

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981**

### **SECTION 53**

Devon County Council  
(Footpath Nos. 16, 17, 18, 19 & 20, Combe Raleigh and No. 5  
Awliscombe) 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. Following an earlier hearing, the Inspector appointed to determine the Order issued a letter in which he proposed to make modifications to the Order as drafted. Following advertisement of those one objection/representation has been received.

The **start date** for the above Order is **6 June 2018**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case which contain evidence in respect of the Inspector's proposed modifications in respect of the route to be retained and upgraded to restricted byway status – Combe Raleigh 20 (referred to in the decision as CR5).

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. 16, Combe Raleigh** from the minor county road to Combe Raleigh village from Honiton near Keeper's Cottage (GR ST 16130138) along a track to Woodhayne Farm passing to the east and north of the farm to join Footpath No.5, Combe Raleigh (GR ST 15730165);

**Footpath No. 17, Combe Raleigh** from Footpath No. 16 on the track to Woodhayne Farm (GR ST 16080146) crossing fields to a gateway on the minor road, Rectory Lane, near Torswood (GR ST 15910191), continuing on a track through the eastern edge of Rectory Wood opposite Torswood and across fields to the minor county road from Combe Raleigh village near Fletchers (GR ST 15440218);

**Footpath No. 18, Combe Raleigh** from the end of Footpath No.5, Awliscombe on the edge of woodland at the parish boundary (GR ST 15350181), over a stream and across fields to the minor county road from Combe Raleigh village near Paradise Cottage (GR ST 15750222);

**Footpath No. 19, Combe Raleigh** from Footpath No. 17 on the track in the eastern edge of Rectory Wood opposite Torswood (GR ST 15880190) across fields onto an access track to the minor county road from Combe Raleigh village opposite Barton Farm (GR ST 15850226);

**Footpath No. 20, Combe Raleigh** from the minor road on St. Cyres' Hill alongside the parish boundary with Awliscombe near the junction with Greenway Lane (GR ST 14280274) along a track across the top of St

Cyres' Hill onto a track running through woodlands on the eastern slopes of the hill to end on the section of unsurfaced county road continuing from the end of the cul-de-sac minor county from Combe Raleigh village (GR ST 15160233); and

**Footpath No.5, Awliscombe** from the minor county road leading from the A373 north-west of Honiton passing Tracey onto St. Cyres' Hill, opposite the memorial cross near Pulshayes Farm (GR ST 15090166) along a track running through the Tracey estate woodlands to end on the parish boundary (GR ST 15350181), continuing in Combe Raleigh parish as Footpath No. 18.

The effect of the proposed modifications would be to provide for the following:

- Delete all references to the title of the Order and insert "*Devon County Council (Restricted Byway No. 20, Combe Raleigh) Definitive Map Modification Order 2016*".
- Delete the first, second, third, fourth and sixth descriptions in Parts I and II of the Order Schedule.
- Delete all references to "*footpath*" in relation to CR5 and insert "*restricted byway*".
- Delete the final line in the fifth description in Part I of the Order Schedule and insert "*The path is shown on the plan as a broken line with small arrowheads*".
- Remove CRs 1-4 from the Order Map.
- Show CR5 on the Order Map by way of the notation for a restricted byway and amend the map key accordingly.

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](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number FPS/J1155/7/115M1 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 following locations:

- 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 Clerks to Combe Raleigh Parish Meeting and Awliscombe Parish Council, by appointment.

To arrange a viewing at the offices of Devon County Council, please contact the Public Rights of Way mailbox at [prow@devon.gov.uk](mailto:prow@devon.gov.uk)

## **Timetable for sending in statements of case and comments**

### **Within 8 weeks of the start date [by 1 August 2018]**

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modifications or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after receiving it the Secretary of State will send a full copy 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 everyone who has made an objection or representation following the proposed modifications, the applicant and any other person who has previously written to us in respect of the Order.

### **Within 14 weeks of the start date [by 12 September 2018]**

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

All parties must keep to the timetable set out above and ensure that statements of case 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 w/r mods

**DATED 10<sup>th</sup> June 2016**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT**

**DEVON COUNTY COUNCIL**

**(FOOTPATH Nos. 16, 17, 18, 19 & 20, COMBE RALEIGH and  
No. 5, AWLISCOMBE)**

**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

(FOOTPATH Nos. 16, 17, 18, 19 and 20, COMBE RALEIGH and  
No. 5, AWLISCOMBE)

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 17<sup>th</sup> March 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 (Footpath Nos. 16, 17, 18, 19 and 20, Combe Raleigh and No. 5, Awliscombe) Definitive Map Modification Order 2016.

