

NOTICE OF ORDER

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257

South Hams District Council (Footpath No. 10 Dartington) Public Path Diversion 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 **4 September 2019**.

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

The Hearing will be held at **South Hams District Council Offices, Follaton House, Plymouth Road, Totnes, Devon, TQ9 5NE** on **Wednesday 22 January 2020** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert part of Public Footpath No. 10, Dartington as follows. The footpath (110 meters) shall be extinguished between point A (SX 7861 6186) and point B (SX 7863 6196).

A new footpath (125 meters) will be created from point A (SX 7861 6186), heading west-north-west across the road (Brimhay), before following pavement (the first 25m of which will be 1.8m wide, the remaining 65m will be 2m wide) in a generally north-east direction for c.90m. The remaining c.25m follows a 2m wide footpath leading to Forder Lane at point C (SX 7865 6196). The reason for the diversion is to accommodate the Brimhay Bungalows site redevelopment.

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 Please quote reference number ROW/3225818 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

South Hams District Council Offices, Follaton House, Totnes, Devon, TQ9 5NE, between 9.00am to 4.30pm on Mondays to Fridays. To arrange a viewing of the documents, please contact Mr Rob Sekula on Telephone Number 01822 813701.

Timetable for sending in statements of case

Within 8 weeks of the start date [by 30 October 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 27 November 2019]

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

15th November,

2018

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 257

& PARAGRAPH 1 OF SCHEDULE 14

SOUTH HAMS DISTRICT COUNCIL

(FOOTPATH NO.10 DARTINGTON)

PUBLIC PATH DIVERSION

ORDER 2018

I hereby certify this to be a
true copy of the original.

A. L. ZEECE

A. L. ZEECE
SOLICITOR, SOUTH HAMS
DISTRICT COUNCIL.

PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
& PARAGRAPH 1 OF SCHEDULE 14

SOUTH HAMS DISTRICT COUNCIL (FOOTPATH NO. 10 DARTINGTON)

PUBLIC PATH DIVERSION ORDER 2018

W H E R E A S the SOUTH HAMS DISTRICT COUNCIL (hereinafter called "the Council") are satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 namely the planning permission associated with the Brimhay Bungalows site redevelopment.

N O W T H E R E F O R E the Council in pursuance of the powers in that behalf conferred by Section 257 of the Town and Country Planning Act 1990 hereby make the following Order:-

1. The footpath over the land shown by a bold black line on the map annexed hereto and described in Part I of the Schedule hereto shall be diverted as provided by this Order
2. There shall be created to the reasonable satisfaction of the Council an alternative highway for use as a replacement for the footpath referred to in Article 1 above as specified in and over the land described in Part II of the Schedule hereto and shown by bold black dashes on the map contained in this Order
3. The diversion of the footpath shall have effect on the date on which the Council certify that the terms of Article 2 have been complied with

