

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Swindon Borough Council
Highworth Rural District Definitive Map and Statement - Footpath 44
Wanborough 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 **22 January 2019**.

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

The Inquiry will be held at the **Lambourne Suite, Holiday Inn, Marlborough Road, Swindon, Wiltshire, SN3 6AQ** on **Tuesday 23 July 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:

1. The footpath as shown on the order map from Point A at Public Footpath 25 Wanborough, at OS grid reference SU20408371 to Point F at Public Footpath 25 Wanborough at OS grid reference SU20268382.
2. The footpath as shown on the order map from Point G at The Marsh, Wanborough, at OS grid reference SU20338372 to Point D at the above footpath at OS grid reference SU20338372.

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/3209564 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by prior appointment only between 9am to 5pm on Mondays and Wednesdays to Fridays and 9am to 4pm on Tuesdays at The One Stop Shop, Wat Tyler House, Beckhampton Street, Swindon, Wiltshire, SN1 2JH. To arrange a viewing, please contact Mr Martin Fry on Telephone Number 01793 466382 and E-mail address mfry@swindon.gov.uk

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 19 March 2019]

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 30 April 2019]

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 25 June 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 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

SWINDON BOROUGH COUNCIL

HIGHWORTH RURAL DISTRICT DEFINITIVE MAP AND STATEMENT

**THE SWINDON BOROUGH COUNCIL
FOOTPATH 44 WANBOROUGH MODIFICATION ORDER 2017**

This Order is made by Swindon Borough Council ("the authority") under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the Highworth Rural District Definitive Map and Statement require modification in consequence of the occurrence of events specified in section 53(3)(c)(i) of the 1981 Act, namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows 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.

The authority has consulted with every local authority whose area includes the land to which the Order relates.

Swindon Borough Council hereby orders that:

- 1 For the purposes of this Order the relevant date is 21 June 2017.
- 2 The Highworth Rural District Definitive Map and Statement 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 Swindon Borough Council Footpath 44 Wanborough Modification Order 2017.

**THE COMMON SEAL of
THE SWINDON BOROUGH COUNCIL**

864805

was hereunto affixed this

21st day of NOVEMBER 2017

in the presence of



**HEAD OF LITIGATION
AND PERSONAL SERVICES**

SCHEDULE

PART I

MODIFICATION OF THE DEFINITIVE MAP

(References to lettered points in the following descriptions are references to letters on the attached maps showing the paths or ways being described. All distances are approximate. All descriptions are of "footpaths" unless otherwise stated)

Parish	Path no.	Description of path to be added	Modified under S.53(3) as specified
Wanborough	44	<p>A length of path which commences at path 25 at OS grid reference SU20408371, at Suters Lane, 35 metres north west of Burycroft (Point A) and leads generally north west for 30 metres to Point B at OS grid reference SU20388372, continuing west north west for 40 metres to Point C at OS grid reference SU20338373, continuing west for 7 metres through Point D to Point E at OS grid reference SU20338373 and continuing north west for a further 110 metres to Point F at OS grid reference SU20268382, having a width of 3 metres between Points A and B and Points C, D, E and F, and a width of 1.2 metres between Points B and C with a stile at Point E as shown on the Order Map.</p> <p>A length of path which commences at The Marsh at OS grid reference SU20338372 and leads generally north for 10 metres to Point D at OS grid reference SU20338373 having a width of 3 metres as shown on the Order Map.</p>	53(3)(c)(i)

PART II

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATH

Parish	Path no.	Statement
Wanborough	44	<p>The new description of this path shall be:</p> <p><u>FOOTPATH:</u> From Sufers Lane, Public Footpath 25, leading north west for 30m with a width of 3m and continuing west north west for 40m, with a width of 1.2m to the access road to Honeyfield Farm. The path continues west across the access road to a stile and then north west for a distance of 117m with a width of 3m to rejoin Public Footpath 25. A short spur leads north from The Marsh along the access road to Honeyfield Farm for 10m with a width of 3m to join the above path. Length: 187m + 10m spur Width: 1.2m-3m</p>

Whereas the making of the Swindon Borough Council Footpath 44 Wanborough Modification Order 2017 was duly advertised and no objections were received, the Swindon Borough Council hereby confirms the Order.

