

ORDER VARYING A CONFIRMED PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 337(7)

**WEST DEVON BOROUGH COUNCIL,
(PUBLIC FOOTPATH NO. 3, TAVISTOCK)
VARYING ORDER 2023**

On 2ND August 2018 West Devon Borough Council being the Planning Authority and in pursuance of the powers under the Town and Country Planning Act Section 257 made a Public Path Order, the '*West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018.*'

West Devon Borough Council made an Order under Section 257 of the Town and Country Planning Act 1990 because it was satisfied that it was necessary to divert the footpath to which that order related in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 or the enactments replaced by that part of that Act namely the planning permission reference 1472/18/ARM associated with the Land at SX 4722 7457 adjacent to New Launceston Road development.

On 22nd October 2018 West Devon Borough Council confirmed the '*West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018*' as an unopposed Order.

The effect of the '*West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018*' was to extinguish the Public Footpath No.3, Tavistock running from point A (SX 47074 74478) to point B (SX 47250 74493) and create an alternative footpath on a line running between the same point A and point B as shown on the 2018 order map.

It has become evident that point B should be sited at the junction with New Launceston Road and the as built route of the alternative footpath is to the north of that shown on the 2018 order map. The purpose of this variation is to ensure that the alternative footpath matches the as built route, and terminates at the adopted highway on New Launceston Road.

The effect of this variation is to move proposed point B around 42 metres to the east to SX 47281 74506. The additional section of the alternative highway is 2m wide asphalt pavement. The route crosses an estate side road (Cowslip Avenue) at a tactile crossing point. There are no stiles, gates or other obstructions on the additional section to the revised point B.

A further minor variation is included to the north of point A reflecting the as built route of the alternative footpath being a few metres to the south of that shown on the 2018 order map.

A copy of the '*West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018*', depicting the variations to the 2018 Order is annexed as Schedule 1 to this Order. The variations are those changes to the Schedule and Order Map of the 2018 Order that are marked in red. A clean map showing the additional section of alternative highway to the revised point B is included as Schedule 2 for clarity and avoidance of doubt.

West Devon Borough Council, having regard to all material considerations, considers that it is expedient to vary the 'West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018.'

This Order may be cited as the 'West Devon Borough Council (Public Footpath No.3, Tavistock) Varying Order 2023.'

NOW THEREFORE West Devon Borough Council as Planning Authority and in pursuance of Town and Country Planning Act Section 333(7) hereby make the following Order:-

The 'West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018' made by West Devon Borough Council on 2nd August 2018 and confirmed by West Devon Borough Council on 22nd October 2018 shall be varied as described in this Order. The variations to the Order shall take effect upon the date of confirmation of this Order.

DATED the 3rd day of November 2023

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



Akenya (A. Kenyon)
Solicitor / Legal Executive

WD/470

SCHEDULE 1

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:-)



