

Jan Shadbolt
County Solicitor

County Hall
Topsham Road
Exeter
EX2 4QD
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FIRST CLASS

Mr P Dunn
Clerk to Witheridge Parish Council
3 Drakes Meadow
Cheriton Fitzpaine
CREDITON
Devon EX17 4HU

Our Ref: JDH/B115634
Your Ref:

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22nd July 2015

Dear Mr Dunn

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
DEVON COUNTY COUNCIL (FOOTPATH NOS. 2 AND 19 WITHERIDGE)
PUBLIC PATH DIVERSION ORDER 2015

Further to my letter dated 5 February 2015, I enclose formal Notice of Confirmation of the above-mentioned Order, together with a copy of the confirmed Order, and an extra copy of the Notice for display on your Parish Council's noticeboard.

It would be appreciated if you would kindly make arrangements for the Notice to be displayed prominently on a public noticeboard as the date shown on it, and for the copy of the Order to be made available for public inspection upon request.

Thank you for your assistance in connection with this matter.

Yours sincerely


JACKIE HOCKINGS
for County Solicitor

Encs

NOTICE OF CONFIRMATION OF AN ORDER

HIGHWAYS ACT 1980 WILDLIFE AND COUNTRYSIDE ACT 1981 DEVON COUNTY COUNCIL (FOOTPATH NOS. 2 AND 19, WITHERIDGE) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015


On 25th June 2015 Devon County Council confirmed the above order made under Section 119 of the Highways Act 1980 and Section 53A(2) of the Wildlife and Countryside Act 1981.

The effect of the order as confirmed is to divert part of Public Footpath No. 2, Witheridge from a line running north-eastwards to the south east side of Cannington Farm to a line running eastwards further to the east of Cannington Farm, as shown on the order map. It will also divert the remainder of Public Footpath No. 2, Witheridge and all of Public Footpath No. 19, Witheridge from a line running generally eastwards past Coombe Farm and through Cannington Farm's yard to a line northeast of Cannington Farm, running near to the south-western edge of Witheridge.

A copy of the order as confirmed and the order map have been placed and may be seen free of charge at the offices of North Devon Council, Civic Centre, Barnstaple, EX31 1EA from 9.00am to 4.00pm, Monday to Friday, or on request to the Clerk to the Parish Council. Copies of the order and map may be bought from the address below at the price of £5.00.

The order comes into force on 30th July 2015, but if a person aggrieved by the order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980 as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within 6 weeks from the date of this notice, make an application to the High Court.

DATED: 31st July 2015



JAN SHADBOLT

County Solicitor

County Hall

Exeter

EX2 4QD

(Ref: JDH/B11564)

DATED 3rd February 2015

HIGHWAYS ACT 1980
WILDLIFE AND
COUNTRYSIDE ACT 1981

DEVON COUNTY COUNCIL
(FOOTPATH NOS. 2 AND 19,
WITHERIDGE)

PUBLIC PATH DIVERSION
AND DEFINITIVE MAP AND
STATEMENT MODIFICATION
ORDER 2015

JAN SHADBOLT
County Solicitor
Devon County Council
County Hall
Exeter
EX2 4QD

Ref: JDH/B11564

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
DEVON COUNTY COUNCIL
(FOOTPATH NOS. 2 AND 19, WITHERIDGE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2015

THIS ORDER is made by Devon County ("the authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order and the public and the public it is expedient that the lines of the paths should be diverted.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the 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)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

The landowner has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the paths into a fit condition for use by the public.

