

**Definitive Map Review 1997-2013
Parish of Georgeham (Part 3)**

Report of the Head of Highways, Capital Development and Waste

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

Recommendation: It is recommended that no Modification Orders be made to modify the Definitive Map and Statement in respect of Proposals 21, 23, 24, 25, 26, and 27.

1. Summary

This report examines seven Schedule 14 applications arising from Definitive Map Review in the Parish of Georgeham in the District of North Devon. Eight proposals were previously reported to the March 1999 Committee and a further ten proposals to the September 2002 Committee. The remaining four proposals will be referred to a subsequent Committee meeting.

2. Background

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed 21 footpaths and 2 bridleways in Georgeham, which were recorded on the Definitive Map and Statement, with a relevant date of 1 September 1957.

The review of the Definitive Map, under s. 33 of the 1949 Act, which commenced in the late 1960s but was never completed, produced a number of proposals for change to the Definitive Map at that time.

The Limited Special Review of RUPPs, carried out in the 1970s, did not affect the parish.

The following Agreements and Orders have been made:

Footpath No. 32, Georgeham Public Path Creation Agreement and Deed of Dedication;
Devon County Council (Footpath No. 18, Georgeham) Public Path Diversion Order 1978;
Devon County Council (Footpath Nos. 5 & 9, Georgeham) Public Path Extinguishment Order 1979;
Devon County Council (Footpath No. 13, Georgeham) Public Path Diversion Order 1995;
Devon County Council (Footpath Nos. 40, 41, 42, 43, & 44, Georgeham) Definitive Map Modification Order 2001;
Devon County Council (Footpath No. 44, Georgeham) Public Path Diversion Order 2001;
Devon County Council (Byway Open to All Traffic No. 45, Georgeham) Definitive Map Modification Order 2003;
Devon County Council (Byway Open to All Traffic No. 46, Georgeham) Definitive Map Modification Order 2003;
Devon County Council (Bridleway No. 47, Georgeham) Definitive Map Modification Order 2003;
Devon County Council (Bridleway Nos. 48 & 49 & Footpath Nos. 13, 15, 17, & 19, Georgeham) Definitive Map Modification Order 2003;

Devon County Council (Bridleway No. 50 & Footpath No. 10, Georgeham) Definitive Map Modification Order 2003.

Legal Event Modification Orders will be made for these amendments in due course.

3. Review

The current Review began in September 1997 with an initial meeting in the parish and a public meeting in June 1998. Sixteen proposals arose as a result of the initial consultations with a further four proposals included, along with several diversions. Full public consultation was carried out in April 1998 and November 2001, on 20 proposals for modifying the Definitive Map and Statement.

The responses from councils and user/landowner groups were as follows:

County Councillor D Spear	-	no comment
North Devon District Council	-	no comment
Georgeham Parish Council	-	comments included in previous reports
Braunton Parish Council	-	comments included in previous reports
British Horse Society	-	comments included in previous reports
Byways and Bridleways Trust	-	comments included in previous reports
Devon Green Lanes Group	-	no comment
Country Landowners' Association	-	no comment
National Farmers' Union	-	no comment
Open Spaces Society	-	no comment
Ramblers'	-	no comment
Trail Riders' Fellowship	-	comments included in previous reports

Following the confirmation of the 2003 Modification Orders, the Trail Riders' Fellowship submitted eight Schedule 14 applications proposing to record a number of routes in the parish as Byways Open to All Traffic. Six of these routes were consulted upon in 2001 and therefore did not require further consultation, and are included in this report. A further two Schedule 14 applications proposing to record routes in the parish as Byway Open to All Traffic will be the subject of a later report.

A diversion is being progressed for Bridleway No. 6, Georgeham under delegated powers.

4. Conclusion

It is recommended that no Orders be made in respect of proposals 21, 23, 24, 25, 26, and 27.

Should any further valid claim be made in the next six months it would seem sensible for it to be determined promptly rather than deferred.

5. Financial Considerations

There are no implications.

6. Sustainability Considerations

There are no implications.

7. Carbon Impact Considerations

There are no implications.

8. Equality Considerations

Where any structure may be required as rights of way, the policy of gap, pedestrian gate, kissing gate, stile, will be followed to improve the accessibility of the network.

9. Legal Considerations

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

10. Risk Management Considerations

There are no implications.

11. Public Health Impact

Amendments to the Definitive Map will contribute to the County Council's health and well being agenda.

12. Options/Alternatives

The County Council has statutory duty to undertake a review of the Definitive Map and Statement under the Wildlife and Countryside Act 1981 and is undertaking this duty through the parish by parish review across the county.

13. Reasons for Recommendation/Alternate Options Considered

To progress the parish by parish review of the Definitive Map in the North Devon district area.

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Local Government Act 1972: List of Background Papers

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Background Paper
Georgeham Stage 3

Date
1997-2013

File Ref.
DMR/GEORGEHAM3

cg230513pra
sc/cr/DMR Georgeham
03 hq 060613

Background

A. Basis of Claims

The Wildlife and Countryside Act 1981, Section 53 (5) enables any person to apply to the surveying authority for an order to modify the Definitive Map. The procedure is set out under WCA 1981 Schedule 14.

Common Law presumes that at some time in the past the landowner dedicated the way to the public either expressly, the evidence of the dedication having since been lost, or by implication, by making no objection to the use of the way by the public.

The Highways Act 1980, Section 31 (1) states that where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

The Highways Act 1980, Section 32 states that a court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan, or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

The Wildlife & Countryside Act 1981, Section 53[3] [a] [ii] enables the Definitive Map to be modified following the occurrence of an event whereby a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description.

The Wildlife and Countryside Act 1981, Section 53[3] [c] enables the Definitive Map and Statement to be modified if the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows:

(i) that a right of way not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates.

(ii) 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; or

(iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The Wildlife and Countryside Act 1981, Section 56[1] states that the Definitive Map and Statement shall be conclusive evidence as to the particulars contained therein but without prejudice to any question whether the public had at that date any right of way other than those rights.

Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes certain rights of way for mechanically propelled vehicles except for the circumstances set out in sub-sections 2 to 8. The main exceptions are that:

- (a) it is a way whose main use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles;
- (b) it was shown on the List of Streets;
- (c) it was expressly created for mechanically propelled vehicles;
- (d) it was created by the construction of a road intended to be used by such vehicles;
- (e) it was created by virtue of use by such vehicles before 1 December 1930.

Proposal 21: Addition of a public byway open to all traffic the route known as Western Down Road running between Oxford Cross and Down Lane, North Buckland.

Addition of a public byway open to all traffic known as Western Down Road, running between Oxford Cross and Down Lane, North Buckland, as shown between points F – G on drawing number HTM/PROW/13/47.

Recommendation: That no Modification Order be made in respect of Proposal 21.

1. Background

The route was originally put forward by the British Horse Society as part of Proposal 19 for addition to the Definitive Map and Statement as a bridleway. At the Committee meeting of September 2002 it was resolved that a Modification Order should be made to add the route as a byway open to all traffic, which was duly made in November 2003. The Order was known as the 'Devon County Council (Byway Open to All traffic No. 52, Georgeham) Definitive Map Modification Order 2003'. The Order attracted a number of objections which were not withdrawn and resulted in a local public inquiry being held in May 2005. The Inspector appointed by the Secretary of State to determine the Order concluded that the Order should not be confirmed. Consequently the Trail Riders Fellowship submitted a Schedule 14 application in respect of this route.

2. Description of the Route

The route starts at point F, as shown on drawing number HTM/PROW/13/47, on Mains Down Lane, approximately 75 metres northeast of Oxford Cross it proceeds generally eastwards following the southern edge of several fields for about 850 metres before continuing along a track for a further 210 metres to meet the unrecorded route known as Down Lane at point G. The route is known as Western Down Road. The total length of the route is 1,060 metres. The surface is earth and grass.

3. Evidence

3.1 Application Evidence

Extracts of the Finance Act mapping alone were supplied with the application, though it also referred to:

- Georgeham tithe map;
- Bartholomew's maps;
- Ordnance Survey maps;
- Greenwood's map;
- Walking guide by F.C. Elliott;

- Croyde and District walking map;
- Georgeham Parish Council minutes;
- Public inquiry evidence; and
- Eyre v New Forest Highway Board (1892) case law.

These were referred to but not supplied.

3.2 Evidence Considered Previously by Committee

This route and all available evidence discovered relating to it was fully considered at the Committee meeting of September 2002, and included:

- Ordnance Survey mapping;
- Georgeham tithe map;
- Ordnance Survey Name Books;
- Finance Act records;
- Bartholomew's maps;
- Georgeham Parish Council minutes;
- FC Elliott guide book;
- Croyde Area Residents Association walking maps;
- User evidence from eleven people, nine on horseback; and
- Landowner evidence.

3.3 Determination of the 2003 Modification Order

At a local public inquiry in May 2005 lasting 5 days all the evidence relating to the proposal route was heard, tested, evaluated and weighed, with the Inspector issuing his decision in August 2005. He decided not to confirm the Order.

4 Discussion

The application was made by the Trail Riders Fellowship following the non-confirmation of the Modification Order to add the proposal route as a byway open to all traffic in an attempt to record vehicular rights that might otherwise be lost through NERC. Despite the non-inclusion of copies of the evidence referred to, this same evidence and more was considered by the Public Rights of Way Committee in September 2002, and in detail at the public inquiry in May 2005 and in the Inspector's decision of August 2005. The evidence does not support the recording of this route on the Definitive Map.

5 Conclusion

It is recommended therefore, that no Modification Order be made to add a byway open to all traffic between points F – G, as shown on drawing number HTM/PROW/13/47.

Proposal 23: Upgrade to a public byway open to all traffic the route known as Western Down Road running between North Buckland Hill and county road 230 metres north of Spreacombe Bridge, known as Eastern Down Lane and Wood Lane.

Upgrade to a public byway open to all traffic known as Eastern Down Lane and Wood Lane, running between North Buckland Hill and the county road north of Spreacombe Bridge, North Buckland, as shown between points J – I – K on drawing number HTM/PROW/13/49.

Recommendation: That no Modification Order be made in respect of Proposal 23.

1. Background

The route was originally put forward by the British Horse Society as Proposal 17 and part of Proposal 18 for addition to the Definitive Map and Statement as a bridleway between points J – I – K. At the Committee meeting of September 2002 it was resolved that a Modification Order should be made to add the route between C – B as a Byway open to all traffic, which was duly made in November 2003. The Order was known as the 'Devon County Council (Byway Open to All traffic No. 50, Georgeham, Bridleway No. 51, Georgeham and Footpath No. 10 Georgeham) Definitive Map Modification Order 2003'. The Order attracted a number of objections which were not withdrawn and resulted in a local public inquiry being held in May 2005. The Inspector appointed by the Secretary of State to determine the Order concluded that the Order should be confirmed with modifications, deleting the bridleway and changing the byway to bridleway. Consequently the Trail Riders Fellowship submitted a Schedule 14 application in respect of this route, J – I - K.

2. Description of the Route

The route starts at point J, as shown on drawing number EEC/PROW/13/49, at the junction with North Buckland Hill, approximately 615 metres east of North Buckland it proceeds generally northwards along Eastern Down Lane to point I where it meets Down Lane and then turns eastwards along Wood Lane to point K, approximately 165 metres north of Spreacombe Bridge. The total length of the route is 1,215 metres. The surface is stony with earth and grass.

3. Evidence

3.1 Application Evidence

Extracts of the Finance Act mapping and Trail Riders Fellowship run records alone were supplied with the application, though it also referred to:

- Georgeham tithe map;
- Bartholomew's maps;
- Ordnance Survey maps;
- Greenwood's map;
- Walking guide;
- Croyde and District walking map;
- Georgeham Parish Council minutes; and
- Eyre v New Forest Highway Board (1892) case law.

These were referred to but not supplied.

