

18 March 2021

Chris Minors  
Persimmon Homes (Wessex) Ltd  
Verona House  
Tetbury Hill  
Malmesbury  
SN16 9JR

Rights of Way and Countryside  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Your ref:  
Our ref: 2020/12P

Dear Mr Minors

**Town and Country Planning Act 1990 s.257  
Wiltshire Council Parish of North Bradley Path No. 9 Diversion Order and Definitive Map and Statement Modification Order 2021**

Wiltshire Council has made the above order diverting parts of footpath North Bradley no. 9 in the area of White Horse Business Park. The order is made in relation to Planning Application 15/04736/OUT and has the effect of extinguishing public rights over two railway level crossings, diverting the footpath to the north eastern side of the railway line. The proposed diversion route crosses the railway line by way of an underpass at both Drynham Lane to the north and Pound Lane to the south.

Please find enclosed a copy of the order, order plan and notice of making the order.

Yours sincerely

Sally Madgwick  
Definitive Map and Highway Records Manager  
Direct Line: 01225 713392  
Sally.madgwick@wiltshire.gov.uk

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**Notice of Public Path Order and Definitive Map Modification Order  
Town and Country Planning Act 1990  
Sections 257 and Paragraph 1 of Schedule 14 and Wildlife and  
Countryside Act 1981 Section 53A  
Wiltshire Council**

**Wiltshire Council Parish of North Bradley Path No. 9 Diversion Order  
and Definitive Map Modification Order 2021**

**TO:**

|                                                                                                           |                                                                                   |                                                                                    |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Chris Minors<br>Persimmon Homes<br>(Wessex) Ltd<br>Verona House<br>Tetbury Hill<br>Malmesbury<br>SN16 9JR | Property Services<br>Wiltshire Council<br>Bythesea Road<br>Trowbridge<br>BA14 8JN | P, P & C Awdry<br>Ashton Milk Farm<br>83 Yarnbrook Road<br>West Ashton<br>BA14 6AR |
| Charlotte Lockwood<br>Roythornes Ltd<br>Enterprise Way<br>Pinchbeck<br>Spalding<br>PE11 3YR               | P, P & C Awdry<br>Spiers Piece Farm<br>Steeple Ashton<br>Trowbridge<br>BA14 6AR   | BP Estates Ltd<br>42-46 High Street<br>Esher<br>Surrey<br>KT10 9QY                 |

The above Order was made on 12 March 2021.

The effect of the Order, if confirmed as made will be to stop up that length of footpath North Bradley no. 9 at Bradley Road leading broadly east to the railway where across the railway (Yarnbrook Level Crossing) in a north north easterly direction to Pound Lane. Approximate length 260 metres. Also that length of footpath North Bradley no. 9 from North Bradley path no. 7 leading across the railway (White Horse Level Crossing). Approximate length 33 metres. Total approximate length to be extinguished = 293 metres. Width to be extinguished = the whole of the width of the public footpath described above and to create an alternative length of footpath leading from the eastern side of White Horse Level Crossing in a north westerly, north easterly and northerly direction to Drynham Lane (North Bradley path no 43). Total approximate length to be created = 313 metres. Width to be created = 2 metres. The diversion is necessary to enable development applied for in application number 15/04736/OUT (namely: for "the erection of up to 2500 dwellings, employment, two local centres, two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook/West Ashton Relief Road' and the access junctions") if permitted, to proceed. The

Warminster and Westbury Rural District Council area definitive map and statement will also be altered as appropriate.

A copy of the Order and the Order Map have been placed, and may be seen free of charge, at Reception, Wiltshire Council, County Hall Trowbridge, BA14 8JN during normal office hours. Copies of the Order and map may be requested by contacting [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk) 01225 713392.

Any representation about or objection to the Order may be sent or delivered in writing to S Madgwick, Rights of Way and Countryside, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN, not later than 5.00 pm on 21 May 2021. Please state the grounds on which it is made.

