

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Devon County Council
(Footpaths No. 21, Combe Raleigh and No. 59, Luppitt); 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 **15 August 2017**.

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** to them:

Footpath No. 21, Combe Raleigh from the Dunkeswell-Honiton road near Combe Hill (GR ST 15700326), northwards along an access track to Ellishayes Farm and through a yard between the farm buildings, through woodland and across two fields to the parish boundary with Luppitt running along a stream (GR ST 15710409), continuing in Luppitt parish as Footpath No 59; and

Footpath No. 59, Luppitt from the end of the minor road northwest of Higher Shelvin Farm at a gateway (GR ST 1600461), southwestwards along a track leading to Lower Shelvin Farm and across a small ford onto an access track passing Bishops Cottage, then crossing three fields to the parish boundary with Combe Raleigh running along a stream (GR ST 15710409), continuing in Combe Raleigh parish as Footpath No. 21.

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 ROW/3174227 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, Public Rights of Way Section, ABG Lucombe House, County Hall, Exeter between the hours of 9am and 4pm, Monday to Friday;
- East Devon District Council, Knowle, Sidmouth, between the hours of 8.30am and 5pm, Monday to Friday; and
- the Secretary to Combe Raleigh Parish Meeting and the Clerk to Luppitt Parish Council, by appointment.

To arrange a viewing at the offices of Devon County Council please telephone Mr Nick Steenman-Clark on 01392 382856.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 29 August 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, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 10 October 2017]

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 full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) 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.

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 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).

Within 14 weeks of the start date [by 21 November 2017]

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 30th November 2016

**WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(FOOTPATHS No. 21, COMBE RALEIGH and
No. 59, LUPPITT)
DEFINITIVE MAP MODIFICATION ORDER 2016**

**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
(FOOTPATHS No. 21, COMBE RALEIGH and
No. 59, LUPPITT)
DEFINITIVE MAP MODIFICATION ORDER 2016

This Order is made by Devon County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") as directed by the Secretary of State under paragraph 4(2) of Schedule 14 to 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 other 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 public path.

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 24th November 2016
2. The County of Devon Definitive Map and Statement shall be modified as described in Parts I and 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 (Footpaths No. 21, Combe Raleigh and No. 59, Luppitt) Definitive Map Modification Order 2016.

DATED this *30th* day of *November* 2016

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

[Signature]
A Duly Authorised Officer

DOCUMENT No. *47637*



SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF PATHS TO BE ADDED

Footpath No. 21, Combe Raleigh

This path is a Footpath. It is situated in the administrative district of East Devon and in the parish of Combe Raleigh. It starts from the Dunkeswell–Honiton road near Combe Hill, point V on plan no. HIW/PROW/16/87 (GR ST 15700326), proceeding generally northwards along an access track to Ellishayes Farm. It continues through a yard between the farm buildings, then through a small area of woodland and across two fields to end at a stream on the parish boundary with Luppitt, point W (GR ST 15710409).

The length of the path to be added is approximately 860 metres with a width varying between 5-6 metres where defined by the surface of the access track and 2 metres where undefined crossing the fields.

The path is shown on the plan as a broken black line with short intervals.

Footpath No. 59, Luppitt

This path is a Footpath. It is situated in the administrative district of East Devon and in the parish of Luppitt. It starts from the recorded end of the minor road northwest of Little Shelvin Farm at a gateway, point X (GR ST 1600461) on plan no. HIW/PROW/16/87, proceeding generally southwestwards along a track leading to Little Shelvin. It crosses a small ford onto an access track passing Bishops Cottage, then continues through a gateway and crossing three fields to end at a stream on the parish boundary with Combe Raleigh, point W (GR ST 15710409).

The length of the path to be added is approximately 610 metres with a width varying between 5-6 metres where defined by the surface of the access tracks and 2 metres where undefined crossing the fields.

The path is shown on the plan as a broken black line with short intervals.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATHS

Footpath No. 21, Combe Raleigh

From: Dunkeswell – Honiton Road, Combe Hill

To: Luppitt parish boundary

The path is a Footpath. It starts from the Dunkeswell–Honiton road near Combe Hill, proceeding generally northwards along an access track to Elishayes Farm and through a yard between the farm buildings. It continues through a small area of woodland and across two fields to end at a stream on the parish boundary with Luppitt, from where it continues as Footpath No. 59, Luppitt.

It is approximately 860 metres long with a width varying between 5 and 6 metres where defined by the surface of the access track and 2 metres where undefined crossing the fields. It has a surface mainly of tarmac and stone on the farm access tracks and passing through the farm buildings with grass, earth and stone in the fields.