3.2 Evidence Considered Previously by Committee

This route and all available evidence discovered at that time relating to it was fully considered at the Committee meeting of September 2002, and included:

- Ordnance Survey mapping;
- Georgeham tithe map;
- Ordnance Survey Name Books;
- Finance Act records;
- Bartholomew's maps;
- Georgeham Parish Council minutes;

- Barnstaple Rural District Council minutes;
- FC Elliott guide book;
- Croyde Area Residents Association walking maps;
- User evidence from twenty seven people, three on foot, one of foot and with a bicycle, one on motorcycle, and the remainder on horseback; and
- Landowner evidence.

3.3 Determination of the 2003 Modification Order

At a local public inquiry in May 2005 lasting 5 days all the evidence relating to the proposal route was heard, tested, evaluated and weighed, with the Inspector issuing his decision in August 2005. The Order was confirmed as Bridleway No. 50, Georgeham and Footpath No. 10, Georgeham.

4 Discussion

The application was made by the Trail Riders fellowship following the non-confirmation of the Modification Order to add the proposal route as a Byway open to All Traffic. Despite the non-inclusion of copies of the evidence referred to, this same evidence and more was considered by the Public Rights of Way Committee in September 2002, and in detail at the public inquiry in May 2005 and in the Inspector's decision of August 2005.

5 Conclusion

It is recommended therefore, that no Modification Order be made to add a byway open to all traffic between points J – I – K, as shown on drawing number HTM/PROW/13/49.

Proposal 24: Addition of a public byway open to all traffic the route running between Bridleway No. 50, Georgeham on Wood Lane and Heddon Mill, North Buckland.

Addition of a public byway open to all traffic, running between Bridleway No. 50, Georgeham on Wood Lane and Heddon Mill, North Buckland, as shown between points L – M on drawing number HTM/PROW/13/50.

Recommendation: That no Modification Order be made in respect of Proposal 24.

1. Background

The route was originally put forward by the British Horse Society as part of Proposal 18 for addition to the Definitive Map and Statement as a bridleway. At the Committee meeting of September 2002 it was resolved that a Modification Order should be made to add the route as a Byway open to all traffic, which was duly made in November 2003. The Order was known as the 'Devon County Council (Byway Open to All traffic No. 50, Georgeham, Bridleway No. 51, Georgeham and Footpath No. 10, Georgeham) Definitive Map Modification Order 2003'. The Order attracted a number of objections which were not withdrawn and resulted in a local public inquiry being held in May 2005. The Inspector appointed by the Secretary of State to determine the Order concluded that the Order should be confirmed with modifications by deleting the bridleway and changing the status of the byway to bridleway. Consequently the Trail Riders Fellowship submitted a Schedule 14 application in respect of this route.

2. Description of the Route

The route starts at point L, as shown on drawing number HTM/PROW/13/50, on Wood Lane, which is currently recorded as Bridleway No 50, Georgeham, approximately 90 metres west of the county road north of Spreacombe Bridge. It proceeds generally southwards following a track to meet the county road, North Buckland Hill at point M. The route is known as Western Down Road. The total length of the route is 1,060 metres. It has a stony, earth and grass surface.

3. Evidence

3.1 Application Evidence

Extracts of the Finance Act mapping alone were supplied with the application, though it also referred to:

- Georgeham tithe map;
- Ordnance Survey maps;
- Greenwood's map;
- Walking guide by F.C. Elliott;
- Croyde and District walking map;
- Braunton Parish Council minutes;
- Barnstaple Rural District Council minutes; and
- Eyre v New Forest Highway Board (1892) case law.

These were referred to but not supplied.

3.2 Evidence Considered Previously by Committee

This route and all available evidence discovered relating to it was fully considered at the Committee meeting of September 2002, and included:

- Ordnance Survey mapping;
- Georgeham tithe map;
- Greenwood's map
- Finance Act records;
- Barnstaple Rural District Council minutes;
- FC Elliott guide book;
- Croyde Area Residents Association walking maps;
- User evidence from eighteen people, fourteen on horseback; and
- Landowner evidence.

3.3 Determination of the 2003 Modification Order

At a local public inquiry in May 2005 lasting 5 days all the evidence relating to the proposal route was heard, tested, evaluated and weighed, with the Inspector issuing his decision in August 2005. He decided not to confirm the part of the Order relating to this proposal.

4 Discussion

The application was made by the Trail Riders fellowship following the non-confirmation of the Modification Order to add the proposal route as a Byway open to All Traffic. Despite the non-inclusion of copies of the evidence referred to, this same evidence and more was considered by the Public Rights of Way Committee in September 2002, and in detail at the

public inquiry in May 2005 and in the Inspector's decision of August 2005. The evidence does not support the recording of this route on the Definitive Map.

5 Conclusion

It is recommended therefore, that no Modification Order be made to add a byway open to all traffic between points L – M, as shown on drawing number HTM/PROW/13/50.

Proposal 25: Upgrade to a public byway open to all traffic the routes known as Cloutman's Lane and Mill Lane running between Georgeham Road and Farm Close, Croyde.

Upgrade to a public byway open to all traffic known as Cloutman's Lane and Mill Lane, running between Georgeham Road and Farm Close, Croyde, as shown between points A – B on drawing number HTM/PROW/13/51.

Recommendation: That no Modification Order be made in respect of Proposal 25.

1. Background

The route was originally put forward by the Byways and Bridleways Trust as Proposal 20 for addition to the Definitive Map and Statement as a bridleway. At the Committee meeting of September 2002 it was resolved that a Modification Order should be made to add the route as a Byway open to All Traffic, which was duly made in November 2003. The Order was known as the 'Devon County Council (Byway Open to All traffic Nos. 48 & 49, Georgeham and Footpath Nos. 13, 15, 16 & 17, Georgeham) Definitive Map Modification Order 2003'. The Order attracted a number of objections which were not withdrawn and resulted in a local public inquiry being held in May 2005. The Inspector appointed by the Secretary of State to determine the Order concluded that the Order should be confirmed with modifications, changing the byways to bridleways. Consequently the Trail Riders Fellowship submitted a Schedule 14 application in respect of this route.