North Devon Council has been consulted concerning the making of the order as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

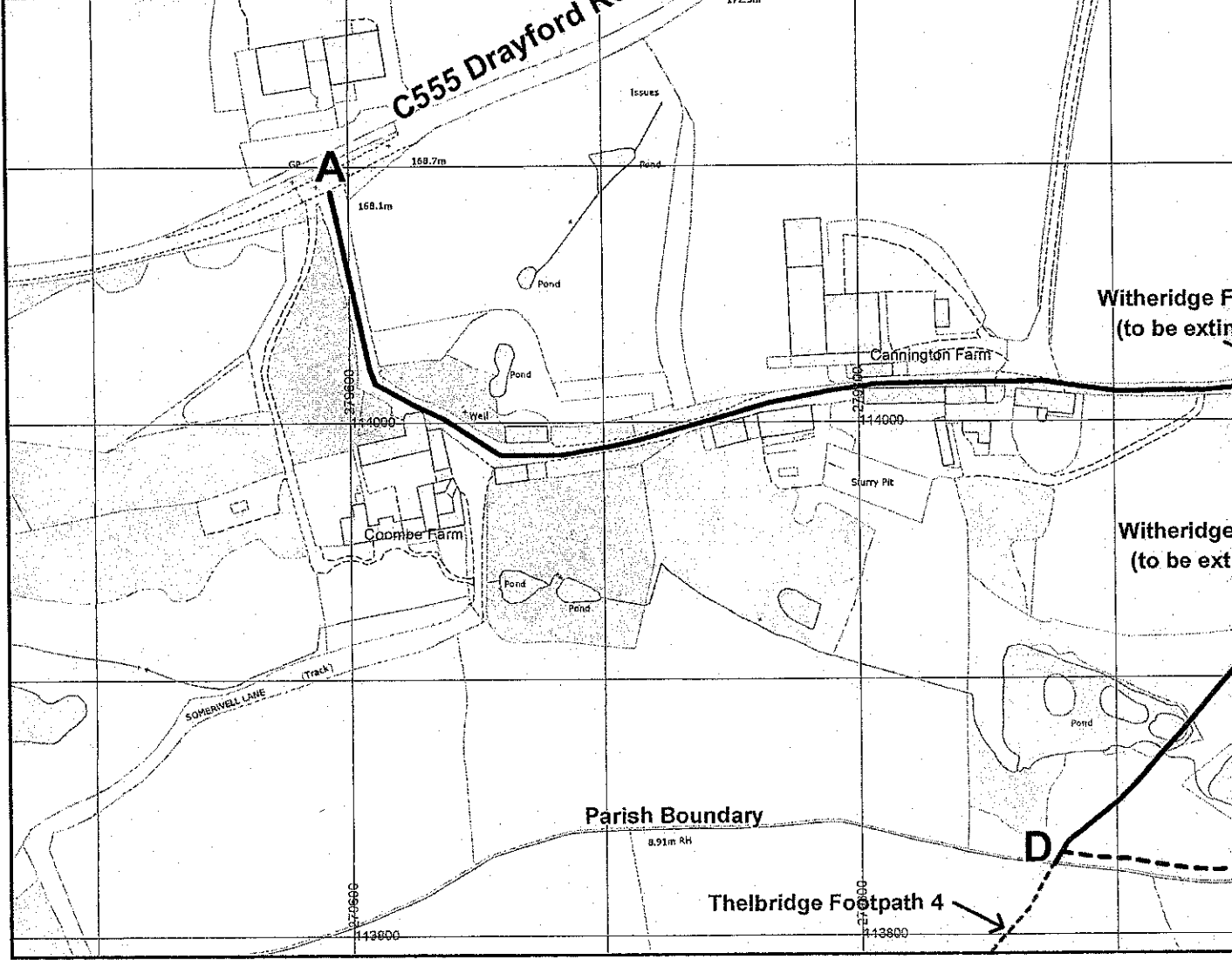
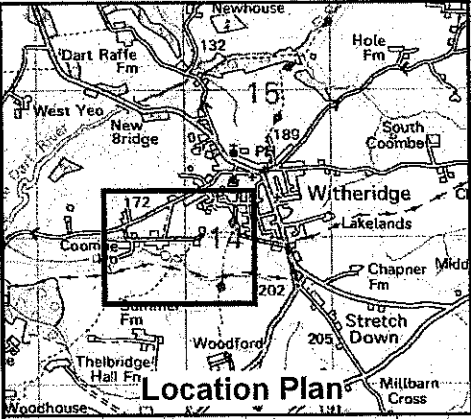
1. The public rights of way over the land situate at Cannington Farm in the Parish of Witheridge in the County of Devon and shown by bold continuous lines on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 28 days from the date of confirmation of this order, and thereupon the County of Devon definitive map shall be modified by deleting from it those public rights of way, provided that this paragraph shall not come into force until the authority certifies that work required to bring the footpaths described in Part 2 of the Schedule into a fit condition for use by the public has been carried out.

