

**Definitive Map Review
Parish of Bere Ferrers**

Report of the Head of Highways, Capital Development and Waste

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

Recommendation: It is recommended that:

- (a) Modification Orders be made to modify the Definitive Map and Statement by:**
 - (i) adding a public footpath between points W - X as shown on drawing number HCW/PROW/14/69 (Proposal 10) to resolve an anomaly affecting Footpath No. 63 so that it meets the county road;**
 - (ii) deleting part of Footpath No. 7, between points N – O, and add Well Lane to the List of Streets as a county road between points M – O as shown on drawing HCW/PROW/14/67 (Proposal 6) to resolve an anomaly affecting the footpath so that it meets the county road;**
- (b) No Modification Order be made in respect of Proposal 8, but that the county road Y1901, Lockridge Road is extended on the List of Streets between points S – T (Proposal 8);**
- (c) No Modification Orders be made in respect of Proposals 1 and 3.**

1. Introduction

This report examines five proposals arising from the Definitive Map Review in the parish of Bere Ferrers.

2. Background

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed 30 footpaths and 3 bridleways, 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 RUPP's, carried out in the 1970s, did not affect the parish.

The following orders and agreements have been made and confirmed:

Devon County Council (Footpath No. 77, Bere Ferrers) Public Path Extinguishment Order 1965;
Devon County Council (Footpath No. 2, Bere Ferrers) Public Path Diversion Order 1972;
UCR 182 Magistrates Court Stopping Up Order 1974 with reservation of bridleway rights (Bridleway No. 94;

UCR 163 (part) Magistrates Court Stopping Up Order 1974 with reservation of bridleway rights (Bridleway No. 95);
 UCR 174 Magistrates Court Stopping Up Order 1974 with reservation of footpath rights (Footpath No. 96); and
 UCR 183 (part) Magistrates Court Stopping Up Order 1974 with reservation of bridleway rights (Bridleway No. 97);
 Devon County Council (Footpath No. 59, Bere Ferrers) Public Path Diversion Order 1978;
 Devon County Council (Footpath No. 54, Bere Ferrers) Public Path Diversion Order 1979;
 Devon County Council (Footpath No. 83, Bere Ferrers) Public Path Diversion Order 1983;
 Devon County Council (Footpath No. 85, Bere Ferrers) Public Path Diversion Order 1983;
 Devon County Council (Footpath No. 27, Bere Ferrers) Public Path Diversion Order 1990;
 Devon County Council (Footpath No. 39, Bere Ferrers) Public Path Diversion Order 1991;
 Devon County Council (Footpath No. 6, Bere Ferrers) Public Path Diversion Order 1994;
 Devon County Council (Footpath No. 51, Bere Ferrers) Public Path Diversion Order 1995;
 Devon County Council (Footpath No. 23, Bere Ferrers) Public Path Diversion Order 1996;
 Devon County Council (Footpath No. 27, Bere Ferrers) Public Path Diversion Order 1996;
 Devon County Council (Footpath No. 83, Bere Ferrers) Public Path Diversion Order 1999;
 Devon County Council (Footpath No. 4, Bere Ferrers) Public Path Diversion Order 2004;
 Devon County Council (Footpath No. 20, Bere Ferrers) Public Path Diversion Order 2008;
 Devon County Council (Footpath No. 83, Bere Ferrers) Public Path Diversion Order 2008;
 Devon County Council (Footpath No. 27, Bere Ferrers) Public Path Diversion Order 2008;
 Devon County Council (Footpath No. 85, Bere Ferrers) Public Path Diversion Order 2008;
 Devon County Council (Footpath No. 89, Bere Ferrers) Public Path Diversion Order 2009;
 Devon County Council (Footpath No. 55, Bere Ferrers) Public Path Diversion Order 2010;
 and
 Devon County Council (Footpath No. 37, Bere Ferrers) Public Path Diversion & Definitive Map & Statement Modification Order 2011.

Legal Event Modification Orders will be made for these changes under delegated powers in due course.

The current review began with an opening public meeting held in March 2013 in the parish. Three proposals arose from previous reviews with an additional four proposal from initial consultations, along with a number of diversions to resolve historical anomalies, which are being dealt with under delegated powers.

3. Proposals

Please refer to the appendix to this report.

4. Consultations

General consultations have been carried out with the following results:

County Councillor	– no specific comments on the proposals
West Devon Borough Council	– no comment
Bere Ferrers Parish Council	– comments included in the appendix
British Horse Society	– no comment
Byways & Bridleways Trust	– no comment
Country Landowners' Association	– no comment
Devon Green Lanes Group	– no comment
National Farmers' Union	– no comment
Open Spaces Society	– no comment
Ramblers'	– no comment
Trail Riders' Fellowship	– no comment

Specific responses are detailed in the appendix to this report and included in the background papers.

5. Financial Considerations

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. Legal Considerations

The implications/consequences of the recommendation(s) 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 have been taken into account.

9. Conclusion

It is recommended that Modification Orders be made in respect of Proposals 6 and 10, with changes also being made to the List of Streets in respect of Proposals 6 and 8, but that no Modification Orders be made in respect of Proposals 1 and 3.

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 Recommendations

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 West Devon 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

Tel No: 01392 383240

Background Paper	Date	File Ref.
Correspondence Files	Current	DMR/BERE FERRERS

cg230115pra
sc/cr/DMR bere ferrers
03 160215

A. Basis of Claim

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.

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

- (i) 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) 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.
- (iii) 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.

