

HIW/19/18

Public Rights of Way Committee
4 March 2019

Definitive Map Review 2018 - 2019
Parish of Clayhanger – Borden Gate Parish Council

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 Clayhanger and no modifications are required to be made.

1. Introduction

The report examines the Definitive Map Review in the parish of Clayhanger, in Mid Devon District, one of the three parishes now within Borden Gate Parish Council. Separate reports will be presented for Huntsham at this meeting and Hockworthy at a subsequent meeting.

2. Background

The original parish survey submission, under s. 27 of the National Parks and Access to the Countryside Act 1949 was submitted by Mr F Hill as Chairman of Clayhanger Parish Meeting. However, rather than complete individual forms for each path, Mr Hill advised that 'where paths are still wanted and useful to the public, I've put yes across maps'. Another comment on the survey form was 'All the paths claimed have been used by the General Public, undisputed, for 20 years or more'.

A total of nineteen paths were marked on the map submitted by the parish as public rights of way. At a meeting with Tiverton Rural District Council and the Chairman of the Parish Meeting in October 1957, ten of these paths were omitted, withdrawn, considered private, not claimed/required or combined with another path to leave nine paths to be included on the draft definitive map as public footpaths. In the absence of any objections to their inclusion on the draft or provisional definitive maps, the nine public footpaths were subsequently recorded on the Definitive Map and Statement for Clayhanger in Tiverton Rural District Council with the relevant date of 9th June 1964.

During the Devon County Council uncompleted reviews of 1968 and 1977, Clayhanger parish made no proposals for changes to the Definitive Map.

The following Order has been made and confirmed in the Parish.

Devon County Council Public Path Diversion Order 2007 Footpath Nos. 2 and 7, Clayhanger.

Legal Event Modification Orders will be made for this change under delegated powers in due course.

The Definitive Map Review commenced in July 2018 with a public meeting for all three parishes, held in the village hall at Huntsham, prior to the meeting of Borden Gate Parish Council, which was well attended by parishioners and councillors.

3. Proposals

A proposal for Clayhanger for Footpaths No. 7 and 12 was made by a landowner requesting the diversion of parts of the footpaths. This has been investigated further with the landowner concerned. If subsequently required, the necessary Public Path Diversion Order will be made under delegated powers. No other proposals for change were made by the Clayhanger parish councillors or the Borden Gate Parish Council.

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 Clayhanger 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 2018 to January 2019. The review was advertised in the Bampton newsletter which also covers Clayhanger parish, on the parish noticeboard and in a local newspaper.

The responses were as follows:

County Councillor R Radford	-	no comment
Mid Devon District Council	-	no comment
Borden Gate 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
Cycle UK	-	no comment

No proposals were received during the two month period of consultation with the Parish Council, public or 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 Clayhanger 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

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: Willand & Uffculme

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
Correspondence files	2018 - date	TW/DMR/Borden Gate-Clayhanger

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sc/cr/DMR Parish of Clayhanger – Borden Gate Parish Council
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