2. Notwithstanding this order, where immediately before the date on which the paths are diverted in pursuance of this order there is apparatus on under or over the paths belonging to the statutory undertakers for the purpose of carrying out their undertaking then such undertakers shall continue to have the same rights in respect of their apparatus as they would have had if this order had never been made.
3. There shall at the end of 28 days from the date of confirmation of this order be public footpaths over the land situate at Cannington Farm in the Parish of Witheridge in the County of Devon described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this order, and thereupon the County of Devon definitive map shall be modified by adding those paths to it.
- 3A. The County of Devon definitive statement shall be modified as described in Part 4 of the Schedule to this order.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

SCHEDULE

PART 1 - DESCRIPTION OF SITE OF EXISTING PATHS

Section of Paths as Indicated on Map	Position	Width
Footpath No. 2, Witheridge D – B (315 metres)	The path commences at Point D (SS 7987 1382) at its junction with Footpath 4, Thelbridge on the Thelbridge – Witheridge parish boundary and proceeds through a pedestrian gate north-eastwards, passing through a pond and field gate and then continuing eastwards before turning northwards through another field gate then continuing generally northwards to Point B (SS 8008 1401) to the west of a house, being its junction with Footpath No. 19, Witheridge.	The whole width
Footpath No. 2, Witheridge B – C (275 metres)	The path commences at Point B and proceeds north-eastwards and then eastwards through a field gate and along a farm track to Point C (SS 8033 1407), being its junction with Footpath Nos. 1 and 4, Witheridge.	The whole width
Footpath No. 19, Witheridge A – B (560 metres)	The path commences at Point A (SS 7959 1409), being its junction with County Road No. C555 (Drayford Road / West Street) and proceeds southwards and then south-eastwards passing to the north of Coombe Farm. It then continues eastwards along the track and through field gates and the yard of Cannington Farm to Point B, its junction with Footpath No. 2, Witheridge.	The whole width



map ref SS80 14

DEVON COUNTY COUNCIL (FOOTPATH NOS. 2 AND 19, WITH PUBLIC PATH DIVERSION) AND DEFINITIVE MAP & STATEMENT MODIFICATION

Notation

To be extinguished

Witheridge Footpath 2

Witheridge Footpath 19

D-B (315m approx) and B-C (275m approx)

A - B (560 metres approx)