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.

1 Proposal 1: Proposed addition of a footpath between the county road and foreshore at Hole's Hole, as shown between points A – B on plan HCW/PROW/14/63.

Recommendation: That no Modification Order be made to add a footpath between the points A - B, as shown on the relevant plan.

1.1 Background

- 1.1.1 This is a proposal put forward by the Bere Ferrers Parish Council during an earlier but incomplete review.

1.2 Description of the Route

- 1.2.1 The route starts at the junction with the county road through Hole's Hole at point A. It passes through a pedestrian gate and down several shallow steps to the foreshore on Oliver's Beach at point B.

1.3 Documentary Evidence

- 1.3.1 Ordnance Survey mapping, 1809-1953. Ordnance Survey maps do not provide evidence of the status of this route but rather its physical existence over a number of years. These early Ordnance Survey maps carried a disclaimer, which states that: "The representation on this map of a road, track or footpath is no evidence of a right of way".
- 1.3.2 No route can be seen, though this may be due to the mapping scales not being large enough to show small features.
- 1.3.3 Tithe Map, 1842. Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, limiting the possibility of errors. Their immediate purpose was to record the official record of boundaries of all tithe areas. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable and were sometimes coloured, indicating carriageways or driftways. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over a route shown. Such information was incidental and therefore is not good evidence of such. Public footpaths and bridleways are rarely shown as their effect on the tithe payable was likely to be negligible.
- 1.3.4 The Bere Ferrers tithe map is second class and is therefore only evidence of facts with direct relevance to tithe commutation. The original document is held at the National Archives, with copies for the parish and diocese held locally.
- 1.3.5 The public highway is shown abutting the river without the foreshore area, and therefore no path can be shown.
- 1.3.6 Finance Act, 1909-10. The Finance Act imposed a tax on the incremental value of land which was payable each time it changed hands. In order to levy the tax a comprehensive survey of all land in the UK was undertaken between 1910 and 1920. It was a criminal offence for any false statement to be knowingly made for the purpose of reducing tax liability. If a route is not included within any hereditament there is a possibility that it was considered a public highway, though there may be other reasons to explain its exclusion.

The area which includes the proposal is shown totally excluded and part of the highway network.

- 1.3.7 Land Registry, 2014. The land crossed by the route is partly registered and non-registered. The registered section refers to the landowners of the remaining part. There is no mention of the proposal route.
- 1.3.8 Definitive Map Review records, 1970s. The route was recommended for inclusion in the Definitive Map by the Parish Council in 1978 after a letter by a member of the public who on visiting the area found the beach access closed. They had used the path to Oliver's Beach for well over twenty years. A user evidence form was also included in support of the proposal, detailing regular and unrestricted use from the 1930s until access was closed in 1978 due the beach's lease from the Earl of Mount Edgcumbe.

1.4 Supporting Evidence

- 1.4.1 Bere Ferrers Parish Council supports the proposal. A supporting representation was also received from a member of the public, though it contained no useful evidence.

1.5 Landowner Evidence

- 1.5.1 Mr Walters and Ms Stevenson state that Oliver's Beach has been in their family's tenancy for the last 34 years. It is a small area which would be disadvantaged by a footpath even 1 m wide. They believe that the path from the road is steep and could only be used by agile people. A public right of way would be a considerable and unwelcome intrusion. A private sign was fixed to the gate for about 25 years, but not replaced when the gate was renewed. A neighbour has turned people back in 2013, but they have never seen anyone use the path.

1.6 Discussion

- 1.6.1 The proposal route is too small to be shown on much of the documentary evidence. However it is excluded from any hereditament on the Finance Act records and included within the area of the public highway.
- 1.6.2 Its use appears to have been called into question in 1978 when the access was closed and a gate and private notice erected by the current tenants' family. Two users gave supporting evidence of unrestricted use dating back to the 1930s, with no gate until leased by the Earl of Mount Edgcumbe. Though the Parish Council suggested the proposal in 1978 and continues to support it, no further evidence has been forthcoming.

1.7 Conclusion

- 1.7.1 As there is insufficient user and documentary evidence, it is therefore recommended no Order be made to add a footpath between points A – B from the county road at Hole's Hole to Oliver's Beach.

2 Proposal 3: Proposed addition of a footpath between the county road south of Weir Quay and the foreshore, as shown between points E – F on plan HCW/PROW/14/64.

Recommendation: That no Modification Order should be made in respect of Proposal 3.

2.1 Background

2.1.1 The proposal was put forward by the Bere Ferrers as part of an earlier but incomplete review in 1978.

2.2 Description of the Route

2.2.1 The route starts at the junction with the county road opposite the old limekiln south of Cleave at Weir Quay at point E. It proceeds west south westwards along a concrete slipway to point F.

2.3 Documentary Evidence

2.3.1 Tithe Map, 1842. Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, which would be likely to have limited the possibility of errors. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over the route shown.

2.3.2 A feature is shown as the same location as the slipway.

2.3.3 Ordnance Survey mapping, 1809-1953. Ordnance Survey maps do not provide evidence of the status of this route but rather its physical existence over a number of years. These early Ordnance Survey maps carried a disclaimer, which states that: "The representation on this map of a road, track or footpath is no evidence of a right of way".

