

Definitive Map Review 2017- 2019 Parish of Lympstone

Report of the Chief Officer for Highways, Infrastructure 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 footpath between points A - B as shown on drawing number HIW/PROW/19/01 (Proposal 1);**
 - (ii) Adding a bridleway and upgrading part of Footpath No. 1 to a bridleway between points C - D - E as shown on drawing number HIW/PROW/19/02 (Proposal 2); and that**
- (b) No Modification Order be made in respect of Proposal 3 but that Members note that it is already recorded as highway maintainable at public expense.**

1. Introduction

This report examines three proposals arising from the Definitive Map Review in the Parish of Lympstone, in East Devon District.

2. Background

The original survey, under s. 27 of the National Parks and Access to the Countryside Act 1949, revealed twenty footpaths and five bridleways in Lympstone, which were recorded on the Definitive Map and Statement, St Thomas Rural District with the relevant date of 1 June 1957.

The review of the Definitive Map, under s. 33 of the 1949 Act, which commenced in the 1970s, but was never completed, produced no proposals for change to the map in the parishes.

The Limited Special Review of Roads Used as Public Paths (RUPPS), also carried out in the 1970s, did not affect this parish.

The following orders have been made and confirmed:

St Thomas Rural District Council Footpath No. 1 Diversion Order 1962

St Thomas Rural District Council Footpath No. 8 Creation and Diversion Order 1978

Devon County Council Footpath No. 7 Diversion Order 1997

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

The current Review began in July 2017 with a public meeting held in the Lympstone Village hall, which was well attended by members of the public and parish councillors.

3. Proposals

Please refer to the appendix to this report.

4. Consultations

Public consultations for Lympstone Parish were carried out during August, September and October 2018. The review was advertised around the parish with notices placed in local notice boards, on the village hall notice board, at each end of the proposals and in the local press.

The responses were as follows:

County Councillor R Scott	- no comment on proposals
County Councillor J Trail	- no comment on proposals
East Devon District Council	- no comment
Lympstone Parish Council	- comments included on Proposal 2
British Horse Society	- no comment
Byways and Bridleways Trust	- no comment
Country Land & Business Association	- no comment
Open Spaces Society	- no comment
Ramblers' Association	- no comment
Trail Riders' Fellowship	- no comment
Cycle UK	- no comment

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 recommendations 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

It is recommended that Modification Orders be made in respect of Proposals 1 and 2, but that no Order be made in respect of Proposal 3 but that Members note that it is already recorded as highway maintainable at public expense.

Should any other valid claim with sufficient evidence be made in 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 East Devon District area.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: Exmouth

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
Correspondence files	2017 - date	AS/DMR/LYMPSTONE

as310119pra
sc/cr/DMR Lympstone
03 200219

A. Basis of Claim

The Wildlife and Countryside Act 1981, Section 53 (2) (b) enables the surveying authority to make an order to modify the Definitive Map. The procedure is set out under WCA 1981 Schedule 15.

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.

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.

1. Proposal 1: Proposed addition of a footpath from Brookside to the Strand, as shown between points A – B on drawing number HIW/PROW/19/01.

Recommendation: That a Modification Order be made in respect of Proposal 1 to modify the Definitive Map and Statement by adding to them a public footpath between points A – B, as shown on drawing number HIW/PROW/19/01.

1.1 Background

- 1.1.1 A public meeting was held in July 2017 at Lympstone Village Hall with local people, parish councillors and the local County Councillors.
- 1.1.2 The proposal was put forward by members of the public as the result of the Definitive Map Review meeting.

1.2 Description of the Route

- 1.2.1 Proposal 1 commences at point A on the plan, from existing Footpath No. 17 at Brookside, and runs in a northerly direction, over a short and narrow alleyway between houses in the heart of Lympstone Village to reach the county road, The Strand, at point B. There is a no cycling sign at the Strand end of the path.

1.3 Documentary Evidence

1.3.1 Ordnance Survey Mapping

The small-scale maps are not detailed enough to show the route.

- 1.3.2 There is no historical documentary evidence for this route. However, the houses and buildings on each side of this path, defining the route, are over a hundred years old and the way has provided access to these properties as a through route.

1.4 User Evidence

- 1.4.1 In early 2017, this route came to the attention of Devon County Council's Public Rights of Way team when a small bin-store was erected adjacent to one of the houses on the alley-way by the householder. A request was made by the Parish Council's footpath representative to the Public Rights of Way team, asking if this bin store was allowed on a public right of way. The Definitive Map was checked, and it was discovered that this route was not recorded as a public right of way. The Parish Council was advised that a claim could be considered as part of the Parish Definitive Map Review if sufficient evidence put forward.
- 1.4.2 Four people have completed user evidence forms giving evidence of use since 1951 up to the current time. They state that the route has not been blocked during this time. The individuals who have completed the user evidence forms appear to represent only a small proportion of the public who walk this along path. People have been regularly observed by the County Council PROW Officer when on site.
- 1.4.3 The evidence forms are included in full in the backing papers and the evidence is summarised as follows:
- 1.4.4 Mr Acca has walked the route since 1951 as part of his daily life in Lympstone. In his earlier years he states that he used it on a bicycle when doing a paper round. He says it has always been a public right of way and he has never been stopped from using the path.