If no such representation or objections are duly made, or if any so made are withdrawn, Wiltshire Council may confirm the Order as an unopposed order. If the Order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation, any representation or objections which have not been withdrawn will be sent with the Order.

# **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 NORTH BRADLEY PATH No. 9 DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2021**

This order is made by Wiltshire Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that:

- (a) an application for planning permission has been made under Part 3 of the Act, namely: for "the erection of up to 2500 dwellings, employment, two local centres, two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook/West Ashton Relief Road' and the access junctions. Application number: **15/04736/OUT**
- (b) if the application were granted it would be necessary to authorise the diversion of the footpath to which this order relates in order to enable the development to be carried out.

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 hitherto shown or required to be shown in the map and statement.

### **BY THIS ORDER:**

1. The footpath over the land shown by bold black lines 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.

The diversion of the footpath shall have effect on the date on which Wiltshire Council certify that the terms of paragraph 2 of this order 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 those 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 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 affixed this }

12<sup>th</sup> day of March 2021 }



Senior Solicitor

In the presence of: -

| Parish        | Path No | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Modified under<br>WCA 87 Section |
|---------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| North Bradley | 9       | FOOTPATH from path No. 8 by Willow Grove to 53 (31x11)<br>leading generally north-west to 12 A903 Bradley<br>Road. Also FOOTPATH leading from Pound Lane<br>at OS Grid ref ST0049 3884 in a north-north-east<br>direction to OS Grid ref ST 0028 3832 where north<br>east and north to join Lytham Lane (North Bradley<br>Path No. 43) at OS Grid ref ST0035 3878.<br>Width from OS Grid ref ST0049 3884 to Lytham Lane = 7.9 metres<br>Approximate length of entire path = 0.14 metres |                                  |

## **SCHEDULE**

### **PART 1**

#### **Description of site of existing paths or ways**

That length of footpath North Bradley no. 9 from point A at Bradley Road leading broadly east to the railway where across the railway (Yarnbrook Level Crossing) in a north north easterly direction to point B as shown on the plan attached hereto as a solid black line. Approximate length 260 metres. Also that length of footpath North Bradley no. 9 from point C at North Bradley path no. 7 leading across the railway (White Horse Level Crossing) in an easterly direction to point D as shown on the plan attached hereto as a solid black line. Approximate length 33 metres.

Total approximate length to be extinguished = 293 metres

Width to be extinguished = the whole of the width of the public footpath A to B and C to D.

### **PART 2**

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

That length of footpath as shown on the attached plan by a broken black line leading from point D in a north north westerly direction following the course of the railway to OS Grid reference ST8628 5632 where north east to join Drynham Lane at OS Grid reference ST8633 5636 at Point E as shown on the plan attached hereto.

Total approximate length to be created 313 metres

Width to be created = 2.0 metres

### **PART 3**

#### **Modification of Definitive Statement**

#### **Variation of particulars of path or way**

| <b>Parish</b> | <b>Path No</b> | <b>Description</b> | <b>Modified under<br/>WCA 81 Section</b> |
|---------------|----------------|--------------------|------------------------------------------|
|---------------|----------------|--------------------|------------------------------------------|

|               |   |                                                                                                                                                                                                                                                                                                                                           |               |
|---------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| North Bradley | 9 | FOOTPATH from path No. 8 by Willow Grove leading generally north east to the A363 Bradley Road. Also FOOTPATH leading from Pound Lane at OS Grid ref ST8649 5564 in a north north easterly direction to OS Grid ref. ST 8628 5632 where north east and north to join Drynham Lane (North Bradley Path No. 43) at OS Grid ref ST8633 5636. | s.53(3)(a)(i) |
|---------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|

