

**Definitive Map Review 1997 - 2016
Parish of Holcombe Rogus**

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 Holcombe Rogus and no modifications are required to be made.

1. Introduction

The report examines the Definitive Map Review in the parish of Holcombe Rogus 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 twenty five footpaths in Holcombe Rogus. After review by the County Council and Parish Council, a number of paths were considered to be private or withdrawn and subsequently nine footpaths were recorded on the Definitive Map and Statement for Holcombe Rogus in Tiverton Rural District Council with the relevant date of 18 June 1963.

Proposals for change were received from the Parish Council in respect of the 1968 and 1977 uncompleted County reviews which had been kept on file. These were for the addition of a bridleway (in 1968) and footpath (in 1977) from Holcombe Rogus church to Fenton Farm; the addition of a footpath (in both 1968 & 1977) from South View to join the southern end of Footpath No. 16, Holcombe Rogus and the addition of a bridleway (in 1968) from Freathingcott Farm to Kytton Barton.

The parish file for this period shows that two user evidence forms were completed by the Parish Council Clerk on behalf of the Parish Council in 1977. One user evidence form is in respect to the claimed footpath from Holcombe Rogus Church to Fenton Farm. The form states that the way was regarded as public and used for many years by many parishioners for pleasure walks. There had not been known to be any locked gates or other obstructions or any notices such as 'Private' along the route. Under other particulars Mr Tristram, the clerk, stated 'path considered closed in 1958 review'.

The second user evidence form completed by the Parish council Clerk on behalf of the Parish Council was for the route from South View to Footpath No. 16. The form states that the path had always been regarded as public and is used by many people for the purpose of travelling to work at Westleigh Quarry. There had not been known to be any locked gates or other obstructions or any notices such as 'Private' along the route. Under other particulars Mr Tristram, the clerk, has stated 'This path has always been used and was mistakenly deleted in 1958'.

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:

Tiverton Rural District Council Footpath No 15 Holcombe Rogus Diversion Order 1973
Mid Devon District Council Footpath No 16 Holcombe Rogus & No 6 Burlescombe Public Path Diversion Order 1997

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

The review recommenced in July 2016 with a public meeting held in the village hall at Holcombe Rogus, prior to the evening's parish council meeting, which was well attended by over twenty people. The routes previously claimed by the Parish Council in the 1968 and 1977 reviews were raised at the meeting. The Parish Council and public attending were asked whether they wanted these routes to be considered as proposals for change under the current review and that if they did, evidence would be required to support these routes.

3. Proposals

The Parish Council subsequently confirmed that they would not be presenting or supporting any of the three routes that had been suggested in the previous reviews. No other proposals were suggested for the addition, up or down grading or deletion of any public rights of way in the parish. The Parish Council did request that the re-routing of Footpath No. 23, Holcombe Rogus in the vicinity of Ford Farm be formalised following the recent sale of the property. Locked gates were now present on an alternative line of the footpath that had been used by the public, to avoid walking directly in front of the house. A Public Path Diversion Order is now being processed for the formal diversion of the footpath to a route south of Ford Farm buildings (and also south of the buildings of Lower Besley Farm at the west end of the footpath) under the Council's delegated powers. No responses were received from any other parishioners or members of the public with any other proposals for consideration under the definitive map review.

In the absence of any valid proposals or claims for change, the definitive map review consultation map for Holcombe Rogus was published with no proposals for change to the Definitive Map in the parish.

4. Consultations

Public consultation for the Definitive Map Review in the parish was carried out in November 2016 to January 2017 with no proposals for changes to the Definitive Map. The review was advertised in the parish newsletter, on the parish noticeboard, in a local newspaper and a copy of the consultation notice and parish map was also placed at the Prince of Wales Inn in the village.

The responses were as follows:-

County Councillor R Radford	-	no comment
Mid Devon District Council	-	no comment
Holcombe Rogus Parish Council	-	see above
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

No further proposals have been received during the two month period of consultation with the parish council, public and local user group representatives.

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 Holcombe Rogus 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	2015 - date	TW/DMR/Holcombe Rogus

tw020217pra
sc/cr/DMR Holcombe Rogus
03 200217