- 1.4.5 Mrs Brunt has walked the path since 2007, 3 to 4 times a week and she believes it has been used for many years by the public. She has never been stopped or challenged.
- 1.4.6 Mr Down has walked the route since January 1990, 300 to 400 times a year from the car park into Lympstone, to the surgery and just when out for a walk. He says it is used continuously by residents and visitors. He says there were two posts to stop cars at the Strand end.
- 1.4.7 Mr Exelby has walked the route since 1974 to the present day, more than 200 times each year on the way to the shops, doctors and visiting the village, he says it has always been there and people have used it. There were two posts at the Strand end to stop cars.

1.5 Land Owners Evidence

- 1.5.1 The land crossed by the route is not registered with the District Land Registry. Residents of each house adjoining the route were consulted on the proposal and notices were placed at each end of the path route.
- 1.5.2 No letters of objection, or comment, have been received from the adjacent owners or occupiers following consultation.

1.6 Discussion

- 1.6.1 Statute – Section 31 Highways Act 1980. There does not appear to be a specific date on which the public's right to use the proposal route has been called into question. As there is no specific date of calling into question or user evidence, the proposal cannot be considered under statute law. However, the proposal route may still be considered at common law.
- 1.6.2 Common Law. Evidence of dedication by the landowners can be express or implied and an implication of dedication may be shown at common law if there is evidence, documentary, user or usually a combination of both from which it may be inferred that a landowner has dedicated a highway and that the public has accepted the dedication.
- 1.6.3 Although limited user evidence has been received, the path appears to have been used and accepted by the public at large as a public footpath, in the same way as the neighbouring alleyway which is recorded as Footpath No. 17. The Parish Council has also considered it to be a public right of way. There is no evidence that Proposal 1 has ever been blocked and no one has been stopped from using it. No objections have been raised to proposed footpath.

1.7 Conclusion

- 1.7.1 The evidence is considered sufficient to show that a public footpath subsists, or is reasonably alleged to subsist, over the proposed route. It is therefore recommended that a Modification Order be made to add a footpath between points A – B as shown on drawing number HIW/PROW/19/01 and if there are no objections to the Order, or if such objections are subsequently withdrawn, that it be confirmed.

2 Proposal 2: Proposed addition of a bridleway from Longbrook Lane to Footpath No.1 and upgrade a section of Footpath No.1 to Stone Lane, as shown between points C – D – E on drawing number HIW/PROW/19/02.

Recommendation: It is recommended that a Modification Order be made in respect of Proposal 2 to modify the Definitive Map and Statement by adding to them a bridleway between points C and D and upgrading to bridleway part of Footpath No.1 between points D and E, as shown on drawing number HIW/PROW/19/02.

2.1 Background

2.1.1 The proposal was put forward by members of the public after a new kissing gate was installed near Point D, which coincided with Parish Review starting in Lympstone in 2017.

2.2 Description of the Route

2.2.1 Proposal 2 commences at point C on the plan. It starts at the minor county road Longbrook Lane and runs over a short section of unrecorded stoned lane to join Footpath No. 1 at point D. The claimed path follows the line of FP No. 1, up the track and over the culvert of the mill leat overflow, known locally as the waterfall, to the new kissing gate and then in a generally north-westerly direction along a rough stone and mud track to skirt a building through the ford to join the minor county road Stone Lane. (Footpath No. 1 was diverted from its original, cross field, line in 1962, to its current route near the river.)

2.2.2 The route of the claimed bridleway (the route of FP No. 1) was blocked to horse riders by the new kissing gate that was installed in 2017.

2.2.3 During research into Proposal 2, another route has been discovered that is used by some riders, between the county roads; Longbrook Lane and Stone Lane. It is a track/ford in the stream directly between points D and E, parallel to Footpath No. 1, the claimed route. It is a hardened stone ford that is still used by some vehicles through to Stone Lane. The route marked ford on the plan.

2.3 Documentary Evidence

2.3.1 Ordnance Survey Mapping

2.3.1.1 The 1801 Ordnance Survey Surveyors Drawing 2" to mile, clearly show the historical layout of the lanes in the parish of Lympstone. This map shows a lane linking Longbrook Lane point C to Stone Lane point E. The small cross field paths are not shown on this scale map.

2.3.1.2 1906 1 to 6" map clearly shows the lane from Longbrook Lane to Stone Lane and the Ford is marked.

2.3.1.3 All later editions of OS mapping show the route in the same way. On modern mapping the stream is coloured and shares the line of the track.

2.3.2 Tithe Map 1841

2.3.2.1 The Tithe Map shows clearly shows a lane that continues from Longbrook Lane to Stone lane. The Longbrook stream appears to follow the same course as the lane. The section of road between the two county roads is tinted in the same way as other

roads in the parish. The original, cross field, line of FP No.1 is shown across the field by a dashed line on the Tithe Map.