2. Description of the Route

The route starts at point N, as shown on drawing number HTM/PROW/13/51, at the junction with the county road, Farm Close, Croyde. It proceeds generally eastwards along a track known as Cloutman's Lane to point O. It then turns north onto Mill Lane to meet Georgeham Road. Both Cloutman's Lane and Mill Lane are currently recorded as Bridleway No. 48, Georgeham. The total length of the route is 360 metres. The first section of Cloutman's Lane has a metalled surface but the remainder and Mill Lane has a stone and earth surface.

3. Evidence

3.1 Application Evidence

Extracts of the Finance Act mapping alone were supplied with the application, though it also referred to:

- Georgeham tithe map;
- Bartholomew's maps;
- Ordnance Survey maps;
- Greenwood's map;
- Donn's map; and

- Eyre v New Forest Highway Board (1892) case law.

These were referred to but not supplied.

3.2 Evidence Considered Previously by Committee

This route and all available evidence discovered relating to it was fully considered at the Committee meeting of September 2002, and included:

- Ordnance Survey mapping;
- Georgeham tithe map;
- Greenwood's map;
- Ordnance Survey Name Books;
- Finance Act records;
- Bartholomew's maps;
- Georgeham Parish Council minutes;
- Original Parish Submission for the Definitive Map;
- Croyde Area Residents Association walking maps;
- User evidence from twenty people, fifteen on horseback; and
- Landowner evidence.

3.3 Determination of the 2003 Modification Order

At a local public inquiry in May 2005 lasting 5 days all the evidence relating to the proposal route was heard, tested, evaluated and weighed, with the Inspector issuing his decision in August 2005. He decided to confirm the Order with modifications, changing the status from byway to bridleway.

4 Discussion

The application was made by the Trail Riders fellowship following the non-confirmation of the Modification Order to add the proposal route as a Byway open to All Traffic. Despite the non-inclusion of copies of the evidence referred to, this same evidence and more was considered by the Public Rights of Way Committee in September 2002, and in detail at the public inquiry in May 2005 and in the Inspector's decision of August 2005.

5 Conclusion

It is recommended therefore, that no Modification Order be made to add a Byway open to All Traffic between points A – B, as shown on drawing number HTM/PROW/13/51.

Proposal 26: Upgrade of a public byway open to all traffic the route known as Milkaway Lane and Pathdown Lane running between Bridleway No. 48, Georgeham and Georgeham Road, Croyde.

Upgrade of a public byway open to all traffic known as Milkaway Lane and Pathdown Lane, along Bridleway No. 49, Georgeham, running between Bridleway No. 48, Georgeham at the junction with Mill Lane and Cloutman's Lane, and Georgeham Road, Croyde, east of Croyde Baptist Church, as shown between points Q – R – S on drawing number HTM/PROW/13/52.

Recommendation: That no Modification Order be made in respect of Proposal 26.

1. Background

The route was originally put forward by the Byways and Bridleways Trust as Proposal 16 for addition to the Definitive Map and Statement as a bridleway. At the Committee meeting of September 2002 it was resolved that a Modification Order should be made to add the route as a Byway open to all traffic, which was duly made in November 2003. The Order was known as the 'Devon County Council (Byway Open to All traffic Nos. 48 & 49, Georgeham and Footpath Nos. 13, 15, 16 and 17, Georgeham) Definitive Map Modification Order 2003'. The Order attracted a number of objections which were not withdrawn and resulted in a local public inquiry being held in May 2005. The Inspector appointed by the Secretary of State to determine the Order concluded that the Order should be confirmed with modifications changing the status of the byways to bridleways. Consequently the Trail Riders Fellowship submitted a Schedule 14 application in respect of this route.

2. Description of the Route

The route starts at point Q, as shown on drawing number HTM/PROW/13/52, at the junction with Cloutman's Lane and Mill Lane which is currently recorded as Bridleway No. 48, Georgeham. It proceeds south eastwards along Milkaway Lane to point R where it meets Pathdown Lane and turns northwards along Pathdown Lane to meet the county road, Georgeham Road at Cross. The total length of the route is 705 metres. It generally has a stone and earth surface with surface vegetation and sections of tarmac.

3. Evidence

3.1 Application Evidence

Extracts of the Finance Act mapping alone were supplied with the application, though it also referred to:

- Georgeham tithe map;
- Ordnance Survey maps;
- Greenwood's map;
- Donn's map; and
- Eyre v New Forest Highway Board (1892) case law.

These were referred to but not supplied.

3.2 Evidence Considered Previously by Committee

This route and all available evidence discovered relating to it was fully considered at the Committee meeting of September 2002, and included:

- Ordnance Survey mapping;
- Georgeham tithe map;
- Ordnance Survey Name Books;
- Finance Act records;
- Bartholomew's maps;
- Greenwood's map;
- Georgeham Parish Council minutes;
- Croyde Area Residents Association walking maps;
- User evidence from twenty five people, eighteen on horseback; and
- Landowner evidence.

3.3 Determination of the 2003 Modification Order

At a local public inquiry in May 2005 lasting 5 days all the evidence relating to the proposal route was heard, tested, evaluated and weighed, with the Inspector issuing his decision in August 2005. He decided to confirm the Order with modifications by changing the status from byway to bridleway.

4 Discussion

The application was made by the Trail Riders fellowship following the non-confirmation of the Modification Order to add the proposal route as a Byway open to All Traffic. Despite the non-inclusion of copies of the evidence referred to, this same evidence and more was considered by the Public Rights of Way Committee in September 2002, and in detail at the public inquiry in May 2005 and in the Inspector's decision of August 2005.

5 Conclusion

It is recommended therefore, that no Modification Order be made to add a byway open to all traffic between points Q – R – S, as shown on drawing number HTM/PROW/13/52.

Proposal 27: Addition of a public byway open to all traffic the route known Somerthing Lane running between Withywell Lane and Croyde road, Croyde.

Addition of a public byway open to all traffic known as Somerthing Lane, running Withywell Lane and Croyde road, Croyde, as shown between points between T – U – V on drawing number HTM/PROW/13/53.

Recommendation: That no Modification Order be made in respect of Proposal 27.