DATED this *10<sup>th</sup>* day of *June* 2016

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

*[Signature]*  
A Duly Authorised Officer



DOCUMENT No. *47210*

## SCHEDULE

### PART I

#### MODIFICATION OF DEFINITIVE MAP

#### DESCRIPTION OF PATHS TO BE ADDED

##### **Footpath No. 16, 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 minor county road to Combe Raleigh village from Honiton near Keeper's Cottage, point A on plan no. HCW/PROW/16/19 (GR ST 16130138), proceeding generally northwestwards along an access track towards Woodhayne Farm passing Keeper's Cottage and alongside Combe Wood to the start of Footpath No. 17 at point B (GR ST 16080146). It continues along the track passing Pheasantry and turns north-northwestwards through a gateway into a field to the east of Woodhayne Farm, turning westwards in the field to pass between buildings to the north of the farm and through a gateway to join Footpath No. 5, Combe Raleigh at point C (GR ST 15730165).

The length of the path to be added is approximately 565 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 field.

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

##### **Footpath No. 17, 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 Footpath No. 16 on the access track to Woodhayne Farm west of Combe Wood near Pheasantry at point B (GR ST 16080146) on plan no. HCW/PROW/16/19, proceeding north-northwestwards from a gateway crossing two fields alongside the wood then through a gateway and across a field northwest of the wood to a gateway on the minor road, Rectory Lane, near Torswood at point D (GR ST 15910191). It continues from the road northwards on a track passing through the eastern edge of Rectory Wood opposite Torswood, turning west-northwestwards across a field to the corner of Barton Wood at point E (GR ST 15540202), then turning northwestwards across fields west of the wood to end on the minor county road from Combe Raleigh village near Fletchers at point F (GR ST 15440218).

The length of the path to be added is approximately 1095 metres with a width of 2 metres where undefined crossing the fields.

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

##### **Footpath No. 18, 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 end of Footpath No. 5, Awliscombe on the edge of woodland at the parish boundary, point H on plan no. HCW/PROW/16/19 (GR ST 15350181), proceeding generally northeastwards over a stream and across a field, then turning eastwards through a gateway and continuing northeastwards across a field to point E (GR ST 15540202) on Footpath No. 17 at the edge of Barton Wood. It continues northeastwards across the field alongside the wood and through a gateway to end on the minor county road from Combe Raleigh village at point I (GR ST 15750222), near Paradise Cottage.

The length of the path to be added is approximately 600 metres with a width of 2 metres where undefined crossing the fields.

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

**Footpath No. 19, 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 Footpath No. 17 on the track in the eastern edge of Rectory Wood opposite Torswood point D on plan no. HCW/PROW/16/19 (GR ST 15880190), proceeding generally northwards alongside the eastern boundary hedge of a field and crossing a drain, then turning north-northwestwards across a field onto an access track passing farm buildings and through a gateway to end on the minor county road from Combe Raleigh village opposite Barton Farm at point J (GR ST 15850226).

The length of the path to be added is approximately 370 metres with a width varying between 4 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. 20, 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 minor road on St. Cyres' Hill alongside the parish boundary with Awliscombe near the junction with Greenway Lane, point K on plan no. HCW/PROW/16/19 (GR ST 14280274), proceeding east-northeastwards through a gateway onto a field access track between wooded banks across the top of St Cyres' Hill. It continues onto a track turning northwards and then generally southeastwards running through woodlands on the eastern slopes of the hill, past the junction with a track to a reservoir and passing a pump house then through a gateway to end on the section of unsurfaced county road continuing from the minor county road from Combe Raleigh village at point L (GR ST 15160233).

The length of the path to be added is approximately 1210 metres with a width varying between 3-4 metres where defined by the surface of the track and 2 metres where undefined along the field access track.

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

**Footpath No. 5, Awliscombe**

This path is a Footpath. It is situated in the administrative district of East Devon and in the parish of Awliscombe. It starts from the minor county road leading from the A373 north-west of Honiton passing Tracey onto St. Cyres' Hill, opposite the memorial cross near Pulshayes Farm, point G on plan no. HCW/PROW/16/19 (GR ST 15090166), proceeding along an access track running generally northeastwards through the Tracey estate woodlands to end on the parish boundary, point H (GR ST 15350181), continuing in Combe Raleigh parish as Footpath No. 18.

The length of the path to be added is approximately 310 metres with a width of 2 metres where undefined on the track.