[Handwritten Signature]
 Solicitor / Legal Executive

SCHEDULE

PART I

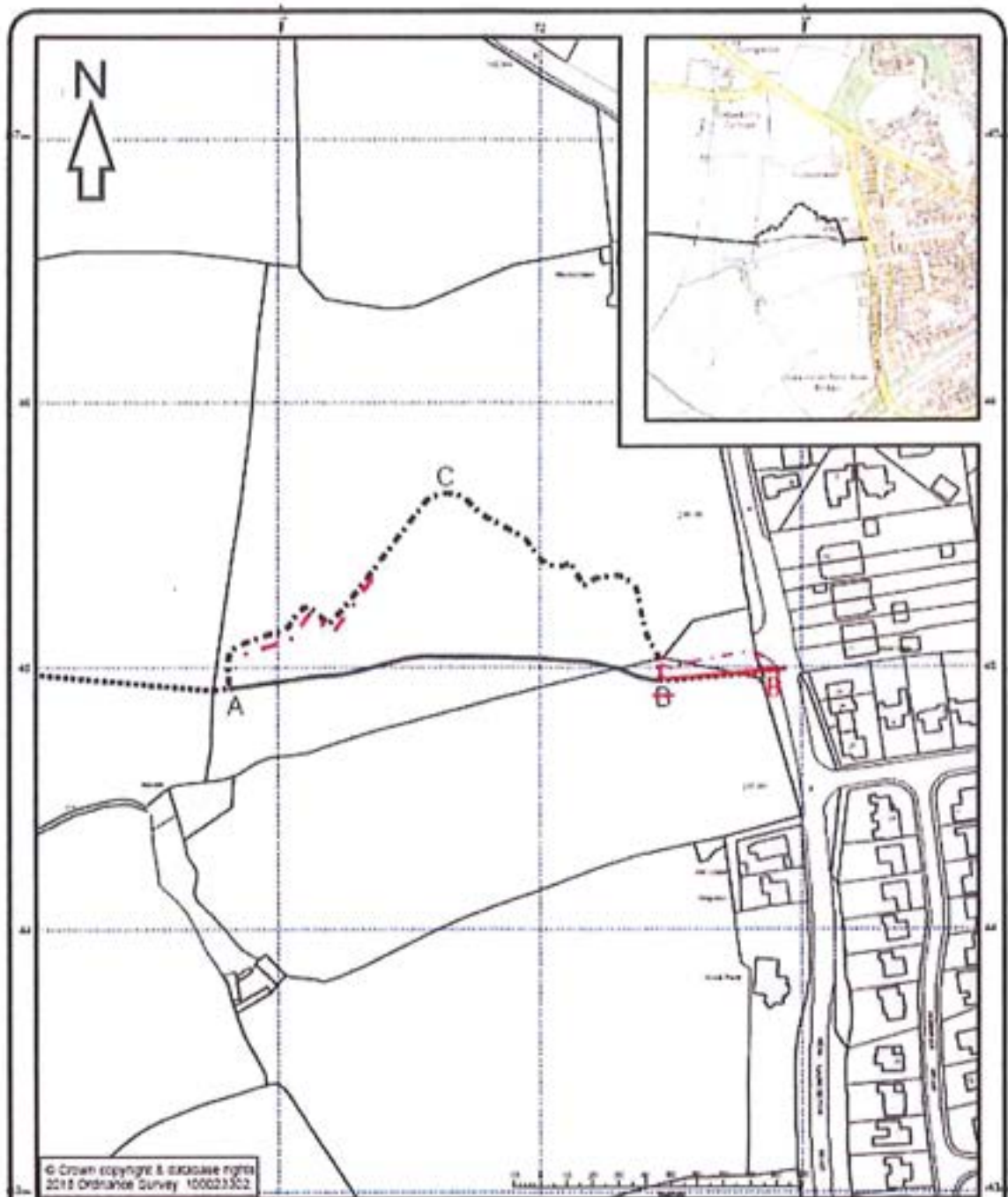
DESCRIPTION OF SITE OF EXISTING PATH OR WAY

| Section of path or way as indicated on map | Position | Width |
|--|---|-----------------|
| A-B (167215 metres) | From point A (SX 47074 74478) the footpath runs generally east to point B (SX 4725081-74493506), a distance of 167215 metres. | The whole width |

PART II

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

| Section of highway as indicated on map | Position | Width |
|--|--|---|
| A-C-B (261295 metres) | 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.6094m 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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2018 Ordnance Survey 100023502

West Devon Borough Council
Proposed Public Path Diversion Order
Footpath No. 03 Tavistock

| Notation | Existing | To be extinguished | To be created |
|----------|----------|------------------------------|------------------------------|
| | ▬▬▬▬▬ | A - B (467 metres) 215 | A - B (291 metres) 195 |

