

**Definitive Map Review 2012-14
Parish of Whitchurch**

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.

1. Summary

This report examines the Definitive Map Review in the Parish of Whitchurch in the District of West Devon.

2. Background

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed 11 footpaths and 6 bridleways in Whitchurch, which were recorded on the Definitive Map and Statement, with a relevant date of 1 May 1958.

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:

Devon County Council (Footpath No. 1, Whitchurch) Public Path Extinguishment Order 1967;
Devon County Council (Footpath No. 1, Whitchurch) Public Path Diversion Order 1980;
Devon County Council (Bridleway No. 2, Whitchurch) Public Path Diversion Order 1967;
Devon County Council (Footpath No. 3, Whitchurch) Public Path Diversion Order 1978;
Devon County Council (Footpath No. 3, Whitchurch) Public Path Diversion Order 1979;
Devon County Council (Footpath No. 3, Whitchurch) Public Path Diversion Order 1998;
Devon County Council (Footpath No. 3, Whitchurch) Public Path Diversion Order 2004;
Devon County Council (Footpath No. 3a, Whitchurch) Public Path Diversion Order 1981; and
Devon County Council (Footpath No. 4, Whitchurch) Public Path Diversion Order 1980

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

3. Review

The current Review began in November 2012 with an initial public meeting. No proposals were put forward as a result of the initial consultations but several diversions will be progressed under delegated powers. Full public consultation was carried out in December 2013.

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

County Councillor P Sanders	-	no comment
West Devon Borough Council	-	no comment
Plasterdown Grouped Parish Council	-	comments prior to consultation on diversions
British Horse Society	-	no comment
Byways and Bridleways Trust	-	no comment
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	-	no comment

A diversion is being progressed for Footpath No. 1 and Bridleway No. 7, Whitchurch under delegated powers.

4. Conclusion

It is recommended that no Orders be made. 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

The implications/consequences of the recommendation have been taken into account in preparing the report. Financial implications are not a relevant consideration to be taken into account under the provision of the Wildlife and Countryside Act 1981. The Authority's costs associated with Modification Orders, including Schedule 14 appeals, the making of Orders and subsequent determinations, are met from the general public rights of way budget in fulfilling our statutory duties.

6. Sustainability Considerations

There are no implications.

7. Carbon Impact Considerations

There are no implications.

8. Equality Considerations

There are no implications.

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

There are no implications.

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 West Devon district area.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Division: Yelverton Rural

Local Government Act 1972: List of Background Papers

Contact for enquiries: Caroline Gatrell

Room No: ABG Lucombe House, County Hall, Exeter

Tel No: 01392 383240

Background Paper	Date	File Ref.
Correspondence file	2012-2014	DMR/WHIT

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sc/cr/DMR parish of Whitchurch
03 120214