

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Plymouth City Council
The City of Plymouth (Footpath No. 1 St Budeaux) Definitive Map
Modification Order 2016

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 **27 February 2017**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Ballard House, West Hoe Road, Plymouth, Devon, PL1 3BJ** on **Tuesday 8 August 2017** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding to them the footpath from Normandy Hill to Wolseley Road as described in Part I and II of the schedule.

SCHEDULE

PART I

Description of Path or Way to be Added

Footpath No.1, St. Budeaux, in the administrative area of Plymouth City Council. This is a footpath. It starts at a point on Normandy Hill marked Point A on the Order Plan (GR SX43775854) and proceeds in a generally southeasterly then southerly direction for a distance of 300 metres to a point on the adopted highway known as Wolseley Road at Point B on the Order plan (GR SX43855826).

PART II

Variation of Particulars of Path or Way

Path No.	Conclusive Evidential Provisions Position	Width	Limitations
1	FP from a point on Normandy Hill marked (GR SX43775854) and heading in a generally southeasterly then southerly direction for a distance of 300 metres to a point on the adopted highway known as Wolseley Road (GR	SX43775854 – SX43775849 – 4m SX43775849 – SX43815845 – 2m SX43815845 – SX43855837 – 3.5m SX43855837 – SX43855830 – 3m SX43855830 – SX43855826 – 2.5m	G1 – Gate at SX43855830 G2 – Gate at SX43855826

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/N1160/7/6 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 Plymouth City Council, First Stop shop, 71 George Street, Plymouth Monday to Saturday (inclusive excluding public and bank holidays) between the hours of 08:00 – 17:00. Articles and documents relating to the Order are also available online at <http://www.plymouth.gov.uk/parkingandtravel/walkingandrightsway/publicrightsway/changesrightsway>

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 24 April 2017]

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

Within 14 weeks of the start date [by 5 June 2017]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to 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 (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

¹ If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

4 weeks before the date of the inquiry [by 11 July 2017]

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

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

Notice of order for inquiry

WILDLIFE AND COUNTRYSIDE ACT 1981

CITY OF PLYMOUTH DEFINITIVE MAP AND STATEMENT

PLYMOUTH CITY COUNCIL

THE CITY OF PLYMOUTH (FOOTPATH NO.1, ST. BUDEAUX) DEFINITIVE MAP MODIFICATION ORDER 2016

THIS ORDER is made by Plymouth City Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the City of Plymouth definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(b), namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path.

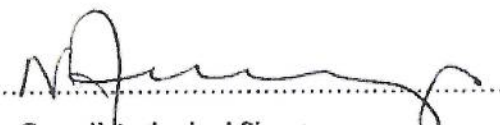
The authority have consulted with every local authority whose area includes the land to which the order relates. The Plymouth City Council hereby Order that:

1. FOR the purposes of this order the relevant date is 17th December 2015.
2. THE City of Plymouth 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 City of Plymouth (Footpath No 1, St Budeaux) Definitive Map Modification Order 2016

GIVEN under the Common Seal of the Council this 24th day of February 2016

THE COMMON SEAL OF THE)
PLYMOUTH CITY COUNCIL)
was hereunto fixed in)
the presence of:-)




Plymouth City Council Authorised Signatory

SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

Footpath No.1, St. Budeaux, in the administrative area of Plymouth City Council. This is a footpath. It starts at a point on Normandy Hill marked Point A on the Order Plan (GR SX43775854) and proceeds in a generally southeasterly then southerly direction for a distance of 300 metres to a point on the adopted highway known as Wolseley Road at Point B on the Order plan (GR SX43855826).

