

NOTICE OF ORDER

Wildlife and Countryside Act 1981 – Section 53

SOMERSET COUNTY COUNCIL

The Somerset County Council (No. 6) Modification Order 2016 Parish of Pitney

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 **27 April 2021**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Othery Village Hall, Fore Street, Othery, Somerset, TA7 0QU** on **Wednesday 22 September 2021** at 10.00am. It will also be held virtually on the same date and at the same time.

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement for the area by:

1. Upgrading footpath L 23/6 in the Parish of Pitney starting from the northern end of the carriageway known as Westerngate Road (point A on the order plan at grid ref 344,457 129,516) and running in a generally northerly direction along the track for approximately 180 metres to its junction with rights of way L 23/5 and L 23/7 at point B (grid ref 344,404 129,687) to a Restricted Byway.
2. Upgrading footpath L 23/7 in the Parish of Pitney starting from its junction with rights of way L 23/5 and L 23/6 (point B on the order plan at grid ref 344,404 129,687) and running in a generally easterly direction along Dyer's Piece Lane for approximately 575 metres to its junction with Restricted Byway L 23/43 at point C (grid ref 344,952 129,741) to a Restricted Byway.
3. Upgrading part of footpath L 23/12 in the Parish of Pitney starting from the western end of the carriageway known as Underwood Lane (point D on the order plan at grid ref 344,734 130,013) and running in a generally south westerly direction along the track for approximately 1,230 metres to its junction with Woodbirds Lane at point F (grid ref 343,935 129,226) to a Restricted Byway.

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/3229117 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by accessing them via the Website: www.somerset.gov.uk/PitneyInquiry

If there are any queries, please contact Mr Andrew Saint, Rights of Way Officer (Definitive Map), Highways Group, Economic & Community Infrastructure, Somerset County Council, County Hall, Taunton, Somerset, TA1 4DY or Telephone 01823 359796 or 07976 695372.

As the Authority have indicated that they will not be supporting the Order at the Inquiry, the case for the Order will be presented by Mrs Sarah Bucks of the South Somerset Bridleways Association. She will be expected to adhere to the following timetable as if she was the Authority.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 22 June 2021]

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 - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 3 August 2021]

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

4 weeks before the date of the inquiry [by 25 August 2021]

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 inquiry.

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence 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.

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE COUNTY OF SOMERSET DEFINITIVE
MAP AND STATEMENT**

**The Somerset County Council
(No. 6) Modification Order, 2016**

Parish of Pitney

This Order is made by the Somerset County Council under section 53(2) of the Wildlife and Countryside Act 1981 ("the Act"), because it appears to the Secretary of State (who has directed the authority to that effect under paragraph 4(2) of Schedule 14 to the Act) that the County of Somerset Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(ii), namely:

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.

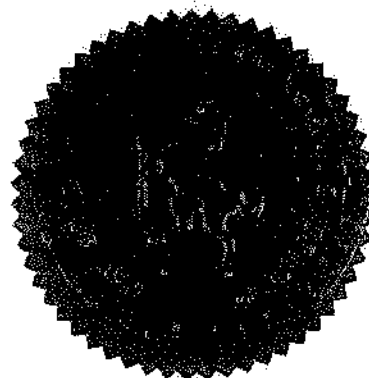
The Authority has consulted with every local authority whose area includes the land to which the order relates.

The Somerset County Council hereby orders that:

- 1) For the purpose of this order the relevant date is 2 December 2016.
- 2) The County of Somerset Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the plan attached to the Order.
- 3) This Order shall take effect on the date it is confirmed and may be cited as The Somerset County Council (No. 6) Modification Order, 2016.

Dated 2 December 2016

THE COMMON SEAL of the
COUNTY COUCL OF SOMERSET
Was hereunto affixed in
The presence of:



Number in Register **28688**

SCHEDULE

PART 1

MODIFICATION OF THE DEFINITIVE MAP

Description of paths or ways to be upgraded

i) Footpath L 23/6 in the Parish of Pitney starting from the northern end of the carriageway known as Westerngate Road (point A on the order plan at grid ref 344,457 129,516) and running in a generally northerly direction along the track for approximately 180 metres to its junction with rights of way L 23/5 and L 23/7 at point B (grid ref 344,404 129,687) is to be upgraded to a Restricted Byway.

