

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

**THE TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53(A)(2)**

**THE WILTSHIRE COUNCIL MARLBOROUGH 30 DIVERSION AND DEFINITIVE  
MAP AND STATEMENT MODIFICATION ORDER 2018**

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 stop up and 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: the construction of 168 dwellings and associated infrastructure work.

This Order is also made under Section 53(A)(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 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 map contained in this order and described in Part 1 of the Schedule to this order("the Schedule") shall be stopped up or diverted and thereupon the Marlborough and Ramsbury 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 footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion and stopping up of the footpaths 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 and stopping up the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 as modified under the Wildlife and Countryside Act 1981 shall be modified by deleting from it the paths or ways referred to in paragraph 1 of

this order and the paths or ways 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 footpaths are 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.

## **SCHEDULE**

### **PART 1**

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

That length of footpath, as shown on the attached map by a bold black line, leading from point A, at OS Grid Reference SU 1916-6833, in a broadly north, north westerly direction for approximately 65 metres to point C, at OS Grid Reference SU 1914-6839 .

### **PART 2**

#### **Description of site of alternative highway**

That length of footpath, as shown by bold black dashes on the attached map, leading from point A, at OS Grid Reference SU 1916-6839 in a broadly northerly direction for a length of approximately 60 metres to point B at OS Grid Reference SU 1915-6839 before leading in a westerly direction for approximately 15 metres to point C at OS Grid Reference SU 1914-6839 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> |
|---------------|-----------------|-------------------------------------|--|
|---------------|-----------------|-------------------------------------|--|

Marlborough 30

FOOTPATH. From the London - Bristol Trunk Road, A.4, between Nos.38 and 40 High Street, (Figgins Lane), leading south-east across the River by an iron bridge, across George Lane, B.3052, (Isbury Lane) across [upper Church Fields] past the Pumping Station to the Borough boundary at Forest Avenue (Long Harry).  
Approximate length 1550 m.  
Width of 2 metres from SU 1914-6839 to SU 1916- 6833.

relevant date  
27th August 1991  
Part subject  
to ploughing

THE COMMON SEAL OF  
THE WILTSHIRE COUNCIL  
was hereunto affixed this  
18<sup>th</sup> June 2018  
In the presence of:

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}  
}  
}

  
EMMA LICCARDI  
**Senior Solicitor**