2.3.3 Sales Particulars, 1935,

- 2.3.3.1 The Mill was sold with the surrounding land, (the original line of FP No.1 was shown on the sale plan). The land was sold with the maintenance of the outfall from the brick culvert (the waterfall) and it was subject to such rights as exist for the Mill Owners to use, repair and clean the leat. The Mill was bought by J Brooks for £1,510. The lane from Longbrook Lane to Stone Lane (C – D – E) was not subject to this sale.

2.3.4 Highway Handover Book (1930's)

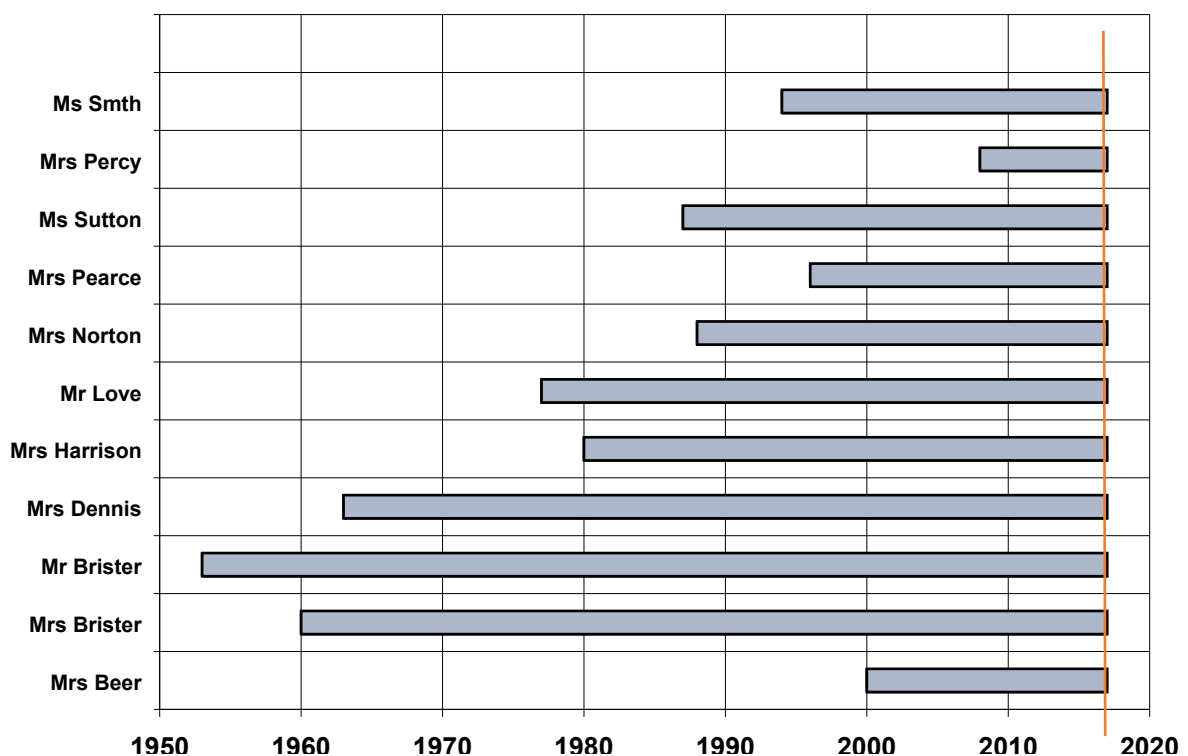
Proposal 2 is not shown as having been considered highway maintainable at public expense at this time.

2.4 User Evidence

- 2.4.1 In September 2017, this route came to the attention of the Public Right of Way team, after a kissing gate was erected by the landowners on Footpath No. 1 at point D. This prevented horses, pushchairs and bicycles accessing the path as well as people in wheelchairs.
- 2.4.2 Thirteen users have given evidence of use from 1960 to September 2017. The evidence forms, and letters are included in full in the backing papers and the evidence is summarised in alphabetical order as follows:
- 2.4.3 Mrs Beer has ridden the route 50 times a year, she said believed it was a public bridleway because of historic use, custom and practice. She said, a couple of years ago it was diverted for a while when a tree fell across the route. She had not been prevented from riding it until the gate was erected.
- 2.4.4 Mrs Brister started using the route in 1960 and continued until 2017 on foot, bicycle, horse and with a pram. Until the new gate there was no stiles, gates or notices. It provided a safe traffic free route avoiding the narrow lanes.
- 2.4.5 Mr Brister has used the route on foot and cycle from 1953 to 2017. He states that a large amount of people use it.
- 2.4.6 Mrs Dennis has used the route on horseback in the 1960's and then again from 2000 onwards, about 24 times a year. She rode it as a child and then as an adult. She never had any problems and has ridden with other riders. She says it links with the only other bridleway.
- 2.4.7 Mrs Harrison has ridden a horse and bicycle and walked the route since 1980, she has not seen notices and there were no gates or stiles. She says many villagers used this route. She gives more detail in an email, she said the stream/ford between D and E has been used by horses, but only really for a couple of months in the summer when the water is low and its safe enough, the hedges do overgrow and make the ford quite difficult.
- 2.4.8 Mr Love rode the route on a horse from 1977 and in recent years has also walked the route, he continues to do so most days.
- 2.4.9 Mrs Norton has ridden and walked the route since 1988, on an almost daily basis, there was never any signs, nor was she turned off the route.

