

Definitive Map Review 1997 - 2016
Parish of Zeal Monachorum

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 Zeal Monachorum and no modifications are required to be made.

1. Introduction

The report examines the Definitive Map Review in the parish of Zeal Monachorum in Mid Devon District.

2. Background

The original parish survey, under s. 27 of the National Parks and Access to the Countryside Act 1949, proposed nineteen paths including three bridleways in Zeal Monachorum. Subsequently seventeen footpaths and three bridleways were recorded on the Definitive Map and Statement for Zeal Monachorum in Crediton Rural District Council with the relevant date of 25 February 1958.

Following a Parish Meeting held on 28 January 1969, as part of the Countywide 1968 subsequently uncompleted review, the parish clerk wrote to advise of two claims for public footpaths to the west of the village. The parish clerk was asked for proof that the paths had been used by the public for at least 20 years. The clerk replied advising that the paths had been proposed by a local resident/walker Mrs Gibbs, at the public meeting and that the parish council was not concerned in trying to prove that the paths have been used for 20 years. They understood that one was used by the residents at Great Foldhay as a short cut to the village prior to 1940 and that the second path was the old private carriage drive to Great Foldhay and has never been a public right of way. Mrs Gibbs was contacted direct by the County Council to ask if she could produce witnesses who have used the paths. Mrs Gibbs then telephoned to say that she asked the parish council to include these paths because they were physical paths and well used, but she was unable to produce witnesses as that was a matter for the parish council. As the parish council confirmed that it did not consider the paths to be public and as no evidence was produced to show that they had been in use by the public for at least 20 years, no further action was taken.

No proposals for change were received from the parish council in respect of the 1977 uncompleted County review. 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 10 Zeal Monachorum & Footpath No 24 Down St Mary Public Path Diversion Order 1995.

Mid Devon District Council Footpath No 9a Zeal Monachorum Public Path Diversion Order 2001.

Devon County Council Footpath No 18 Zeal Monachorum Public Path Diversion Order 2004.

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

The review was initially opened in Zeal Monachorum in 1997 when a public meeting was held in April of that year and a consultation map with no proposals for change was published in May 1999. No further action was taken at that time due to staff area changes and lack of resources. The review recommenced in November 2013 with a public meeting held in the village hall at Zeal Monachorum, prior to the evening's parish council meeting, which was well attended by over twenty people.

3. Proposals

In March 2003 the Devon representative for the Trail Riders Fellowship wrote to the County Council with suggestions that one footpath and three bridleways in the parish should be upgraded to Byways Open to All Traffic, on the basis of their depiction on Bacon's 1905 Cycling and Motoring Map and other maps published between 1915 and 1972. No user evidence or other documentary evidence was submitted and the limited evidence received was considered insufficient to include any of these routes as proposals for upgrading. Following the Natural Environment & Rural Communities Act of 2006, any upgrading is likely to have been limited to that of a Restricted Byway only.

Also in April 2003 the Devon representative of the Byways and Bridleways Trust wrote to advise that they were aware of two footpaths in the parish that had been used by horse riders in the past. No user evidence or other evidence was subsequently received. Although evidence of horse use on one of the footpaths mentioned was observed in 2015, this could have been private use. The possible upgrading of these paths was not raised by either the parish council, public or user group representatives during the current review and the routes were not therefore considered as valid proposals for consideration on the review consultation map.

In the absence of any valid proposals or claims for change, the definitive map review consultation map for Zeal Monachorum was published with no proposals for change. No proposals have been received during the two month period of consultation with the parish council, public and local user group representatives.

4. Consultations

Public consultation for the Definitive Map Review in the parish was carried out in July to September 2016 with no proposals for change. The review was advertised around the parish, in a local newspaper and a copy of the parish map/notice was also placed at the village hall and the local Waie Inn.

The responses were as follows:

County Councillor Mrs M Squires	-	no comment
Mid Devon District Council	-	no comment
Zeal Monachorum Parish Council	-	no comment
British Horse Society	-	no comment
Devon Green Lanes Group	-	no comment
Ramblers' Association	-	no comment
Trail Riders' Fellowship	-	no comment
Country Landowners' Association	-	no comment
National Farmers' Association	-	no comment
Cyclists Touring Club	-	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 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 members note that the Definitive Map Review has been completed in the parish of Zeal Monachorum and no modifications are required to be made. 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 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 Mid Devon District area.

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Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
Correspondence files	1997 - date	TW/DMR/Zeal Monachorum

tw300916pra
sc/cr/DMR Parish of Zeal Monachorum
02 111116