1. Background

The route was originally put forward by the Georgeham Parish Council in the unfinished review of 1978 and subsequently as Proposal 13 for addition to the Definitive Map and Statement as a footpath. At the Committee meeting of September 2002 it was resolved that no Modification Order should be made to add the route as a footpath. Following the decision of a public inquiry in 2005 into a number of byway claims in Georgeham parish, the Trail Riders Fellowship submitted a Schedule 14 application in respect of this route.

2. Description of the Route

The route starts at point T, as shown on drawing number HTM/PROW/13/53, at the junction with Withywell Lane and runs along Somerthing Lane to point U where it turns northwards to meet Croyde Road, Croyde opposite St Helens Close. As it passes between points T and U along the bottom of gardens it becomes narrow and overgrown with a small watercourse running alongside the proposal route. Some of the gardens have encroached on the route. The total length of the route is 525 metres. The surface is mainly earth and stone with surface vegetation with metalled sections.

3. Evidence

3.1 Application Evidence

Extracts of the Ordnance Survey mapping dated 1946, 1957-8 and 1958, besides the Ward and Lock's Guides of 1927-8 and 1931, and the Bartholomew's map of 1955 were supplied with the application, though it also referred to:

- Finance Act records;
- Georgeham tithe map;
- Bartholomew's maps;
- Other Ordnance Survey maps;
- Other Bartholomew's maps;
- Croyde and District walking map;
- Georgeham Parish Council minutes;
- User evidence from the current Review; and
- Information from the Executors of the late Mrs Killard-Leavy's Estate from the current Review.

These were referred to but not supplied.

3.2 Evidence considered previously by Committee

This route and all available evidence discovered relating to it was fully considered at the Committee meeting of September 2002, and included:

- Records from the abandoned 1978 Review of the Definitive Map;
- Ordnance Survey mapping;
- Greenwood's map;
- Finance Act records;
- Georgeham Parish Council minutes;
- Croyde Area Residents Association walking maps;
- User evidence from three people on foot;
- Evidence from the Executors of the late Mrs Killard-Leavy's Estate; and
- Landowner evidence.

3.3 Evidence not considered previously by Committee

Evidence not previously presented to the Committee includes:

- Finance Act records – The route is mostly excluded from hereditaments, but is included within hereditaments 7, 19, and 28.
- Georgeham tithe map – The proposal route is coloured in the same manner as recorded public highways and are open ended and not numbered.
- Croyde Area Residents Association walking maps – The route is shown on the 1974 version but not on subsequent editions.
- Bartholomew's maps/Ward and Lock's guides – The proposal route is shown as an uncoloured. These were usually considered as inferior roads and not to be recommended.

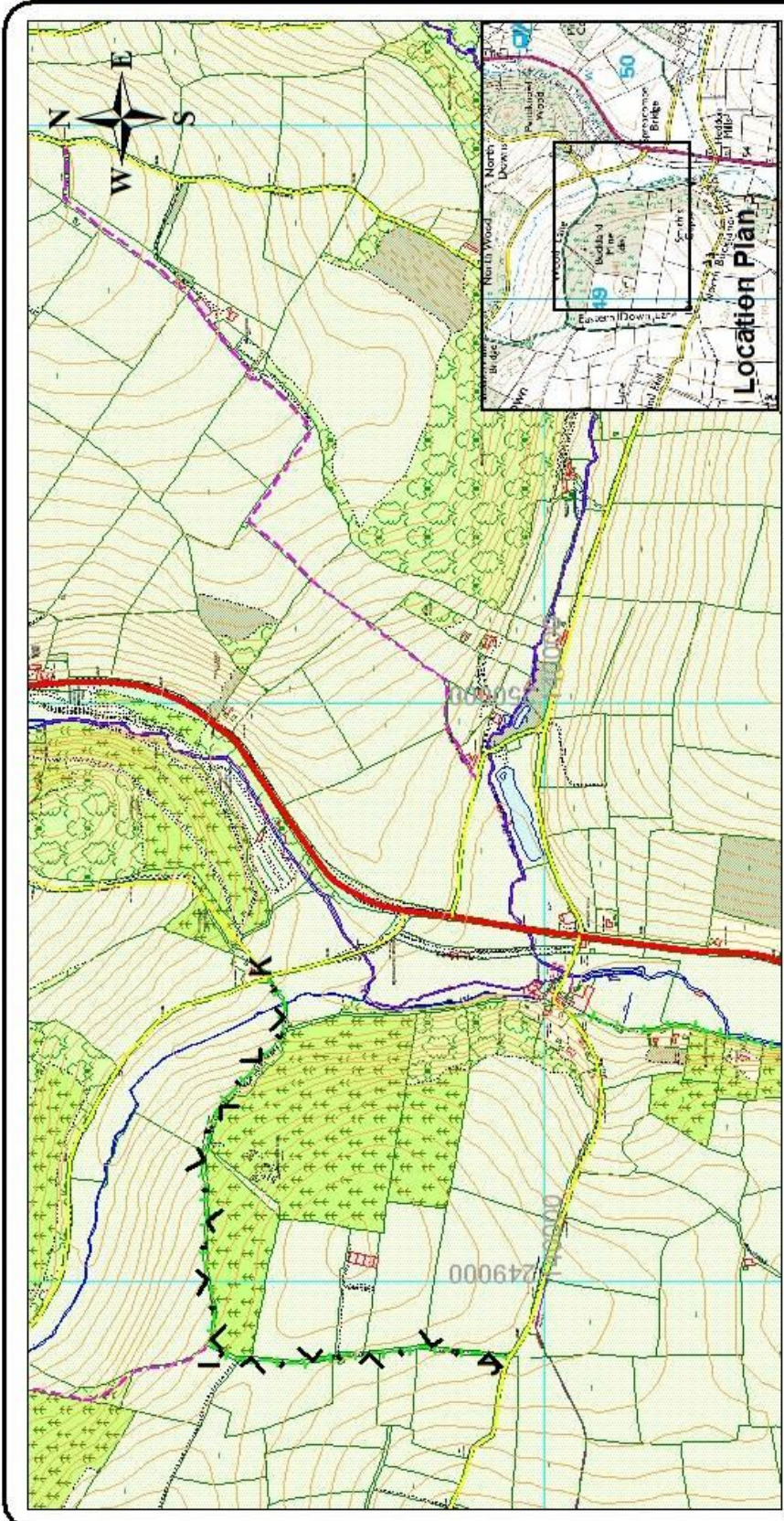
4 Discussion

The application was made by the Trail Riders fellowship following the non-confirmation of other routes in the parish as Byways open to All Traffic. The evidence referred to in the

application has been considered in conjunction with that presented to the committee in September 2002. It is considered that while this evidence depicts the proposal route and in some cases infers the public perception regarding it, there is little information regarding any public status it may have. Consequently, this evidence has little weight and does not alter the earlier Committee's decision.