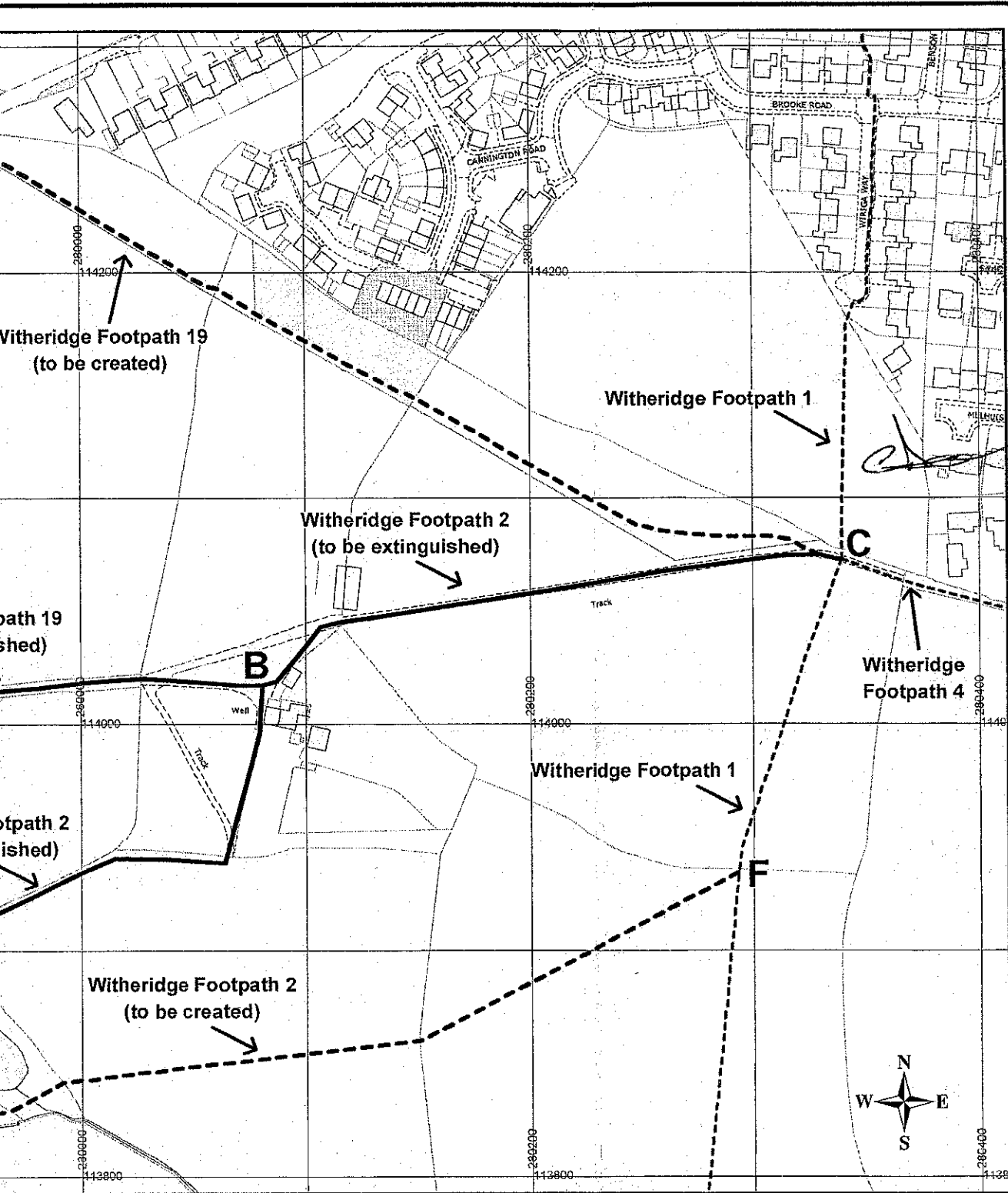
To be created

Witheridge Footpath 2

Witheridge Footpath 24

D-F (440m approx)

G-C (440m approx)



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WITHERIDGE)

NOTIFICATION ORDER 2015

drawing number **HCW/PROW/14/93.1**
 date **January 2015**
 scale **1 : 2500 (at A3)**
 drawn by **BM/SJ/SCG**

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Existing Footpaths
 Witheridge Footpaths 1 and 4 -----
 Thelbridge Footpath 4 -----

David Whitton

HEAD OF HIGHWAYS, CAPITAL DEVELOPMENT & WASTE



PART 2 - DESCRIPTION OF SITE OF NEW PATHS

Section of Path as Indicated on Map	Position	Width
Footpath No. 2, Witheridge D – F (440 metres)	The path commences at Point D (SS 7987 1382) at its junction with Footpath 4, Thelbridge on the Thelbridge – Witheridge parish boundary and proceeds northwards through a pedestrian gate, then turns sharply eastwards and then east-northeastwards following the southern field boundary and through a pedestrian gate, over a culvert and through a field gate. It continues eastwards across a field, passes through a field gate and then turns east-northeastwards across a field to Point F (SS 8029 1393), being its junction with Footpath No. 1, Witheridge.	2 metres
Footpath No. 19, Witheridge G – C (440 metres)	The path commences at Point G (SS 7994 1426), being its junction with County Road No. C555 (Drayford Road / West Street) and proceeds through two field gates east-southeastwards alongside a plantation before turning eastwards through a pedestrian gate and then east-southeastwards to Point C (SS 8033 1407), being its junction with Footpath Nos. 1 and 4, Witheridge.	2 metres

