

LOCAL ACCESS FORUM: 13 DECEMBER 2011

THE FOOTPATH 15 SHOTTESBROOKE/44 WALTHAM ST LAWRENCE
DEFINITIVE MAP MODIFICATION ORDER 2011

1. PURPOSE OF REPORT

To inform the forum about the publication of the above Definitive Map Modification Order.

2. SUPPORTING INFORMATION

- 2.1 The Council published the Footpath 15 Shottesbrooke / 44 Waltham St Lawrence Definitive Map Modification Order 2011 on 15th November 2011. A copy of the order, notice and explanatory statement is attached as Appendix A.

Tel: 07824 548650 (Direct Line)
Email: Paulette.Myles@wokingham.gov.uk
Fax: 0118 974 6542
Date: 30 November, 2011
My ref: 006726-PM
Your ref:

**S H A R E D
L E G A L
S O L U T I O N S**

RBWM Local Access Forum
c/o
Andrew Fletcher
Town Hall
St. Ives Road
Maidenhead
SL6 1RF

Legal & Electoral Services
P.O. Box 151
Shute End, Wokingham
Berkshire RG40 1WH
Tel: (0118) 974 6000
Fax: (0118) 974 6542
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Dear Mr. Fletcher,

**Re: Definitive Map and Statement of Public Rights of Way
The Footpath 15 Shottesbrooke/44 Waltham St Lawrence Modification Order
2011-11-14**

The Council is required to consult you in connection with the making of an order for the Definitive Map and Statement of Public Rights of Way in connection with the above named footpath.

Please see the enclosed Notice of Modification forwarded to you in accordance with Section 53 of the Wildlife and Countryside Act 1981.

Also enclosed for your reference is a copy of the Definitive Map Modification Order and the explanatory statement.

Yours sincerely,



Paulette Myles (Ms)
Lawyer

Enc.

***A Shared Legal Service between Wokingham Borough Council and
The Royal Borough of Windsor & Maidenhead***

S Nelson-Wehrmeyer – Director of Legal & Electoral Services

NOTICE OF MODIFICATION ORDER

Section 53 of the Wildlife and Countryside Act 1981

Royal Borough of Windsor and Maidenhead

Definitive Map and Statement of Public Rights of Way

Relevant Date: April 2008

**The Footpath 15 Shottesbrooke / 44 Waltham St. Lawrence
Modification Order 2011**

To: RBWM Local Access Forum c/o Andrew Fletcher, Town Hall, St. Ives Road, Maidenhead
SL6 1RF

The above order, made on 15th November 2011, if confirmed as made, will modify the definitive map and statement for the area by adding to them a footpath running from the junction of Footpath 12 Shottesbrooke and Footpath 29 Waltham St. Lawrence to join Footpath 38 Waltham St. Lawrence.

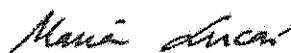
A copy of the order and the order map, and an explanatory statement, may be seen free of charge at the Town Hall, St. Ives Road, Maidenhead, Berkshire during normal office hours.

Any representation or objection relating to the order must be sent in writing to Head of Legal Services, Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, Berkshire, Berkshire, SL6 1RF not later than 9th January 2012, and applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the order, or to any part of it, or if any so made are withdrawn, the Royal Borough of Windsor and Maidenhead, instead of submitting the order to the Secretary of State may itself confirm the order. If the order is submitted to the Secretary of State, any representations or objections which have not been withdrawn will be sent with it.

DATED: 22nd November 2011

SIGNED:



Maria Lucas, Head of Legal Services and
Monitoring Officer

The Council's authorised Officer on behalf of
The Royal Borough of Windsor and Maidenhead

RBWM031

MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
DEFINITIVE MAP AND STATEMENT**

**THE FOOTPATH 15 SHOTTESBROOKE / 44 WALTHAM ST. LAWRENCE
MODIFICATION ORDER 2011**

This Order is made by the Royal Borough of Windsor and Maidenhead under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears that the Royal Borough of Windsor and Maidenhead Definitive Map and Statement require modification in consequence of an event specified in Section 53(3)(c)(i) of the Act, namely the discovery of evidence which, when considered with all other relevant available evidence, shows that a right of way which is not shown on the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the Map relates.

