

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Devon County Council
(Restricted Byway No. 27, Berrynarbor) 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 **10 October 2017**.

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

The Inquiry will be held at **Combe Martin Community Hall, Church Street, Combe Martin, Devon, EX34 0LQ** on **Tuesday 10 April 2018** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the parish of Berrynarbor in the administrative district of the North Devon by:

Adding Restricted Byway No. 27 Berrynarbor

It starts on the Sterridge Valley county road 15 metres south of Footpath No.16 and follows the track that serves Middle Cock Hill Farm for 95 metres in a southerly direction, before turning south easterly just to the east of Woodlands Cottage, it then follows a track for 115 metres where it crosses the access to Woodlands House, here it then turns east, south easterly through an open area that is used as a garden, then onto an access track to re-join the county road Sterridge Valley 250 metres south of the starting point.

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/3174351 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 Public Rights of Way, Lucombe House, County Hall, Topsham Road, Exeter, Devon, EX2 4QD between 9am and 4pm Monday – Friday, or at North Devon District

Council Offices, Barnstaple. To arrange a viewing, please contact Mrs Alison Smith on Telephone Number 01392 383370.

As the Authority has indicated that it will not be supporting the Order at the Inquiry, the case for the Order will be presented by Mr Graham Sanders. He will be expected to adhere to the following timetable as if he were the Authority.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 5 December 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 16 January 2018]

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).

4 weeks before the date of the inquiry [by 13 March 2018]

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:

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.

- 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

23rd August 2016

WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(RESTRICTED BYWAY NO. 27, BERRYNARBOR)
DEFINITIVE MAP MODIFICATION ORDER 2016

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

Devon
County Council 

WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(RESTRICTED BYWAY NO. 27, BERRYNARBOR)
DEFINITIVE MAP MODIFICATION ORDER 2016

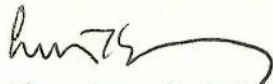
This Order is made by Devon County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the County of Devon Definitive Map and Statement require modification in consequence of the occurrence of an event specified in sections 53(3)(c)(i) 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 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 8th July 2016.
2. The County of Devon Definitive Map and Statement shall be modified as described in Part I & 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. 27, Berrynarbor) Definitive Map Modification Order 2016.

DATED this 23rd day of August 2016

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



A Duly Authorised Officer



DOCUMENT No. 47401

SCHEDULE

PART I MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF WAY TO BE ADDED

Restricted Byway No. 27, Berrynarbor

This way lies in the administrative district of North Devon and in the civil parish of Berrynarbor. The Restricted Byway starts on the Sterridge Valley county road 15 metres south of Footpath No.16, Berrynarbor, at point A GR(SS 553 14577) and follows the track that serves Middle Cock Hill Farm for 95 metres in a southerly direction, before turning south easterly at point B, GR (SS 5530 4568) just to the east of Woodlands Cottage, it then follows a track for 115 metres where it crosses the access to Woodlands House at point C, GR (SS 5536 4558) here it then turns east, south easterly through an open area that is used as a garden, then onto an access track to re-join the county road Sterridge Valley at point D, GR(SS 5544 4557) 250 metres south of point A.

The total length of the way to be added is approximately 295 metres with a width varying between about 2.6 metres and 3.6 metres over the track, and in the splayed junctions at points A and D it is about 10 metres wide. It is shown on the plan as a broken black line and small arrowheads between points A - B - C - D.