2.3.4 This shows the characteristics of the physical existence of the proposal route.

2.3.5 Finance Act, 1909-10. The Finance Act imposed a tax on the incremental value of land which was payable each time it changed hands. In order to levy the tax a comprehensive survey of all land in the UK was undertaken between 1910 and 1920. It was a criminal offence for any false statement to be knowingly made for the purpose of reducing tax liability. If a route is not included within any hereditament there is a possibility that it was considered a public highway, though there may be other reasons to explain its exclusion.

The proposal is shown totally excluded from any hereditament.

2.3.6 Aerial photography, 1946-9 – 2006-7. The photography shows the characteristics of the physical existence of the proposal route, but is not evidence of status.

2.3.7 Land Registry, 2014. The proposal has been registered to West Devon Borough Council since 2001.

- 2.3.8 Route Photographs, 2014. Site photographs of the proposal route show that it is open and available.

2.4 Supporting & User Evidence

- 2.4.1 A user evidence form was submitted in support of the proposal in 1978 detailing use of the slipway as part of a regular walk from Hole's Hole to Clamoak from the 1930s. Use was unrestricted and never challenged.
- 2.4.2 Bere Ferrers Parish Council supports the proposal. A supporting representation was also received from a member of the public, though it contained no useful evidence.

2.5 Landowner Evidence

- 2.5.1 A Landowner evidence form was received from West Devon Borough Council who have owned the slipway for the last 27 years between the road and high water mark and tenant between the high and low water marks. It is owned and leased as a public slipway for all traffic for sailing access and other recreational uses.

2.6 Discussion

- 2.6.1 Since the 19th century the proposal route has physically existed, as shown on the historical mapping, with the aerial and route photographs show the proposal route's characteristics. There are no physical restrictions to users.
- 2.6.2 West Devon Borough Council have owned the slipway between the road and high water mark between points E – F and been a tenant between the high and low water marks. It is owned and leased as a public slipway for all traffic for sailing access and other recreational uses.
- 2.6.3 Bere Ferrers Parish Council continue to support the proposal they first put forward in 1978, and though there is limited user evidence forms, evidence from landowners and public alike indicates that there is unrestricted use of the proposal route for all traffic.
- 2.6.4 However, use of the slipway by the public is 'by right' rather than 'as of right' by virtue of the ownership of West Devon Borough Council and therefore cannot be considered under the legal test for presumed dedication.

2.7 Conclusion

- 2.7.1 As use of the slipway by the public is 'by right' rather than 'as of right', it is recommended that no Modification Order be made in respect of the proposal.

3 Proposal 6: Proposed resolution of an anomaly affecting Footpath No. 7, not connecting with the county road network at Well Farm, Bere Ferrers, as shown between M – N – O on plan HCW/PROW/14/67, so that the footpath meets the county road.

Recommendation: That the List of Streets is modified to add the lane between Well Farm and the C533 county road (M – O) between Bere Ferrers and Bere Alston, and that a Modification Order should be made in respect of Proposal 6 to delete the short section of Footpath No. 7, Bere Ferrers (N – O) to remove the section of dual status highway.

3.1 Background

- 3.1.1 The proposal was discovered by the officer responsible for the Definitive Map Review as an anomaly in the public highway network which required resolution.

3.2 Description of the Route

- 3.2.1 The route starts at the junction with the Footpath No. 7, Bere Ferrers at Well Farm and runs generally westwards along the lane from the farm to meet the county road C533 between High Cross and Hole Cross.

3.3 Documentary Evidence

- 3.3.1 Board of Ordnance Survey, 1784. This was a survey commissioned by the military predecessor of the Ordnance Survey and completed by their Chief Draftsman, William Gardner at a scale of 6" to 1 mile. The lane to Well Farm is shown as an open and available part of the parish highway network.
- 3.3.2 Bere Ferrers Surveyors of the Highways Records, 1791-1844. These detailed highways records by those looking after the public highway network at the time show repeated maintenance of Well Lane/Road between 1832 and 1844.
- 3.3.3 Bere Ferrers Tithe Map, 1844. Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, limiting the possibility of errors. Their immediate purpose was to record the official record of boundaries of all tithe areas. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable and were sometimes coloured, indicating carriageways or driftways. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over a route shown. Such information was incidental and therefore is not good evidence of such. Public footpaths and bridleways are rarely shown as their effect on the tithe payable was likely to be negligible.
- 3.3.4 The Bere Ferrers tithe map is second class and is therefore only evidence of facts with direct relevance to tithe commutation. The original document is held at the National Archives, with copies for the parish and diocese held locally.
- 3.3.5 The proposal is shown as part of the local public highway network to the northeast side of the yard at Well Farm.
- 3.3.6 Finance Act records, 1909-10. The lane from the High Cross/Hole Cross road is excluded up to the Well Farm entrance gateway at the western side of the farm. Well Farm itself is included in hereditament 246 owned by the Earl Mount Edgcumbe and occupied by George Rowe. In the easements/public rights of way section is a deduction of £13 for a 'public road', which appears to indicate that the road was considered to run further than the farm gateway.
- 3.3.7 Handover Records, circa 1947. The proposal route is not shown.
- 3.3.8 Bere Ferrers Parish Survey, 1950. The parish survey shows the proposal route as an unclassified county road with Footpath No. 7 ending at the gate at the west side of Well Farm. The survey form states that the footpath connected with county road at the farm.

- 3.3.9 UCR Mileage Register, 1950s-70s. The Mileage Register shows that the route was added to the highways maintenance register in January 1957 at a length of 0.22 miles.
- 3.3.10 List of Streets, 1970s onwards. The proposal route is not shown.
- 3.3.11 Local Neighbourhood Highway Team, 2014. The route is maintained as county road from the C533 between High Cross and Hole Cross and the former gateway at the western side of Well Farm.

