

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Devon County Council  
(Restricted Byway No. 50, East Down) Definitive Map Modification Order  
2018

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 **19 March 2019**.

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

The Hearing will be held at **East Down Old School, East Down, Barnstaple, Devon, EX31 4LX** on **Tuesday 6 August 2019** 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 a restricted byway from the county road east of Prince's Gate and Bridge, along a generally defined lane to and through Shortacombe, and upgrading part of Footpath No. 20, East Down, to restricted byway between Shortacombe and the county road, Dudmoor Lane at Shortacombe Corner, in the parish of East Down, and administrative district of North Devon.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646.

Email: [helen.sparks@planninginspectorate.gov.uk](mailto:helen.sparks@planninginspectorate.gov.uk)

Please quote reference number ROW/3214747 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 at PROW, Room ABG, Lucombe House, County Hall, Topsham Road, Exeter, Devon, EX2 4QD between the hours of 9am – 4.30pm Monday – Thursday and 9am – 4pm Fridays. To arrange a viewing of the documents, please contact Ms Caroline Gatrell on Telephone Number 01392 383240.

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

**Within 8 weeks of the start date [14 May 2019]**

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 11 June 2019]**

Everyone who has made an objection or representation 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 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

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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.

**DATED 16<sup>th</sup> February 2018**

**WILDLIFE AND COUNTRYSIDE ACT 1981  
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT  
DEVON COUNTY COUNCIL  
(RESTRICTED BYWAY NO. 50, EAST DOWN)  
DEFINITIVE MAP MODIFICATION ORDER 2018**

**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. 50, EAST DOWN)**  
**DEFINITIVE MAP MODIFICATION ORDER 2018**

**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) and (ii) namely: the discovery by the authority of the evidence which (when considered with all 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, and 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.

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 9<sup>th</sup> November 2017.
2. The County of Devon Definitive Map and Statement shall be modified as described in Part I and 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. 50, East Down) Definitive Map Modification Order 2018.

DATED this 16<sup>th</sup> day of February 2018

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

  
A Duty Authorised Officer



DOCUMENT No. 48755 .....



## SCHEDULE

### PART I

#### MODIFICATION OF DEFINITIVE MAP

##### DESCRIPTION OF PUBLIC RIGHT OF WAY TO BE ADDED

###### **Restricted Byway No. 50, East Down**

The restricted byway to be added is situated in the administrative district of North Devon and civil parish of East Down.

It starts at point E (GR SS 5846 4162) as shown on Drawing No. HIW/PROW/17/66 attached, at the junction with the county road from Prince's Gate Bridge, and proceeds in a generally east north eastwards direction along a hedged lane, with an earth, stone and grass surface, via point F (GR SS 5864 4165) to point G (GR SS 5881 4169), on the southwest side of Shortacombe. It then turns north eastwards to point X through the garden of Lower Court Barn, then eastwards to point H (GR SS 5887 4172), re-joining a defined lane. From here the way turns northwards along a defined stone and rock surfaced lane to point I (GR SS 5888 4177), then north eastwards past Shortacombe Lodge and House and through Shortacombe Gate to point J (GR SS 5892 4181) on the northeast side of Shortacombe.

The width of the way for the most part varies between 2.4 metres and 5.6 metres where defined by hedge banks. Through the property registered as Lower Court Barn the way has a width of between 2.7 metres and 6.3 metres, as shown on the historic Ordnance Survey mapping. The length of the way to be added is approximately 545 metres.

The path is shown on the plan as a broken black line with small arrowheads on one side.

##### DESCRIPTION OF PUBLIC RIGHT OF WAY TO BE UPGRADED

###### **Footpath No. 20, East Down**

The footpath to be upgraded to a restricted byway is situated in the administrative district of North Devon and civil parish of East Down.

It starts at point J (GR SS 5892 4181) as shown on Drawing No. HIW/PROW/17/66 attached, on the northeast side of Shortacombe Gate and proceeds generally north north eastwards, then northwards along a hedged lane, with a generally stone surface to point K (GR SS 5896 4200) at the county road, Dudmoor Lane at Shortacombe Corner.

The width of the way for the most part varies between 2.9 metres and 5.5 metres where defined by hedge banks, extending to 7.8 metres at the splay at Shortacombe Corner. The length of the way to be added is approximately 209 metres.

The path is shown on the plan as a broken black line with small arrowheads on one side.

