

DATED 25th September 2006

WILDLIFE AND COUNTRYSIDE ACT 1981
COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT
DEVON COUNTY COUNCIL
(RESTRICTED BYWAY No. 12, PILTON WEST AND Nos. 29 & 30, SHIRWELL)
DEFINITIVE MAP MODIFICATION ORDER 2006

**County Solicitor
Devon County Council
County Hall
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WILDLIFE AND COUNTRYSIDE ACT 1981

COUNTY OF DEVON DEFINITIVE MAP AND STATEMENT

DEVON COUNTY COUNCIL

(RESTRICTED BYWAY No. 12, PILTON WEST AND Nos. 29 & 30, SHIRWELL)

DEFINITIVE MAP MODIFICATION ORDER 2006

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 section 53(3)(c)(i) and (ii), namely, the discovery by the authority of evidence which (when considered with all other 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 public path, restricted byway or, subject to section 54A, a byway open to all traffic 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 13th June 2006
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. 12, Pilton West and Nos. 29 & 30, Shirwell) Definitive Map Modification Order 2006.

DATED this 25th day of September 2006

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

SCHEDULE

PART I

MODIFICATION OF DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

Restricted Byway No. 29, Shirwell, in the administrative district of North Devon.

This is a Restricted Byway. It starts from the Pilton West parish boundary at point B on plan no. ED/PROW/06/123 (GR SS 5779 3481) and proceeds in a generally south southeastward direction for approximately 75 metres to end at point C (GR SS 5782 3475), with a width varying between 5 and 6 metres as defined by the banks and hedge boundaries on either side. It is shown as a dashed line with arrowheads above the line.

Part of Restricted Byway No. 30, Shirwell, in the administrative district of North Devon.

This is a Restricted Byway. It starts from point D on plan no. ED/PROW/06/123 (GR SS 5823 3469) and proceeds in a generally northeastward direction for approximately 50 metres to end at point E (GR SS 5828 3471), with a width varying between 5 and 6 metres as defined by the banks and hedge boundaries on either side.

It is shown as a dashed line with arrowheads above the line.

DESCRIPTION OF PATH OR WAY TO BE UPGRADED

Bridleway No. 5, Pilton West in the administrative district of North Devon.

This footpath is upgraded to Restricted Byway No. 12. It starts from point A on plan no. ED/PROW/06/123 (GR SS 5722 3466) and proceeds in a generally east northeastward direction and turning south southeastwards for approximately 650 metres to end at point B on the Shirwell parish boundary at (GR SS 5779 3481) with a width varying between 5 and 10 metres as defined by the banks and hedge boundaries on either side.

It is shown as a dashed line with arrowheads above the line.

Footpath No. 15, Shirwell in the administrative district of North Devon.

This footpath is upgraded to part of Restricted Byway No. 30. It starts from point E on plan no. ED/PROW/06/123 (GR SS 5828 3471) near Kingdon's Gardens and proceeds in a generally east southeastward and turning generally northwards for approximately 2025 metres to end at point F (GR SS 5914 3555) with a width varying between 3 and 6.5 metres as defined by the banks and hedge boundaries, stone walls, buildings, wire fences or gates on either side.

It is shown as a dashed line with arrowheads above the line.

PART II

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATH OR WAY

Restricted Byway No. 12, Pilton West

From: The unsurfaced county road, Smoky House Lane

To: The Shirwell parish boundary

This is a Restricted Byway. It starts the recorded end of the unsurfaced county road, Smoky House Lane and proceeds in a generally east northeastward direction along the lane and turning south southeastwards for approximately 650 metres to end at point B on the parish boundary, continuing in Shirwell parish as Restricted Byway No. 29. The width varies between 5 and 10 metres as defined by the banks and hedge boundaries on either side. It has a mainly earth and stone surface.

Restricted Byway No. 29, Shirwell

From: The Pilton West parish boundary

To: The unsurfaced county road to near Kingdon's Gardens

This is a Restricted Byway. It starts from the Pilton West parish boundary and proceeds in a generally south southeastward direction along the continuation of Smoky House Lane for approximately 75 metres to end at the recorded unsurfaced county road near Kingdon's Gardens. The width varies between 5 and 6 metres as defined by the banks and hedge boundaries on either side. It has a mainly earth and stone surface.

Restricted Byway No. 30, Shirwell

From: The unsurfaced county road near Kingdon's Gardens

To: The minor county road to Collard Bridge

This is a Restricted Byway. It starts at the unsurfaced county road near Kingdon's Gardens and proceeds in a generally northeastward direction along the continuation of Smoky House Lane and then in a generally east southeastward direction passing Kingdon's Gardens into Raleigh Wood and turning generally northwards for approximately 2075 metres to end at the minor county road to Collard Bridge. The width varies between 3 and 6.5 metres as defined by the banks and hedge boundaries, stone walls, buildings, wire fences or gates on either side. It has a mainly earth and stone surface.