3.4 Supporting Evidence

- 3.4.1 Bere Ferrers Parish Council supports the proposal.

3.5 Landowner Evidence

- 3.5.1 A Landowner evidence form was received from Mr Channon of Well Farm which he has owned for the last 20 years and supports the proposal.

3.6 Discussion

- 3.6.1 Since at least the early 19th century, the lane to Well Farm has been considered part of the public highway network and maintained as such by the former Surveyors of Highways. It is not clear why it was not included in the Handover Records or on the List of Streets, nor how the anomaly occurred. However, since the 1950s the proposal route has been considered by both the Bere Ferrers Parish Council and the County Council as a county road, which connected with Footpath No. 7, Bere Ferrers at the gateway on the west side of Well Farm, and has been maintained as such until the present time.

- 3.6.2 Bere Ferrers Parish Council supports the proposal.

3.7 Conclusion

- 3.7.1 It is therefore recommended that the List of Streets is modified to include the lane between the west gate to Well Farm and the C533 county road (M – O) between Bere Ferrers and Bere Alston, and that a Modification Order should be made to delete a short section of Footpath No. 7, Bere Ferrers (N – O) to remove the section of dual status highway in respect of Proposal 6. If there are no objections to the Order, or if such objections are subsequently withdrawn, that it be confirmed.

4 Proposal 8: Proposed resolution of a missing link between Footpath Nos. 51 and 52, and the county road at Lockridge Bridge, as shown between points S – T on plan HCW/PROW/14/69.

Recommendation: That the List of Streets is amended to extend the county road between points S – T to meet Footpath Nos. 51 and 52, Bere Ferrers at Lockridge Bridge in respect of Proposal 8.

4.1 Background

- 4.1.1 The proposal was discovered by the officer as an anomaly in the public highway network which required resolution.

4.2 Description of the Route

4.2.1 The route starts at the junction with the Y1901, Lockridge Road on the northeast side of Lockridge Bridge at point S and proceeds under the railway bridge to meet Footpath Nos. 51 and 52, Bere Ferrers on the southwest side of the railway bridge at point T.

4.3 Supporting Evidence

4.3.1 Bere Ferrers Parish Council supports the proposal.

4.4 Documentary Evidence

4.4.1 Bere Ferrers Surveyors of Highways Records, 1791-1846. Lockridge Lane/Road was maintained by the former highway authorities during 1791-1842 but the extent maintained is not clear.

4.4.2 Bere Ferrers Tithe Map, 1844. Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, limiting the possibility of errors. Their immediate purpose was to record the official record of boundaries of all tithe areas. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable and were sometimes coloured, indicating carriageways or driftways. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over a route shown. Such information was incidental and therefore is not good evidence of such. Public footpaths and bridleways are rarely shown as their effect on the tithe payable was likely to be negligible.

4.4.3 The Bere Ferrers tithe map is second class and is therefore only evidence of facts with direct relevance to tithe commutation. The original document is held at the National Archives, with copies for the parish and diocese held locally.

4.4.4 The proposal is shown as an integral part of the public highway network.

4.4.5 Handover Records, circa 1947. Lockridge Road is shown as public highway number 172 to the northeast side of the railway bridge.

4.4.6 Bere Ferrers Parish Survey, 1950. The parish survey form for Footpath No. 51, Bere Ferrers refers to the footpath meeting Footpath No. 52 and the unclassified county road at Lockridge Bridge, which the survey form for Footpath No. 52, Bere Ferrers confirms.

4.4.7 UCR Mileage Register, 1950s – 1970s. Road number 172, Lockridge Road, is listed as 0.36 miles in length.

4.4.8 Definitive Map and Statement, 1958 onwards. The definitive statement for Footpath No. 51, Bere Ferrers refers to the footpath meeting Footpath No. 52 and the unclassified county road at Lockridge Bridge, which the statement for Footpath No. 52, Bere Ferrers confirms.

4.4.9 List of Streets, circa 1970s onwards. Lockridge Road is shown as public highway to the northeast side of the railway bridge.

4.4.10 National Street Gazetteer, present. The Gazetteer shows that the county road, Lockridge Road, Y1901, ends on the southwest side of Lockridge Bridge.

4.4.11 Site Photographs, 2014. The photographs show the extent of the maintenance of Lockridge Road to the southwest side of the Lockridge Bridge.

4.5 Landowner Evidence

4.5.1 No landowner evidence has been received.

4.6 Rebuttal Evidence

4.6.1 No rebuttal evidence has been received.

4.7 Discussion

4.7.1 The records only show the recording of Lockridge Road to point S on the northeast side of the railway bridge. However they could not show the extent of the road below the bridge by virtue of it being underneath, though any continuation could have been shown on the southwest side of the bridge. Though the UCR Mileage Register is not precise, due to the small size of the anomaly, regarding the extent of Lockridge Road, number 172, it is clear from the 1950 Parish Survey and the Definitive Statement for Footpath Nos. 51 and 52, that Bere Ferrers meet the county road on the southwest side of Lockridge Bridge at point T. There is no evidence that these public rights of way were incorrectly recorded. From site photographs, it is clear that the footpaths could not have existed along different alignments to meet Lockridge Road at a different location. The site photographs also show the extent that has been maintained by the County Council, which is to the southwest side of the railway bridge at point T.