## PART II

### MODIFICATION OF DEFINITIVE STATEMENT

#### VARIATION OF PARTICULARS OF PUBLIC RIGHTS OF WAY

**Restricted Byway No. 50, East Down**

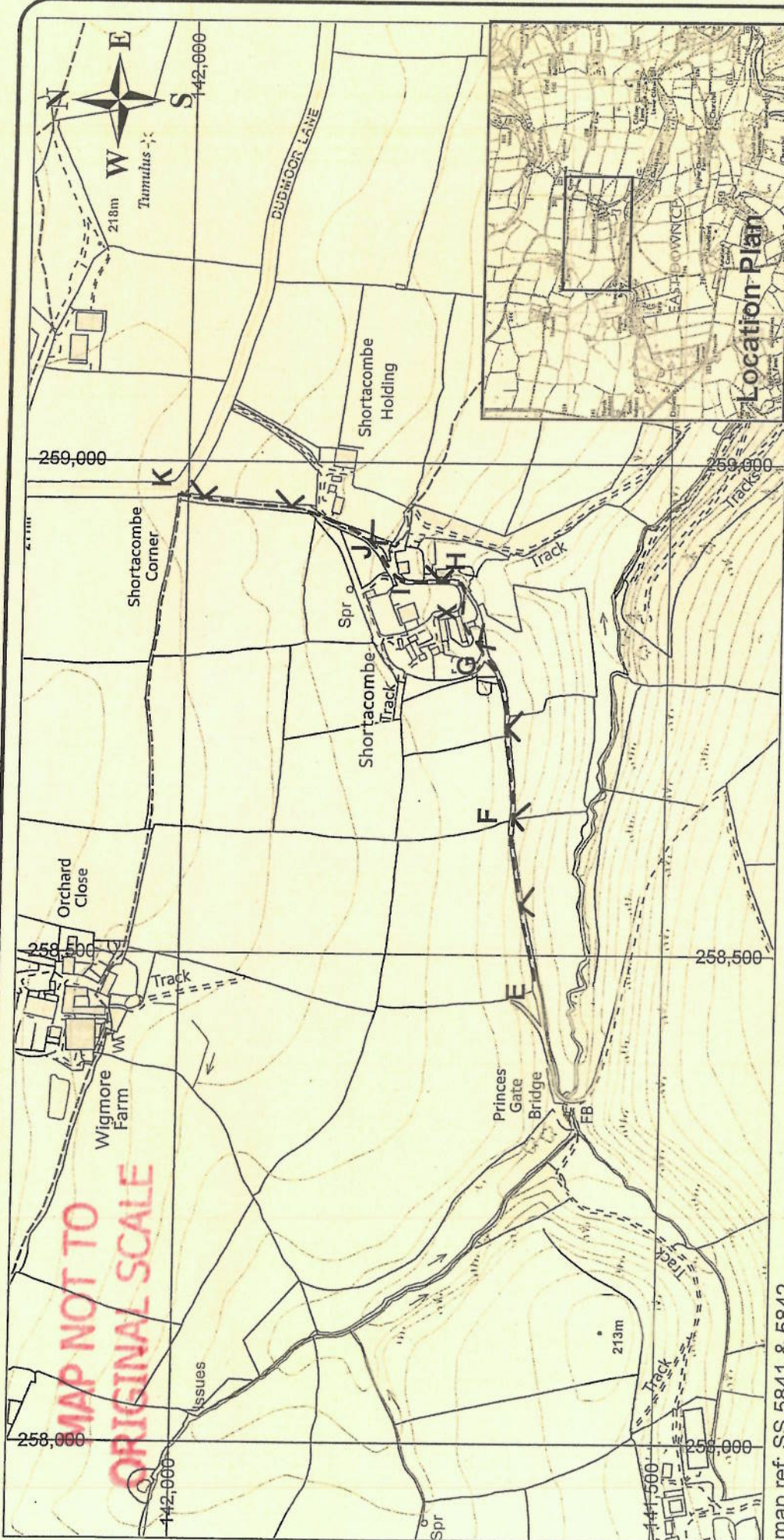
**From: County road east of Prince's Gate and Bridge**

**To: County road, Dudmoor Lane at Shortacombe Corner**

This is a Restricted Byway. It starts at the junction with the county road from Prince's Gate Bridge, and proceeds in a generally east north eastwards direction along a hedged lane, with an earth, stone and grass surface, to the southwest side of Shortacombe. It then turns north eastwards through the garden of Lower Court Barn, then eastwards re-joining a defined lane. From here the way turns northwards along a defined stone and rock surfaced lane, then north eastwards past Shortacombe Lodge and House and through Shortacombe Gate and proceeds in a generally north north eastwards, then northwards direction along a hedged lane, with a stone surface to the county road, Dudmoor Lane at Shortacombe Corner.

The width of the way for the most part varies between 2.4 metres and 5.6 metres where defined by hedge banks, extending to 7.8 metres at the splay at Shortacombe Corner. Through the property registered as Lower Court Barn, it has a width of between 2.7 metres and 6.3 metres, as shown on the historic Ordnance Survey mapping. Where the way is undefined it has a width of 3 metres. The length of the way to be added is approximately 754 metres.





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map ref: SS 5841 & 5842

**Devon County Council**  
**(Restricted Byway No. 50, East Down)**  
**Definitive Map Modification Order 2018**

drawing number **HIW/PROW/17/66**  
 date **December 2017**  
 scale **1:10,000**  
 drawn by **CLG**

**Notation**

**Restricted Byway No. 50, East Down E - F - G - X - H - I - J - K (total approx 754 m)** - - - - -

**Existing footpath** - - - - -

**Meg Booth**  
 Chief Officer for  
 Highways, Infrastructure  
 Development & Waste



*TKippax*