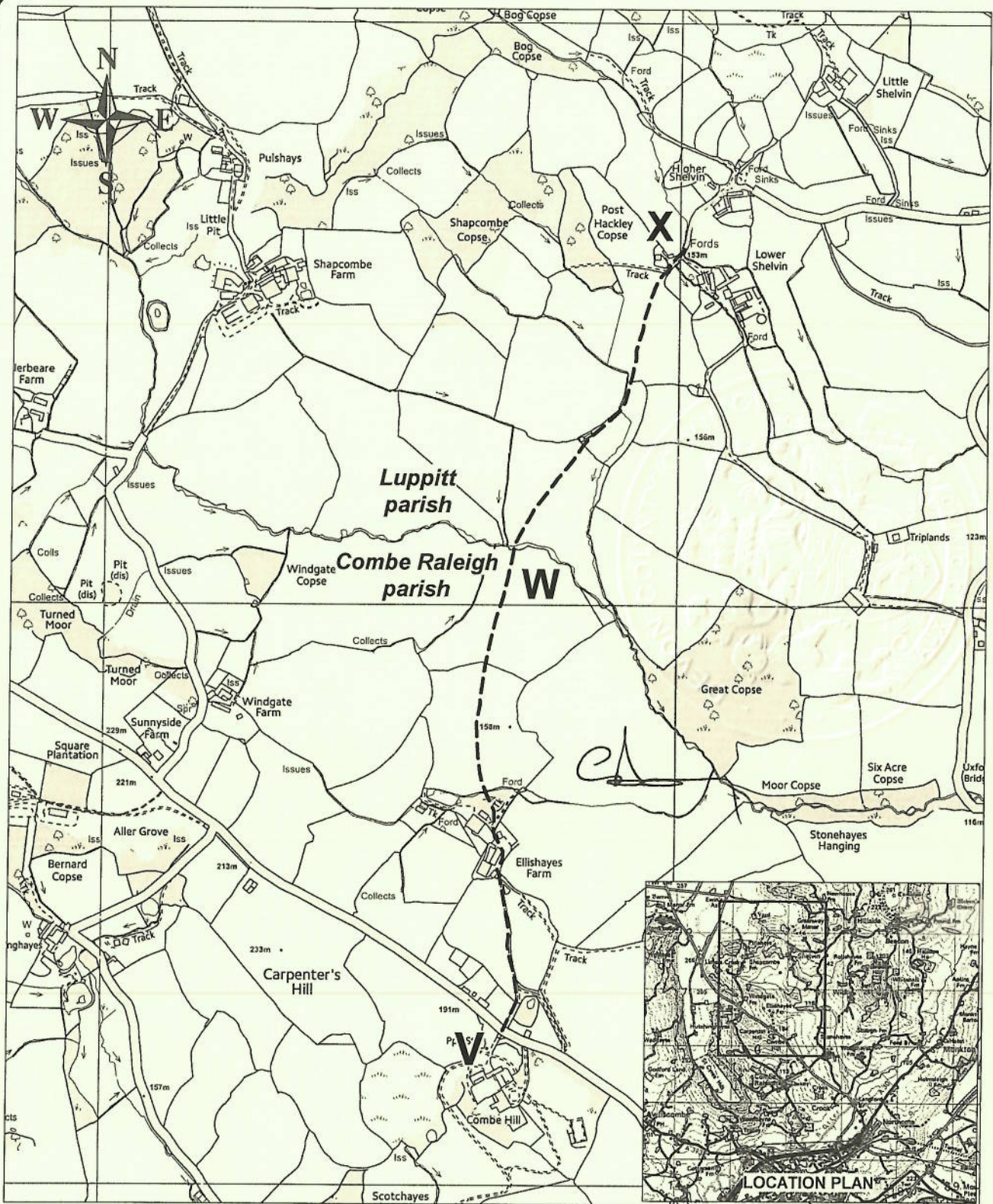
Footpath No. 59, Luppitt

From: End of county road, Little Shelvin

To: Combe Raleigh parish boundary

The path is a Footpath. It starts from the recorded end of the minor road northwest of Little Shelvin Farm at a gateway, proceeding generally southwestwards along a track leading towards Little Shelvin. It crosses a small ford onto an access track passing Bishops Cottage, then continues through a gateway and crossing three fields to end at a stream on the parish boundary with Combe Raleigh, from where it continues as Footpath No. 21, Combe Raleigh.

It is approximately 610 metres long with a width varying between 5 and 6 metres where defined by the surface of the access tracks and 2 metres where undefined crossing the fields. It has a surface mainly of concrete and stone on the farm access tracks with grass, earth and stone in the fields.



map ref ST1403-04/1503-04/1603-04 Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright
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DEVON COUNTY COUNCIL
(Footpaths No. 21, Combe Raleigh
and No. 59, Luppitt)
Definitive Map Modification Order 2016

drawing number HIW/PROW/16/87
 date Nov 2016
 scale 1:10,000
 drawn by NSC

Notation Footpaths to be added
 (Combe Raleigh No. 21 V-W,
 Luppitt No. 59 W-X)
 Existing footpath

David Whitton
 HEAD OF HIGHWAYS,
 INFRASTRUCTURE DEVELOPMENT AND WASTE

