

AGENDA ITEM No. 7

Supplementary paper

The Wiltshire Council Parish of Royal Wootton Bassett Paths No. 10 (part) and No. 111 (part) Diversion Order and definitive Map and Statement Modification Order 2018

Further to the publication of the officers' report relating to the above order the following submission was received by the person objecting to the order:

"I have reviewed the documentation produced by Wiltshire Council with respect to the diversions of WBAS10 and WBAS111 under s119 of the Highways Act 1980. In order to obviate the need to refer the order to the Secretary of State and to expedite the re-routing of these paths:

- 1. I withdraw my objection to the proposed diversion of WBAS111*
- 2. I will withdraw my objection to the diversion of WBAS10 provided that the proposed diversion is amended to follow the same route as that proposed under the s257 order (your ref 2017/14).*

In order to operationalize point 2, my suggestion is for Wiltshire Council to abandon the existing order and to make a new order which follows the same line in respect of WBAS111 and which reinstates the s257 diversion proposal in respect of WBAS10.

I note that Wiltshire Council would not, in any case, be able to confirm the existing order due to an error in the drafting of the order.

I hope this provides a mutually acceptable way forward."

Comment from case officer:

1. Although the Council may confirm part of an order where that part is not objected to it may not alter the order in any way. An error occurred when the order was sealed which requires rectification and accordingly the order must be sent to the Planning Inspectorate to get this matter rectified. The mistake is a dating error – the digit 8 was left off the seal date. However, the Council's sealing records can be produced to the Planning Inspectorate in order to have the error corrected.

2. The route proposed for footpath WBAS111 in the Town and Country Planning Act 1990 s.257 order is not considered to provide as good an alternative as that proposed in this order. The s.257 order route leads walkers towards a bund and flood defence where they are not permitted to be. The natural inclination of walkers here would be to seek a straight line route over this land and features which are considered potentially hazardous. Even if walkers could be dissuaded by signs and fencing the proposed route back to WBAS10 is significantly wetter and more liable to deep mud than the all weather alternative offered by the Evening Star route proposed in the Highways Act order.

The content of this submission does not alter the officers' recommendation.

Sally Madgwick

Team Leader Definitive Map and Highway Records 19 March 2019