

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Devon County Council
(Restricted Byway No. 99, Bere Ferrers) Definitive Map Modification Order
2015

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **14 September 2016**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding Bere Ferrers Restricted Byway No. 99 between the junction of the county road, Y1801 and Footpath No. 55, Bere Ferrers, north of South Hooe Mine and the entrance to South Hooe, in the parish of Bere Ferrers and administrative district of West Devon.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: helen.sparks@pins.gsi.gov.uk Please quote reference number FPS/J1155/7/113 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at the offices of Devon County Council at PROW, Room ABG, Lucombe House, County Hall, Topsham Road, Exeter, Devon, EX2 4QD between the hours of 9am – 4.30pm Monday – Thursday and 9am – 4pm Fridays. To arrange a viewing, please contact Ms Caroline Gatrell on Telephone Number (01392) 383240.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 28 September 2016]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting

documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 9 November 2016]

Everyone who has made an objection or representation or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 21 December 2016]

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

DATED 9th December 2015

**WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(RESTRICTED BYWAY NO. 99, BERE FERRERS)
DEFINITIVE MAP MODIFICATION ORDER 2015**

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



WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(RESTRICTED BYWAY NO. 99, BERE FERRERS)
DEFINITIVE MAP MODIFICATION ORDER 2015

THIS ORDER is made by Devon County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the County of Devon Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(c) (i) namely: the discovery by the authority of evidence which (when considered with all relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a restricted byway.

The Authority has consulted with every local authority whose area includes the land to which the Order relates. The Devon County Council hereby order that:

1. For the purposes of this Order the relevant date is 26th November 2015.
2. The County of Devon 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 Devon County Council (Restricted Byway No. 99, Bere Ferrers) Definitive Map Modification Order 2015.

DATED this 9th day of December 2015.

THE COMMON SEAL of the DEVON COUNTY)
COUNCIL was hereunto affixed in the)
presence of :-)


A Duly Authorised Officer



DOCUMENT No. 4.6715.....

SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF WAY TO BE ADDED

Restricted Byway No. 99, Bere Ferrers

The restricted byway to be added is situated in the administrative district of West Devon and civil parish of Bere Ferrers.

It starts at point U (GR SX 4248 6567), as shown on Drawing No. HCW/PROW/15/62 attached, at its junction with the county road, Y1801, and proceeds generally south westwards along a lane to meet Footpath No. 55, Bere Ferrers beside South Hooe Cottage at point V (GR SX 4209 6543), from where it continues to point X (GR SX 4210 6542).

The width of the way varies along its length and is defined by the adjacent hedge banks, which is between 2.4 metres and 6.3 metres. The length of the path to be added is approximately 488 metres. The path is shown on the plan as a broken black line with small arrowheads.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

