

AGENDA ITEM Sa

Please reply to: Rob Sekula (Specialist – Assets & Place Making)  
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South Hams  
District Council



West Devon  
Borough  
Council

**Working together**

Our ref: PROW/FP3/TAVISTOCK  
Date: Monday 22<sup>nd</sup> October 2018

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257**

**WEST DEVON BOROUGH COUNCIL  
(PUBLIC FOOTPATH NO. 3, ~~TOTNES~~ (TAVISTOCK))  
PUBLIC PATH DIVERSION ORDER 2018**

Further to our correspondence dated 7<sup>th</sup> August 2018, I enclose Confirmation of the above Order, together with a copy of the Order itself.

The Borough Council may make Public Path Orders under the Town & Country Planning Act 1990 (Sec. 257 & para 1 of Schedule 14), where planning applications require the diversion or extinguishment of a public right of way when it is deemed necessary to enable a development to go ahead.

Yours sincerely

**Rob Sekula**

**Specialist – Assets & Place Making**

**South Hams District Council**

**[assets-administration@swdevon.gov.uk](mailto:assets-administration@swdevon.gov.uk)**



DATED

*2nd August*

2018

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 257**

**& PARAGRAPH 1 OF SCHEDULE 14**

**WEST DEVON BOROUGH COUNCIL**

**(FOOTPATH NO.3, TAVISTOCK)**

**PUBLIC PATH DIVERSION**

**ORDER 2018**

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

**WEST DEVON BOROUGH COUNCIL (FOOTPATH NO.3 TAVISTOCK)**

**PUBLIC PATH DIVERSION ORDER 2018**

**W H E R E A S** the WEST DEVON BOROUGH 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 anticipation of planning permission under Part III of the Town and Country Planning Act 1990 or the enactments replaced by that part of that Act namely development at the land at SX 4722 7457 adjacent to New Launceston Road Tavistock.

**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 alternating short/long dashed line 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

4. The landowner is hereby required to pay the cost of carrying out the said works
5. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had
6. This Order may be cited as the West Devon Borough Council (Public Footpath No. 3, Tavistock) Public Path Diversion Order 2018.

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



*Sue Higney*  
 Solicitor / Legal Executive

**SCHEDULE**

**PART I**

**DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

Section of path or way as indicated on map	Position	Width
A-B (167 meters)	From point A (SX 47074 74478) the footpath runs generally east to point B (SX 47250 74493), a distance of 167 meters.	The whole width

## PART II

### DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

Section of highway as indicated on map	Position	Width
A-C-B (261 meters)	From Point A, the PROW follows a section of hoggin path through Public Open Space for c.40m in a generally north-east direction, a section of private drive for c.10m, and re-joins hoggin path for c.151m through Public Open Space first in a north-east direction (to point C), then in a south-east direction, before following pavement adjacent to the new adoptable estate road for c.60m to Point B.	Undefined along section of 3.5m wide private drive, block paving surface 2m wide through Public Open Space, hoggin surface with timber edge 2m wide footway adjacent to adoptable roads, blacktop surface



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### West Devon Borough Council

Proposed Public Path Diversion Order  
Footpath No. 03 Tavistock

Drawing No:  
Scale: 1:2000  
Date: 17/07/2018  
Drawn by: RS



**West Devon  
Borough  
Council**

Notation	Existing	To be extinguished	To be created
		A - B  (167 metres)	A - B  (261 metres)

Map Reference: SX 472 745

Sophie Hoskins  
Chief Executive

