

MINISTRY OF HOUSING & LOCAL GOVERNMENT
WHITEHALL, LONDON, SW1

Any reply to this letter should be addressed
to THE SECRETARY quoting reference

2172/40014/3



Telegrams: Locaplan, Paris, London

Telex: 22801

Telephone: ABBey 5620
Ext.

15th July, 1959.

Sir,

National Parks and Access to the Countryside Act, 1949
Rural District of Kingsbridge (Ringmore Lower Manor Farm)
Extinguishment Order, 1958

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. D. Senior, M.I.Mun.E., M.T.P.I., on the local inquiry held on 2nd and 3rd April, 1959 into objections to his proposal to make an order for the extinguishment of the public right of way, 1175 yards in length, leading from a point approximately 42 yards east of the eastern corner of the farmhouse of Lower Manor Farm, Ringmore, to the termination of the path at Ayrmer Cove.

In deciding to make a draft order the Minister's aim was primarily to allow a fuller investigation of the proposal, and he had not at that time reached any decision on the merits of the extinguishment.

At the inquiry it was stated on behalf of the applicant that he had acquired Lower Manor Farm in 1954, and that the existence of a public right of way over the path proposed to be closed made the holding very difficult to work. The path was the only means of access for cattle pastured on the northerly side of the stream to the home pasture near the farm house, the cattle crush, the dipping-pen and the watering point north of the farm. The cattle had to take water from this drinking point as there was no piped water supply to the fields on either side of the path and also because of the risk of pollution in the stream below the outfall of the Ringmore sewer. It was necessary to have complete control of the farm road because the movement of cattle had to be a carefully organised operation free from public interference. The applicant suffered inconvenience not only from the leaving open of gates which ought to be closed but from the closing, no doubt well meant, of gates which ought to be left open. He also ran the risk of penalties for allowing unattended animals to stray or permitting a bull to run with them. Moreover, there was the risk of cattle being disturbed by uncontrolled dogs. If the public rights over the path were extinguished the public would still have a commodious means of access to Ayrmer Cove by way of path No. 10 along the southern slope of the valley. The desire of the residents to have the free use of both paths was no doubt prompted by a liking for the "round trip" but in the appellant's opinion this was not a good reason for keeping both paths open where one could be closed in order to facilitate farm operations. He had objected to the designation of the path in the draft map and statement prepared by Devon County Council under Part IV of the Act, and thereafter had asked the Kingsbridge Rural District Council to make an order extinguishing the path, but the council refused to make an order on the grounds that the path was needed for public use. It was submitted that this decision was wrong because the rural district council had disregarded the duty placed upon them by section 84 of the Act of taking into account the needs of agriculture. Although section 84 did not specifically mention the Minister, the applicant contended that the Minister was equally bound by this section to have regard to the interests of agriculture in deciding whether to make the order or not, and that it would be wrong for the Minister to determine the treatment of the order solely by reference to section 43(2) of the Act. The applicant referred to the large amount of documentary evidence produced by the objectors or sent directly

/directly

to the Minister, and the fact that he had not been given an opportunity of testing the validity of many of the documents by cross examining the writers. He deprecated the practice of submitting unsupported documents, and pointed out that the objectors who had expressed concern about a reduction in the value of their properties should refer to the compensation provisions of the Act.

On behalf of the Kingsbridge Rural District Council it was denied that they had failed to consider all the relevant factors when they decided not to make an order for the extinguishment of the path. The council considered that they were bound by the terms of Section 43 and did not believe that section 84 could override section 43. They did not regard Footpath No. 10 as a reasonable alternative; parts of it were very steep and it left the village from a road without footpaths which carried exceptionally heavy traffic during the holiday season. It was suggested that if the applicant wished to improve facilities for watering his cattle he should lay down a piped water supply. Alternatively, if he was prepared to wait three or four years he would be able to water his cattle anywhere along the stream as by that time Ringmore was likely to have a main drainage scheme and the stream would be entirely free of pollution.

Mr. F.C. Mennell, who owns and works a farm at Kingston - a parish adjoining Ringmore - spoke in support of the order. He believed that there was a good case for extinguishing the path as it was not necessary to have two approaches to the cove.

A petition against the proposal signed by 111 residents of Ringmore was presented and the following representations were made on their behalf at the inquiry.

