

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 BAYDON PATH 2 (PART) and PATH 11 (PART)
DIVERSION ORDER AND DEFINITIVE MAP MODIFICATION ORDER 2013**

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 restricted byways 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 extensions to agricultural buildings.

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 Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 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 restricted byway 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 Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 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 restricted byway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the restricted byway 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 Marlborough and Ramsbury 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 restricted byway 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 paths or ways

That length of path Baydon no. 11 leading from point E to point C as shown on the attached map by a solid black line. Approximate length 55 metres.

That length of path Baydon no. 2 leading from point B through point C to point D as shown on the attached map by a solid black line. Approximate length 175 metres.

PART 2

Description of site of alternative highway

That length of restricted byway as shown on the attached map by a broken black line leading from point A to point X through point E. Width 4.1 metres. Approx. length 210 metres

That length of restricted byway as shown on the attached map by a broken black line leading from point X to point Y. Width 2.6 metres. Approx. length 30 metres

That length of restricted byway as shown on the attached map by a broken black line leading from point Y to point D. Width 4.1 metres. Approx. length 180 metres

PART 3

Modification of Definitive Statement

Variation of particulars of path or way

Parish	Path No	Description	Modified under WCA 81 Section
Baydon	2	<u>BRIDLEWAY</u> Paynes Lane. From the Aldbourne road C.189, at its junction with path No. 8, leading east for approximately 180 metres to its junction with Baydon path no. 11. <u>RESTRICTED BYWAY</u> from OS grid reference SU2781 7741 leading north and east, east north east, east, south south east, south east and south south west where at OS grid reference SU 2804 7730 <u>BRIDLEWAY</u> leading south east to road U/C 5018 north of Gore's Copse. <u>WIDTH</u> Restricted byway section OS grid reference SU2781 7741 to SU2797 7745 4.1 metres and from SU2797 7745	53(3)(a)(i)

to SU2800 7744 2.6 metres and from SU2800 7744 to SU 2804 7730
4.1 metres

Approximate length 1.45 kms

PART 3 Continued

Modification of Definitive Statement

Variation of particulars of path or way

Parish	Path No	Description	Modified under WCA 81 Section
Baydon	11	<u>RESTRICTED BYWAY</u> from the u/c 5013 at OS Grid Ref SU2787 7773 leading south south west, south and south east to OS Grid Ref SU2794 7751 at its junction with Baydon 30 where <u>BRIDLEWAY</u> leading south for approximately 60 metres to its junction with Baydon path no. 2. Continuing as <u>BRIDLEWAY</u> from its junction with Baydon path no 2 at Keepers Cottage leading south for approximately 270 m then in a westerly direction to path No. 8.	53(3)(a)(i)

Width 4 metres OS Grid Ref SU 2787 7773 to OS Grid Ref SU 2794 7751

Approximate length 450 metres

THE COMMON SEAL OF }

THE WILTSHIRE COUNCIL }

Was hereunto affixed this }

day of 2013 }

In the presence of: -