

DATED 12th June 2019

**HIGHWAYS ACT 1980
WILDLIFE AND
COUNTRYSIDE ACT 1981**

**DEVON COUNTY COUNCIL
(FOOTPATH NO. 4, BIGBURY)**

**PUBLIC PATH DIVERSION
AND DEFINITIVE MAP AND
STATEMENT MODIFICATION
ORDER 2019**

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

Ref: JDH/B16489

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
DEVON COUNTY COUNCIL
(FOOTPATH NO. 4, BIGBURY)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2019

THIS order is made by Devon County Council ("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 it is expedient that the line of the path 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 owner 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 path into a fit condition for use by the public.

South Hams District 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 right of way over the land situate at Bigbury in the County of Devon and shown by a bold continuous line 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 that public right of way, provided that this paragraph shall not come into force until the authority certifies that work required to bring the footpath 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 path is diverted in pursuance of this order there is apparatus on under or over the path 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 a public footpath over the land situate at Bigbury in the County of Devon described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this order, and thereupon the County of Devon definitive map shall be modified by adding that path 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 PATH

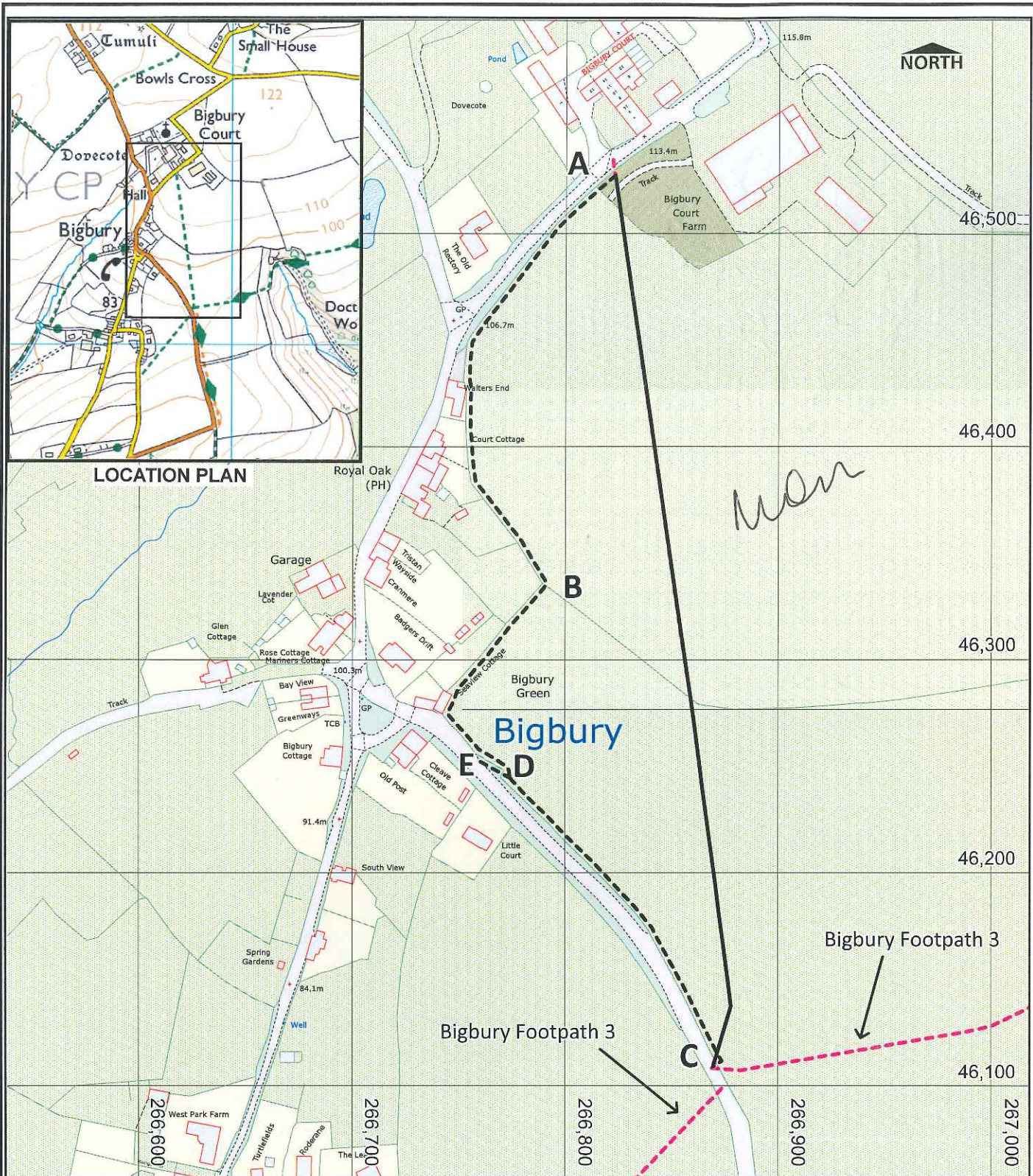
Section of Path as Indicated on Map	Position	Width
A - C (415 metres)	From point A (SX66824653), the path runs south-southeastwards, before turning south-southwestwards to point C (SX66864611).	The whole width

PART 2 - DESCRIPTION OF SITE OF NEW PATH

Section of Path as Indicated on Map	Position	Width
A - B - D - C (505 metres)	From point A the path runs south-westwards, turning southwards then south-eastwards to point B (SX66794633). Here the path turns south-westwards, turning again south-eastwards to point D (SX66774624). The path continues south-eastwards to point C.	2.0 metres
D - E (16 metres)	At point D a spur of the path runs north-westwards to point E (SX66754625).	2.5 metres

PART 3 - LIMITATIONS AND CONDITIONS

Position	Limitations and Conditions
D - E (SX 66774624)	Gap between old stone gate pillars. 2.5m. Compliant with British Standard 5709:2006



Map Ref **SX 6646**

Grid 100m

Contains Ordnance Survey data.
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DEVON COUNTY COUNCIL
PUBLIC PATH DIVERSION AND DEFINITIVE MAP & STATEMENT MODIFICATION ORDER 2019
FOOTPATH No. 4, BIGBURY

Notation

	To be extinguished
	A - C (approx 415 metres)
	To be created
	A - B - C (approx 505 metres)
	To be created
	D - E (approx 16 metres)
	Existing public footpaths

drawing no. HIW/PROW/18/057
date 18 December 2018
scale 1:2500 at A4
drawn by prow.technical

Meg Booth

CHIEF OFFICER FOR HIGHWAYS
INFRASTRUCTURE DEVELOPMENT AND WASTE



**PART 4 – MODIFICATION OF DEFINITIVE STATEMENT
VARIATION OF PARTICULARS OF PATH**

Footpath No. 4, Bigbury


From: County Road C249 at Bigbury Court

To: County Road B3392 and Footpath 3, Bigbury

The path is a footpath. It starts from the county road C249 at Bigbury Court. It climbs a short flight of steps, then proceeds south-westwards along the field boundary. It continues southwards and then south-eastwards before turning south-westwards again continuing along the field boundary. The path passes a property named Seaview Cottage where it turns south-eastwards remaining along the field boundary to meet footpath 3, Bigbury and the county road, B3392. 40m south-east of Seaview Cottage, an additional short spur of the footpath extends north-westwards, passing through a gate to meet the county road, B3392 opposite Cleave Cottage. The path has a total length of 520 metres.

DATED the 12th day of June 2019

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


MEGAN CROSS



Duly Authorised Officer

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

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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 *11th* day of *March 2020*

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



[Signature]
Duly Authorised Officer

Document No. . . . *50444*