

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. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **28 March 2017**.

Consideration of the Order will take the form of a hearing.

The Hearing will be held at **Awliscombe Parish Hall, Awliscombe, Honiton, Devon, EX14 3PJ** on **Tuesday 15 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:

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.

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/J1155/7/115 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 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 Mr Nick Steenman-Clark on Telephone Number 01392 382856.

As the Authority has indicated that it will not be supporting the Order at the hearing, the case for the Order will be presented by Mrs R Kimbell for the Ramblers. She will be expected to adhere to the following timetable as if she were the Authority.

Timetable for sending in statements of case

Within 8 weeks of the start date [by 23 May 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, although 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 12 weeks of the start date [by 20 June 2017]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing 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).

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 hearing

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 hearing.

DATED 10th 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 17th 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 10th day of June 2016

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

[Handwritten 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.

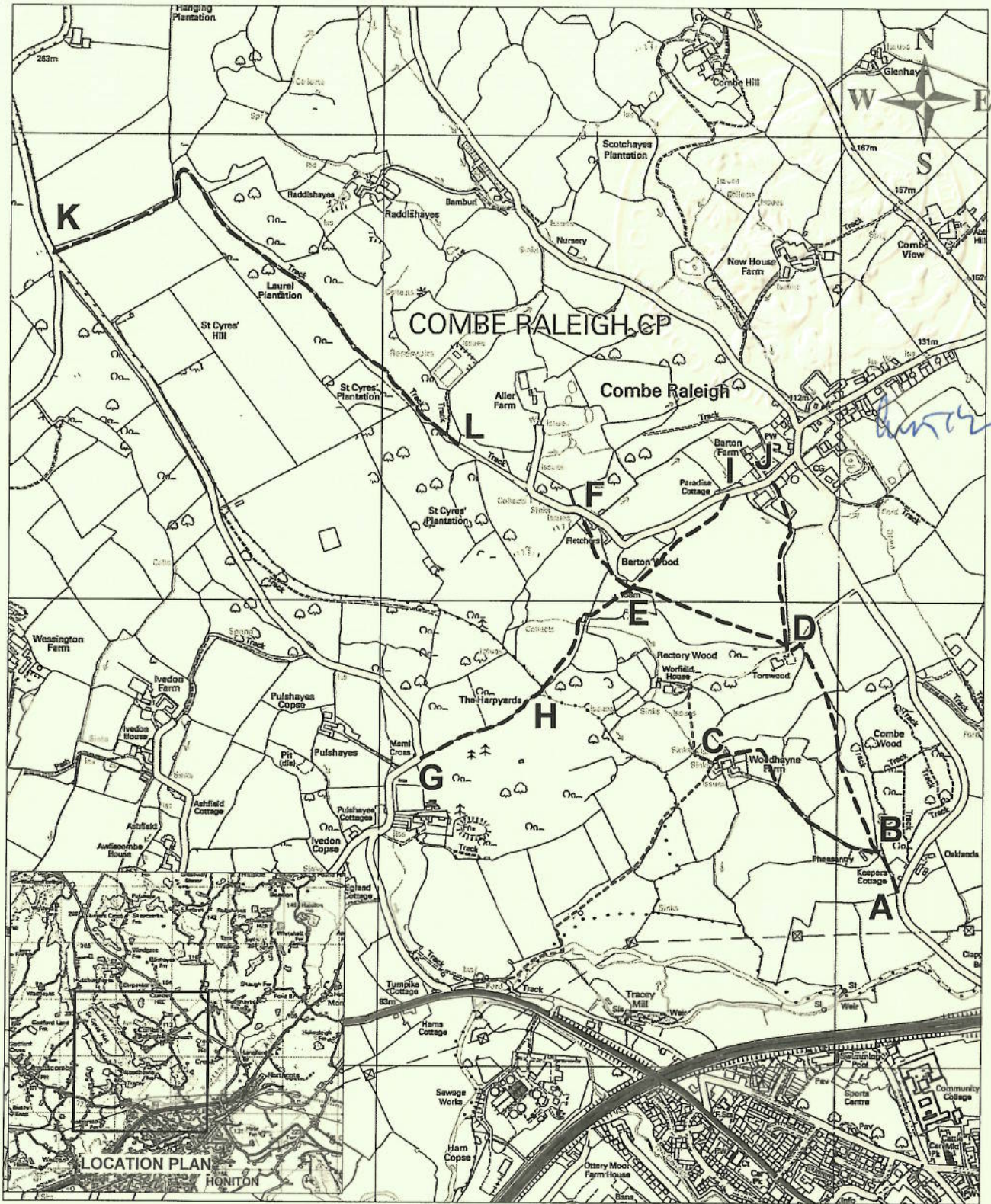
Footpath No. 5, Awliscombe

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.



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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 Footpaths to be added - - - - -
 (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)
 Existing footpaths - - - - -

David Whitton
 HEAD OF HIGHWAYS, CAPITAL DEVELOPMENT & WASTE