Map Reference: SX 472 745

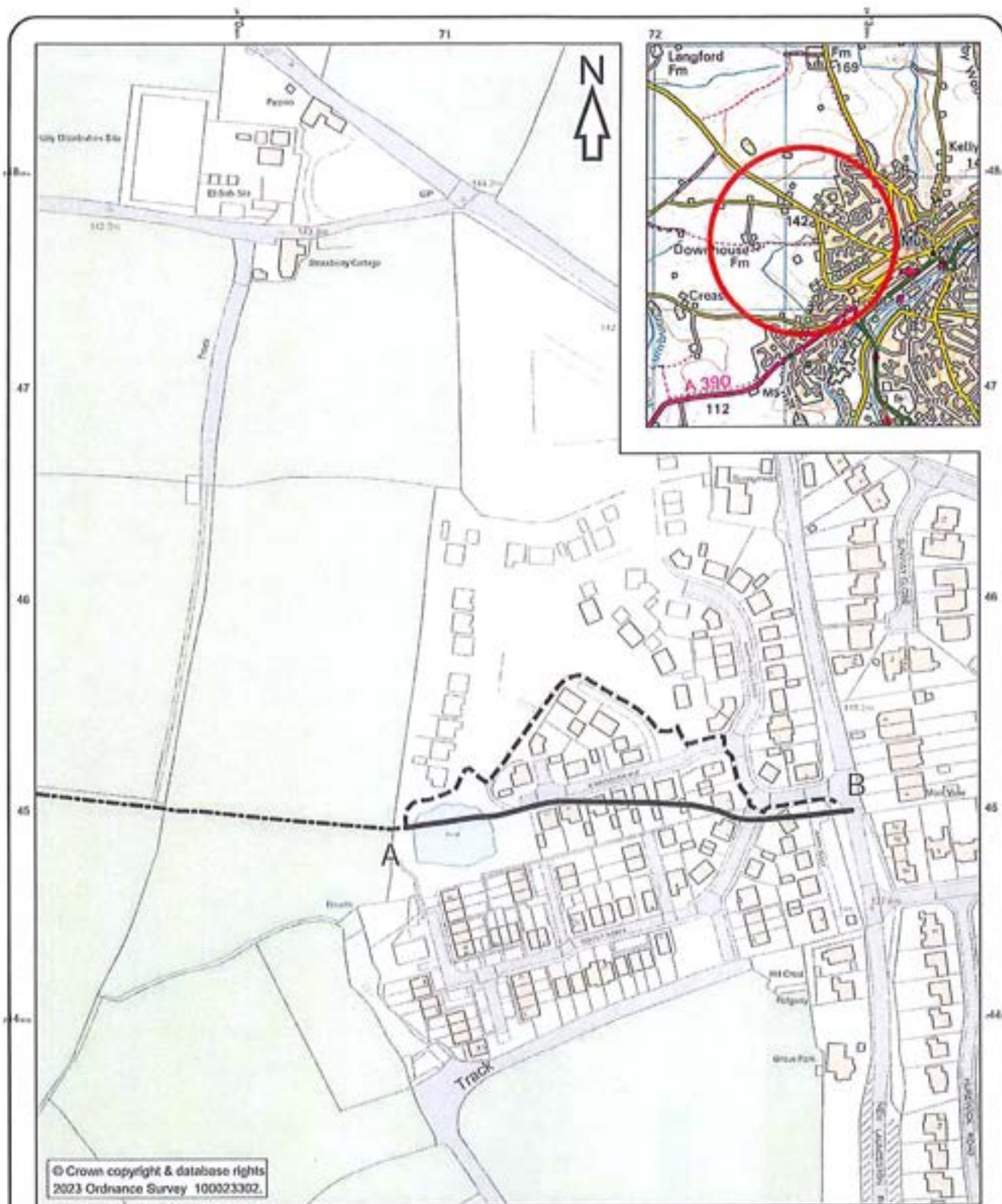
Drawing No.
Scale 1:2000
Date 17/07/2018
Drawn by RS



**West Devon
Borough
Council**

Sophie Hoskins
Clerk/Breake

SCHEDULE 2



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2023 Ordnance Survey 100023302.

