

DATED 6th August 2015

HIGHWAYS ACT 1980

**DEVON COUNTY COUNCIL
(FOOTPATH NO. 26,
EXETER)**

**RAIL CROSSING
DIVERSION ORDER 2015**

**JAN SHADBOLT
County Solicitor
Devon County Council
County Hall
Exeter
EX2 4QD**

Ref: JDH/B12126

**HIGHWAYS ACT 1980
DEVON COUNTY COUNCIL
(FOOTPATH NO. 26, EXETER)
RAIL CROSSING DIVERSION
ORDER 2015**

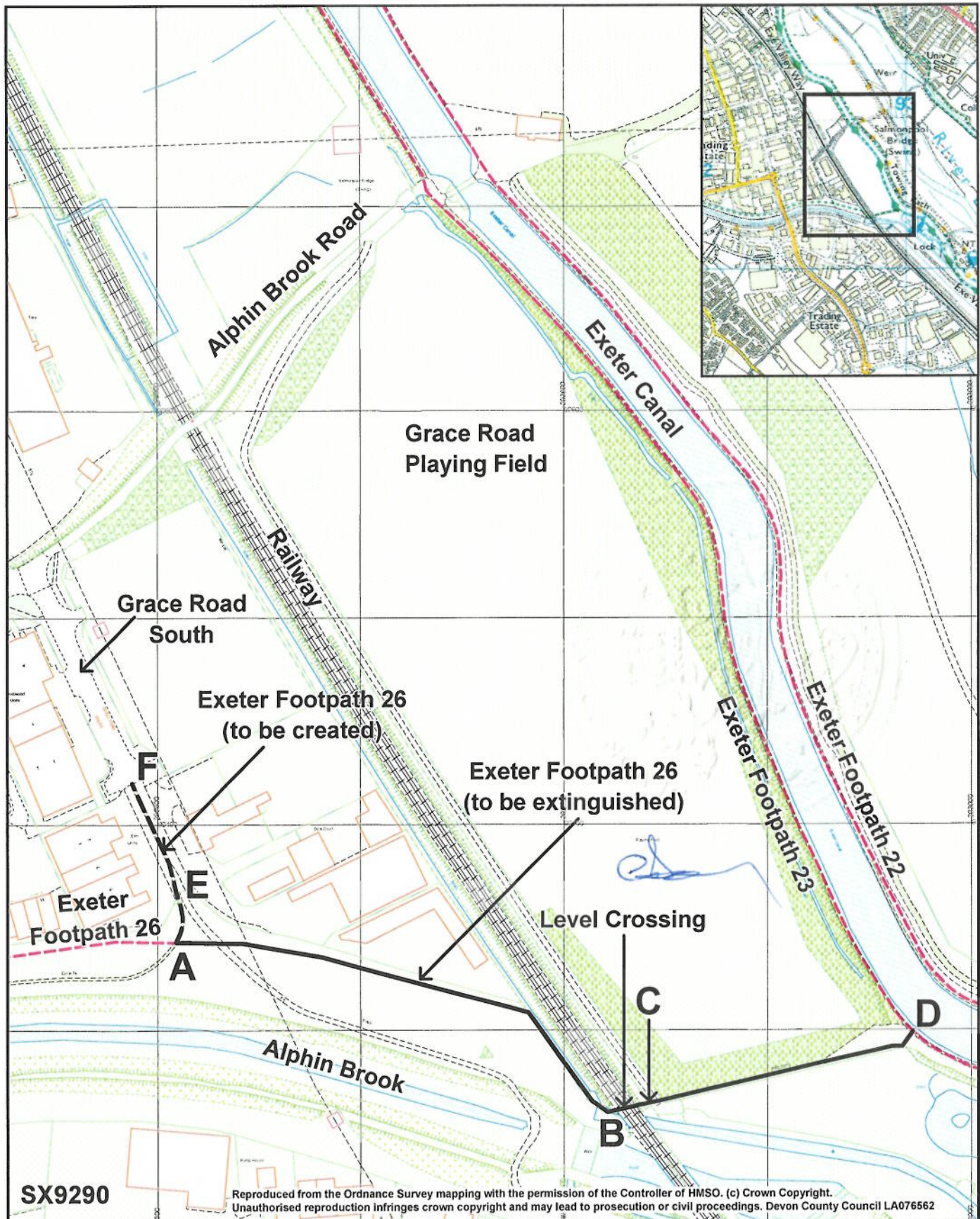
THIS ORDER is made by Devon County Council ("the authority") under Section 119A of the Highways Act 1980 ("the 1980 Act"). The footpath described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be diverted on to land of the same owner.

Exeter City Council has been consulted concerning the making of the order as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situate near Alphin Brook and Grace Road Playing Field in the City of Exeter in the County of Devon 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 extinguished after 28 days from the date of confirmation of this order, provided that this paragraph shall not come into force until the authority certifies that work required to bring the new site of the footpath into a fit condition for use by the public has been carried out.
2. Notwithstanding this order, where immediately before the date on which the path is diverted in pursuance of this order there is apparatus on under or over the path belonging to the statutory undertakers for the purpose of carrying out their undertaking then such undertakers shall continue to have the same rights in respect of their apparatus as they would have had if this order had never been made.
3. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land near Alphin Brook and Grace Road Playing Field in the City of Exeter in the County of Devon described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this order.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.



DEVON COUNTY COUNCIL
EXETER FOOTPATH No. 26
RAIL CROSSING DIVERSION ORDER 2015

HCW/PROW/15/009
Drawn by SCG
13 07 2015

NORTH
 Scale 1:2,500 (at A4)

- Footpath No. 26 (to be extinguished) A-B-C-D 400m
- - - Footpath No. 26 (to be created) A-E-F 85m
- - - Existing public footpaths

DAVID WHITTON
 Head of Highways, Capital Development and Waste



SCHEDULE

PART 1 - DESCRIPTION OF SITE OF EXISTING PATH

Section of Path as Indicated on Map	Position	Width
A to B to C to D (400 metres)	From point A (SX 9260 9034) the path proceeds eastwards then south-eastwards to point B (SX 9282 9026) and then east-northeastwards across a level crossing, passing point C (SX 9284 9026) and along the edge of a playing field to point D (SX 9297 9029), being its junction with Footpath No. 23, Exeter.	Whole width

PART 2 - DESCRIPTION OF SITE OF NEW PATH

Section of Path as Indicated on Map	Position	Width
A to E to F (85 metres)	From point A the path proceeds generally northwards and then north-northwestwards, through a pedestrian gate at point E (SX 9260 9036) then continuing along a track to point F (SX 9258 9041), being its junction with Grace Road South.	2.0 metres

PART 3 - LIMITATIONS AND CONDITIONS

Position	Limitations and Conditions
Point E SX 9260 9036	1 metre wide pedestrian gate compliant with British Standard 5709:2006

DATED the 6th day of August 2015

THE COMMON SEAL OF DEVON)

COUNTY COUNCIL was hereunto)

affixed in the presence of:-)



[Handwritten signature]

A Duly Authorised Officer
Assistant County Solicitor

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