- 2.4.10 Mrs Pearce has ridden and walked the route since 1996 two to three times a week. She says “This is a popular pathway/bridleway/cycle path used by many people. It is very pretty and pleasant and is an extension of the pathway that exits at Town Dairy on Longmeadow Road”.
- 2.4.11 Ms Sutton has written a statement to say “Since 1987 to September 2017 I have regularly ridden down the stream or on the path above the stream, as have numerous children on their ponies throughout the years. This path is now not accessible to horse/pony riders due to the metal gate. Lympstone has only one bridle path. The path referred to runs adjacent to a small grass field which has been fenced off over the years, but I have never had any indication that horses/ponies are not welcome on the path. Perhaps you could advise me why this gate has been erected.”
- 2.4.12 Mrs Percy wrote to the council in August 2018, giving her evidence of use in the letter. She said that since 2008 she has ridden along the route C to D then has used the route in the stream between point D and E. She had not ridden on the higher footpath between D and E. She had not been stopped or challenged before the notices went up in August 2018.
- 2.4.13 Ms Smith gave her evidence in an email. She has always lived in Lympstone and has ridden the route almost continually since 1994, on her horse, until the gate was installed. Before she rode her horses there, she has seen other riders using it. The installation of the gate came as a surprise, she adds.
- 2.4.14 Mrs Letcher completed a user evidence form stating that she has walked the route since 2000 and had seen riders use the brook. (Not included in the chart as she is a walker)
- 2.4.15 Mr Wilson has walked the route since 2002. He states that, until the recent gate, there were no notices or gates. He adds that pedestrians and cyclists would be an inherently bad mix from a health and safety point. (Not included in the chart as he is a walker.)

2.5 User Evidence Chart



2.6 Landowner Evidence

- 2.6.1 Landowners and adjoining landowners were consulted as part of the informal consultation process and notices also posted on site. Site visits have been held with the landowners and adjoining landowners. The following responses were received:
- 2.6.2 The Goddard's. The land from point D to point E is owned by Mrs Goddard. The Mill and the surrounding fields were bought by Mrs Goddard and her late husband in 1963.
- 2.6.3 Mrs Goddard has completed a Landowner Evidence Form, and a more detailed statement. She says, the claimed route is just a footpath and used daily by the public as such.
- 2.6.4 Mrs Goddard says that before she and her husband bought the Mill in 1963 there was a gate at point D by the Waterfall/overflow. She attaches a photo of a cutting from a book showing the gate above the waterfall that predated their ownership. Since their ownership she says that there has been a gate, around that area, in one form or another for most of the time she has lived at the Mill.
- 2.6.5 Before the 1980s the footpath was not separated from the field by a fence, and a farmer used to rent the Goddard's land to keep his cattle. There was a five-bar gate near the waterfall to keep the cattle from straying. When that farm closed in early 1980's, they put a sign on the gate, that said 'please close the gate'. In the end, she said the Goddard's left it open. The gate fell into disuse and it remained open. Later they fenced the field from the path to contain the dog walkers to prevent dog fouling.
- 2.6.6 They had never required pedestrians to ask permission as it was a public footpath. She says, "On the occasions we have been aware of ridden horses or bicycles along the path and we have asked them to desist." She says "Until my husband died in 2015, he could quite often be found working in the shed (near point E). He would stop any riders of horses and bicycles and remind them that the path was only for pedestrians. After his death, there being no 'policeman', the path was abused by riders, and more frequently by bicyclists. As a result, we felt obliged to reinstate the gate at the top of the hill by the overflow/waterfall in 2017."
- 2.6.7 Mrs Goddard goes on to say "In the winter and when it is very wet, this footpath becomes precarious. Were it to be used by riders and cyclist, it would make it even more treacherous. We have had complaints about this by walkers. In all the time we have been here the authorities have not undertaken improvements to the surface of this footpath. Indeed, all the work has been undertaken by me."
- 2.6.8 Mrs Goddard, her son and daughter are strongly opposed to the route C – E being recorded as a bridleway.
- 2.6.9 **Mr & Mrs Tyrrell**, own the field on the north side of the claimed route between points E and D. The strongly object for the following reasons:
- 2.6.10 "Many children use it a safe route to school without the need to negotiate the traffic along the narrow lanes. Elderly people use it for the same reasons. Dog walkers use it. A large number of children play in and around the waterfall and stream. The tranquil setting also is ideal to just admire the peace and quiet. Artist and photographers cannot resist the calm and beauty especially at the waterfall end. I could go on but think you have the point."
- 2.6.11 "To think that all this would be under threat to allow horses to gallop up and down this footpath would in my opinion be a health and safety nightmare for DCC. The footpath would be churned up especially in winter and it would be extremely dangerous to walk."