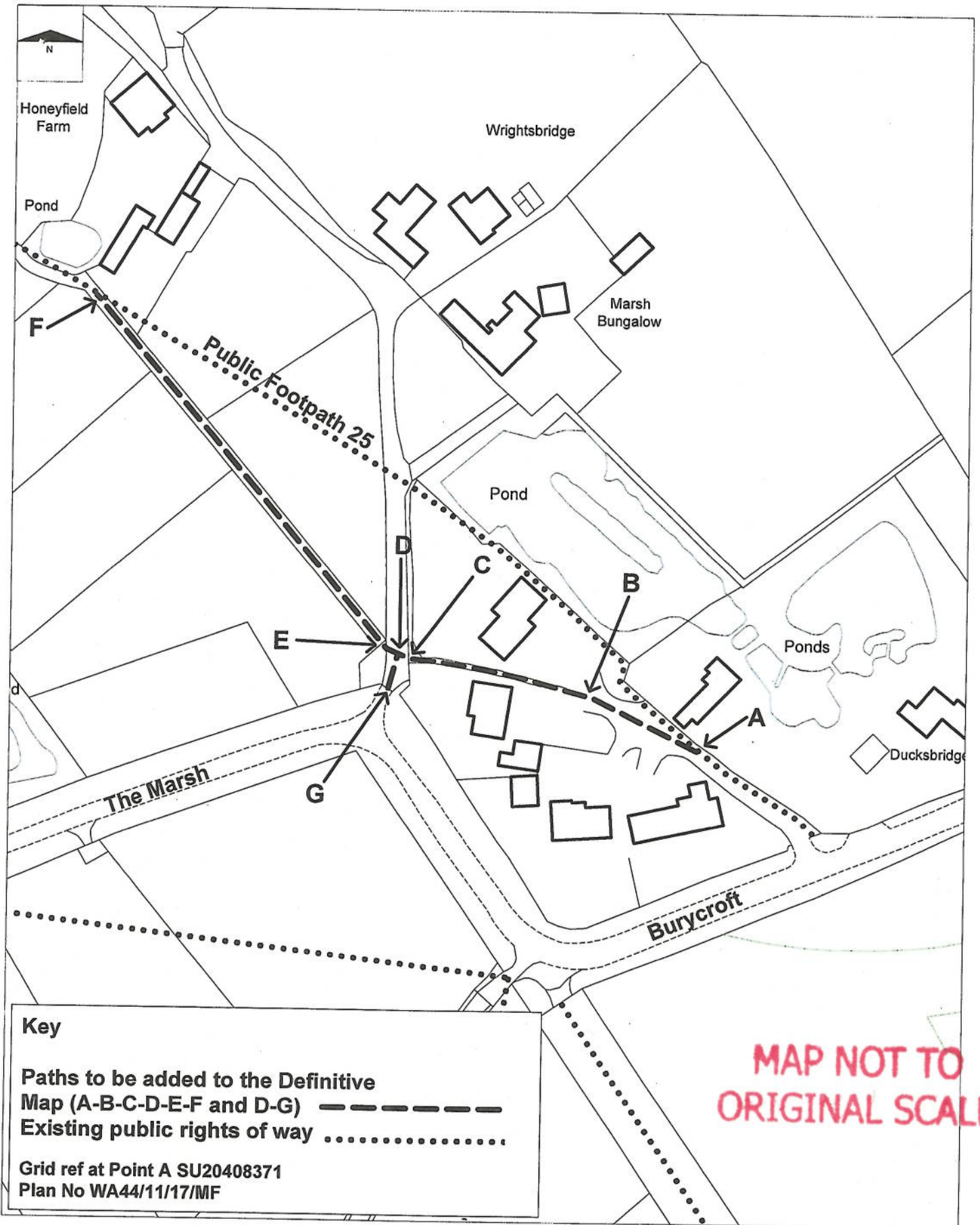
**THE COMMON SEAL of
THE SWINDON BOROUGH COUNCIL**

8648 05

was hereto affixed this

day of 2018

in the presence of



SWINDON
BOROUGH COUNCIL

Scale 1:1,250 (A4)

**Order Map
Footpath 44
Parish of Wanborough**

© Crown copyright and database rights
Swindon Borough Council 100024296 2017

Swindon Borough Council
HIAM Service Delivery
4th Floor Wat Tyler House West
Beckhampton Street
Swindon SN1 2JH
Tel: 01793 445500