4.8 Conclusion

4.8.1 It is therefore recommended that the List of Streets is amended to extend the county road, Y1901, Lockridge Road between points S – T, to the southwest side of Lockridge Bridge.

5 Proposal 10: Proposed resolution of an anomaly affecting Footpath No. 63 at Braunder, as shown between points W – X on plan HCW/PROW/14/71.

Recommendation: That a Modification Order be made to extend Footpath No. 63, Bere Ferrers, between points W - X, as shown on the relevant plan.

5.1 Background

5.1.1 The proposal was discovered by the officer as an anomaly in the public highway network which required resolution.

5.2 Description of the Route

5.2.1 The route starts at the junction with Footpath No. 63, Bere Ferrers on the east side of Braunder Farm at point W and proceeds east north eastwards to meet the county road, Y1808 Braunder Lane, approximately 80 metres west of Collins Farm at the gateway to Braunder Farm at point X.

5.3 Supporting Evidence

5.3.1 Bere Ferrers Parish Council supports the proposal.

5.4 Documentary Evidence

5.4.1 Handover Records, circa 1947. Braunder Lane is shown as ending at the gateway to Braunder Farm at point X.

5.4.2 Bere Ferrers Tithe Map, 1844. Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, limiting the possibility of errors. Their immediate purpose was to record the official record of boundaries of all tithe areas. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable and were sometimes coloured, indicating carriageways or driftways. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over a route shown. Such information was incidental and therefore is not good evidence of such. Public footpaths and bridleways are rarely shown as their effect on the tithe payable was likely to be negligible.

5.4.3 The Bere Ferrers tithe map is second class and is therefore only evidence of facts with direct relevance to tithe commutation. The original document is held at the National Archives, with copies for the parish and diocese held locally.

5.4.4 The proposal is shown as an integral part of the public highway network.

5.4.5 Bere Ferrers Parish Survey, 1950. The parish survey shows Footpath No. 63, recorded as no. 64, as passing through Braunder farmyard and through a field gate to meet the county road, Braunder Lane at point X.

5.4.6 UCR Mileage Register, 1950s – 1970s. Braunder Lane is recorded as road 159a in the Register and 0.14 miles in length.

5.4.7 Definitive Map and Statement, 1958 onwards. The definitive statement for Footpath No. 63, Bere Ferrers refers to the footpath starting at the county road on the east side of Braunder at point X.

5.4.8 National Street Gazetteer, present. The Gazetteer shows that the county road, Braunder Lane, Y1808, ends at the farm entrance at Braunder Farm at point X, rather than the farm yard gateway at point W.

5.4.9 Site Photographs, 2014. The photographs show the gateway referred to in the 1950 parish survey and the current location of the footpath sign for Footpath No. 63, Bere Ferrers at point W.

5.5 Landowner Evidence

5.5.1 No landowner evidence has been received.

5.6 Rebuttal Evidence

5.6.1 No rebuttal evidence has been received.

5.7 Discussion

- 5.7.1 The historical highway records demonstrate that the county road, Braunder Lane, ends at the entrance gateway on the east side of Braunder Farm at point X. This is consistent with the 1950 parish survey undertaken by Bere Ferrers Parish Council which depicted Footpath No. 63, Bere Ferrers ending at the county road, Braunder Lane, at the gateway at point X.

5.8 Conclusion

- 5.8.1 It is therefore recommended that a Modification Order be made to extend Footpath No. 63, Bere Ferrers from point W to meet the county road, Braunder Lane at point X. If there are no objections to the Order, or if such objections are subsequently withdrawn, that it be confirmed.



map ref: SX 4365

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 1000119783

Devon County Council
Definitive Map Review - Bere Ferrers
Proposals 1 & 2 - Proposed addition of footpaths
between the county road and the foreshore

