

Definitive Map Review 2006–14: Parish of Dunkeswell

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 in respect of the Definitive Map Review for Dunkeswell parish.

1. Introduction

The report examines the Definitive Map Review in the parish of Dunkeswell.

2. Background

The original survey by Dunkeswell Parish Council in 1950 under s.27 of the National Parks and Access to the Countryside Act of 1949 produced 13 footpaths and 2 bridleways recorded on the Definitive Map with a relevant date of 1 September 1957.

The reviews of the Definitive Map under s.33 of the 1949 Act, which commenced in the 1960s and 1970s but were never completed, produced no valid proposals. The Limited Special Review for the reclassification of Roads Used as Public Paths (RUPPs), carried out in the early 1970s, did not affect the parish as it had no recorded RUPPs. Several footpaths were claimed, but with no supporting evidence of public use by local residents and were therefore not investigated previously, nor are they considered in the current review.

A previous report to the Public Rights of Way Sub-Committee in 1991 relating to problems with a recorded bridleway and to the disputed status of a footpath led to a site visit by members and resulted in a diversion of part of the bridleway with the creation of a new footpath linked to it. Discussions to resolve problems with those routes and others in the parish are ongoing, and negotiations are taking place with landowners for a diversion and an agreement to the creation of a connecting footpath.

The following additional Orders for alterations to footpaths and bridleways, including diversions, have been made and will require the making of a Legal Event Modification Order for recording on a new revised Definitive Map:

- (a) The Honiton Rural District Council (Dunkeswell) No.14 Public Path Diversion Order 1973, Highways Act 1959 [Countryside Act 1968];
- (b) East Devon District Council (Footpath No. 15) (Dunkeswell) Public Path Diversion Order 1981, Highways Act 1980 [Countryside Act 1968];
- (c) East Devon District Council (Bridleway No. 12) (Dunkeswell) Public Path Diversion Order 1984, Highways Act 1980;
- (d) The County of Devon (Footpath No 8, Dunkeswell) Public Path Diversion Order 1988, Highways Act 1980;
- (e) East Devon Parishes Order 1989 – transfer of part Bridleway No. 19, Dunkeswell into Awliscombe parish with change in parish boundary;
- (f) The County of Devon (Bridleway No 12, Dunkeswell) Public Path Diversion Order 1992, Highways Act 1980;

- (g) Public Path Creation Agreement 1993, Devon County Council and landowners, dedication of Footpath No. 22, relating to diversion of Bridleway No. 12, Dunkeswell;
- (h) Devon County Council (Footpath No. 15, Dunkeswell) Public Path Diversion Order 1995, Highways Act 1980;
- (i) Devon County Council (Footpath No. 18, Dunkeswell) Public Path Diversion Order 1995, Highways Act 1980;
- (j) Mid Devon District Council Public Footpath Nos. 6 (Dunkeswell) and 42b (Hemyock) Diversion Order 1996, Highways Act 1980.

The current review began in July 2006 with an introductory public meeting in Dunkeswell. At the meeting, reference was made to the background of the claims that had been put forward previously and kept on file, with or without any supporting evidence. A further claim was put forward on behalf of the Trail Riders' Fellowship (TRF) to upgrade to Restricted Byway part of a recorded footpath and its continuation on an unrecorded track leading across the parish boundary into Hemyock where it is recorded as a footpath. No evidence was provided in support of the claim and no formal application was submitted, so it is not considered sufficient for a valid claim for investigation as part of the current review.

3. Proposals

A discrepancy found between the line of Footpath No. 2 shown on the Definitive Map and its description in the Statement was proposed for correction by amendment of the line shown on the map. No further substantial historical anomalies affecting other recorded routes have been found in the current review process. Any others requiring amendment by a diversion can be dealt with using powers under delegated authority.

4. Consultations

General public consultations on the one proposed amendment for the correction of the recorded route of Footpath No. 2 were carried out between November 2013 and January 2014. The review was advertised in the local newspaper, with notices posted on site and in the locality, and details available with the Parish Clerk for public inspection.

Responses to the consultations were as follows:

County Councillor Paul Diviani	- no comment.
East Devon District Council	- no comment.
Dunkeswell Parish Council	- support the proposed amendment.
Country Land and Business Association	- no comment.
National Farmers' Union	- no comment.
ACU/TRF	- no comment.
British Horse Society	- no comment.
Ramblers	- support the proposed amendment, with no additional suggestions to make regarding any unrecorded rights of way.

5. Financial Considerations

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

6. Legal Considerations

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

7. Risk Management Considerations

No risks have been identified.

8. Equality, Environmental Impact and Public Health Considerations

Equality, environmental impact or public health implications have, where appropriate under the provisions of the relevant legislation, been taken into account in the preparation of the report.

9. Conclusion

The recommendation is not to make any Modification Orders for the Definitive Map Review in the parish of Dunkeswell. The discrepancy between the description of Footpath No. 2 and its line recorded on the Definitive Map can be corrected by a diversion under delegated powers. There are no recommendations to make concerning any other modifications. However, should any further valid claim with sufficient evidence be made within the next six months it would seem reasonable for it to be determined promptly rather than deferred.

10. Reasons for Recommendation

To undertake the County Council's statutory duty under the Wildlife and Countryside Act 1981 to keep the Definitive Map and Statement under continuous review and to progress the parish-by-parish review in the East Devon district area.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Division: Honiton St. Paul's

Local Government Act 1972: List of Background Papers

Contact for enquiries: Nick Steenman-Clark

Room No: ABG Lucombe House

Tel No: (01392) 382856

Background Paper	Date	File Ref.
Correspondence File	1991 to date	NSC/DMR/DUNK

ns090514pra
sc/cr/DMR Parish of Dunkeswell
04 050614