I do notice that the horse riders around the village use the roads very successfully as I do not think car drivers want to collide with a ton of horse meat.”

- 2.6.12 “Unfortunately I am one of a number of pedestrians that are constantly being brushed as we seem to be invisible to car drivers in their hurry and have found that the footpaths are a much safer alternative. Lympstone hardly has any footpaths alongside the roads and now the safe footpaths seen to be under threat.”
- 2.6.13 “As I understand this footpath is over private land why does someone else think it’s their right to use it as a bridle path which no doubt will become a cycle path as well. I would urge you to refuse this application if for no other reason to let us have ONE safe route from the top to the bottom and back of our village.”
- 2.6.14 There is no evidence that Mr Tyrrell has stopped or turned riders away or erected any signs to tell riders it was not a bridleway.

2.7 Lympstone Parish Council Comments

- 2.7 Lympstone Parish Council have sent an extract from their parish council meeting minutes, to show the discussion that took place about the proposal.
- 2.7.1 Minutes from meeting 3/9/18. Proposal 2, members of the public spoke at the meeting giving their views on Proposal 2. These views ranged from support of the proposal because there is evidence it has been used by horses for many years, to others saying horses had always used the brook instead of the footpath line, others saying it provides a safe route for horses. Some wanting to know who would maintain the route if it got muddier because of horse use, and others who were opposed to the bridleway.
- 2.7.2 Parish Councillor Atkins read a statement he had written, as follows:
- 2.7.3 “In 1940s’and 50’s there was only a footpath from the waterfall to the mill from a kissing gate at the waterfall. At the time of major floods (1960ish) Major Goddard decided to open up the pathway to the waterfall, to enable access for his car. The footpath was diverted. It appeared that horse riders, cyclist etc decided that this allowed them the opportunity to ride up through this track way. This appears unchallenged by the landowners. It is worth pointing out that the bed of the brook is the county road. The Wares use it to traverse to fields in their ownership. I rode a cart horse and tractor and trailers up the said waterway and walked cows up and down it. My daughter rode her horses up the field without challenge, nor did she seek permission to so traverse the field and nobody required the style or gate to be replaced! Had I been aware that my daughter was using that private land, I would have reprimanded her and banned her from so using the footpath.”

2.8 Other consultation responses

- 2.8.1 Fifteen letters and emails have also been received from members of the local community opposed to the proposed bridleway addition/upgrade. These are included in full in the backing papers.
- 2.8.2 Grounds of objection include issues such as suitability and safety. In particular, they raise concerns about erosion of the path in the winter and use by cyclists, as the Exe Estuary Trail goes right through the centre of the village. Several also question the need for a bridleway and others are concerned by the effect on the landowner(s).
- 2.8.3 Several appear to acknowledge use by horse riders and cyclists, of both the proposal route and the stream bed. One comments that it is only since the installation of the kissing gate that it has become useable again for walkers.

2.9 Discussion

- 2.9.1 Statute (Section 31 Highways Act 1980) states that if a way has actually been enjoyed by the public 'as of right' and without interruption for a full period of 20 years, it 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 relevant period of 20 years is counted back from a date on which the public right to use the way has been called into question.
- 2.9.2 The use by horse riders was called into question by the installation of a new kissing gate at point D in 2017, which prevented their use. Prior to 1963 there is evidence of a kissing gate in the same location. The relevant 20 year period is between 1997 and 2017.
- 2.9.3 The proposed bridleway addition/upgrade is supported by eleven statements of use on horseback, giving evidence back to the 1960s. The start of the use on horseback would appear to coincide with the Goddards' ownership of the property and the replacement of an old kissing gate (seen in a photograph) with a five-bar gate. This allowed better access both for the farmer, who ran stock in the field, and provided the Goddard's with an alternative route in case of flooding rendering the stream bed track impassable.
- 2.9.4 The horse riders have all used the route on foot as well as on their horses. None of the riders have asked permission from the Goddards to use the route and none had reported seeing any notices to dissuade them not to use the route on horseback. None of the users report having been stopped or told it was not a bridleway by Mr Goddard or Mr Tyrell. Most of the riders have used the path during the relevant period 1997-2017.
- 2.9.5 Three of the riders have said they have also used the ford between points D – E. One of these riders comments she has ridden the ford route when the stream was low and safe and one had only used this lower route and not the proposal route. Some of the people who write in objection to the bridleway have seen riders using the ford route. For example, Mr Atkins said he thought the ford route was the continuation of the 'county road'. He has used the ford with horse and cart and with a vehicle but acknowledges that his daughter used the route of Proposal 2. (The Ford is not recorded as a county road).
- 2.9.6 Mr & Mrs Goddard have not made a Section 31(6) deposit to protect their land from rights of way claims. Mrs Goddard states that her husband has told horse riders he saw that it was not a bridleway. However, those riders that have given evidence of their use state that they have not been challenged. The Goddard's have not erected signs to say this is not a bridleway.
- 2.9.7 Whilst there are local objections to the proposal, these are largely concerned with damage to the surface of the route by horse riders, making it difficult for walkers, and also of conflict between users, particularly cyclists. Although understandable concerns, these are not factors that can be taken into consideration under the provisions of section 53 of the Wildlife and Countryside Act 1981 when determining, on the basis of the available evidence, whether the claimed rights have been established. The route is currently recorded and maintained as a footpath. If the route were to be upgraded to bridleway status, issues concerning surface maintenance may need to be addressed under the Council's other duties.