South Hams District Council
Proposed Public Path Diversion Order
Footpath No. 03 Tavistock

Drawing No: 273
Scale: 1:2500
Date: 19/10/2023
Drawn by: RS



West Devon
Borough
Council

| Notation | Existing | To be extinguished | To be created |
|----------|----------|--------------------|---------------|
| | | A - B | A - B |
| | | (214.90m) | (294.83m) |

Map Reference: SX 471 745

Andy Bates
Chief Executive



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2023 Ordnance Survey 100023302.

South Hams District Council
Proposed Public Path Diversion Order
Footpath No. 03 Tavistock

Drawing No: 273
 Scale: 1:2500
 Date: 19/10/2023
 Drawn by: RS



**West Devon
 Borough
 Council**

| Notation | Existing | To be extinguished | To be created |
|----------|----------|--------------------|---------------|
| | | A - B | A - B |
| | | (214.99m) | (294.83m) |

Map Reference: SX 471 745

Andy Bates
 Chief Executive

NOTICE OF ORDER VARYING A CONFIRMED PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 333(7)

**WEST DEVON BOROUGH COUNCIL,
(PUBLIC FOOTPATH NO. 3, TAVISTOCK)
VARYING ORDER 2023**

The above order was made on 3rd November 2023.

The effect of the Order will be to vary the previously unopposed '*West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018*' by moving point B by around 42 metres to the east to New Launceston Road (SX 47281 74506).

This Order also ensures that the line of the alternative footpath matches the as built route which is to the north of the line shown on the 2018 order map. A further minor variation is included to the north of point A reflecting the as built route of the alternative footpath being a few metres to the south of that shown on the 2018 order map.

A copy of the Varying Order and Order map can be emailed upon request at the email address below.

Any representation about or objection to the order may be emailed or sent to Rob Sekula, West Devon Borough Council at the email (preferably) or postal address below not later than 14th December 2023. Please state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, West Devon Borough Council may itself confirm the order as an unopposed order. If the order is submitted to the Secretary of State for the Environment, Food and Rural Affairs for confirmation, any representations or objections which have not been withdrawn will be sent with the order.

DATED: 16th November 2023

Mr Rob Sekula
Principal Natural Resources and Greenspaces Officer
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ
Community@swdevon.gov.uk

www.westdevon.gov.uk



**West Devon
Borough
Council**

Direct telephone: 01822 813701
E-Mail: Rob.Sekula@swdevon.gov.uk

Our ref: PROW/FP3/TAV/2023
16th November 2023

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 333 (7)

**WEST DEVON BOROUGH COUNCIL
(PUBLIC FOOTPATH NO.3, TAVISTOCK)
VARYING ORDER 2023**

Please find enclosed Notice of publication for the above Varying Order, together with a copy of the Order (and map) itself.

The proposal to vary the existing *West Devon Borough Council (Public Footpath No.3, Tavistock) Public Path Diversion Order 2018* arises from the requirement to ensure the proposed alternative footpath adjoins New Launceston Road and to ensure the alternative line matches the as built route of the footpath.

It has become evident that point B should be sited at the junction with New Launceston Road and the as built route of the alternative footpath is to the north of that shown on the 2018 order map. The purpose of this variation is to ensure that the alternative footpath matches the as built route, and terminates at the adopted highway on New Launceston Road.

The effect of this variation is to move proposed point B around 42 metres to the east to SX 47281 74506. The additional section of the alternative highway is 2m wide asphalt pavement. The route crosses an estate side road (Cowslip Avenue) at a tactile crossing point. There are no stiles, gates or other obstructions on the additional section to the revised point B.

A further minor variation is included to the north of point A reflecting the as built route of the alternative footpath being a few metres to the south of that shown on the 2018 order map.

Having regard to all material considerations, the Borough Council considers it expedient to vary the 'West Devon Borough Council (Public Footpath No.13, Tavistock) Public Path Diversion Order 2018' under Sec.333 (7) of the Town & Country Planning Act 1990.

I would be pleased to receive any comments you may have on this proposal no later than the 14th December 2023.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Jones', written in a cursive style.

**Principal Natural Resources and Greenspaces Officer
West Devon Borough Council**