SCHEDULE

PART I

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

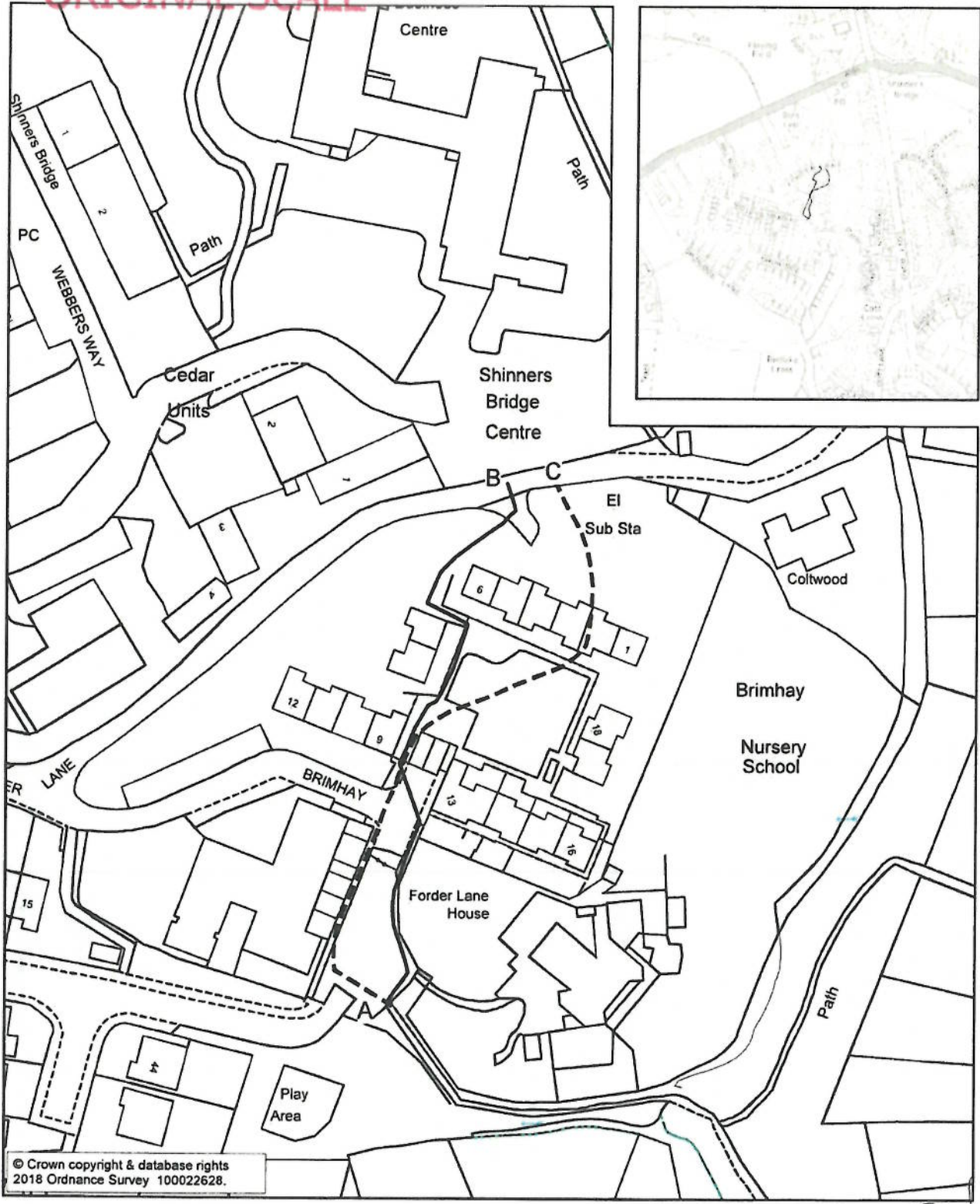
Section of path or way as indicated on map	Position	Width
A-B (110 meters)	From point A (SX 7861 6186) the footpath heads north eastwards, adjacent to the boundary of a day nursery and continues in a generally northerly direction between bungalows No.13 and No.9 Brimhay, and then between No.6 and No.7 Brimhay, then generally northeast joining a defined pathway to meet Forder Lane at point B (7863 6196).	2 meters, surface is a mixture of stone and earth, and metalled

PART II

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

Section of highway as indicated on map	Position	Width
A - C (125 meters)	From point A (SX 7861 6186), the footpath heads west-north-west across the road (Brimhay), before following pavement adjacent to the adoptable road for c.90m in a north-north-east, then east-north-east direction, then following a defined pathway for c.25m leading to Forder Lane at point C (SX 7865 6196).	2 meters minimum (with a 1.8m wide stretch of c.25m adjacent to Forder Lane House)

MAP NOT TO ORIGINAL SCALE



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South Hams District Council
Proposed Public Path Diversion Order
Footpath No. 10 Dartington

Drawing No: 001
Scale: 1:1000
Date: 14/11/2018
Drawn by: RS

Notation	To be extinguished	To be created
A - B		
(110 metres)		(125 metres)

Map Reference: SX 7861



South Hams District Council

Sophie Hosking
Chief Executive