5 Conclusion

It is recommended therefore, that no Modification Order be made to add a byway open to all traffic between points T – U – V, as shown on drawing number HTM/PROW/13/53.



map ref. SS 4940

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Devon County Council
Definitive Map Review - Georgeham
Proposal 23 - Schedule 14 application - Upgrade to byway

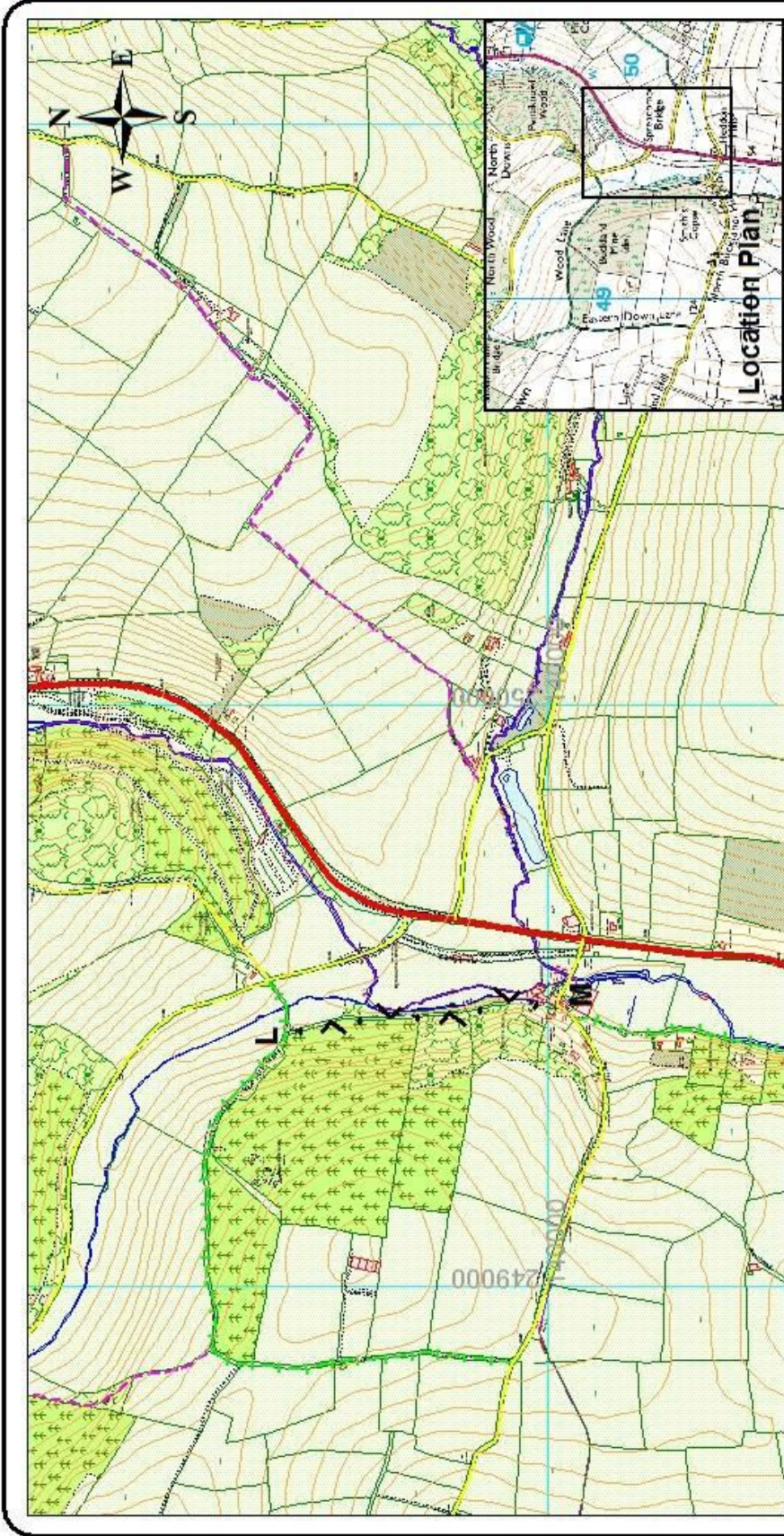
Notation

- Proposed byway J - I - K (1,215 metres) ———
- Existing footpath - - - - -
- Existing bridleway - - - - -

drawing number **HTM/PROW/13/49**
 date **April 2013**
 scale **1:10,000**
 drawn by **CLG**

David Whitton
 Head of Highways, Capital Development & Waste

Devon
 County Council
 Capital Development & Waste



map ref. SS 4940

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Definitive Map Review - Georgeham
Proposal 24 - Schedule 14 application - Addition of a byway

drawing number **HTM/PROW/13/50**
 date **April 2013**
 scale **1:10,000**
 drawn by **CLG**

