

CET/23/94

Public Rights of Way Committee
23 November 2023

Definitive Map Review Parish of Brixton

Report of the Director of Climate Change, Environment and Transport

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

1) Recommendation

It is recommended that it be noted that the Definitive Map Review has been completed in the parish of Brixton and that no modifications have been identified.

2) Introduction

The report examines the Definitive Map Review in the parish of Brixton in the South Hams District.

3) Background

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed 16 Footpaths, which were recorded on the Definitive Map and Statement with a relevant date of 11 October 1954.

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 parish.

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:

Devon County Council Footpath No. 27, Brixton - Public Path Diversion Order 1979
Devon County Council Footpath No.3, Brixton - Public Path Extinguishment Order 1991

Devon County Council Footpath No.2, Brixton – Public Path Diversion Order 1995

Devon County Council Footpath No.16, Brixton – Public Path Diversion Order 1996

Devon County Council Footpath No.6, Brixton – Public Path Diversion Order 1997

Devon County Council Footpath Nos. 30 & 31, Brixton – Definitive Map Modification Order 2003

South Hams District Council Footpath No.24, Brixton – TCPA Diversion Order 2004
South Hams District Council Footpath No.18, Brixton - TCPA Diversion Order 2019
South Hams District Council Footpath No.18, Brixton – TCPA Varying Order 2022

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

The current Review began in April 2023 with a public meeting held within the Parish Council meeting on Wednesday 26 April 2023 at 7pm in the Community Rooms, Brixton St. Mary's Primary School, Elliots Hill, Brixton, PL8 2AG.

4) Proposals

There have been no proposals arising out of this meeting.

5) Consultations

An informal consultation was conducted in September 2023.

The responses were as follows:-

County Councillor J Hart	-	noted
South Hams District Council	-	no comment
Brixton Parish Council	-	no proposals
British Horse Society	-	no comment
Byways and Bridleways Trust	-	no comment
Open Spaces Society	-	no comment
Country Land & Business Association	-	no comment
National Farmer's Union	-	no comment
Ramblers' Association	-	no comment
Trail Riders' Fellowship	-	no comment

6) 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.

7) Legal Considerations

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

8) Risk Management Considerations

No risks have been identified.

9) 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.

10) Conclusion

It is recommended that Members note, there are currently no proposals for modifying the Definitive Map and Statement in the parish of Brixton. 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.

11) 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 South Hams District area.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Brixton & Wembury

Local Government Act 1972: List of background papers

Background Paper Correspondence files

Date 2022 – to date

File Reference ES/DMR/BRIXTON

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