The width is 6 metres

ii) Footpath L 23/7 in the Parish of Pitney starting from its junction with rights of way L 23/5 and L 23/6 (point B on the order plan at grid ref 344,404 129,687) and running in a generally easterly direction along Dyer's Piece Lane for approximately 575 metres to its junction with Restricted Byway L 23/43 at point C (grid ref 344,952 129,741) is to be upgraded to a Restricted Byway.

The width is:-

5 metres between B and B1

4.5 metres between B1 and B2

5 metres between B2 and C

iii) Part of Footpath L 23/12 in the Parish of Pitney starting from the western end of the carriageway known as Underwood Lane (point D on the order plan at grid ref 344,734 130,013) and running in a generally south westerly direction along the track for approximately 1,230 metres to its junction with Woodbirds Lane at point F (grid ref 343,935 129,226) is to be upgraded to a Restricted Byway.

The width is:-

5 metres between D and D1

5 metres between D1 and D2

6 metres between D2 and D3

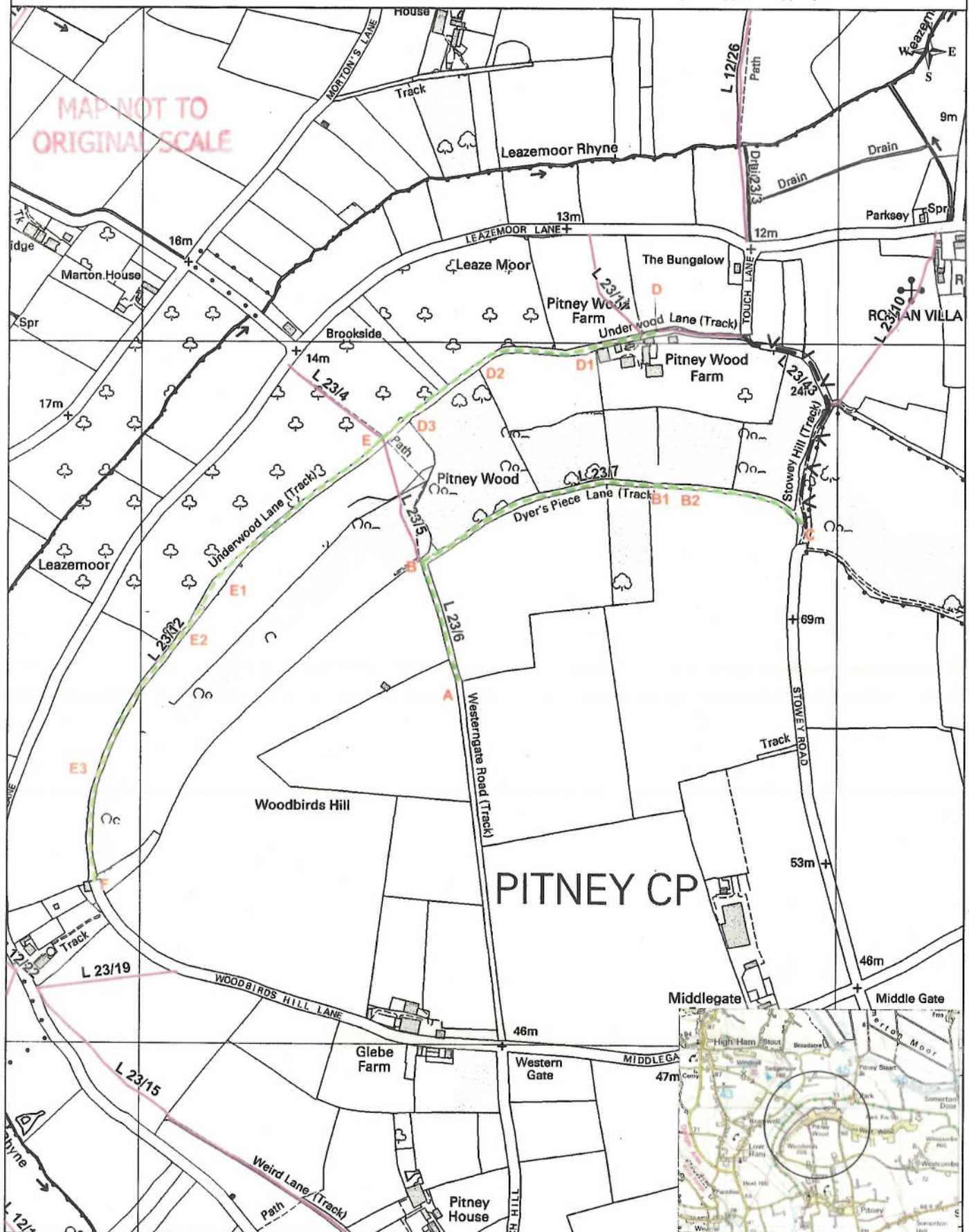
4.5 metres between D3 and E

5.5 metres between E and E1

6 metres between E1 and E2

4.5 metres between E2 and E3

6 metres between E3 and F



Parish:	Pitney
District:	South Somerset
Date:	15/11/2016
Drawing No:	H73-2016
Drawn By:	MHardwill
Centre Grid Ref:	351885 132912
Scale	1:5000

Wildlife and Countryside Act 1981
The Somerset County Council
(No. 6) Modification Order, 2016
Parish of Pitney

Definitive Footpath
Definitive Restricted Byway
Footpaths to be upgraded to Restricted Byways
(shown A-B, B-C and D-E-F)

The precise line of a Right of Way can only be determined by reference to the Definitive Map (1:10560 scale) and the attached plan has been produced by transposing the Rights of Way Definitive Map onto a larger scale.

The Somerset County Council can accept no responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map to a different scale.

PART II

MODIFICATION OF THE DEFINITIVE STATEMENT

Variations of Particulars of Path or Way

i) Restricted Byway L23/6

From: The northern end of the carriageway known as Westerngate Road
To: Right of Way L23/7