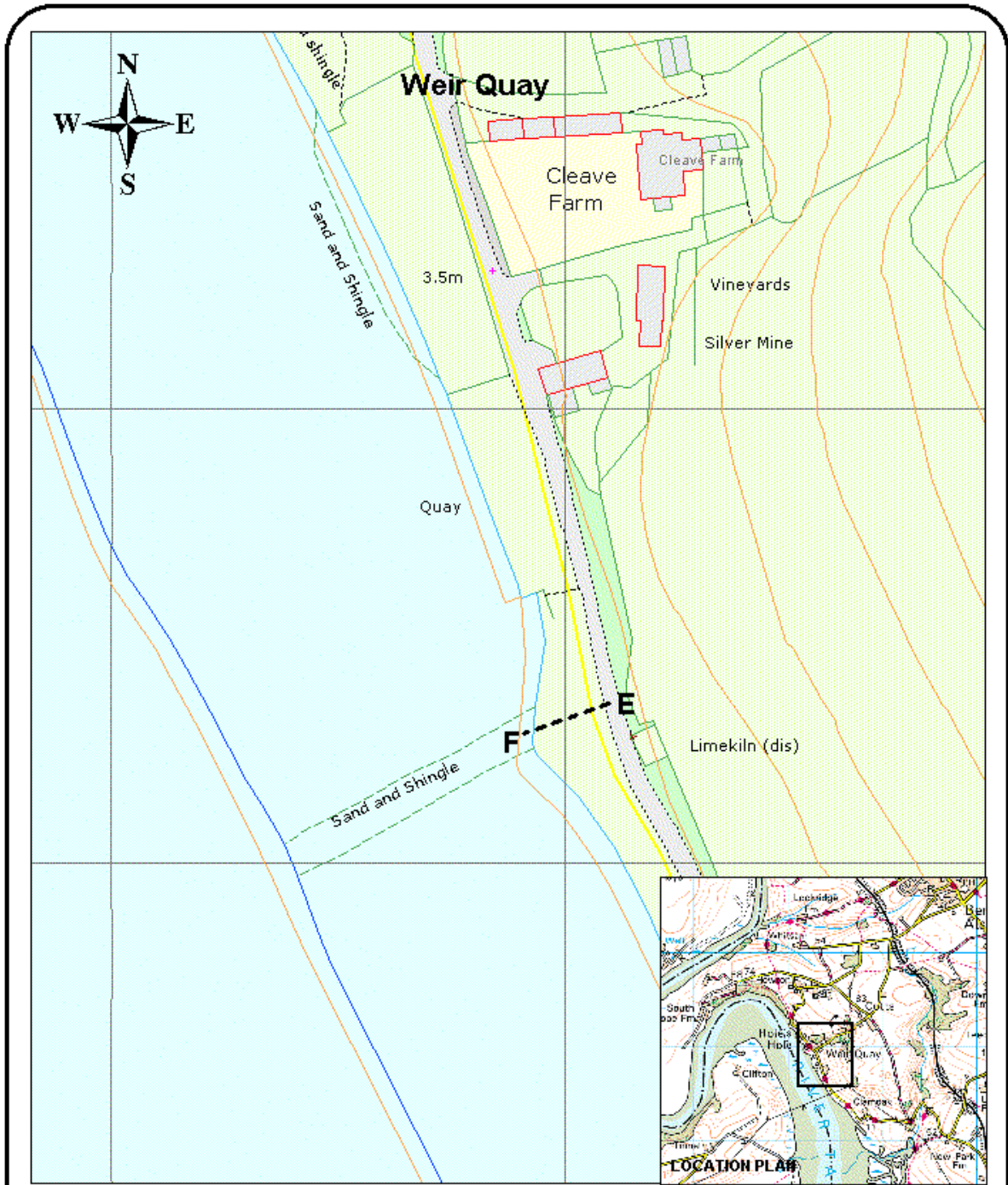
drawing number HCW/PROW/14/63
 date Feb 2014
 scale 1:3,750
 drawn by CLG

Notation

Proposed footpaths A - B (approx 10 m)	---
Proposed footpaths C - D (approx 15 m)	---
Existing footpaths	---
Existing bridleways	---