- (i) The treatment of the order should be determined solely by reference to section 43(2) of the Act.
- (ii) The Minister was required to afford an opportunity for objections and representations to be made and there was no reason why he should disregard them provided due account was taken of the circumstances in which they were brought to his notice and of the possibility that they might not have been supported by oral representations on the part of the writers which would have been tested by cross-examination.
- (iii) The path proposed to be extinguished provided a necessary means of access to Lyrmer Cove and was well used both by local residents and the public at large; it afforded an unbroken view of the valley and of the hill on its south side and its gradients were more favourable than those of the suggested alternative route, path No. 10, which was an enclosed lane throughout its course.
- (iv) The seclusion of the village and the access to the beach afforded by the path were factors which were taken into account by many residents of Ringmore when they decided to settle there, and the extinguishment of the path would affect the values of their houses and adversely affect the interests of caterers and the owners of guest houses.
- (v) The applicant could supply his cattle with water more effectively by laying a piped supply; alternatively, it had been shown that the quality of the water in the stream below the present drinking point would be improved when the main drainage scheme for Ringmore was completed.

Mrs. Teal, speaking on behalf of the Youth Hostels Association, said that members of the Association make frequent use of the coastal paths on either side of Lyrmer Cove and that they were anxious to maintain the existing facilities as much as possible.

The Minister has considered his Inspector's report and the representations made at the inquiry. With regard to the applicant's submission that the needs of agriculture should be taken into account in considering whether the path should be extinguished, the Minister is advised that he is required to determine the treatment of the order solely by reference to section 43(2) of the Act. It

however well founded those claims might be.

The Minister notes that the path is well used both by local residents and the public at large and he is satisfied that it would continue so to be used if the order was not made. Because of its more favourable gradients it is more commodious than the alternative route, path No. 10, and it affords a more open prospect of the surrounding countryside. The Minister has reached the conclusion that the applicant has failed to show that the path is not needed for public use and he has decided not to make an order for the extinguishment of the path.

... The documents submitted in connection with your application are returned
... herewith. The relief model will be returned separately.

I am, Sir,
Your obedient Servant,

(J. DELAFONS)

RURAL DISTRICT COUNCIL OF KINGSBRIDGE

1956

C. B. BRAY
CLERK TO THE COUNCIL

TELEPHONE 2246-7 (TWO LINES)

Council Offices,
Manor House,
Kingsbridge, Devon.

1st August, 1956.

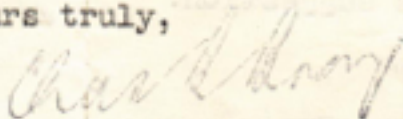
/E.

Dear Mr. Johns,

On the back hereof I set out a copy of a letter dated 31st July, 1956, which I have received from the Devon County Council.

Would you please be good enough to let me have your observations?

Yours truly,



Clerk.

G. C. Johns, Esq.,
No. 4, Crossways,
Ringmore,
Kingsbridge.

COMMONS, OPEN SPACES AND FOOTPATHS PRESERVATION SOCIETY

Hon. Treasurer:
Sir FELIX BRUNNER,
Bart.

(Founded 1865)

Secretary:
A. O. B. HARRIS,
B.A.

PRESIDENT:
The Rt. Hon. J. CHUTE EDE,
C.H., M.P.

11 KING'S BENCH WALK,
LONDON, E.C.4.

Telephone: CITY 1994.

Our Ref: 1817.

23rd March, 1959.

Mrs. D. A. Wright,
Prince Cottage,
Ringmore,
Kingsbridge,
Devon.

Dear Madam,

I am just writing to inform you that the Society hopes the National Trust representative for the Area will be at the Inquiry on the 2nd April to keep watch in brief for us. We had hoped that the Society's Hon. Consultant would be able to go; but he has illness in his family and it seems very unlikely at present that he will be able to do so.

I will let you know, however, as soon as I hear definitely from him. Meanwhile your papers are being carefully perused so that our own case can be prepared.

Yours sincerely,

A. O. B. Harris

Secretary.

THE NATIONAL TRUST
for Places of Historic Interest or Natural Beauty

Area Agent :
J. O. GAZE, F.L.A.S.



The Estate Office,
Killerton,
Budlake, Exeter.
Telephone Helc 228.

1G/JOG/MA

Lt. Col. Wright,
Prince Cottage,
Ringmore,
KINGSBRIDGE, Devon.

26th March, 1959.