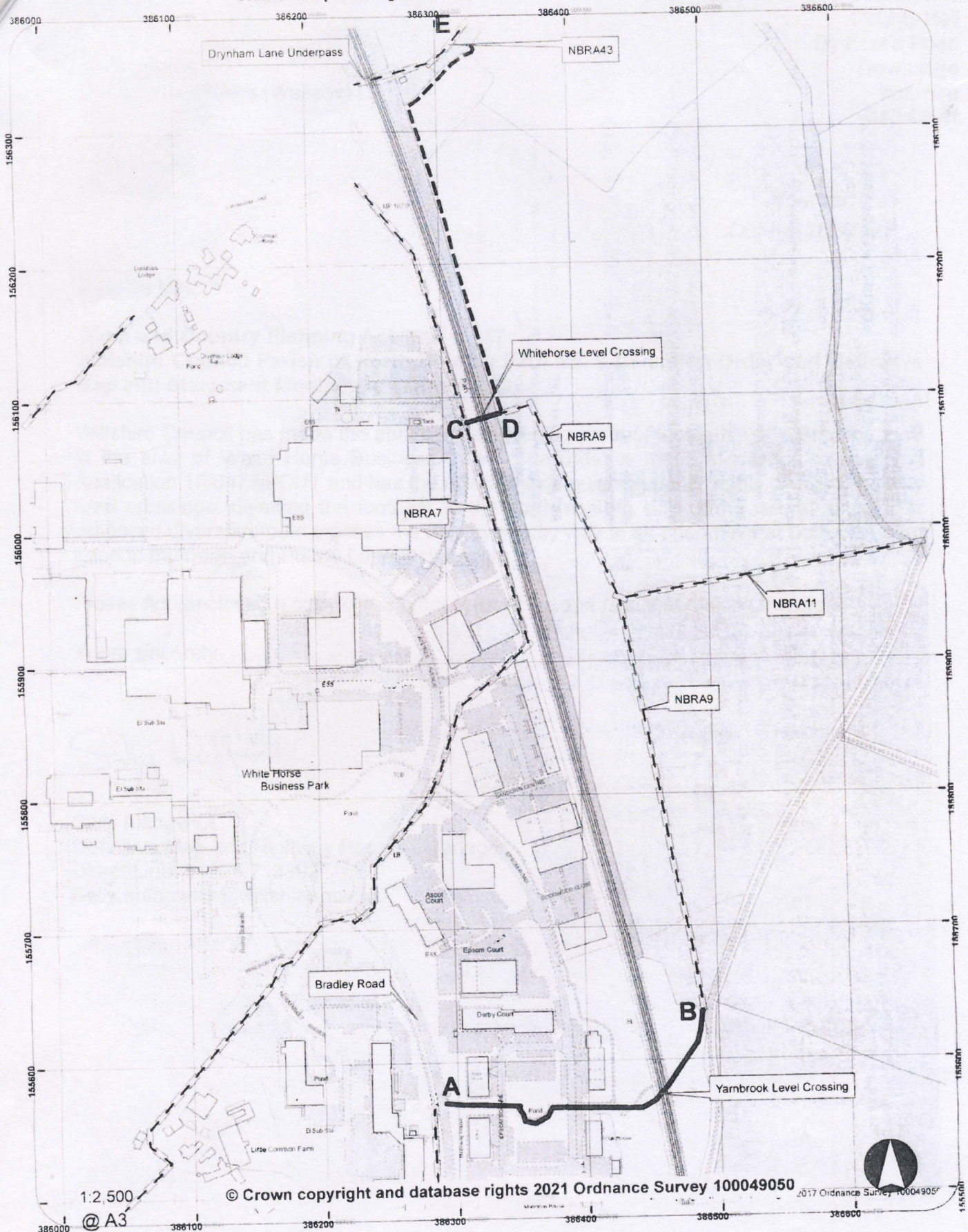
Width from OS Grid ref ST8649 5564 to Drynham Lane = 2.0 metres

Approximate length of entire path = 911 metres

# North Bradley 9 Order Plan

Date: 11/02/2021

Footpath to be extinguished A ——— B C ——— D  
 Footpath to be created D - - - - - E  
 Unaffected public rights of way - - - - -



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