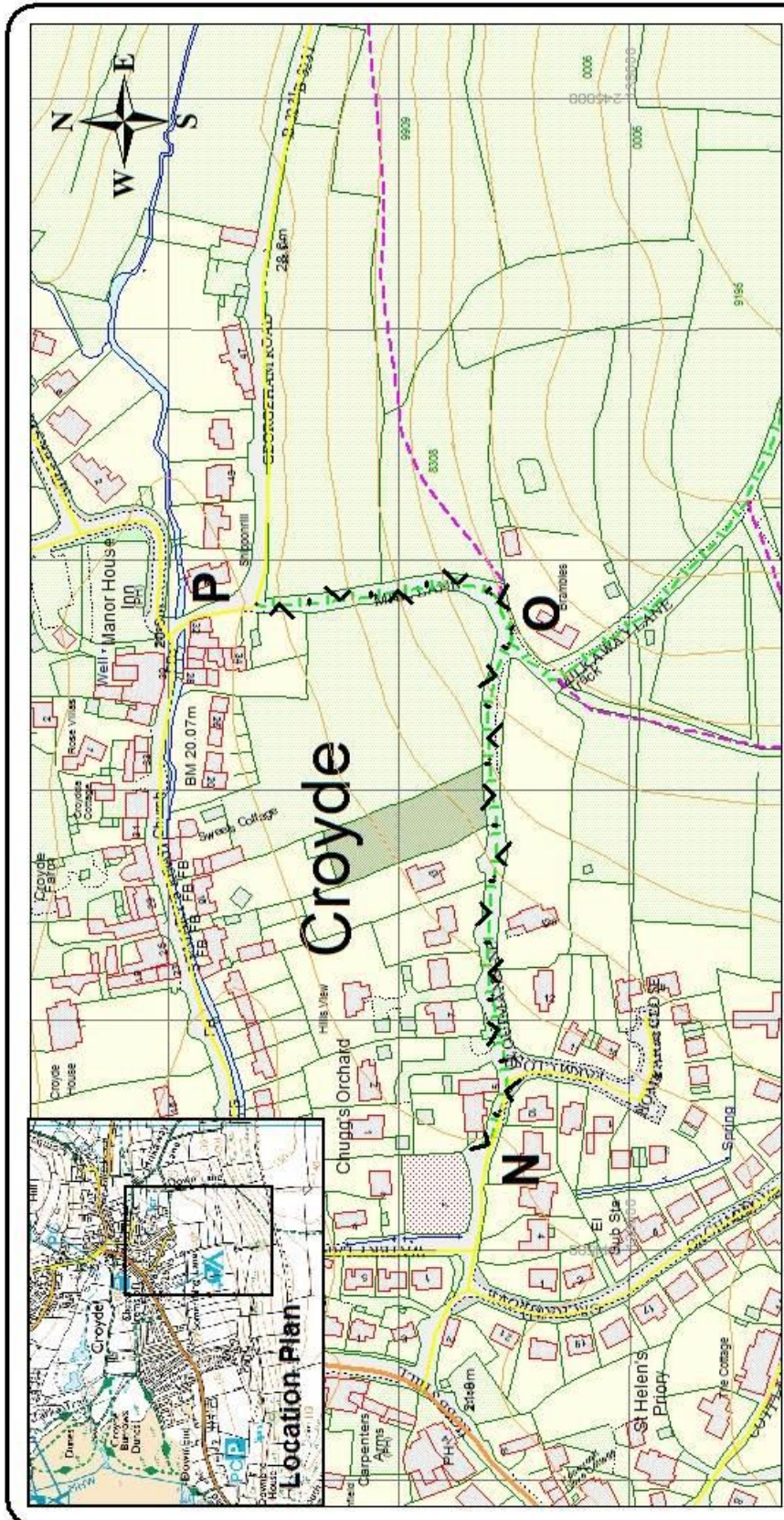
Notation

- Proposed byway L - M (475 metres)
- Existing footpath
- Existing bridleway

David Whitton
 Head of Highways, Capital Development & Waste







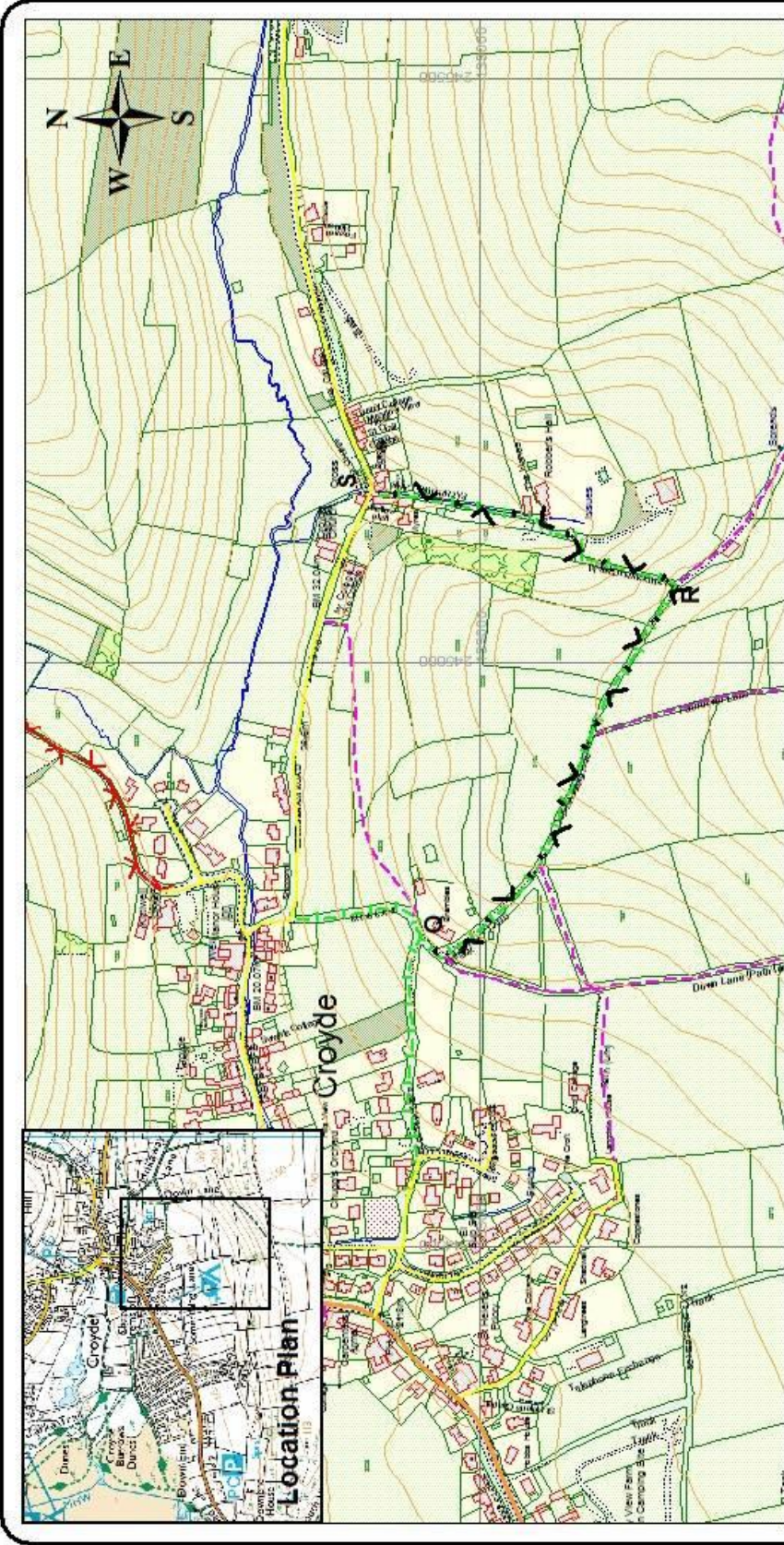
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map ref: SS 4439

