

CET/23/90

Public Rights of Way Committee
23 November 2023

Definitive Map Review Parish of Littleham 2003-23

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 a Modification Order be made to modify the Definitive Map and Statement by adding a footpath along Upadown Lane, Littleham between points A – B, as shown on drawing number CCET/PROW/23/78 (Proposal 1). This will update the decision originally resolved by this Committee on 24 March 2005.

2) Introduction

This report re-examines a proposal originally raised during the Definitive Map Review in Littleham parish in 2003-05.

The Definitive Map Review was opened in the parishes of Littleham and Landcross in 2003, with an informal consultation carried out in early 2005. This consultation included a proposal to add a footpath along Upadown Lane in Littleham village.

A report on the Upadown Lane proposal was subsequently presented to the County Council's Public Rights of Way Committee on 24 March 2005. The Committee resolved that a Modification Order should be made (initially shown the plan ED/PROW/05/58 and now shown on plan CCET/PROW/23/78).

The Committee minutes from March 2005, set out that:

(vi) **Definitive Map Review: 2003/2005 - Parish of Littleham**

The Committee considered the report of the County Environment Director (ED/05/86/HQ) and background papers.

RESOLVED

(A) that an order be made to add a public footpath to the Definitive Map and Statement running between Point A and Point B as shown on drawing no. ED/PROW/05/58;

(B) that no order be made to record Apps Lane as a Public Right of Way.

3) Background

This is the second report for the Definitive Map Review in the parish of Littleham. The background to the Review in Littleham was discussed in the first parish report presented to this Committee at its meeting of 24th March 2005.

A summary of the March 2005 report is attached to this report.

Prior to the committee decision being implemented, and in response to requests from the local community, additional negotiations were undertaken to assess whether the route could be upgraded as a bridleway through a dedication agreement. Neighbouring landowners were not supportive, and so it was not feasible to enter into a dedication agreement. Reasons are unclear, but it is evident that the Order to add the route as a public footpath was not subsequently actioned.

This anomaly has only recently come to light, and so it is proposed is that the Modification Order now be made, as previously resolved by this Committee in March 2005.

4) Proposals

Please refer to the appendix to this report.

5) Consultations

General consultations were carried out in 2004 with the following results:

County Councillor Collins	- no reply
Torrige District Council	- no objections
Littleham Parish Council	- no comment on the proposal
British Driving Society	- no reply
British Horse Society	- no reply
Byway and Bridleways Trust	- no reply
Cycling UK	- no reply
Country Landowners & Business Association	- no reply
National Farmers' Union	- no reply
Open Spaces Society	- no reply
Ramblers' Association	- supported proposal

Responses are detailed in the appendix to the March 2005 Committee Report.

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 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 have been taken into account.

10) Conclusion

It is recommended that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath along Upadown Lane, Littleham between points A – B, as shown on drawing number CCET/PROW/23/78 (Proposal 1).

Should any further valid claim with sufficient evidence be made within the next six months it would seem reasonable for it to be determined promptly rather than 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 Torridge area.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Bideford East

Local Government Act 1972: List of background papers

Background Paper: Correspondence Files

Date: Current

File Reference: DMR/LITTLEHAM(TORR)

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sc/cr/DMR Parish of Littleham 2003-23

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Appendix 1 to CET/23/90

Summary of Report to Committee 24th March 2005

Definitive Map Review 2003/2005 Parish of Littleham

Report of the County Environment Director

Recommendation: It is recommended that:

- i) an order be made to add a public footpath to the Definitive Map and Statement running between Point A and Point B as shown on drawing no. ED/PROW/05/58;
- ii) no order be made to record Apps Lane as a public right of way.

1 Background

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed two footpaths and one bridleway in Littleham which were recorded on the Definitive Map and Statement 14 March 1958.

The Limited Special Review of Roads Used as Public Paths (RUPPs), carried out in the 1970s, did not affect this parish. In 1989 Littleham Parish Council, requested "Apps Lane be the subject of serious interest". It is discussed in appendix.

