

## **APPENDIX B – Public Path Diversion Order**

### **PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER HIGHWAYS ACT 1980 WILDLIFE AND COUNTRYSIDE ACT 1981 THE WILTSHIRE COUNCIL CHAPMANSLADE 12 (PART) DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2014**

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 footpath described in paragraph 1 of this order it is expedient that the line of the path 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 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 path into a fit condition for use by the public.

Chapmanslade Parish Council have been consulted as required by section 120(2) of the 1980 Act.

#### **BY THIS ORDER:**

1. The public right of way over land situate at Dye House Farm, in the parish of Chapmanslade and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 56 days from the date of confirmation of this order, and thereupon the Warminster and Westbury Rural District Council area definitive map shall be modified by deleting from it that public right of way.
2. Notwithstanding the order Openreach BT shall have the following rights over the land referred to in paragraph 1 namely:-  
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.

3. There shall at the end of 56 days from the date of confirmation of this order be a public footpath over the land situate at Dye House Farm, in the parish of Chapmanslade described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this order, and thereupon the Warminster and Westbury Rural District Council area definitive map dated 1953 shall be modified by adding that path to it.
  
- 3A. The Warminster and Westbury Rural District Council area definitive statement dated 1953 shall be modified as described in Part 3 of the Schedule to this order.

## **SCHEDULE**

### **PART 1**

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

That length of footpath leading from point A at OS Grid Reference ST 8309-4742, at its junction with the U/C 9002 road, in a north-westerly direction for approximately 35 metres, then leading west-north-west for approximately 24 metres, then leading west-south-west for approximately 56 metres and then generally south-west for approximately 75 metres to point B at OS Grid Reference ST 8292-4744.

### **PART 2**

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

That length of footpath leading from point C at OS Grid Reference ST 8308-4739, at its junction with the U/C 9002 road, in a west-north-westerly direction for approximately 165 metres to point B at OS Grid Reference ST 8292-4744, 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>
Chapmanslade	12	<p><u>FOOTPATH.</u> From path no.10, south-west of Southcroft, leading south-east and then east-south-east, across the footbridge, to road U/C 9002 on the Corsley Parish boundary.</p> <p>Approximate length: 375 metres</p> <p>Width: 2 metres on that section between OS Grid Reference ST 8292-4744 and OS Grid Reference ST 8308-4739.</p>	53(3)(a)(i)

THE COMMON SEAL OF  
THE WILTSHIRE COUNCIL  
was hereunto affixed this  
15<sup>th</sup> day of July 2014  
in the presence of:

*20888*  
Principal Solicitor



79908

### Diversion of Footpath no.12 Chapmanslade (part)

#### Key

Length of existing Footpath: A ————— B

Length of new Footpath: B - - - - - C

Connecting footpath: 000000000000

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Tracy Carter, Associate Director - Waste and Environment

Prepared by: JEG Date: 27<sup>th</sup> March 2014 Scale: 1:1,250 Grid Ref: ST 831474

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