

NOTICE OF ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council
Parish of Westbury Path No. 15 (Part) Diversion Order and Definitive Map and
Statement Modification Order 2019

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 **17 March 2020**.

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

The Hearing will be held at the **Brunel Room, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN** on **Tuesday 4 August 2020** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to stop up 155 metres of footpath Westbury no. 15 north west of the railway line at Oldfield Road and to create 160 metres of replacement footpath leading over a similar course but following the built paths and ways of the permitted development (width 2 metres) and to change the Westbury Urban District Council definitive map and statement accordingly. The diversion is necessary to enable development related to planning application 17/12194/REM (the erection of 300 dwellings and public open space, play areas, teenage facility and associated infrastructure) to proceed.

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@planninginspectorate.gov.uk Please quote reference number ROW/3235285 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 offices of Rights of Way and Countryside, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN (Monday to Friday inclusive 0900 – 1700). To arrange a viewing of the documents, please contact Ms Sally Madgwick on Telephone Number 01225 713392 and E-mail Address: sally.madgwick@wiltshire.gov.uk

Timetable for sending in statements of case

Within 8 weeks of the start date [by 12 May 2020]

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 9 June 2020]

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

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

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

WILTSHIRE COUNCIL PARISH OF WESTBURY PATH No. 15 (PART) DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019

This order is made by Wiltshire Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under part III of the Town and Country Planning Act 1990 namely the erection of 300 dwellings and public open space, play areas, teenage facility and associated infrastructure in accordance with application number 17/12194/REM.

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 Westbury Urban Council area definitive map and statement dated 1953 as modified under the Wildlife and Countryside Act 1981 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 highways hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order ("the schedule") shall be diverted and the Westbury Urban Council area definitive map and statement dated 1953 and as modified by the Wildlife and Countryside Act 1981 shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of Wiltshire Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which Wiltshire Council certify that the terms of paragraph 2 of this order have been complied with and upon the occurrence of that diversion the Westbury Urban Council area definitive map and statement dated 1953 as modified under the Wildlife and Countryside Act 1981 shall be modified by deleting from it those paths or ways referred to in paragraph 1 of this order and the paths or ways referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in part 3 of the Schedule.

4. 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.

THE COMMON SEAL OF }

THE WILTSHIRE COUNCIL }

Was hereunto affixed this }

2nd day of April 2019 }

Team Leader (Legal)

May



89147.

In the presence of: -

SCHEDULE

PART 1

Description of site of existing paths or ways

That length of footpath Westbury no. 15 leading from point A on the northern side of the level crossing at Oldfield Road in a broadly north westerly direction for 155 metres to Point B as shown on the plan attached hereto as a solid black line. Approximate length 155 metres

PART 2

Description of site of alternative highway

That length of footpath as shown on the attached plan by a broken black line leading from point A on the northern side of the level crossing at Oldfield Road following built and surfaced paths and footways in a broadly north westerly direction for 160 metres to Point B. Width 2 metres. Approximate length 160 metres

PART 3

Modification of Definitive Statement

Variation of particulars of path or way

| Parish | Path No | Description | Modified under WCA 81 Section |
|---------------|----------------|---|--|
| Westbury | 15 | FOOTPATH from the western end of Oldfield Road leading south west along and then north west over the Railway Loop line following path and footway to the former B.R. Engine sheds to the Main Line. | 53(3)(a)(i) |

Approximate length 691 metres

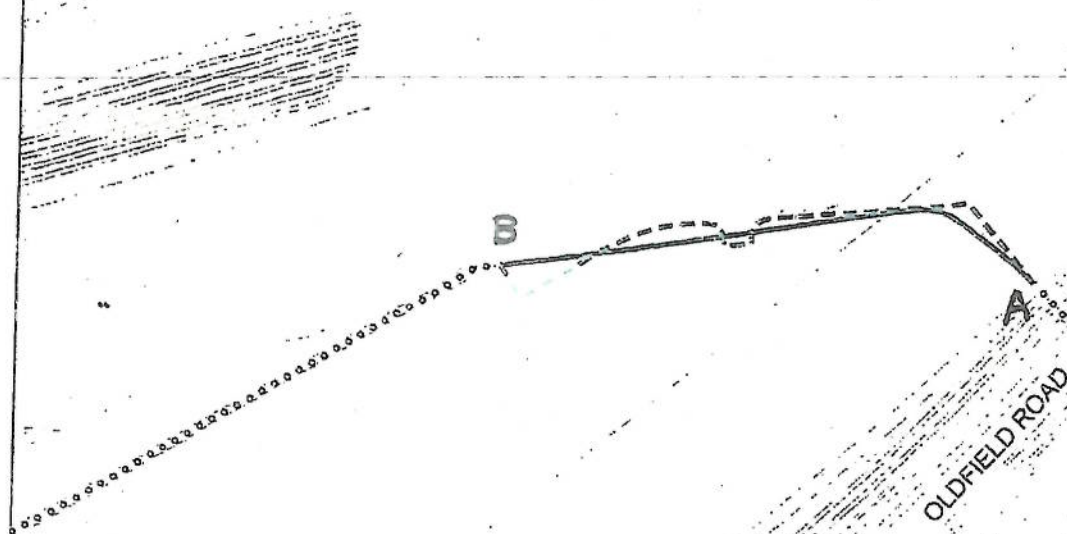
Width from OS Grid ref ST 8627 5153 to ST 8613 5153 2 metres

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ORIGINAL
PLOT SIZE

WESTBURY
LAKE

INDICATIVE



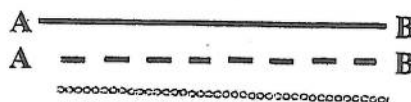
The Diversion of Westbury 15 (part)

Key

Length of Footpath to be closed

Length of New Footpath

Length of unaffected Footpath



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Point A OS Grid reference ST 8627 5153 Scale at A4 = 1:2000