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. 16, Combe Raleigh**

From: Minor road from Honiton to Combe Raleigh

To: Footpath No. 5, Combe Raleigh

The path is a Footpath. It starts from the minor county road to Combe Raleigh village from Honiton near Keeper's Cottage, proceeding northwestwards along an access track towards Woodhayne Farm passing Keeper's Cottage and Pheasantry. It turns north-northwestwards off the track through a gateway into a field to the east of Woodhayne Farm then turning westwards to pass between buildings to the north of the farm and through a gateway to join Footpath No. 5, Combe Raleigh.

It is approximately 570 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 field and a surface mainly of tarmac on the farm access track with grass, earth and stone in the field and passing through the farm buildings.

##### **Footpath No. 17, Combe Raleigh**

From: Footpath No. 16, Combe Raleigh

To: Minor road from Combe Raleigh village

The path is a Footpath. It starts from Footpath No. 16 on the access track to Woodhayne Farm west of Combe Wood near Pheasantry, proceeding north-northwestwards from a gateway crossing two fields alongside the wood then through a gateway and across a field northwest of the wood to a gateway on the minor road, Rectory Lane, near Torswood. It continues from the road northwards on an access track passing through the eastern edge of Rectory Wood opposite Torswood, turning west-northwestwards across a field to the corner of Barton Wood, then northwestwards across fields west of the wood to end on the minor county road from Combe Raleigh village near Fletchers.

It is approximately 1095 metres long with a width of 2 metres where undefined crossing the fields and a surface mainly of grass, earth and stone in the fields and on the access track.

##### **Footpath No. 18, Combe Raleigh**

From: Footpath No. 5, Awliscombe

To: Minor road from Combe Raleigh village

The path is a Footpath. It starts from the end of Footpath No. 5, Awliscombe on the edge of woodland at the parish boundary, proceeding generally northeastwards over a stream and across a field, then turning eastwards through a gateway and continuing northeastwards across a field to Footpath No. 17 at the edge of Barton Wood. It continues northeastwards across the field alongside the wood and through a gateway to end on the minor county road from Combe Raleigh village near Paradise Cottage.

It is approximately 600 metres long with a width of 2 metres where undefined crossing the fields and a surface mainly of grass, earth and stone.



**Footpath No. 19, Combe Raleigh**

From: Footpath No. 17, Combe Raleigh

To: Minor road from Combe Raleigh village

This path is a Footpath. It starts from Footpath No. 17 on the track in the eastern edge of Rectory Wood opposite Torswood, proceeding generally northwards alongside the eastern hedge of a field and crossing a drain, then turning north-northwestwards across a field onto an access track passing between farm buildings and through a gateway to end on the minor county road from Combe Raleigh village opposite Barton Farm.

It is approximately 370 metres long with a width varying between 4 metres where defined by the surface of the access track and 2 metres where undefined crossing the fields. It has a surface mainly of grass, earth and stone in the fields with some concrete on the farm access track passing between the farm buildings.

**Footpath No. 20, Combe Raleigh**

From: Minor road, St. Cyres' Hill

To: End of unsurfaced county road, St. Cyres' Plantation

The path is a Footpath. It starts from the minor county road on St. Cyres' Hill alongside the parish boundary with Awliscombe near the junction with Greenway Lane, proceeding east-northeastwards through a gateway onto a field access track between wooded banks across the top of St Cyres' Hill. It continues onto a track turning northwards and then generally southeastwards running through woodlands on the eastern slopes of the hill, past the junction with a track to a reservoir and passing a pump house then through a gateway to end on the section of unsurfaced county road continuing from the minor county road from Combe Raleigh village.

It is approximately 1210 metres long with a width varying between 3 and 4 metres where defined by the surface of the track and 2 metres where undefined along the field access track. It has a surface mainly of earth, stone and grass on the tracks.

