

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Devon County Council

(Footpath No. 2, Culmstock (part) & Bridleway No. 38, Culmstock and Restricted Byway No. 1, Hemyock) Definitive Map Modification Order 2012

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 inquiry, the Inspector appointed to determine the Order issued a letter in which she proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections/representations have been received.

The **start date** for the above Order is **19 July 2016**.

Consideration of the Order will take the form of a hearing. It is being held so that the Inspector can hear evidence in respect of the modified part of the Order **and** new evidence in respect of the unmodified part of the Order. Issues raised in the submissions and on which further evidence/argument is particularly invited are:-

1. The status of the Order route A-B, B-C, C-D
2. The 1829 Stopping-up Order
3. Weighing the documentary evidence
4. The user evidence

The Hearing will be held at **Hemyock Church Rooms, Cornhill, Hemyock, Devon, EX15 3RQ** on **Tuesday 6 December 2016** 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** Footpath No.2, Culmstock (part) and Bridleway No. 38, Culmstock and Restricted Byway No. 1, Hemyock and **UPGRADING** Footpath No. 2 Culmstock (part) to Bridleway No. 38 Culmstock.

**Footpath No. 2 Culmstock (part)** starts at the county road at Pitt Farm Culmstock and proceeds south eastwards along the farm track then north through a field gate and continues as Footpath No. 2, Culmstock to the Hemyock parish boundary.

**Bridleway No. 38, Culmstock** starts at the county road at Pitt Farm Culmstock and proceeds in an east south easterly direction along a farm track and continues through a hedged lane to the Culmstock/Hemyock parish boundary to join Restricted Byway No. 1, Hemyock.

**Restricted Byway No. 1 Hemyock** starts at the Culmstock/Hemyock parish boundary and continues south easterly through a predominantly hedged lane to join the county road south of Clements Farm Hemyock.

The effect of the proposed modifications would be to modify the Order by providing for the following modifications:

- References to Bridleway in the Order and on the Order plan be replaced with the word "Footpath"
- In the preamble to the Order, delete "(ii)" in line 5, and delete "that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description" in lines 9 to 11

#### In Part I of the Schedule to the Order

- under the modified heading "Footpath No.38, Culmstock" delete "with cross bars in the intervals" in the last sentence of the description
- under the heading Restricted Byway No. 1, Hemyock, replace the word 'Bridleway' with "Byway" in the first sentence
- delete the heading "Description of Path to be Upgraded" and the paragraphs beneath

#### In Part II of the Schedule to the Order

- under the heading "Footpath No.2, Culmstock", after the word "From" delete "Bridleway No.38" and insert "The county road at Pitt Farm,"; and, in line one of the description after the words "It starts at" delete "Bridleway No.38, Culmstock" and replace with "the county road at Pitt Farm and proceeds south eastwards to where the path continues north through a gate into a field"; and, in line five, after the word "approximately" insert "120 metres long and 2.5 – 4 metres wide as defined by the farm track, then"
- under the modified heading "Footpath No.38, Culmstock", after the word "From" delete "minor county road" and insert "GR (ST 1104,1437)"; and, in line one of the description after the words "It starts at" delete "the minor county road" and insert "Footpath No.2, Culmstock at GR (ST 1104,1437)"; and, in line five, delete "335" and replace with "215"
- On the plan attached to the Order (drawing Number HTM/PROW/11/76) amend the notation for modified Footpath No.38 to a broken line

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/J1155/7/108M1 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 Rights of Way Section, County Hall:-Public Rights of Way, ABG, Lucombe House, County Hall, Topsham Road, Exeter, Devon, EX2 4QD, between 10 – 4.30 Monday to Fridays. To arrange a viewing, please contact Ms Emily Spurway on Telephone Number (01392) 382833.

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

#### **Within 8 weeks of the start date [by 13 September 2016]**

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modifications and anyone who wishes to give evidence at the Hearing must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after receiving it 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 following the proposed modifications, the applicant and anyone else who has previously written to us in respect of the Order.

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.

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<sup>1</sup> 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 hearing.