The following Diversion Order has been made in the parish under 1959 Highways Act: Public Path Diversion Order 1972 – Bridleway No.10, around The Old Rectory, Littleham.

2 Review

The current review began in October 2003 with a public meeting held in the Village Hall.

The review was advertised in the North Devon Journal and on the village notice boards. Consultations were carried out with the following results:

County Councillor Collins	- no reply
Torrige District Council	- no objections
Littleham Parish Council	- response to diversions only
British Horse Society	- no reply
Byway and Bridleways Trust	- no reply
Country Landowners & Business Association	- no reply
National Farmers' Union	- no reply
Open Spaces Society	- no reply
Ramblers' Association	- supports suggestions put forward
Cyclist Touring Club	- no reply
British Driving Society	- no reply
South West Water	- no reply
Transco	- no reply
BT	- no reply

Two applications have been received from landowners relating to diversions on Footpath Nos. 7 & 8. No objections have been received with regard to Footpath No. 8 and the

Footpath No. 7 is currently under discussion. The resulting orders will be made under delegated powers.

3 Conclusion

It is recommended that an order be made in respect of Proposal 1, but no order made in respect of Apps Lane. There are no other recommendations to make concerning any further modifications. However, should a valid claim be made in the next six months it would seem sensible for it to be determined promptly rather than deferred.

4 Reason for Recommendation/Alternative Options Considered.

To progress the review of the Definitive Map in Torridge.

Electoral Division: Bideford Rural

Edward Chorlton

Local Government Act 1972

List of Background Papers

Contact for inquires: Richard Butler

Tel No. (01392) 382251

Back Ground papers	Date	File ref
Correspondence Files	2003 to date	AS/DMR/LITT

Proposal 1

Background

The proposal to add a footpath to the Definitive Map and Statement was made by the Parish Council and members of the public at the meeting held in October 2003.

Description of the Route

The proposed footpath runs from just north of the Crealock Arms, indicated as Point A on drawing no. ED/PROW/05/58, along a hedged lane to the road between Littleham and Littleham Cross, Point B. It is about 180 metres in length.

User Evidence

Three user evidence forms from walkers have been submitted in support of the route covering a period of 32 years. These users have not been challenged and undoubtedly more evidence would be available if requested.

Historical Evidence

The route is shown on the historical map records of the Littleham: Tithe Map, 1st edition (and all subsequent editions) Ordnance Survey maps, and other historic maps of the area. However, none of these are sufficient on their own to suggest this route has enjoyed public status, only that it physically existed at the time the maps were drawn.

