

HIW/22/11

Public Rights of Way Committee  
10 March 2022

## **Definitive Map Review Parish of Budleigh Salterton**

Report of the Chief Officer for Highways, Infrastructure 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 it be noted that the Definitive Map Review has been completed in the parish of Budleigh Salterton (Budleigh) and no modifications are required.**

### **1. Introduction**

The report examines the Definitive Map Review in the parish of Budleigh Salterton in East Devon.

### **2. Background**

On 27 May 1925, The Right Honourable Baron Clinton, Lord Clinton, with the Urban District Council of Budleigh Salterton, set out a legal agreement defining Public Footpaths on the Rolle Estate at Budleigh Salterton, Devon.

It was set out in order to avoid disputes and questions between the parties.

The Agreement states:

*“The footpaths described in the schedule shown in red lines on the map are the only footpaths on the Rolle Estate of Lord Clinton within the District of the Council.*

*All the said footpaths are dedicated to the public as footpaths and are repairable by and to the satisfaction only of the Council.*

*The Council shall not at any time here after assist or support any claim for a public right of way over any part whatsoever of the said estates of Lord Clinton, other than and except those the public footpaths specified as aforesaid and any further part thereof which hereafter be dedicated to the public in writing (and not otherwise) by Lord Clinton and his successors in title, and the use by members of the public of any footpath other than as so specified (however long continued or general such use may have been) shall be deemed to be permissive only, and shall not be deemed to be evidence of dedication.”*

The Schedule laid out 12 footpaths, in the west of the parish over the golf course the coast path, a short path on the edge of the original cricket ground and a footpath along the west side of the Otter estuary.

The footpaths laid out in the Schedule above were consolidated within the parish submissions for the original Definitive Map in 1956 and subsequently confirmed as Definitive Public Footpaths in 1963.

This Dedication Agreement is very unusual as it predates the Rights of Way Act 1932 (the predecessor of Section 31(6) of the Highways Act 1980) which enables landowners to deposit maps showing those ways on their land that they admit to being public rights of way.

A review was initiated in the 1970's but was never completed. This produced no valid proposals.

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:

Budleigh Salterton UDC (Footpaths No's. 11, 3, 13) Diversion Order 1961

Devon County Council (Footpath No. 70) Definitive Map Modification Order 1991

Devon County Council (Footpath No's 6, 7, 13) Public Path Diversion Order 1997

East Devon District Council (Footpath No. 68) Public Path Diversion Order 2003

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

The current Definitive Map Review began in September 2021, with a public meeting attended by more than 40 members of the public and parish councillors, in the Public Hall Budleigh. An online presentation was also made available for those unable to attend the event in person. The review and the public meeting were advertised in the parish, in the local press and online.

### **3. Proposals**

No valid proposals arising out of this or previous reviews.

### **4. Consultations**

General consultations have been carried out with the following results:

County Councillor Christine Channon	- no comment;
East Devon District Council	- no comment;
Budleigh Salterton Parish Council	- no comment;
Country Land and Business Association	- no comment;
National Farmers' Union	- no comment;
Trail Riders' Fellowship/ACU	- no comment;
British Horse Society	- no comment;

Cycling UK	- no comment;
Ramblers	- no comment;
Byways & Bridleways Trust	- no comment;
4 Wheel Vehicle Users	- 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 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 (including Climate Change) and Public Health Considerations**

Equality, environmental impact (including climate change) and 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 Members note that there are no proposals for modifying the Definitive Map in the parish of Budleigh Salterton. Should any valid claim with sufficient evidence be made in the next six months, it would seem reasonable for it to be determined promptly rather than be 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 area.

Meg Booth  
Chief Officer for Highways, Infrastructure Development and Waste

**Electoral Division: Exmouth & Budleigh Salterton Coastal**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Alison Smith

Room No: M8 Great Moor House

Tel No: 01392 383370

Background Paper	Date	File Ref.
Correspondence file	2021 to date	AS/DMR/BUDLEIGH

as080222pra  
sc/cr/DMR Parish of Budleigh Salterton  
03 250222