Description: The path is a Restricted Byway. It starts at the northern end of the carriageway known as Westerngate Road and runs in a generally northerly direction along the track for approximately 180 metres to its junction with rights of way L23/5 and L23/7.

The width is 6 metres

Name of Parish: Pitney

No. of path: L23/6

Kind of path: RB

Shown on 6" Ord Sht. No.: 63SW

Date of walking survey and by whom made: 1950 F.J. Walrond

ii) Restricted Byway L23/7

From: The junction with rights of way L 23/5 and L 23/6
To: The junction with Restricted Byway L 23/43

Description: The path is a Restricted Byway. It starts at the junction with footpaths L 23/5 and L 23/6 and runs in a generally easterly direction along Dyer's Piece Lane for approximately 575 metres to its junction with Restricted Byway L 23/43.

Travelling from the western end the width is:-

5 metres for the first 350 metres

4.5 metres for the next 70

5 metres for the remaining 155 metres

Name of Parish: Pitney

No. of path: L23/7

Kind of path: RB

Shown on 6" Ord Sht. No.: 63SW

Date of walking survey and by whom made: 1950 F.J. Walrond

iii) Restricted Byway L23/45

From: The western end of the carriageway known as Underwood Lane
To: Woodbirds Lane

Description: The path is a Restricted Byway. It starts at the western end of the carriageway known as Underwood Lane and runs in a generally south westerly direction along the track for approximately 1,230 metres to its junction with Woodbirds Lane.

Travelling from the eastern end the width is:-

5 metres for the first 85 metres
5 metres for the next 180 metres
6 metres for the next 125 metres
4.5 metres for the next 45 metres
5.5 metres for the next 310 metres
6 metres for the next 90 metres
4.5 metres for the next 225 metres
6 metres for the remaining 170 metres

Name of Parish: Pitney

No. of path: L23/45

Kind of path: RB

Shown on 6" Ord Sht. No.: 62SE 63SW

Date of walking survey and by whom made: 1950 F.J. Walrond

iv) Footpath L23/12

From: Touch Lane

To: Right of Way L23/45

Description: The path is a Footpath. It starts at Touch Lane and runs in a generally westerly direction along Underwood Lane for approximately 130 metres to its junction with Right of Way L 23/45.

Name of Parish: Pitney

No. of path: L23/12

Kind of path: FP

Shown on 6" Ord Sht. No.: 63SW

Date of walking survey and by whom made: 1950 F.J. Walrond