

**Definitive Map Review 1997 - 2017
Parish of Burlescombe**

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 Burlescombe and no modifications are required to be made.

1. Introduction

The report examines the Definitive Map Review in the parish of Burlescombe 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 thirty four footpaths in Burlescombe. After review by the County Council and Parish Council, a number of paths were considered to be private or withdrawn and subsequently twenty four footpaths were proposed for inclusion on the draft Definitive Map. Representations and objections were made to five paths by the British Transport Commission and twenty one footpaths were subsequently recorded on the Definitive Map and Statement for Burlescombe in Tiverton Rural District Council with a relevant date of the Definitive Map for the district of 18 June 1963. Footpaths Nos. 9, & 11 were stopped up in 1964 for the Redland Tile factory development and Footpath No. 25 was extinguished in 1970. There are now eighteen public footpaths currently recorded on the Definitive Map for the parish.

Proposals for change were received from the Parish Council in respect of the 1968 uncompleted County reviews which had been kept on file. These were for the extinguishment of Footpaths No. 19, 29 & 31 as no longer used and No. 30 as no longer served any purpose and the addition of a footpath from Crocker Crossway up over the quarry escarpment to join the footpath to Holcombe Rogus. No user or other evidence was submitted with these proposals and the general review did not progress. No suggestions for change were made by the parish council in respect of the 1977 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:

Minister of Transport Footpaths Nos. 9 & 11, Burlescombe Town & Country Planning Act Orders 1964.

Tiverton Rural District Council Footpath No. 25, Burlescombe Public Path Stopping Up Order 1970.

The Secretary of State for the Environment Footpaths No. 19 & No. 32 Burlescombe The M5 Motorway (Chelston – Willand Side Roads) Order 1972.

Tiverton District Council Footpath No. 14, Burlescombe Public Path Diversion Order 1977.

Devon County Council Part of C102 road at Burlescombe Section 116 Stopping Up Order (with reservation of Footpath No. 36, Burlescombe) 1985.

Mid Devon District Council Footpath No. 6, Burlescombe Public Path Diversion Order 1986.

Mid Devon District Council Footpath No. 6, Burlescombe Public Path Diversion Order 1989.
Mid Devon District Council Footpath No. 7, Burlescombe Public Path Diversion Order 1994.
Mid Devon District Council Footpath No. 15, Burlescombe Public Path Diversion Order 1995.
Mid Devon District Council Footpath No. 28, Burlescombe & No. 4, Uffculme Public Path Diversion Order 1996.
Mid Devon District Council Footpaths No. 6, Burlescombe & No. 16, Holcombe Rogus Public Path Diversion Order 1997.
Mid Devon District Council Footpath No. 32, Burlescombe Public Path Diversion Order 2000.

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

The review recommenced in November 2016 with a public meeting held in the Community Hall at Burlescombe, prior to the evening's parish council meeting. The routes previously claimed by the Parish Council in the 1968 review 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 an addition of a footpath or other public right of way.

3. Proposals

The Parish Council subsequently confirmed that they would not be presenting or supporting any of the proposals 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. 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 Burlescombe 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 March and April 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 was also displayed in Burlescombe and Westleigh village centres.

The responses were as follows:

County Councillor R Radford	-	no comment
Mid Devon District Council	-	no comment
Burlescombe 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 Land & Business Association	-	no comment
National Farmers' Association	-	no comment
Cyclists Touring Club	-	no comment

No further proposals have been received during the 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 Burlescombe 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.

Meg Booth
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Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
Correspondence files	2016 - date	TW/DMR/Burlescombe

tw260517pra
sc/cr/DMR Parish of Burlescombe
03 260617