Dear Sir,

I have been into the question of the enquiry which was the subject of your letter of the 12th March. There is no doubt that the Trust is much concerned about the closure of this footpath, but I am afraid that there are no grounds on which we can appear at the enquiry. We have to restrict ourselves to matters which touch our property and in this case there is not even a remote connection despite our particular interest in the Salcombe area. I know that the Amenity Societies, whose particu^{lar} charge covers matters of this sort, i.e. the C.P.R.E., and the Commons Society, are both aware of the case and I think we must look to them to give your Council and the public the necessary support.

Yours faithfully,

MINISTRY OF HOUSING & LOCAL GOVERNMENT
WHITEHALL, LONDON, SW1

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to THE SECRETARY, quoting reference



Telegrams: Locaplan, Parl, London

Telephone: ABBey 5620
Ext. 38

2172/40014/3

15th July, 1959.

Your Ref:

Sir,

National Parks and Access to the Countryside Act, 1959
Rural District of Kingsbridge (Ringmore, Lower
Manor Farm) Extinguishment Order, 1958

I am directed by the Minister of Housing and Local Government to refer to the local inquiry which took place on the 2nd and 3rd April, 1959, in connection with the above-named proposal, and to forward for your information a copy of the letter which has been sent to the owner of the land concerned conveying his decision in respect of the matter.

I am, Sir,
Your obedient Servant,

R. P. Hamwell

*Lt. Col. C. G. Wright RMC (retd),
Prince Cottage,
Ringmore,
Kingsbridge,
Devon.*

1.7.23A/59/35

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

Whitehall, London, S.W.1.

January, 1959

Dear Sir,

National Parks and Access to the Countryside Act, 1949
Rural District of Kingsbridge
(Ringmore, Lower Manor Farm) Extinguishment Order, 1958

With reference to your letter of objection, I write to inform you that a Local Inquiry has been arranged into the above-named Order.

The Inquiry will be held by Mr. D. Senior, M.I.MUN.E., M.T.P.I., one of the Minister's Inspectors, at the Women's Institute Hall, Ringmore, Kingsbridge, Devon, on Thursday the 2nd April, 1959, at 10 a.m.

It will be open to anyone who has made an objection or representation and any other interested persons to appear or be represented at the Inquiry.

Yours faithfully,

signed R.P. HEWETT

R.D. Baughan Esq.,
Walnut Tree Cottage,
Ringmore,
Nr. Kingsbridge,
S. Devon.

Copy.

The Secretary, Footpaths Preservation Socy.

Dear Sir,

I understand from Wing Commander Baughan that he has already asked if your Society can help this village in preserving its ancient rights-of-way.

I am enclosing the application as submitted to the Ministry of Housing and Local Government by the farmer.

It is not, I think, a very accurate statement of facts. There is no mention that two (2) footpaths have already been closed for his benefit.

As a resident of the village I consider the amenities would be seriously jeopardized by any further closures of footpaths. The parishoners have valid reasons to nullify most of the assertions in this enclosed document.

A Ministerial Inquiry is to be held in the village on 2nd April.

We would be grateful for any assistance that your Society can give us.

ROBERT SETTI & PEPPERCORN
SOLICITORS
COMMISSIONERS FOR OATHS
O. S. ROBERTI, M.A. (SANTAL)
TELEPHONE: KINGSBRIDGE 2377/2378

R KINGSBRIDGE
No 1923

HSG 10016
B13 JAN 1958
3

Kingsbridge R.D.C.

*20. Fore Street,
Kingsbridge,
Devon*

OGR/MH.

Recd. Per Regd. Post.

10th January, 1958.

National Parks and Access to the Countryside Act
1949. Application for closure under section 44(5).

Dear Sir,

ACKD BY REGISTRY
GN 16/1/58

*100014
Devon
Act*

We are acting for Major D.G. Thornburgh of Lower Manor Farm, Ringmore, and are instructed to make application to you on his behalf to direct the closure, as recommended by the Devon County Council (vide encl. A), of the path shown on the Draft Map published under the above Act as No.9 Ringmore Parish (marked in red on the current O.S. Plans SX 6445 and 6446, encl. B) by the issue of an order extinguishing whatever public rights of way there may be over the path.

2. NARRATIVE. The path in question which lies wholly on our client's property, was included among others on the County Council's Draft Map at the instance of the Ringmore Parish Council. Our client objected to its designation as a footpath and a County Council Inquiry was held on the 8th of March 1957. Although the County Council did not determine to delete the path from the draft map they did accept as their own the Inquiry Officer's recommendation that the path should be closed on application, pointing out however that they were not the appropriate Local Authority concerned. Accordingly application for closure was made by us to the Kingsbridge Rural District Council, and the application was heard on the 1st of October last. Unfortunately, the Local Authority declined to issue the requisite order (see their letter dated the 7th of October - encl. C.)