PART II

MODIFICATION OF DEFINITIVE STATEMENT VARIATION OF PARTICULARS OF WAY

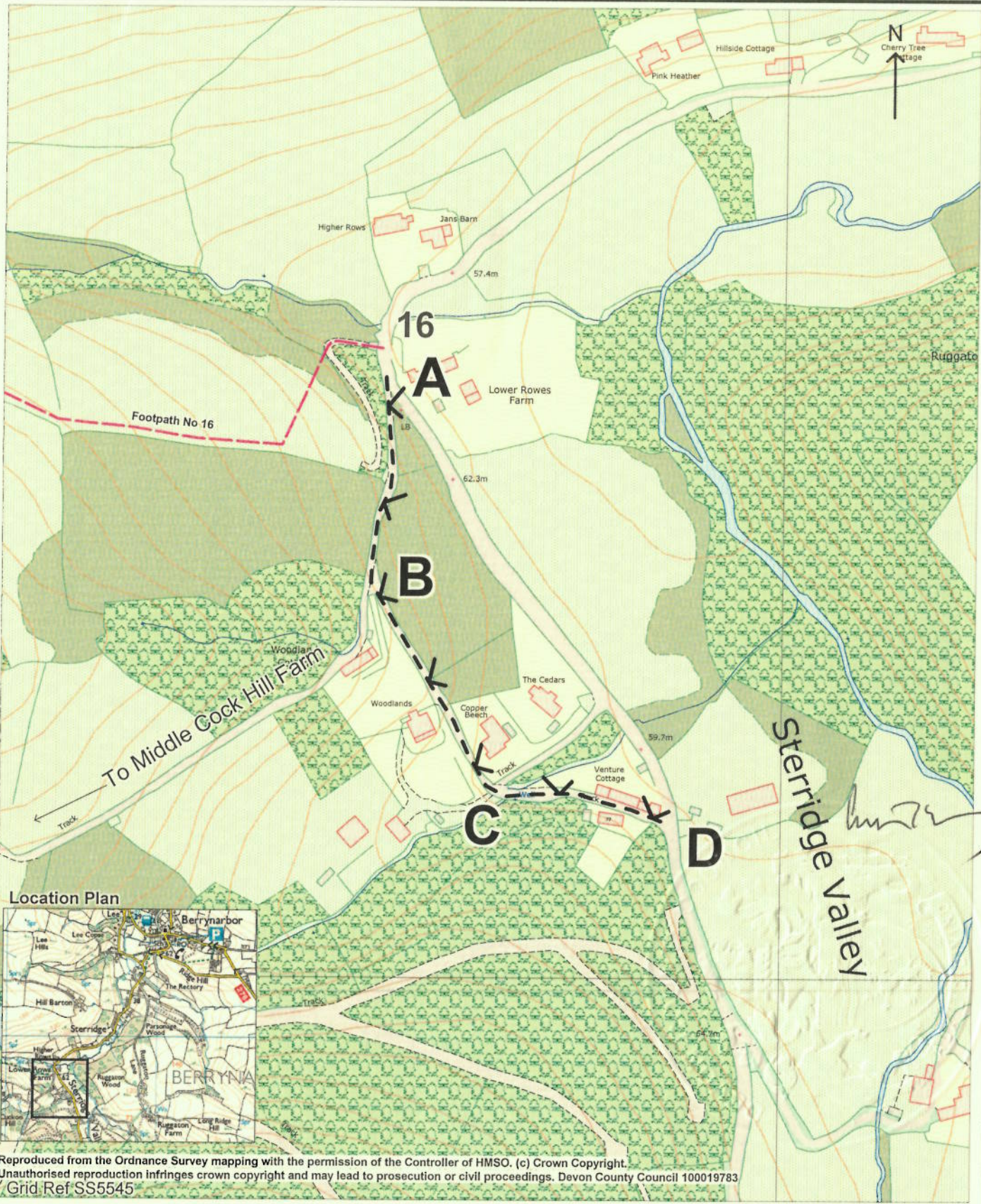
Restricted Byway No. 27, Berrynarbor

From: Sterridge Valley Road

To: Sterridge Valley Road

This is a Restricted Byway, it starts on the Sterridge Valley county road 15 metres south of Footpath No.16 and follows the track that serves Middle Cock Hill Farm for 95 metres in a southerly direction, before turning south easterly just to the east of Woodlands Cottage, it then follows a track for 115 metres where it crosses the access to Woodlands House, here it then turns east, south easterly through an open area that is used as a garden, then onto an access track to re-join the county road Sterridge Valley 250 metres south of the starting point.

The Restricted Byway has a section of concrete surface (the privately maintained track to Middle Cockhill Farm) and the rest is unsealed with a mud, stone and bedrock surface. The total length of the way to be added is approximately 295 metres. Its width varies between 2.6 metres and 3.6 metres where defined by hedges and boundaries. In the splayed junctions at point A and D it is about 10 metres wide.



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Grid Ref SS5545

**WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP
AND STATEMENT
DEVON COUNTY COUNCIL
(RESTRICTED BYWAY NO.27, BERRYNARBOR)**


Plan No. HCW/PROW/16/29


Scale 1: 2500

date July 2016

drawn by AS

Notation

Restricted Byway No. 27A-B-C-D  295 m

Existing Footpath 

Devon  David Whitton
County Council Head of Highways
Capital Development & Waste