2.10 Conclusion

- 2.10.1 While there is some conflicting evidence, the evidence taken as a whole is considered sufficient to show that a bridleway subsists, or can be reasonably alleged to subsist, over the route of Proposal 2. It is therefore recommended that a Modification Order be made to modify the Definitive Map and Statement by adding to them a bridleway between points C – D and upgrading to bridleway part of Footpath No.1 between points D – E, as shown on drawing number HIW/PROW/19/02, and if there are no objections to the Order, or if such objections are subsequently withdrawn, that it be confirmed.

3 **Proposal 3: Proposed addition of a footpath from The Strand, over a lane known as Harefield Buildings Road with a spur to the Peters Clock Tower. As shown between points F-G-H on drawing number HIW/PROW/19/03.**

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

3.1 Background

3.1.1 The proposal was put forward by members of the public and the Parish Council following the Definitive Map Review meeting held in the parish.

3.2 Description of the Route

3.2.1 Proposal 3 commences at point F on the plan, from The Strand. It runs north along Harefield Building Road to point G with a spur west to the Peters Clock Tower and the foreshore, at point H. It provides the only vehicular access to a number of properties.

3.3 Documentary Evidence

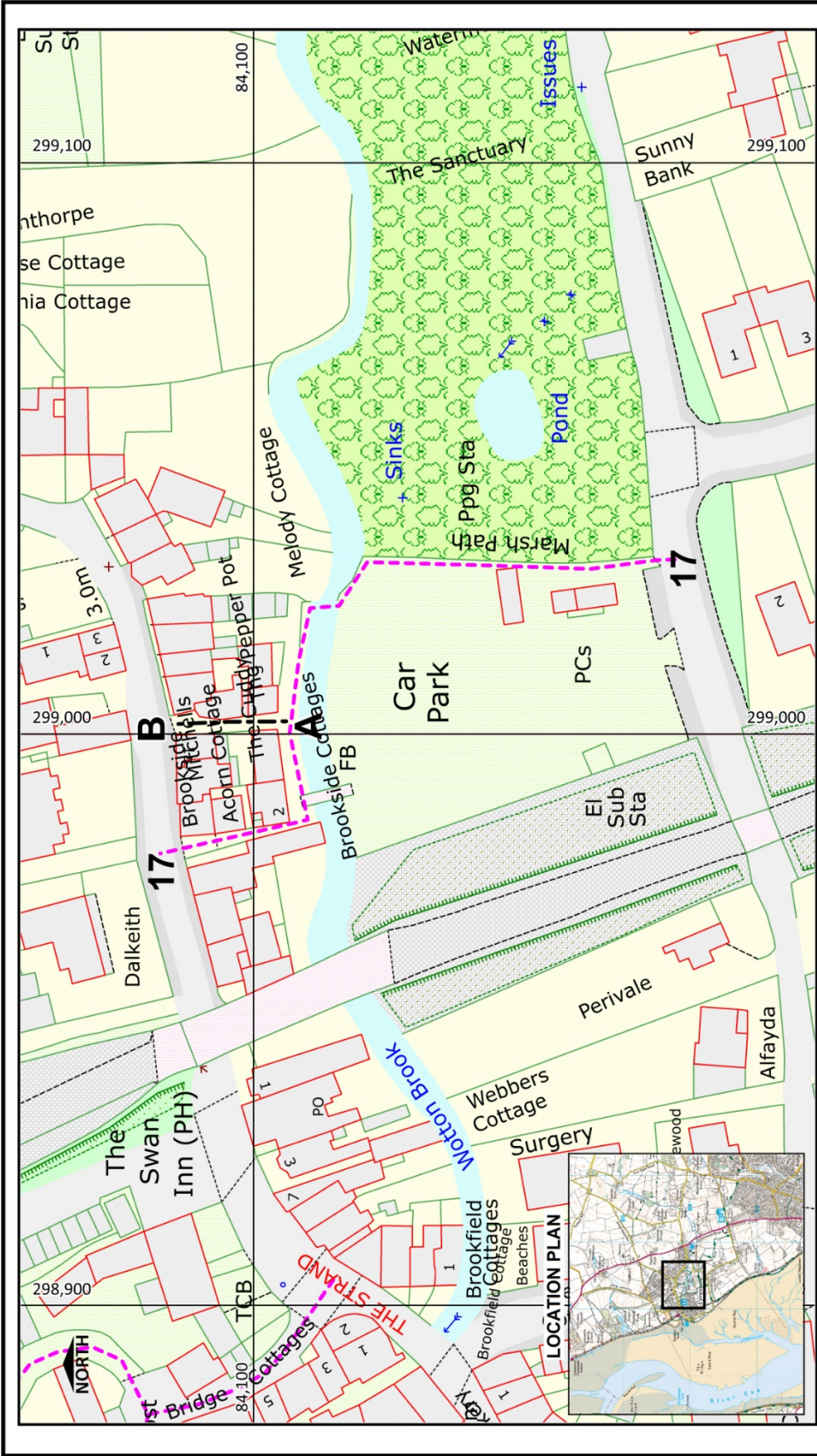
3.3.1 On 5th June 1959 the County Roads Committee deleted this proposed footpath from the Parish survey for the Original Definitive Map because the Roads Committee considered it to be a County Road.