3. ALTERNATIVES. In seeking to satisfy you that this is a proper case in which to give effect to the recommendation of the County Council in spite of the refusal of the Rural District Council to do so, we rely largely on the fact that this track is the main axis of an agricultural holding which cannot be run otherwise than as a stock and dairy farm, whereas from the point of view of the visitor it is but one of four paths by which access can be had to our client's privately owned beach at Ayrmer Cove, the remaining three being marked thus on enclosure B:-

- (a) No.10. - Yellow.
- (b) No.12 and No.15 (East) - green.
- (c) No.15 (West) - blue.

It will be seen that (a) and (b) lead direct from Ringmore village;

It is relevant that the approach roads to paths 9 and 10 start from exactly the same point in the village, and that they finish within fifty yards of each other on the beach (see photograph encl: D.) Paths (a), (b) and (c) are exclusively on our client's land except a part of the section of (b) formed by No.12.

4. VALUE TO AGRICULTURE. This steep coastal farm is not an easy holding to manage. That it is worth trying to do so has already been accepted by the Ministry of Agriculture. As recently as 1954 a certain Mr. Small who was himself a prospective purchaser was refused planning permission to develop O.S.Nos. 80, 77, 74, 88 and 89 as a caravan site, the District Land Commissioner expressing himself as being strongly opposed to the proposal as the land was too valuable to agriculture. An appeal against this refusal was in fact lodged and the 24th of July 1954 fixed for hearing; it was not heard as, on the strength of the assurance received by our Client from the Vendor that

"there is a public footpath along the cliff and the
X usual public rights over the foreshore but the Vendor
knows nothing else"

our client agreed to purchase the farm at Michaelmas 1954. There was no mention of any public footpath in the conveyance, nor in any of the conveyances which have been made in the fifty years since the farm was separated from the neighbouring Higher Manor Farm. The fields for which planning permission was refused are those through which path No.9 passes or which it serves (see previous edition of 1/2500 Plan showing old O.S.Nos. - encl: E.) and the farm now carries roughly twice the amount of stock in the shape of pedigree attested beef (Hereford) and dairy (Jersey) herds and commercial Large White pigs, as it did then.

5. Importance of path No.9 to the farm.

(a) The steepness of the sides of this valley has clearly dictated the siting of the buildings and the general pattern of farming in the past. This is not evident from the Large Scale Plans as they are not contoured; a contoured copy of sheet No. SX 64 NW of the O.S. "six-inch" map and a relief model of the farm are submitted to illustrate the point - encls. F. and G. The terrain is such that the holding cannot be farmed without using path No.9 since there is no other possible alignment and it cannot continue to be farmed as a stock and dairy farm if No.9 is designated as a public highway. The legal reason for this lies in Sec: 25 of the Highways Act 1864 and the Devon County Bye-Law which prohibits a bull of more than one year old using a field through which a footpath runs. From the model (or Large Scale Plan) it will be seen that no animal can approach or leave the buildings without doing so by path No.9; what is not so obvious is that the only drinking water for any animal

using any pasture on the N. Western side of the valley above this path is found where the path itself crosses the main valley stream in the horse-shoe shaped bend just below the farm buildings. Cattle need much water, particularly in Summer, and once the gates have been adjusted to give access to or to deny any particular pasture to them, they can and do come down from the skyline or back from the cliff edge at will to use this only available drinking point. Unless they drink promptly in an orderly manner and return immediately, our client will, when the path is designated, commit an offence under the Highways Act: if a bull is running with them he will render himself liable to a recurring fine of five pounds a day on conviction under the County Council Bye-law.

This drinking point is of enhanced importance to the farm at present as the remainder of the stream's course down to the sea is heavily polluted by crude sewage from the Ringmore village (Council) sewer: an analysis of the water is attached - encl.H. Veterinary opinion describes this water as "absolutely putrid" and the Council has agreed that it is incumbent on them to abate the nuisance but nothing has been done so far.