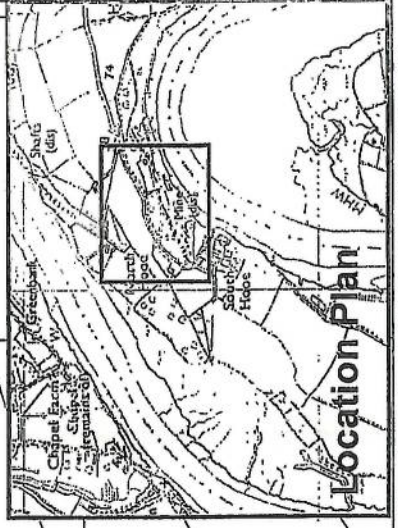
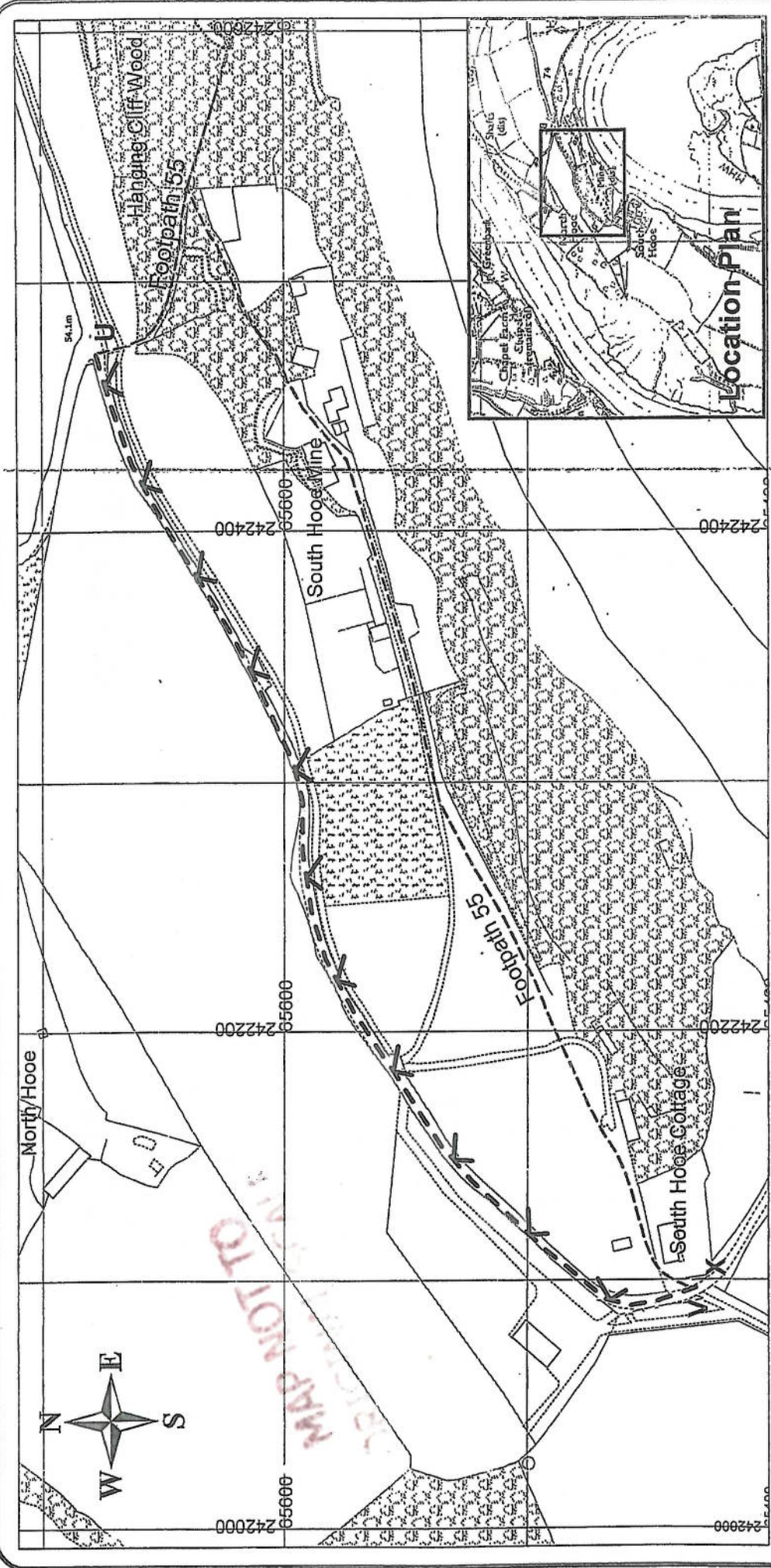
VARIATION OF PARTICULARS OF PUBLIC RIGHT OF WAY

Restricted Byway No. 99, Bere Ferrers

From: County road, Y1801

To: Entrance to South Hooe

The path is a restricted Byway. It starts at the county road, Y1801, at the junction with the road to North Hooe, and proceeds generally south westwards along a metalled lane before turning southwards to meet Footpath No. 55 beside South Hooe Cottage. It continues southwards to the entrance to South Hooe. The width of the way varies along its length and is defined by the adjacent hedge banks, which is between 2.4 metres and 6.3 metres. The total length of the path is approximately 488 metres.



map ref. SX 4265

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drawing number	HCW/PROW/15/62
date	December 2015
scale	1:2,500
drawn by	CLG

Devon County Council
 (Restricted Byway No. 99, Bere Ferrers) Definitive Map Modification Order 2015

Notation
 Restricted Byway No. 99 U - V - X (approx 488 m) ->->-
 Existing footpath - - - - -

[Signature]

David Whitton
 Head of Highways, Capital Development & Waste

Devon
 County Council