

**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 WESTBURY 29 (PART) AND DILTON MARSH 20  
(PART), DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION  
ORDER 2021**

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 footpaths described in paragraph 1 of this order it is expedient that the lines of the paths 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 Westbury Urban Council Area Definitive Map and Statement dated 1953 and the Warminster and Westbury Rural District Council 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 paths into a fit condition for use by the public.

Westbury Town Council and Dilton Marsh Parish Council have been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Dilton Vale Farm, Old Dilton Road, Old Dilton, Westbury in the parishes of Westbury and Dilton Marsh and shown by bold continuous lines on the plan contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on such date as the authority certifies that the work bringing the new site of the paths into a fit condition for use by the public has been carried out and thereupon the Westbury Urban Council Area Definitive Map and Statement dated 1953 and the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 shall be modified by deleting from it those public rights of way.

2. There shall at the end of 56 days from the date of confirmation of this order be public footpaths over the land situate at Dilton Vale Farm, Old Dilton Road, Old Dilton, Westbury in the parishes of Westbury and Dilton Marsh described in Part 2 of the Schedule and shown by bold broken lines on the plan contained in this order, and thereupon the Westbury Urban Council Area Definitive Map and Statement dated 1953 and the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 shall be modified by adding those paths to it.
  
3. The Westbury Urban Council Area Definitive Map and Statement dated 1953 and the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 shall be modified as described in Part 3 of the Schedule to this order.
  
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 }  
 25 October 2021 }  
 in the presence of:

*F. J. Jarrett*  
 Senior Solicitor



**SCHEDULE**

**PART 1**

**DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

That length of Footpath Westbury 29 leading from point A on the attached plan, at OS Grid Reference ST 8607-4929 in a north north westerly direction for approximately 52 metres to point B at OS Grid Reference ST 8605-4934 and leading from point C at OS Grid Reference ST 8603-4932 in a north easterly direction for approximately 34 metres to point B at OS Grid Reference ST 8605-4934 then heading in a broadly north north westerly direction for approximately 99 metres to point D at OS Grid Reference ST 8601-4942.

That length of Footpath Dilton Marsh 20 leading from point D on the attached plan, at OS Grid Reference ST 8601-4942 in a north westerly direction for approximately 90 metres to point E at OS Grid Reference ST 8596-4949.

## **PART 2**

### **DESCRIPTION OF SITE OF NEW PATH OR WAY**

That length of Footpath Westbury 29 from point C on the attached plan, at OS Grid Reference ST 8603-4932, leading in an east south easterly direction for approximately 51 metres to point A at ST 8607-4929, then heading in a north north easterly direction for approximately 140 metres to point I at OS Grid Reference ST 8614-4941, then heading in a broadly westerly direction for approximately 92 metres to point H at OS Grid reference 8605-4944. Having a width of 3 metres.

That length of Footpath Dilton Marsh 20 from point H on the attached plan, at OS Grid Reference ST 8605-4944, leading in a broadly west north westerly direction for approximately 105 metres to point E at ST 8596-4949. Having a width of 3 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>
Westbury	29	<p><u>FOOTPATH.</u> From Old Dilton Road, 146 m north of Dilton Farm, leading north west to Dilton Vale Farm at OSGR ST 8607-4929 then around the boundary of Dilton Vale Farm heading in a north north easterly direction to OSGR ST 8614-4941, then heading in a broadly westerly direction to Footpath Dilton Marsh 19 at OSGR ST 8605-4944. A branch of Westbury 29 leads from OSGR ST 8607-4929 in a west-north-westerly direction to OSGR ST 8603-4932 and then south west to the Old Dilton Road at the Church on the Dilton Marsh Parish boundary.</p> <p>Approximate length 770 m.</p> <p>Width from OS Grid Reference ST 8607-4929 to ST 8605-4944 and ST 8607-4929 to ST 8603-4932 3 metres</p>	53(3)(a)(i)
Dilton Marsh	20	<p><u>FOOTPATH.</u> From the southern end of road U/C 6188 at Penknapp leading south east to OSGR ST 8596-4949 then in an east south easterly direction to meet Footpath Westbury 29 at OSGR ST 8605-4944.</p> <p>Approximate length 263 metres.</p> <p>Width from OS Grid Reference ST 8596-4949 to ST 8605-4944 3 metres</p>	53(3)(a)(i)



**PUBLIC PATH EXTINGUISHMENT  
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
HIGHWAYS ACT 1980 – SECTION 118  
WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53A (2)**

**THE WILTSHIRE COUNCIL WESTBURY 28 (PART) AND DILTON MARSH 19  
(PART) EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2021**

This order is made by Wiltshire Council (“the authority”) under section 118 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that the footpaths described in paragraph 1 of this order are not needed for public use.

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 and the Warminster and Westbury Rural District Council 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 extinguishment (as authorised by this order) of a highway shown or required to be shown in the map and statement.

Westbury Town Council and Dilton Marsh Parish Council have been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Dilton Vale Farm, Old Dilton Road, Old Dilton, Westbury in the parishes of Westbury and Dilton Marsh and shown by bold continuous lines on the plan contained in this order and described in Part 1 of the Schedule to this order shall be extinguished at the end of 56 days from the date of confirmation of this order and thereupon the Westbury Urban Council Area Definitive Map and Statement dated 1953 and the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 shall be modified as described in Part 2 of the Schedule to this order.
2. Where immediately before the date on which the paths are extinguished 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.

  
Senior Solicitor

THE COMMON SEAL OF }  
THE WILTSHIRE COUNCIL }  
was hereunto affixed this }  
25 October 2021 }  
in the presence of:



## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That length of Footpath Westbury 28 leading from point F on the attached plan, at OS Grid Reference ST 8604-4938 in a broadly northerly direction for approximately 48 metres to point G at OS Grid Reference ST 8605-4943.

That length of Footpath Dilton Marsh 19 leading from point G on the attached plan, at OS Grid Reference ST 8605-4943 in a broadly northerly direction for approximately 13 metres to point H at OS Grid Reference ST 8605-4944

### PART 2

#### 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>
Westbury	28	<u>FOOTPATH.</u> From Leigh Fields Lane leading south-west to its intersection with Footpath Dilton Marsh 19.  Approximate length 730 m.	53(3)(a)(i)
Dilton Marsh	19	<u>FOOTPATH.</u> From the Corn Mill at Westbury Leigh leading south alongside Biss Brook to its intersection	53(3)(a)(i)

with Footpaths Dilton Marsh 20 and  
Westbury 29.

Approximate length 276 m.