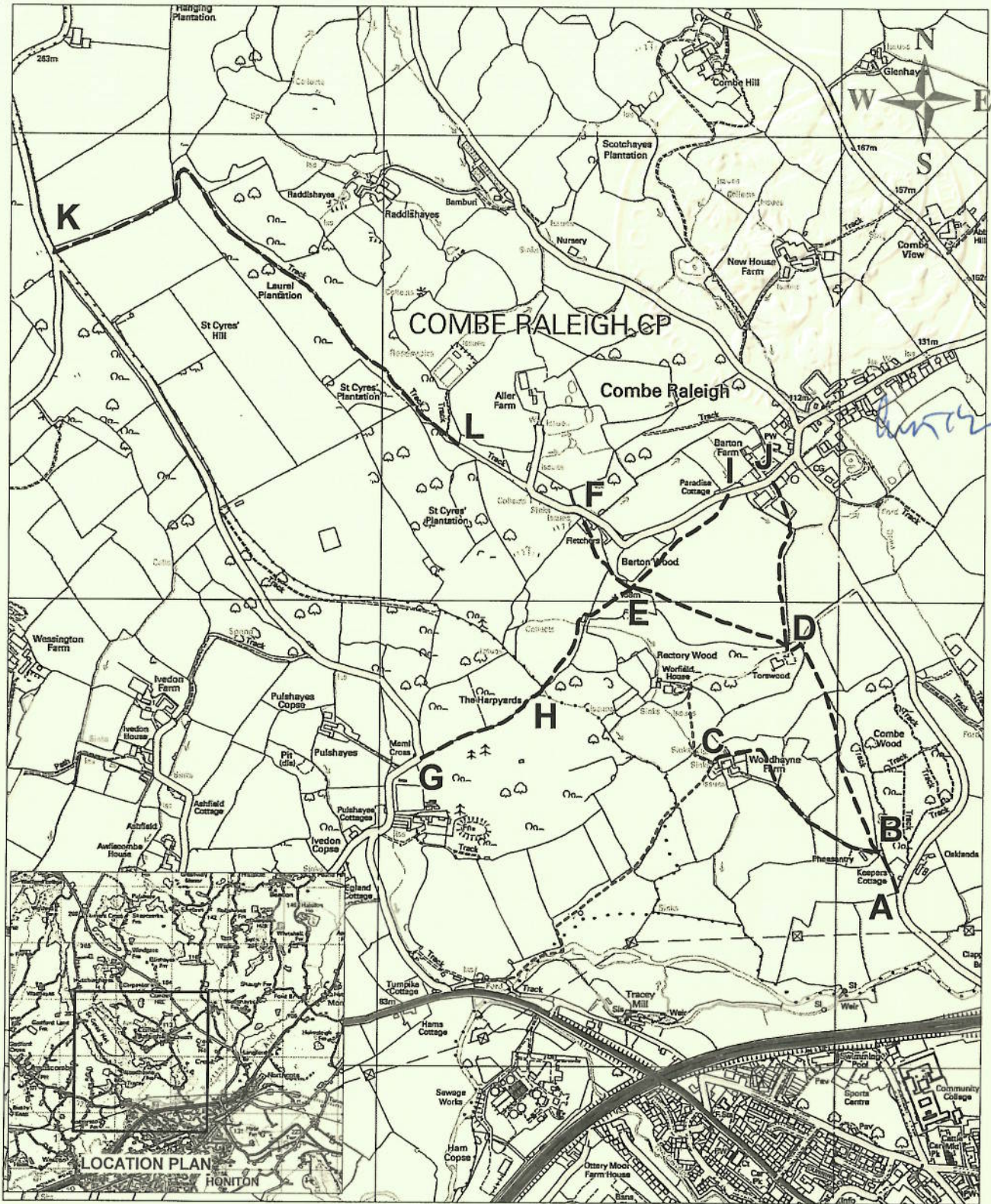
**Footpath No. 5, Awliscombe**

From: Minor road, near Pulshayes

To: Footpath No. 18, Combe Raleigh

This path is a Footpath. It starts from the minor county road leading from the A373 north-west of Honiton passing Tracey onto St. Cyres' Hill, opposite the memorial cross near Pulshayes Farm, proceeding along an access track running generally northeastwards through the Tracey estate woodlands to end on the parish boundary, continuing in Combe Raleigh parish as Footpath No. 18.

It is approximately 310 metres long with a width of 2 metres where undefined on the access track. It has a surface mainly of earth, stone and grass on the track.



map ref ST1401-03/1501-03/1601-03

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**DEVON COUNTY COUNCIL**  
 (Footpath Nos. 16, 17, 18, 19 and 20,  
 Combe Raleigh and No. 5, Awliscombe)  
**Definitive Map Modification Order 2016**

drawing number **HCW/PROW/16/19**  
 date **Apr 2016**  
 scale **1:12,500**  
 drawn by **NSC**

**Notation**

<b>Footpaths to be added</b>	-----
(Combe Raleigh: No. 16 A-B-C; No. 17 B-D-E-F; No. 18 H-E-I; No. 19 D-J; No. 20 K-L Awliscombe: No. 5 G-H)	
<b>Existing footpaths</b>	.....

**David Whitton**  
 HEAD OF HIGHWAYS, CAPITAL DEVELOPMENT & WASTE