Landowner Evidence

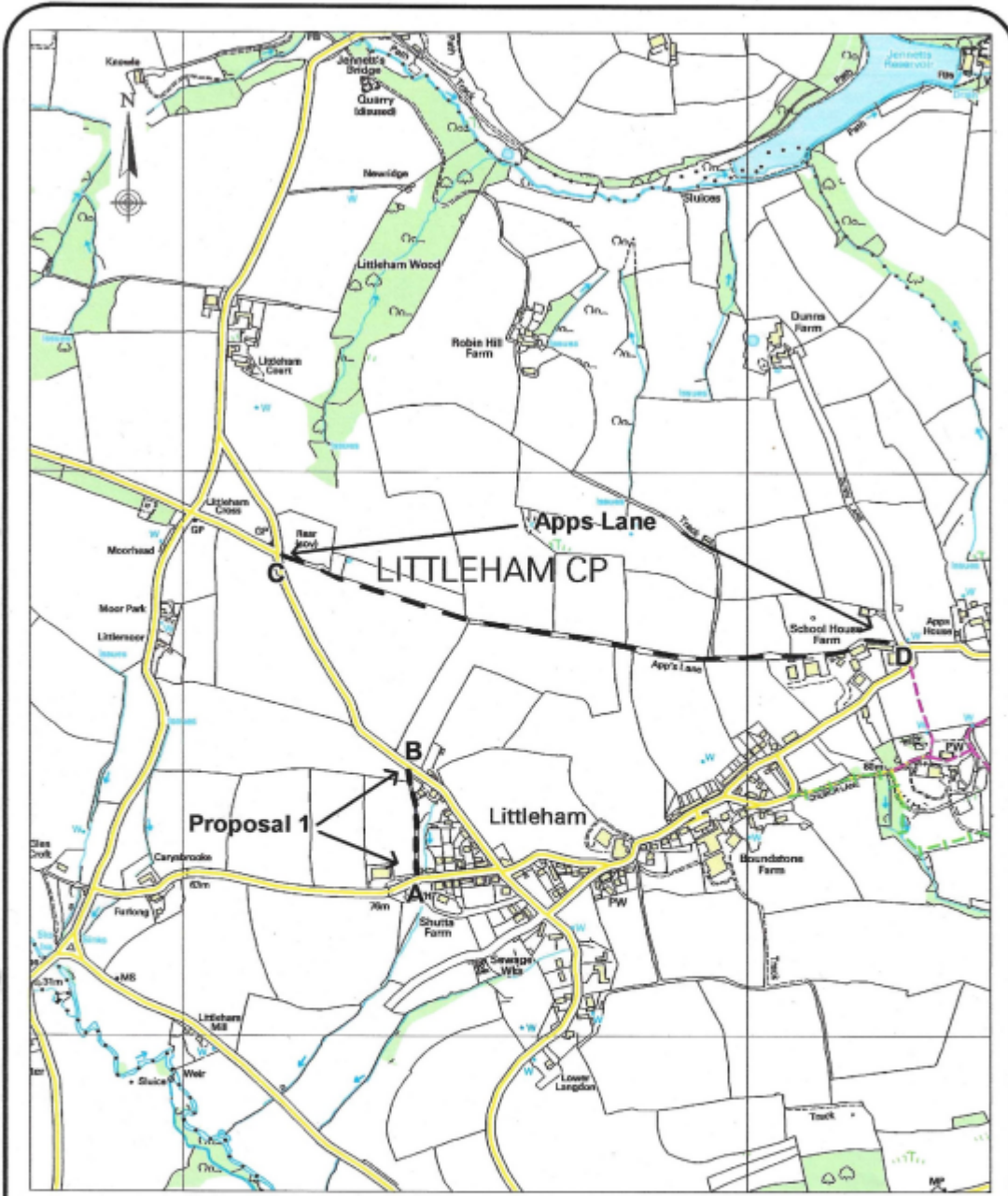
The lane abuts fields which were owned by Mr E Nicholls of Shutta Farm between 1945 and 2001. The route lies within a few hundred yard of the farm and as such was well observed by Mr Nicholls. He has stated that people had always used the route and that he regarded it as a footpath and trimmed its hedges from time to time. He did not challenge the public's right to use the path. Mr Nicholls sold the adjoining land to Mr Withecombe in 2001.

Mr Withecombe has been approached for his views of the route. He said he was aware of the path at the time of purchase and cleared it out on one occasion just after he bought the land. He has no objection to the footpath and has not challenged the use.

The land to the east of the route is in the ownership of several different properties with adjoining gardens. Each landowner has been consulted and indicated that they only own up to the hedge. They regard the path as public.

Conclusion

The route is in regular use by the public and is acknowledged as public by the current and former landowners. Additional user evidence could be provided if required, but as an Order is unlikely to attract objection, it has not been felt necessary to collect any. Dedication and acceptance of the route can thus be presumed and it is therefore recommended that an Order be made.