PART II

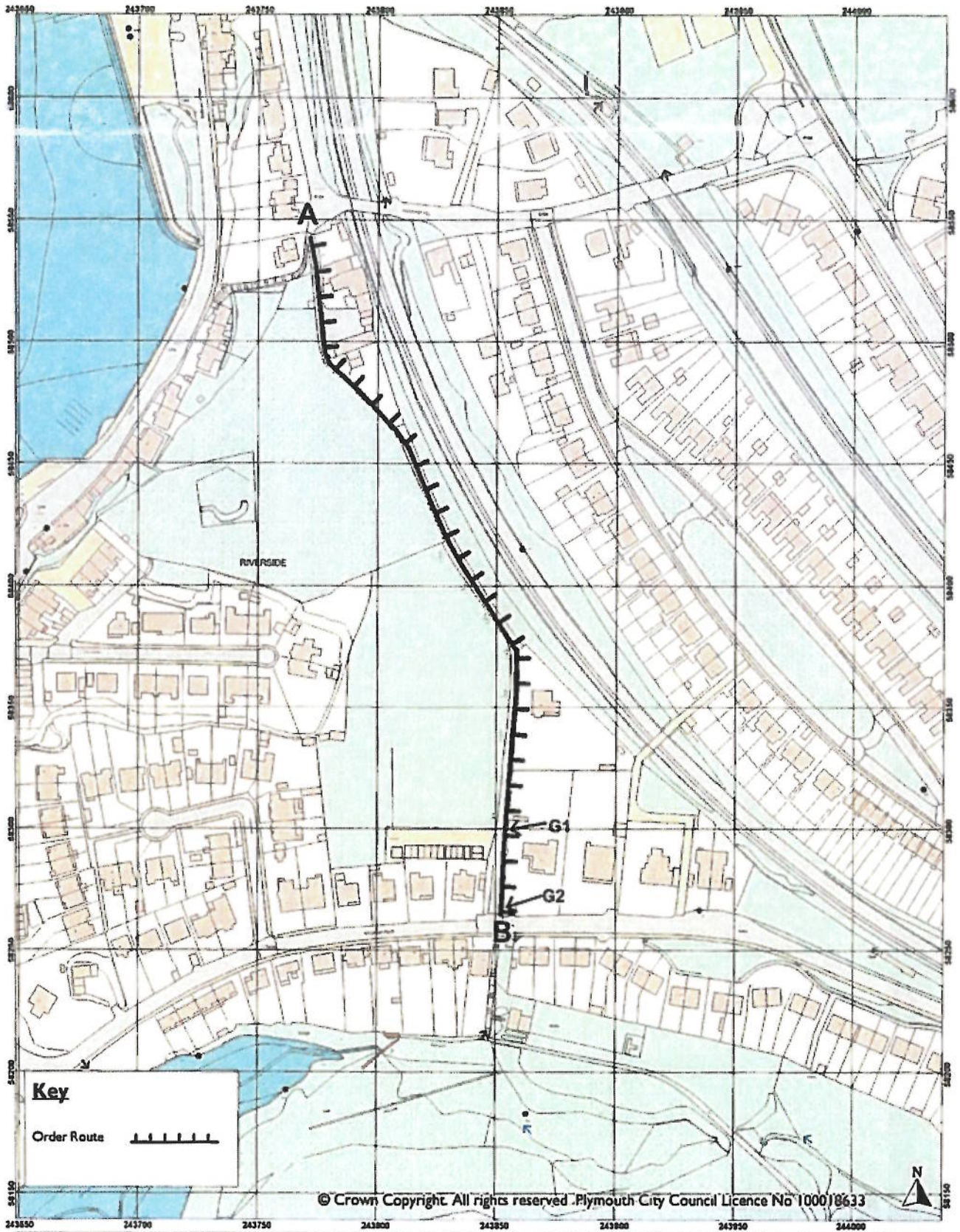
MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATH OR WAY

Path No.	Conclusive Evidential Provisions Position	Width	Limitations
1	FP from a point on Normandy Hill marked (GR SX43775854) and heading in a generally southeasterly then southerly direction for a distance of 300 metres to a point on the adopted highway known as Wolseley Road (GR SX43855826).	SX43775854 - SX43775849 - 4m SX43775849 - SX43815845 - 2m SX43815845 - SX43855837 - 3.5m SX43855837 - SX43855830 - 3m SX43855830 - SX43855826 - 2.5m	G1 - Gate at SX43855830 G2 - Gate at SX43855826

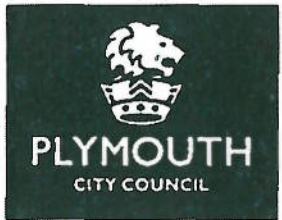
Non-conclusive Information

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WILDLIFE AND COUNTRYSIDE ACT 1981
ADDITION OF A PUBLIC FOOTPATH FROM NORMANDY HILL
TO WOLSELEY ROAD

Scale 1:1980



WILDLIFE AND COUNTRYSIDE ACT 1981

THE CITY OF PLYMOUTH

(FOOTPATH NO 1, ST BUDEAUX)

DEFINITIVE MAP MODIFICATION ORDER 2016