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Devon County Council Definitive Map Review - Georgeham Proposal 25 - Schedule 14 application - Upgrade to a byway		drawing number HTM/PROW/13/52 date April 2013 scale 1:2,500 drawn by CLG
Notation Proposed byway N - O - P (360 metres)  Existing footpath  Existing bridleway 		David Whitton Head of Highways, Capital Development & Waste 



map ref. SS 4439

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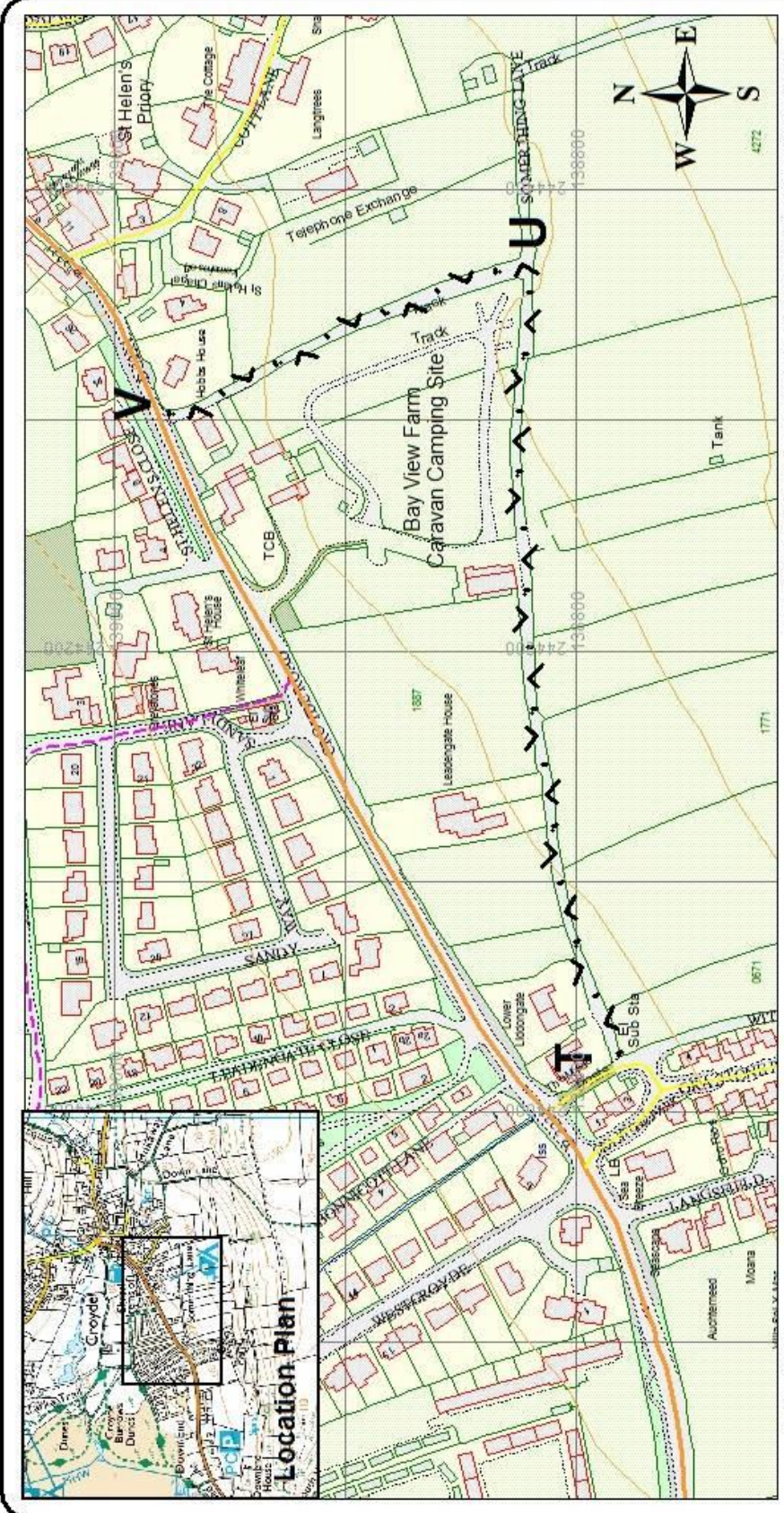
drawing number **HTM/PROW/13/52**
 date **April 2013**
 scale **1:5,000**
 drawn by **CLG**

Devon County Council
Definitive Map Review - Georgeham
Proposal 26 - Schedule 14 application - Upgrade to byway

Notation

- Proposed byway Q - R - S (705 metres) ———
- Existing footpath - - - - -
- Existing bridleway ———





map ref. SS 4438

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Devon County Council Definitive Map Review - Georgeham Proposal 27 - Schedule 14 application - Addition of a byway		drawing number HTM/PROW/13/53 date April 2013 scale 1:2,500 drawn by CLG
Notation Proposed byway T - U - V (525 metres) ———— Existing footpath - - - - - Existing bridleway ————		David Whitton Head of Highways, Capital Development & Waste
		 Devon County Council Head of Highways, Capital Development & Waste