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DEVON COUNTY COUNCIL
DEFINITIVE MAP REVIEW - LITTLEHAM

drawing number ED/PROW/05/58
 date March 2005
 scale 1:10,000
 drawn by AS

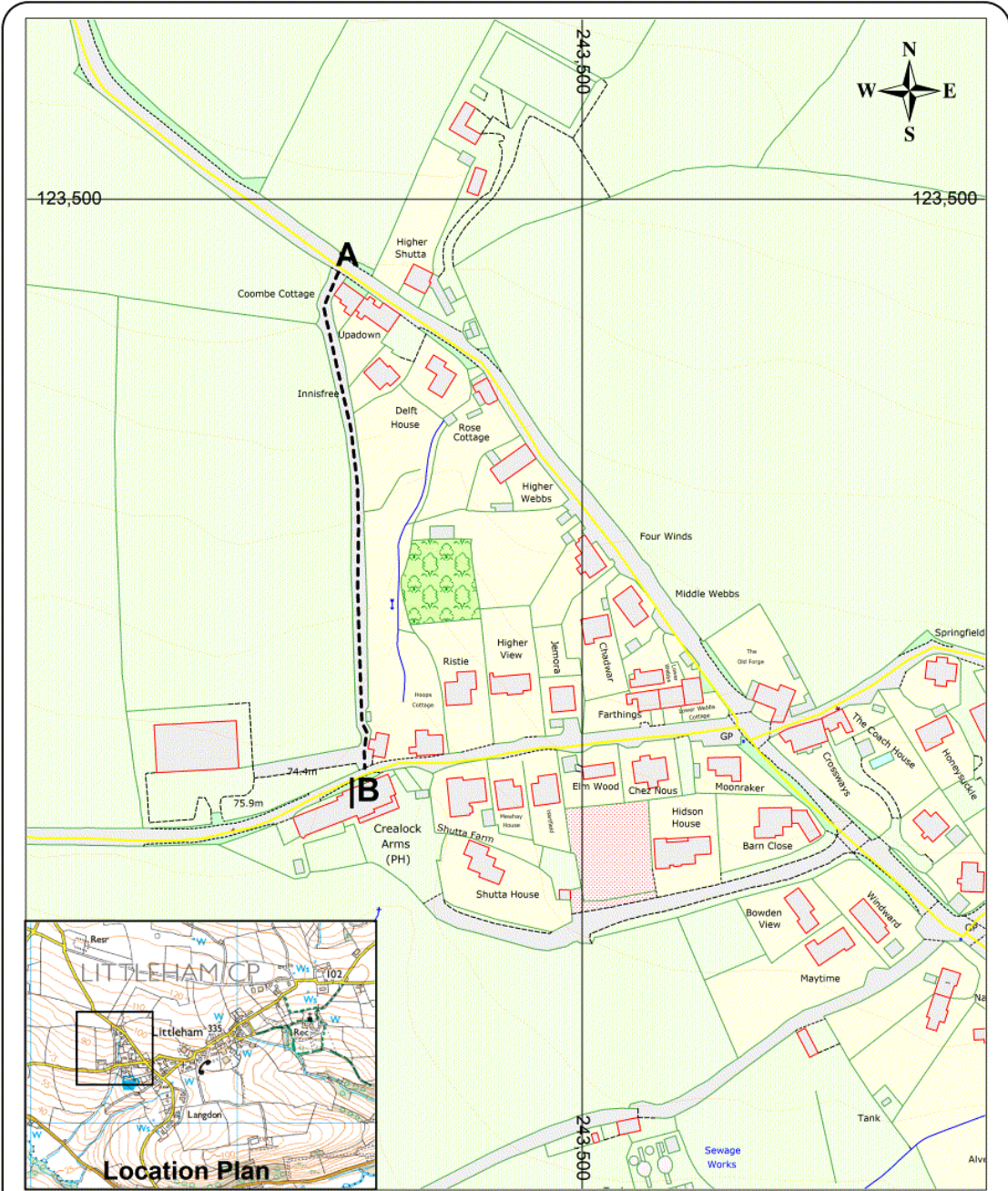
Notation

Proposal 1 A - B (180 metres) **-----**
 Apps Lane B - C (1120 metres) **————**

Edward Chorlton
 COUNTY ENVIRONMENT DIRECTOR



Devon County Council



map ref: SS 4323

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Devon County Council
Definitive Map Review - Parish of Littleham
Proposed addition of a footpath
along Upadown Lane

drawing no. **CCET/PROW/23/78**
 date **August 2023**
 scale **1:2,000**
 drawn by **CLG**

Notation

Proposed addition A - B (approx 195 metres) -----
 Existing footpath -----

Meg Booth
 Director of Climate Change,
 Environment & Transport