David Whitton
 Head of Highways, Capital Development & Waste

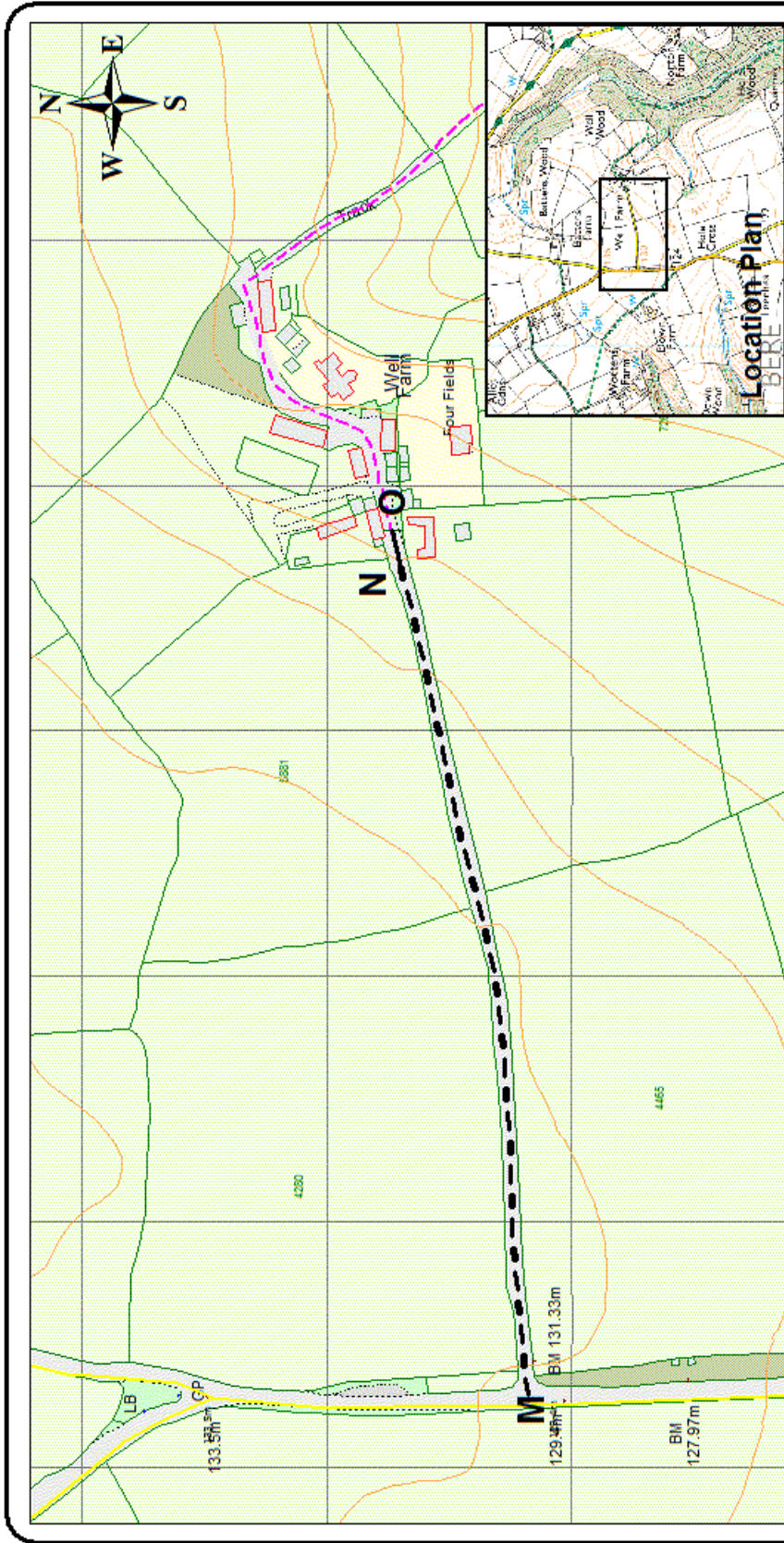




map ref. SX 4385

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 1000119723

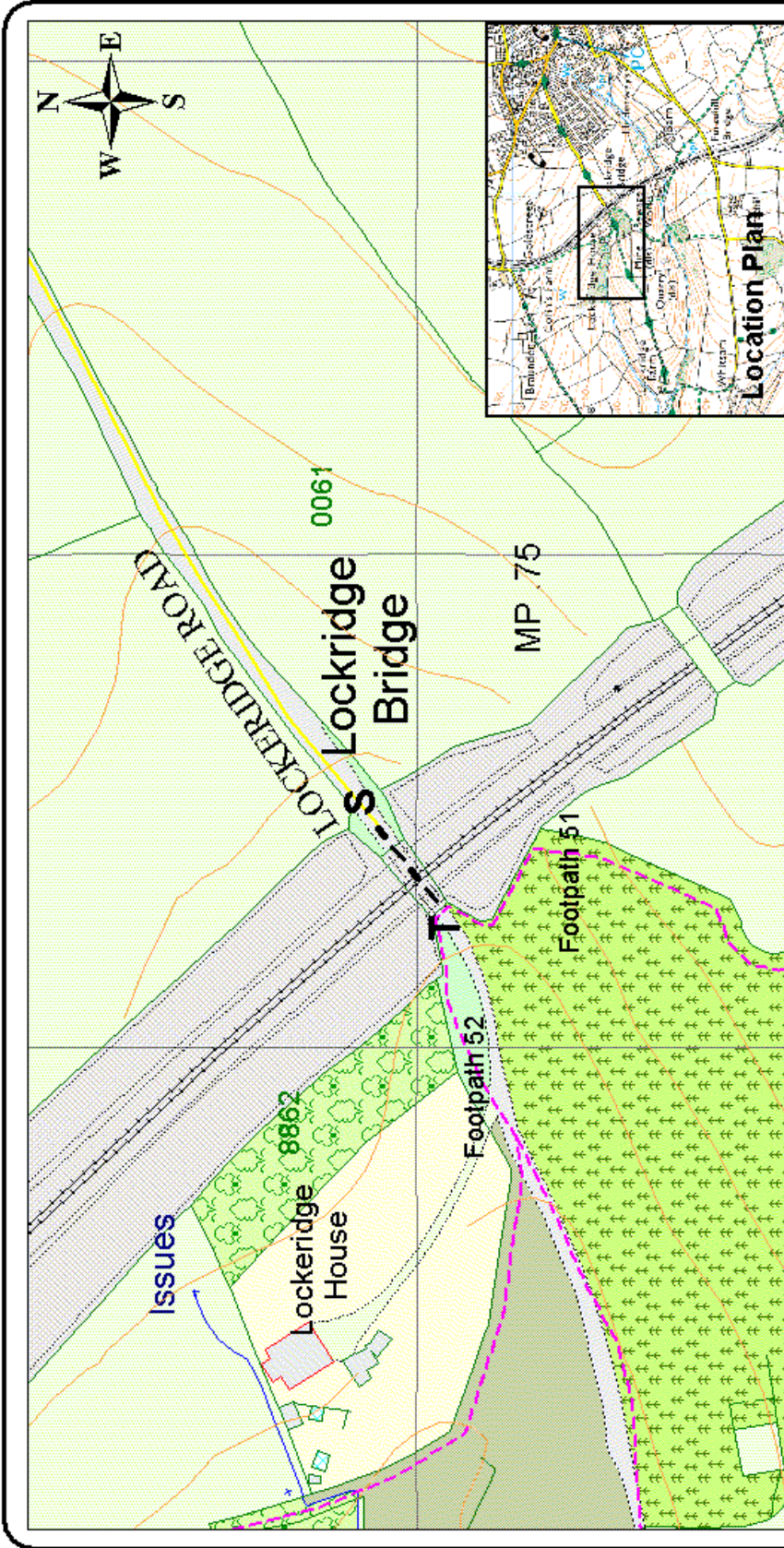
<p align="center">Devon County Council Definitive Map Review - Bere Ferrers Proposal 3 - Proposed addition of footpath between the county road and the foreshore south of Weir Quay</p>	<p>drawing number <u>HCW/PROW/14/64</u> date <u>April 2014</u> scale <u>1:500</u> drawn by <u>CLG</u></p>
<p><u>Notation</u> Proposed footpath E - F (approx 20 m) - - - Existing footpaths - - - - Existing bridleways - - - -</p>	<p align="center">David Whitton Head of Highways, Capital Development & Waste</p> 



