

**Definitive Map Review: Bishopsteignton
Claimed Bridleway: Track Through Melland's Copse**

Report of the Director of Environment, Economy and Culture

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that following a site meeting the recommendation made to the last meeting be accepted and a modification order be made to add a public bridleway over a route between Coombes End Road (UCR 1209) and the minor county road (UCR 1207) in the parish of Bishopsteignton, as shown on the attached drawing number ED/PROW/07/23 between points A – B.

1. Summary

This report is by way of addition to that made to Members at the last meeting, as it was then felt that a site meeting would be a useful preliminary to any decision.

2. Background

At its meeting on 6 March 2007 the Committee considered a report (EEC/07/58/HQ) on a claim that a track through farmland and woodland should be recorded as a public bridleway, on the basis of alleged public use over many years. The claim was opposed by the landowner who has the support of a previous landowner, and in view of the contradictory nature of the available evidence Members resolved (PR/53(b)) that consideration of the matter be deferred in order that several of them might visit the site.

3. Site Meeting

The site meeting was held on 23 April by Councillors Tucker and Brock, and was attended by Councillor Cox (local Member) and representatives of Bishopsteignton Parish Council, the present landowner and occupier, a previous owner and several former users of the route. The whole length of the track was walked, and the position of existing and previous gates noted. The information supplied in response to Members' questions was in essence that contained in the evidence forms and letters appended to the previous report.

Members noted in particular that two-thirds of the route had for much of the period of claimed public use been owned by a forestry syndicate, which had been responsible for replacing a decayed gate at one end of the route. The new gate is stated by the present and previous landowners to have been kept locked, and this information is repeated in a witness statement from Mr Harold Discombe received subsequent to the site meeting. While minded to conclude that a right of way was reasonably alleged to exist, Members were anxious that contact be established with some representative of the forestry syndicate who might have further information.

4. Further Investigations

The woodland traversed by part of the route was stated by present and previous landowners to have been owned by Economic Forestry Group which later became Fountain Forestry. Enquiries have revealed the latter firm has never had any involvement and that the woodland appears to have been purchased in 1962 by a firm called Corthorn Land and Timber Co. Ltd. which sold it soon afterwards to a forestry syndicate which in turn appointed the Economic Forestry Group to manage the land. The site manager from 1969 to 1993 was Mr Jack Richardson-Brown, who has been contacted and states the new gate was erected to put a stop to use of the route as a race track by young car drivers, there being especial fear of resultant damage to trees. It was not intended to deny the route to ordinary members of the public who were known to use it, and the gate was designed to be passable by pedestrians.

5. Reason for Recommendation/Alteration Options Considered

The site meeting enabled all concerned to appreciate that the County Council has an impartial role in such matters, but may be obliged where evidence is contradictory to make an order on the basis of a reasonable allegation that public rights exist even though the evidence does not establish such right on a balance of probability.

6. Legal Consideration

The implications/consequences of the recommendation have been taken into account in preparing the report.

Edward Chorlton

Electoral Division: Teign Estuary

Local Government Act 1972

List of Background Papers

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Background Paper	Date	File Ref.
Witness Statement	2007	DMR/MM/B't

mm200607pra
sn/mellands copse bridleway
2 hq 290607