3.6 Discussion

3.6.1 Following review of the County Council highway records it has been confirmed that the route of Proposal 3 is recorded on the List of Streets as a Highway Maintainable at Public Expense and is regarded as an all-purpose highway. It is therefore not required to be shown on the Definitive Map and Statement.

3.7 Conclusion

3.7.1 It is therefore recommended that no Modification Order be made in respect of Proposal 3, but that Members note that it is already recorded as highway maintainable at public expense.



Map Ref **SX 994 840** Grid 100m Contains Ordnance Survey data. © Crown copyright and database rights 2018. 100019783

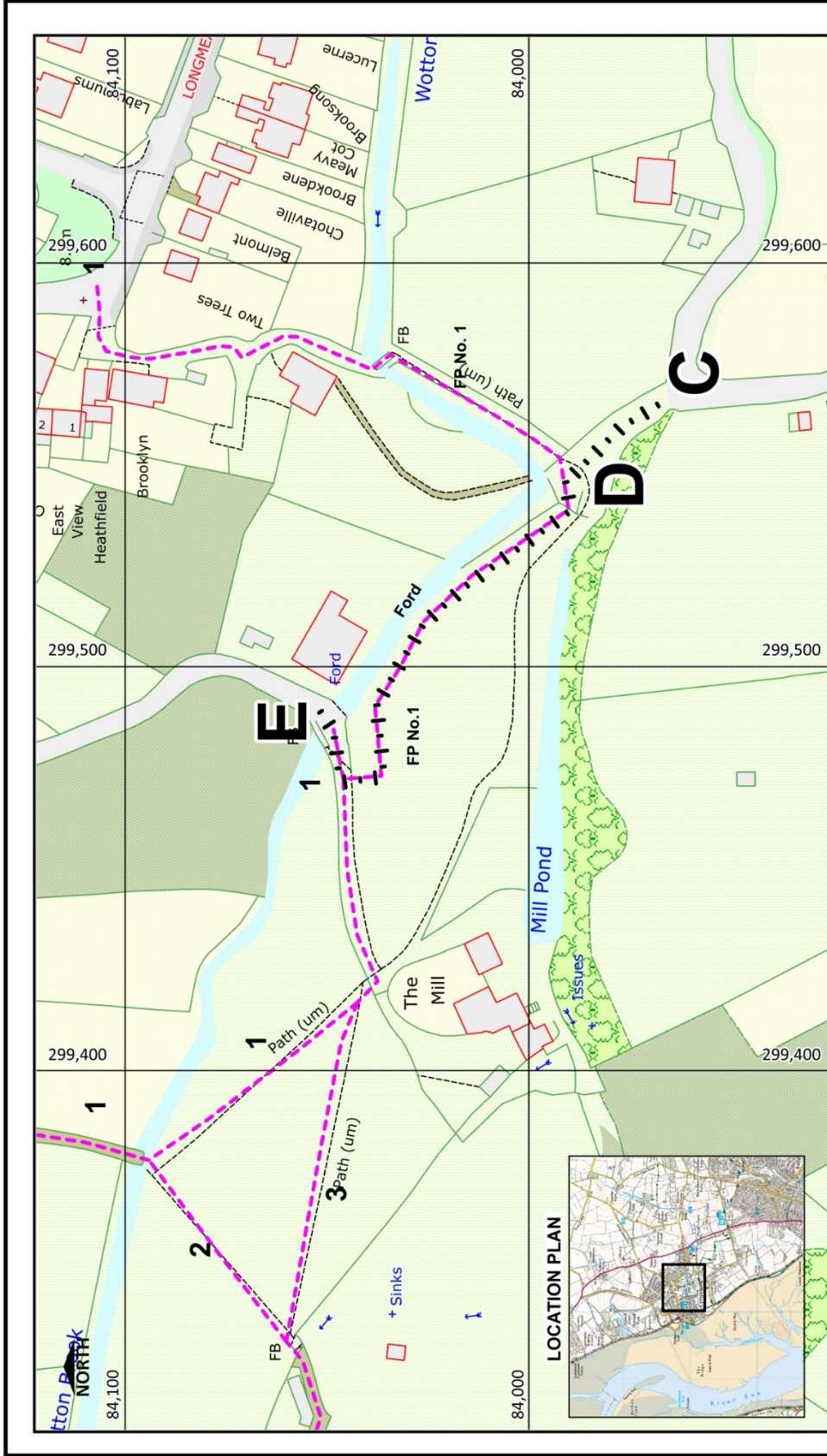
DEVON COUNTY COUNCIL
Proposal 1
To add a footpath

