

# **PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

## **TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 AND WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53A(2)**

### **THE WILTSHIRE COUNCIL HILPERTON 54 DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2022**

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 3 of the Town and Country Planning Act 1990, namely construction of up to 187 dwellings, means of access, landscaping, drainage, public open space and all other associated infrastructure as per planning application no. 20/09701/FUL.

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 Bradford and Melksham 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)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway 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 Bradford and Melksham Rural District Council Area Definitive Map and Statement dated 1952 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 Article 2 above have been complied with and upon the occurrence of that diversion the Bradford and Melksham Rural District Council Area Definitive Map and Statement dated 1952 shall be modified by deleting from it the path or way referred to in paragraph 1 of this order and the path or way 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 attached this  
23 August 2022  
In the presence of:

}  
}  
}  
}

*Rebecca  
Upson*

Authorised Signatory  
Wiltshire Council



12346

## SCHEDULE

### PART 1

#### Description of site of existing path or way

The entire width of that length of footpath Hilperton 54, Elizabeth Way, Hilperton, Trowbridge, as shown by a bold black line on the attached plan leading from point A at OS Grid Reference ST 8661-5926 in a south-easterly direction for approximately 315 metres to point F at OS Grid Reference ST 8682-5903.

### PART 2

#### Description of site of alternative highway

That length of footpath Hilperton 54, Elizabeth Way, Hilperton, Trowbridge as shown by a bold black dashed line on the attached plan leading from point A at OS Grid Reference ST 8661-5926, in a broadly south-easterly direction for approximately 364 metres to point F at OS Grid Reference ST 8682-5903, having a width of 2 metres.

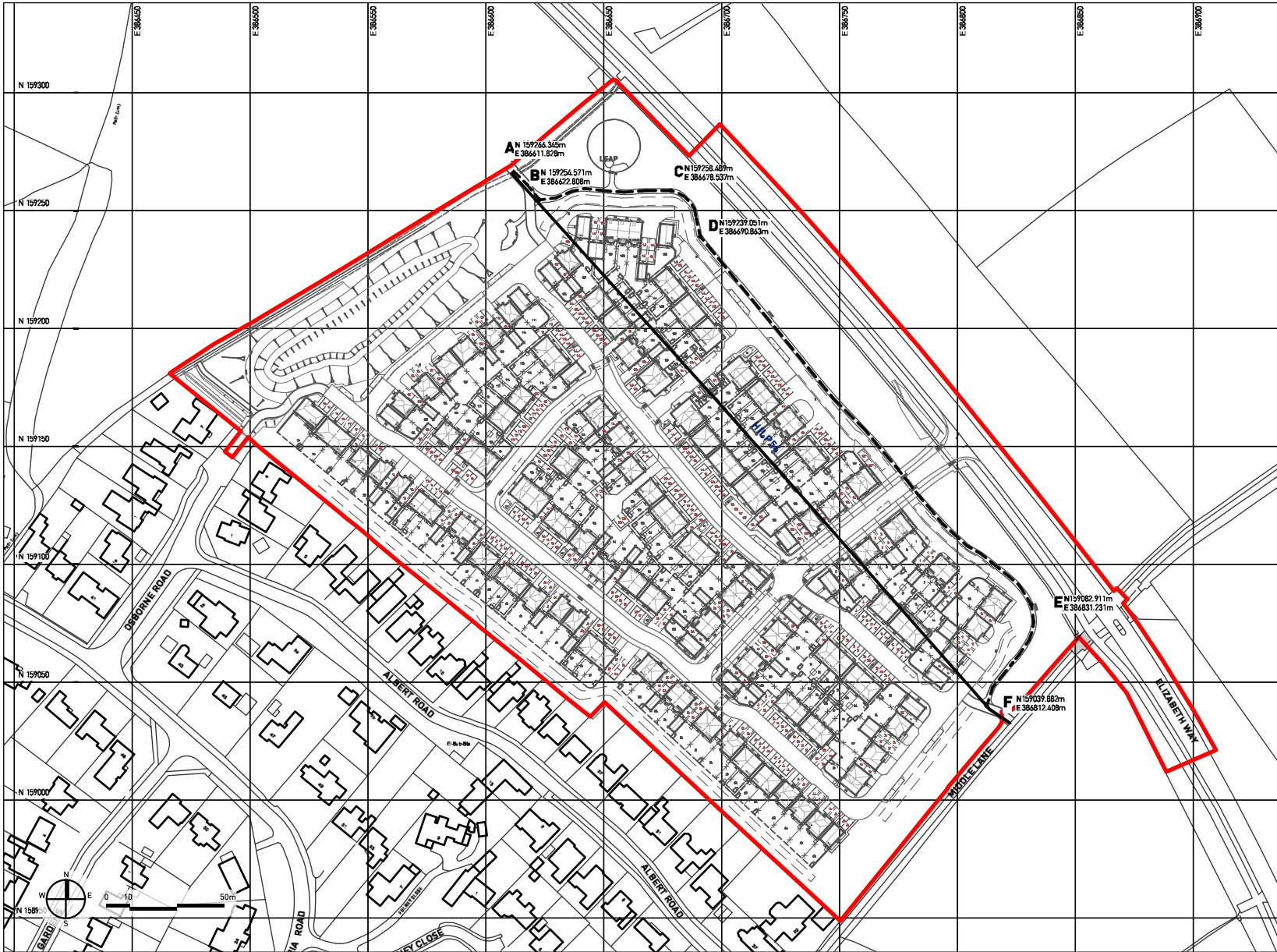
## PART 3

### 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>
Hilperton	54	<u>FOOTPATH.</u> From Footpath Hilperton 5 following the surfaced path through the open space in a broadly south-easterly direction to path Bridleway Hilperton 33, Middle Lane.  Approximate length 364 metres  Width 2 metres	53(3)(a)(i)

Copyright Pegasus Planning Group Ltd. Crown copyright. All rights reserved. Ordnance Survey Copyright Licence number: 100042003. Promap Licence number: 100200648. EmpasSite Licence number: 0100031623. Standard OS licences rights conditions apply. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following Pegasus' express agreement to such use. T 01262 641717 www.pegasusgroup.co.uk



**KEY: PRoW DIVERSION**

- APPLICATION BOUNDARY
- UNAFFECTED LINE OF PATH
- SECTION OF PATH TO BE DIVERTED
- NEW PATH TO BE PROVIDED

**ELIZABETH WAY, TROWBRIDGE - PUBLIC RIGHT OF WAY DIVERSION [HILP54]**