PART 3 - LIMITATIONS AND CONDITIONS

Position	Limitations and Conditions
SS 7987 1382 Point D	1.2 metre pedestrian gate compliant with British Standard 5709:2006.
SS 7996 1382	1.2 metre pedestrian gate compliant with British Standard 5709:2006.
SS 7999 1382	3.6 metre field gate compliant with British Standard 5709:2006.
SS 8015 1386	3.6 metre field gate compliant with British Standard 5709:2006.
SS 7994 1426 Point G	2 x 3.6 metre field gate compliant with British Standard 5709:2006.
SS 8032 1407	1.2 metre pedestrian gate compliant with British Standard 5709:2006.

PART 4 – MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATHS

Footpath No. 2, Witheridge

From: Footpath No. 4, Thelbridge

To: Footpath No. 1, Witheridge

The path is a Footpath. It starts at its junction with Footpath No. 4, Thelbridge on the Thelbridge – Witheridge parish boundary to the south of Cannington Farm and proceeds northwards through a pedestrian gate then turns sharply eastwards and east-northeastwards following the southern field boundary, through a pedestrian gate and over a culvert and through a field gate. It then continues eastwards across a field and through a field gate and then continues east-northeastwards across a field to its junction with Footpath No. 1, Witheridge. It has a width of 2 metres and a length of 440 metres.

Footpath No. 19, Witheridge

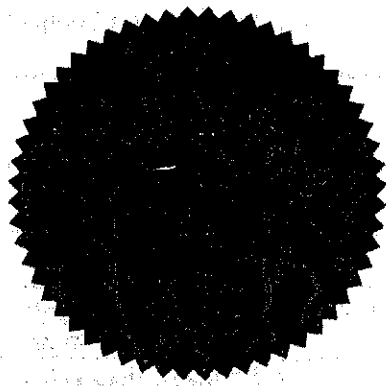
From: C555 Drayford Road / West Street

To: Footpath Nos. 1 and 4, Witheridge

The path is a Footpath. It starts at its junction with the C555 Drayford Road / West Street to the north-northeast of Cannington Farm and proceeds through two field gates east-southeastwards and then eastwards along the southwest edge of a plantation and through a pedestrian gate to its junction with Footpath Nos. 1 and 4, Witheridge to the south of Wiriga Way. It has a width of 2 metres and a length of 440 metres.

DATED the 3rd day of February 2015

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



[Handwritten Signature]
A Duly Authorised Officer

Assistant County Solicitor

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Note: For the purposes of this Order the relevant date shall be the date upon which the paths described in Part 2 of the Schedule have been certified.

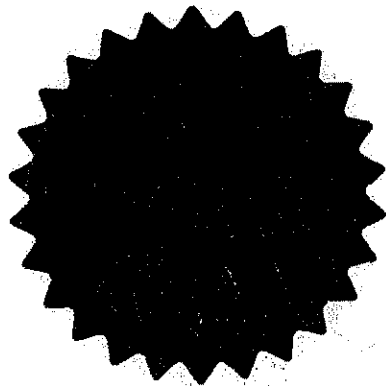
**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
DEVON COUNTY COUNCIL
(FOOTPATH NOS. 2 AND 19, WITHERIDGE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2015**

DEVON COUNTY COUNCIL in pursuance of its powers under Section 119 and Schedule 6 of the Highways Act 1980 hereby confirms the above order as an unopposed order.

DATED the 25th day of June 2015

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


A Duly **Authorised** Officer



~~Assistant County Solicitor~~

Document No. .45837.....