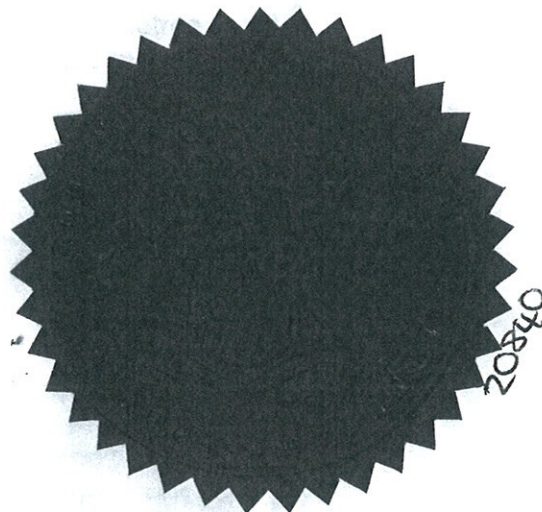
The Royal Borough of Windsor and Maidenhead hereby orders that:

1. For the purposes of this Order the relevant date is 15th November 2011.
2. The Royal Borough of Windsor and Maidenhead Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Footpath 15 Shottesbrooke/ 44 Waltham St. Lawrence in the Royal Borough of Windsor and Maidenhead Order 2011.

The COMMON SEAL of the ROYAL
BOROUGH OF WINDSOR AND
MAIDENHEAD was hereunto affixed
on the 15th day of November 2011
in the presence of:

Mani Anwar

Head of Legal Services



SCHEDULE

PART I

MODIFICATION OF THE DEFINITIVE MAP

(References to lettered points in the following description are references to letters on the attached map. All distances and directions are approximate.)

DESCRIPTION OF PATH OR WAY TO BE ADDED

FOOTPATH 15 SHOTTESBROOKE / 44 WALTHAM ST. LAWRENCE

The path commences at point A at the parish boundary where Footpath 12 Shottesbrooke joins Footpath 29 Waltham St. Lawrence (Grid Ref. 48427-17663) and runs in a generally south-south-easterly direction along Pundles Lane for a distance of 765 metres to point B (Grid Reference 48449 -17590) then continues in a south-south-easterly direction for a further 80 metres to join Footpath 38 Waltham St. Lawrence at point C (Grid Ref. 48451 -17583).

PART II

MODIFICATION OF THE DEFINITIVE STATEMENT

FOOTPATH 15 SHOTTESBROOKE / 44 WALTHAM ST. LAWRENCE

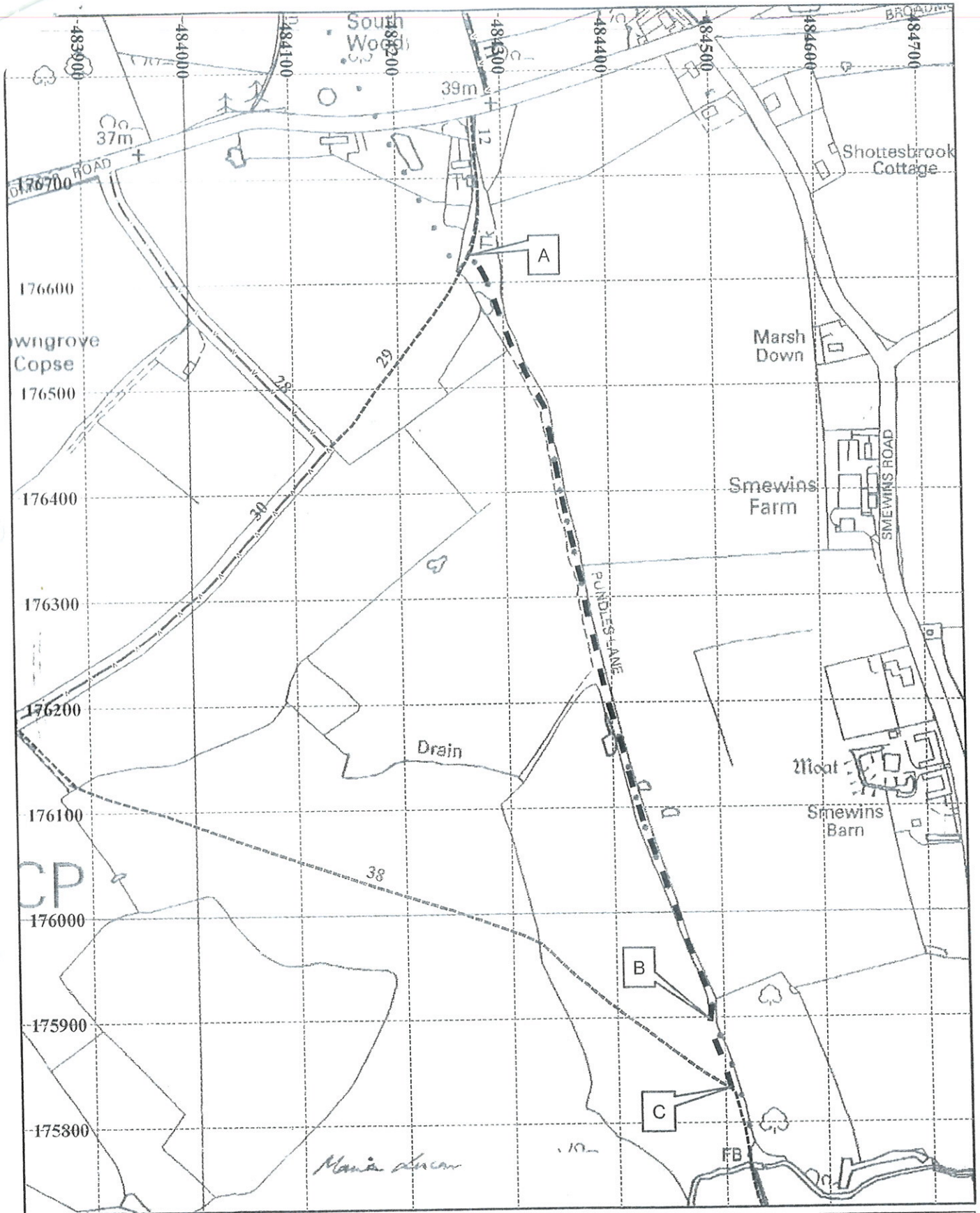
The description of the path shall be:

“From”: Footpath 12 Shottesbrooke / Footpath 29 Waltham St. Lawrence

“To”: Footpath 38 Waltham St. Lawrence

Map Sheets 9 and 15

The width of the path shall be recorded as: 4.0 metres (A-B)
2.0 metres (B-C)



Drawing No: RBWM031/1

Scale: 1:5,000

Drafted: AF / Checked: AH

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Wildlife and Countryside Act 1981
Definitive Map Modification Order 2011
RBWM031

Footpath
15 Shottesbrooke / 44 Waltham St Lawrence

- Parish Boundary
- Footpath to be added to the Definitive Map
- Footpath unaffected by the order
- Restricted Byway unaffected by the order

The Royal Borough



Windsor & Maidenhead

WILDLIFE AND COUNTRYSIDE ACT 1981

FOOTPATH 15 SHOTTESBROOKE / 44 WALTHAM ST. LAWRENCE
DEFINITIVE MAP MODIFICATION ORDER 2011

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive evidence of the existence of public rights. The Royal Borough of Windsor and Maidenhead is responsible for the definitive map and statement and has a duty to modify them when evidence suggests that they are inaccurate or incomplete. This is achieved by means of Modification Orders made under section 53 of the Wildlife and Countryside Act 1981.

Following a direction by the Secretary of State for Environment, Food and Rural Affairs, the Royal Borough of Windsor and Maidenhead has made a Modification Order under section 53(2)(b) of the Wildlife and Countryside Act 1981 to add a footpath running from Footpath 12 Shottesbrooke/29 Waltham St. Lawrence to join Footpath 38 Waltham St. Lawrence.

This Order recognises, by addition of the footpath to the definitive map and statement, the public rights that are considered to exist already, and does not create any new public rights. Questions of suitability of the way for public use, or of the possible effects of that use, are not relevant to the decision to make a Modification Order.

The Council has made the Order on the basis of documentary evidence, including Inclosure Awards and Maps, Finance Act 1910 records, Ordnance Survey maps and records, and other historical maps. This evidence may be consulted free of charge at the Town Hall, St. Ives Road, Maidenhead, Berkshire, SL6 1RF.

Representations and objections relating to the Order must be made in writing by 9th January 2012 to the Head of Legal Services, Royal Borough of Windsor and Maidenhead, Town Hall, St. Ives Road, Maidenhead, Berkshire, SL6 1RF.

To be relevant, representations or objections should relate to the existence or status of rights of way; other issues, such as privacy, security or amenity are unlikely to be relevant.

If you want to discuss a representation or objection to this order please contact Anthony Hurst on 01628-796180 or prow@rbwm.gov.uk. Address: Public Rights of Way Team, Town Hall, St. Ives Road, Maidenhead, Berkshire, SL6 1RF

This Order does not come into effect until confirmed. If there are no representations and objections to the Order, or those made are withdrawn, the Council will itself confirm the Order, and the definitive map and statement will be modified. If there are representations and objections which are not withdrawn, the Council must send the Order and representations to the Planning Inspectorate who will appoint an independent inspector to consider the Order and the representations and objections. The Inspectorate will normally hold a hearing or an inquiry but it could determine the order through written representations. The inspector may confirm the Order, with or without modifications, or may decide that the Order should not be confirmed.