Apart from the vital point of water, this horse-shoe shaped bend constitutes the marshalling yard, road junction, and dispersal point for the whole farm, having no fewer than eleven entrances and exits. It is here that all cattle are collected by groups (e.g. maiden, bulling, dry/in-calf, in milk etc.) from the various pastures and passed through the cattle-crush (from the track out to the adjoining field) inturn when being tested for bovine tuberculosis. It is here that all sheep, our client's own and his neighbours', are collected and passed similarly through the dip. Either operation completely blocks the track which here runs between stone walls - during the former it would be extremely dangerous for visitors to share the track with the jostling cattle and our client who does not admit that a right of way exists over this track has regularly locked the main entrance gate of the farm to prevent accidents on such occasions.

Apart from the illegality which would be involved in the continued use of the path by our Client as in the past there is the weighty agricultural disadvantage which arises from the disturbance of the cattle by persons using the path particularly when accompanied by dogs. This can be serious enough in the case of a path crossing an enclosed field but in this case any chasing of the cattle could extend over the whole of the N.W. part of the farm or at least such part of it as was at the time included in the grazing run.

(b) We consider that this case can and should be distinguished

from the more common one in which an occupier might object to the designation of a right of way crossing a field on the ground of general inconvenience and the cost of erecting a couple of stiles. It will be appreciated that the setting of gates and bars for the days' 'lead' between pasture and water, which may be half a mile long if the cattle are using the upper field on the cliff edge, is a complicated business easily upset by visitors however infrequent or well intentioned. It is not only the careless or ill intentioned visitor leaving a gate open who causes trouble; an over-zealous one who kindly closes one of the many gates intentionally left open inevitably upsets all the days' arrangements and also confounds the work of cattle dogs trained to 'fetch' along certain routes. The necessity of the occupier having control of the track for the other operations is self-evident. The system may be crude, but it has been evolved over many years to meet the special conditions: if the right of unrestricted pedestrian passage is now to be given priority over the needs of the stock, it means the end of this holding as a farm - it is impossible, for example, to change over to an all arable system.

(c). Such use as there has been of the path in the past has been confined to a very small number of village residents and our Client contends that it has throughout been with the implied permission of the owner or occupier and has founded no public right. If this use is enlarged by the path being defined as a public right of way with the erection of sign posts there is every possibility of increased use which would be disastrous from an agricultural point of view as explained above. We may mention that a short distance to the East of the holding there is at Challaborough a very large concentration of caravans which has grown up in recent years and which is much frequented in the Summer. Persons from that area wishing a walk would not be denied convenient access to Ringmore village since they could use Path No.10 or 12 but if all these paths are designated as rights of way it is likely that many will use the path to which objection is taken. Many would no doubt walk to the village on one path and out of idle curiosity return by the other. Our Client considers that the well-being of his farm is more important than the satisfaction of an idle curiosity of this kind, the path being totally unnecessary as an access road from the beach to the village.

6. (a) We submit that in preferring the views of the Parish Council at Ringmore to the recommendation of the County Council the Kingsbridge Rural District Council has failed to give due weight to the various matters which required their consideration in deciding whether to close the path or not. In particular the Council has given insufficient consideration to the County Council's recommendation which was based on a public enquiry, and no consideration at all to the Ministry of Agriculture's declared view regarding the value of the land to agriculture. We submit

that by first refusing planning permission for development as a caravan site, and by now failing in its duty to have due regard to the needs of agriculture as required by Sec: 84 of the Act, the Local Authority is in effect sterilizing this 175 acre farm and insuring its eventual reversion to moorland. If the local authority's refusal to make a closure order should be allowed to stand it is clear that eventually some other non-agricultural use will have to be found for the land at present being farmed by our Client.

(b) We are requested on the grounds outlined above to request that a closure order should be made in respect of Path No.9

7. This application is supported by the Country Landowners' Association and the National Farmers' Union, - see their letters attached encls. I and J.

We shall be obliged if our Client's application may have your consideration.

Enclosures.

- A. County Council's Recommendation. ✓
- B. Current O.S. Large Scale Plan. ✓
- C. R.D.C.'s letter dated 7th October. ✓
- D. Photograph showing paths 9 and 10 ending at beach. ✓
- E. Pre 1952 Edition of O.S. Large Scale Plan. ✓
- F. O.S. "Six-inch" Map. ✓
- G. Relief Model. ✓
- H. Water analysis. ✓
- I. C.D.A.'s supporting letter. ✓
- J. N.F.U.'s supporting letter. ✓
- K. 2 spare copies of this letter. ✓

Yours faithfully,

Rueben Peppin

The Secretary,
Ministry of Housing & Local Government,
Whitehall,
London S.W.1.

