

**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 (SHEET ST 85 SE) WESTBURY 25 (part) DIVERSION ORDER AND DEFINITIVE MAP MODIFICATION ORDER NO 22 2011**

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 a two storey primary care centre and associated works on land north west of Westbury Leigh Primary School, Mane Way, Westbury, Wiltshire.

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 Warminster and Westbury Rural District 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 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 Warminster and Westbury Rural District 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 Article 2 have been complied with and upon the occurrence of that diversion the Warminster and Westbury Rural District Council Area Definitive Map and Statement dated 1953 as modified under the Wildlife and Countryside Act 1981 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 shall continue to have the same rights in respect of the apparatus as they then had.



**SCHEDULE**

**PART 1**

**Description of site of existing path or way**

That length of footpath Westbury no. 25 as shown on the attached map by a continuous black line starting at point A and leading north west for a distance of approximately 70 metres to point B.

**PART 2**

**Description of site of alternative highway**

Length of footpath as shown on the attached map by a broken bold black line starting at point A and leading north east for approximately 80 metres where generally west and south west for approximately 140 metres to point B. Width 2 metres.

**PART 3**

**Modification of Definitive Statement**

**Variation of particulars of path or way**

Westbury 25 FOOTPATH from Penleigh Mill on the Dilton Marsh Parish boundary leading east to path no. 23 where south east to the development where north east and east to Mane Way where south west to cross Mane Way at OS grid reference ST 8595 5042 then south east to Church Lane, Westbury Leigh.

Width OS grid ref. ST 8589 5045 to ST 8595 5042 2 m

Approximate length 779 metres.

THE COMMON SEAL OF }

THE WILTSHIRE COUNCIL }

Was hereunto affixed this }

24 day of MARCH 2011 }

In the presence of: -



*[Handwritten signature]*

Principal Solicitor

16260