Notation
 Existing Footpaths
 Proposed Footpath A-B

drawing no. HCW/ROW/19/01
 date Jan 2019
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Meg Booth
 CHIEF OFFICER FOR
 HIGHWAYS INFRASTRUCTURE
 DEVELOPMENT AND WASTE





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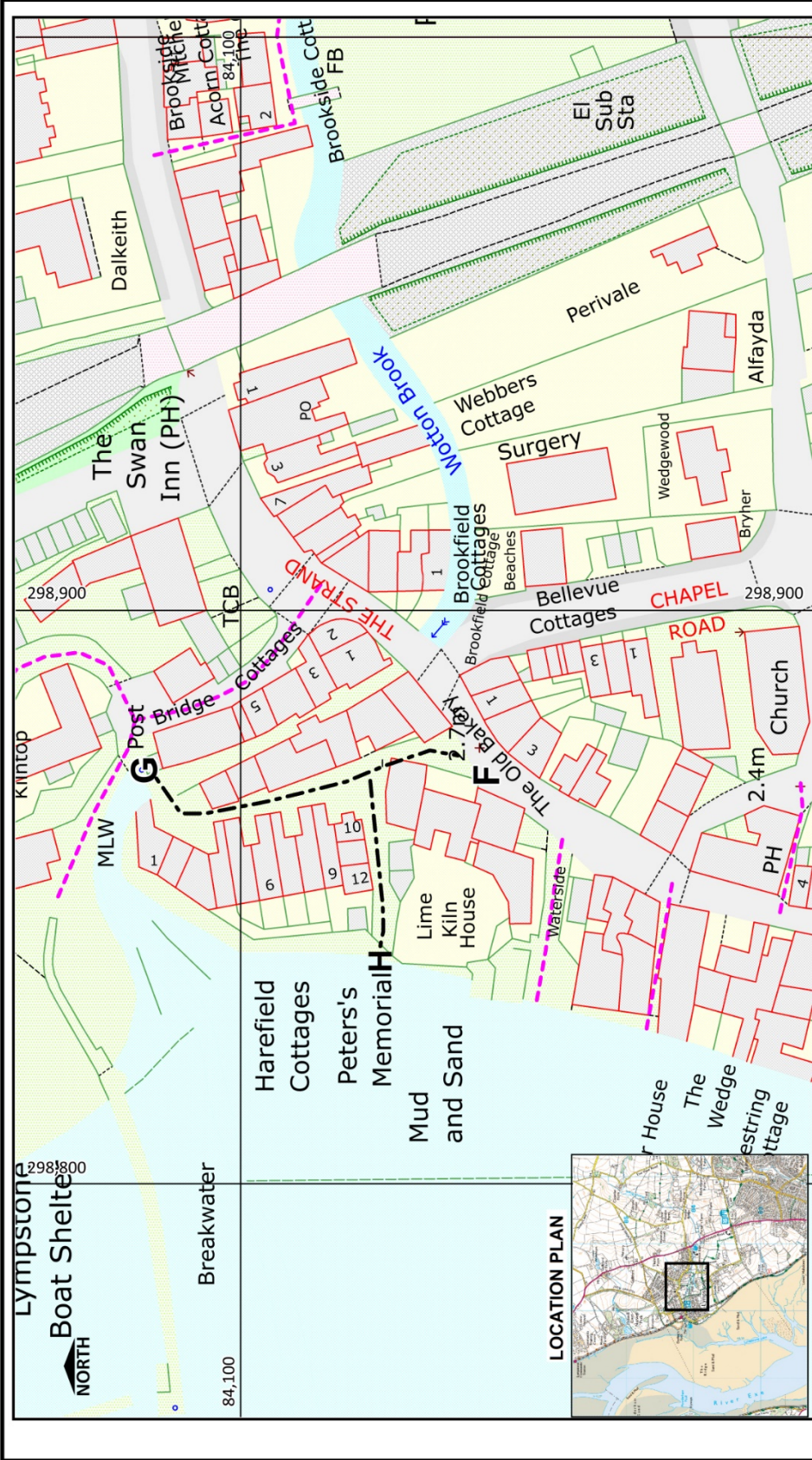
DEVON COUNTY COUNCIL
Proposal 2
To add a bridleway

Notation
 Existing Footpaths 
 Proposed Bridleway 

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Map Ref **SX 994 840** Grid 100m **DEVON COUNTY COUNCIL** Proposal 3 To add a footpath

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Notation
 Existing Footpaths
 Proposed Footpath F - G - H