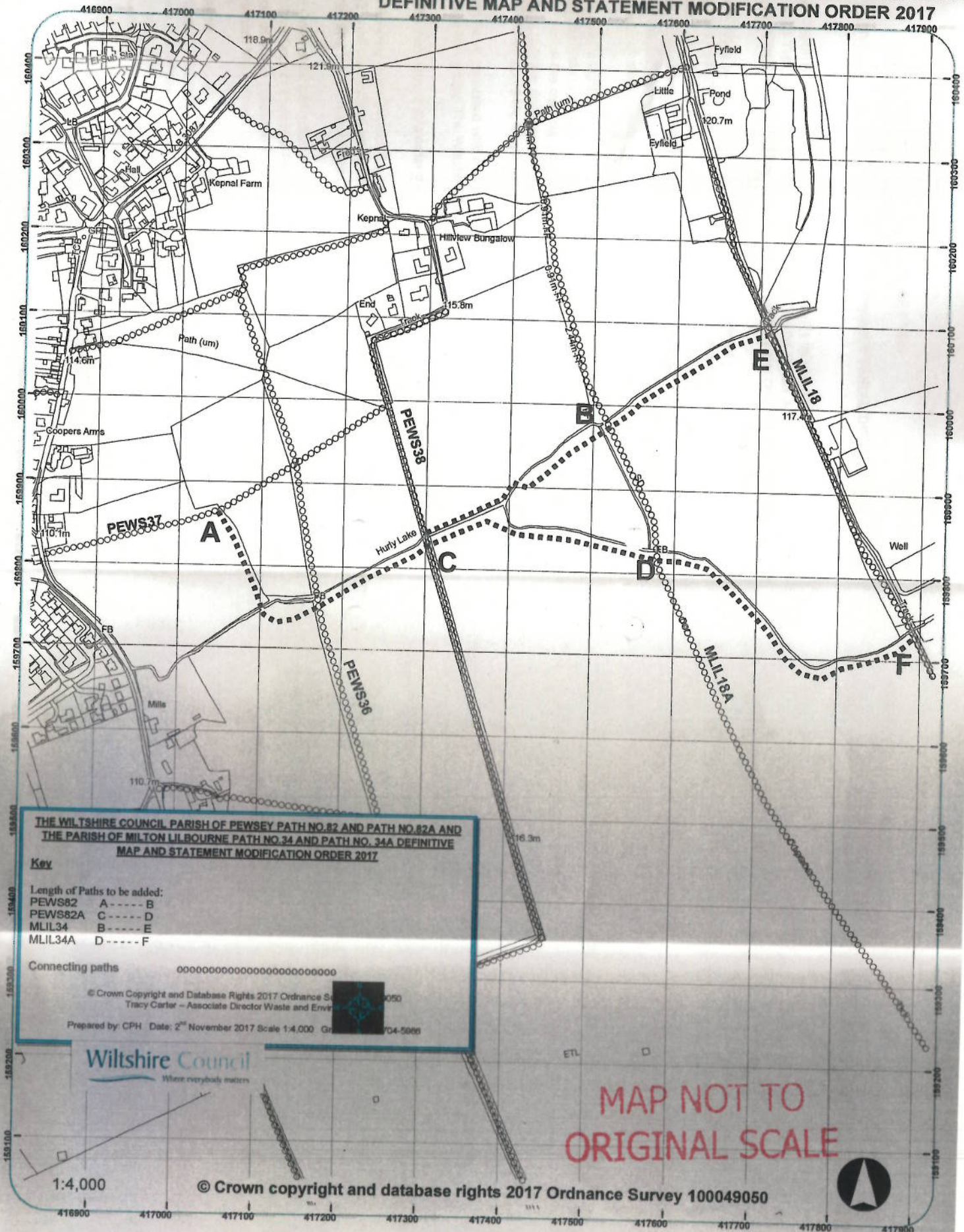
##### Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53(3) as specified</u>
Pewsey	82	From OS Grid Reference SU 1704-5986 at its junction with footpath PEWS37, leading in an southerly direction for approximately 140 metres where the path crosses over a culvert and leads in an east-north-easterly direction following the field edge for approximately 215 metres to its junction with PEWS 38. The Path then continues on the north side of Hurly Lake stream in an east-north-easterly direction before crossing over Hurly Lake stream via a culvert at SU 1740-5990 and then continuing to the Milton Lilbourne parish boundary at SU 1751-5996. Approximate Length 633 metres. Width 2 metres	53(3)(c)(i)

Pewsey	82A	From OS Grid Reference SU 1730-5983 leading in a south- easterly direction following the south side of Hurly Lake stream to the Milton Lilbourne parish boundary at SU 1757-5982. Approximate length 297 metres. Width 2 metres.	53(3)(c)(i)
Milton Lilbourne	34	From OS Grid Reference SU 1751-5996 leading in an east-north-easterly direction following the field boundary to its junction with MLIL18 at SU 1770-6009. Approximate length 232 metres. Width 2 metres.	53(3)(c)(i)
Milton Lilbourne	34A	From OS Grid Reference SU 1757-5982 leading in a south easterly direction following the southern side of the stream to its junction with MLIL18 at SU 1789-5972. Approximate length 375 metres. Width 2 metres.	53(3)(c)(i)



THE WILTSHIRE COUNCIL  
PARISH OF PEWSEY PATH NO.82 AND PATH NO.82A  
AND THE PARISH OF MILTON LILBOURNE PATH NO.34 AND PATH NO. 34A  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017



THE WILTSHIRE COUNCIL PARISH OF PEWSEY PATH NO.82 AND PATH NO.82A AND THE PARISH OF MILTON LILBOURNE PATH NO.34 AND PATH NO. 34A DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017

**Key**  
Length of Paths to be added:  
PEWS82 A - - - - B  
PEWS82A C - - - - D  
MLL18 B - - - - E  
MLL18A D - - - - F

Connecting paths 00000000000000000000000000000000

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Tracy Carter - Associate Director Waste and Environment

Prepared by: CPH Date: 2<sup>nd</sup> November 2017 Scale 1:4,000 Grid Reference: ST704-5000

MAP NOT TO ORIGINAL SCALE



1:4,000

1944  
1945