map ref: SX 4565


Based on Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100019783

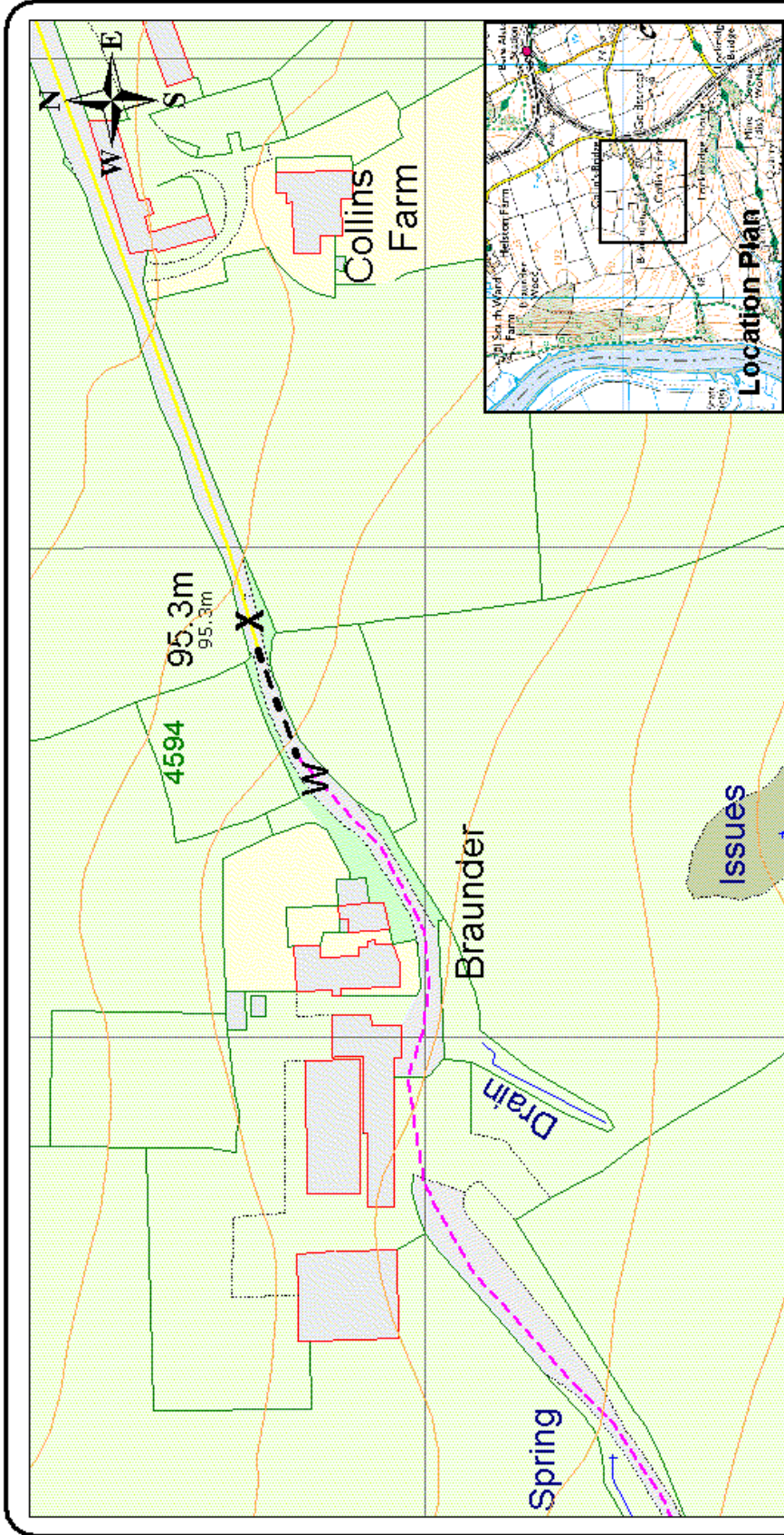
Devon County Council		drawing number	HCW/PROW/14/67
Definitive Map Review - Bere Ferrers		date	May 2014
Proposal 6 - Proposed resolution of anomaly affecting Footpath No. 7 at Well Farm		scale	1:5,000
Notation		drawn by	CLG
County road to be added	M - O (approx 342m)	---	
Footpath No. 7 to be deleted	N - O (approx 16 m)	—	
Existing footpath		---	
David Whitton Head of Highways, Capital Development & Waste		Devon County Council Capital Development & Waste	



map ref. SX 4386

Based on Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction may be liable for prosecution or civil proceedings. Licence No. 100019182

Devon County Council Definitive Map Review - Bere Ferrers Proposal 8 - Proposed resolution of anomaly affecting Footpath Nos. 51 & 52 at Lockridge Bridge		drawing number HCWPROW/14/69 date May 2014 scale 1:2,500 drawn by CLG
Notation County road to be added S - T (approx 21m) - - - Existing footpath - - -		David Whitton Head of Highways, Capital Development & Waste 



map ref. SX 4366

Based on Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100019723

Devon County Council Definitive Map Review - Bere Ferrers Proposal 10 - Proposed resolution of anomaly affecting Footpath No. 63 at Brauder		drawing number HCW/PROW/1471 date May 2014 scale 1:5,000 drawn by CLG
Notation Footpath to be added W - X (approx 23 m) - - - Existing footpath - - -		David Whitton Head of Highways, Capital Development & Waste 