RURAL DISTRICT COUNCIL OF KINGSBRIDGE

C. B. BRAY
CLERK TO THE COUNCIL

TELEPHONE 2246-7 (TWO LINES)

Council Offices,
Manor House,
Kingsbridge, Devon.

1st August, 1956.

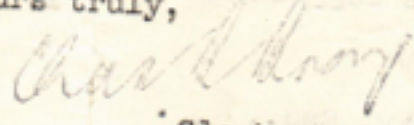
/E.

Dear Mr. Johns,

On the back hereof I set out a copy of a letter dated 31st July, 1956, which I have received from the Devon County Council.

Would you please be good enough to let me have your observations?

Yours truly,



Clerk.

G. C. Johns, Esq.,
No. 4, Crossways,
Ringmore,
Kingsbridge.

COPY.

RURAL DISTRICT COUNCIL OF KINGSBRIDGE
COUNTY OF DEVON,
The Castle,
Exeter.

31st July, 1956.

Dear Sir,
National Parks and Access to the Countryside Act, 1949 - Section
56 - Ringmore - Footpath 15

With reference to my letter of the 16th instant, my Assistant Solicitor has discussed the siting of this stile with Major Thornburgh and it is suggested that the stile should be put in the low wall on the east side of the track near the iron gate leading on to the beach at Ayrmer Cove. This is at the junction of Paths Nos. 9 and 15 and would not, therefore, prejudice Major Thornburgh's objection to Path No.9. This will enable Major Thornburgh to lock the iron gate and so stop it being left open by pedestrians.

I shall be glad to know whether you have any comments to make on this suggestion.

Yours faithfully,
(Signed) H. G. GODSALL.

C.B.Bray, Esq.,
Clerk,
Kingsbridge Rural District Council,
Council Offices,
Manor House,
Kingsbridge.

DEVON COUNTY COUNCIL

H. G. GODSALL
Clerk of the Peace and
Clerk of the County Council



COUNTY HALL
EXETER

Please quote... DDM/R/73/4 &
Your Ref. R/89

EXETER 77977

17th November, 1964.

Dear Sir/Madam,

Maintenance of Public Footpaths and Bridleways

I refer to my letter of the 20th July, 1964 and am grateful for the promises of co-operation received from most Parish Councils or Meetings. Before suggesting an inspection procedure I feel I should deal with some general questions which have been raised.

The first is whether the Parish Councils, or their members or persons co-operating with them in organising and carrying out the proposed annual inspection, will thereby incur any legal liability. Any action or claim brought as a result of Section 1 of the Highways (Miscellaneous Provisions) Act, 1961 will be brought against the Highway Authority, that is the County Council, and the persons carrying out or supervising any inspection on behalf of that Authority will not be answerable to the public in any way, on the grounds of negligence in inspecting public paths or indeed on any other grounds, to persons suffering injury or damage as a result of the dangerous condition of such public paths; nor will anyone but an employee of the County Council be liable to the County Council. Should the County Council wish to resist any action or claim, they will, however, want to call upon the persons who carried out the last inspection to give evidence of that inspection and of the condition in which they found the path at the time of that inspection.

Some Councils have asked whether the new provision alters the financial responsibility for the repair and maintenance of public paths. The answer is no; the general position remains as set out in my memorandum of the 5th July, 1962. However, the added liability of the County Council as from 3rd August last means that where the disrepair of a public path is such that it might give rise to a claim, the County Council will wish to make the path safe as soon as is reasonably practicable and in the meantime to display warning notices. I can confirm that the extra expense which will be necessary to deal with such matters will be borne by the County Council, although it is hoped the Parish Council will consider contributing to the expenses in appropriate cases. However, I should make it clear that the County Council do not propose to embark on a programme of improving footpaths and ordinary repairs and maintenance should continue, as hitherto, on the initiative, and partly at the expense, of parish councils.

I set out overleaf suggestions as to the method of carrying out the inspection. I should emphasize that the purpose of this inspection is to record defects due to lack of maintenance which might constitute a danger to users of a public path. Whether the condition of a path is dangerous is

mainly a matter of common sense. However, the following points should be borne in mind by the persons inspecting:-

1. The character of the path, in the sense of the sort of person likely to use it. For example, a cross country path would be used by people who expect to negotiate stiles and rough land but a footpath across a village green would usually be well beaten.

2. The standard of maintenance appropriate. For the general standard of repair in the case of public paths I would refer you to paragraph 2 of my memorandum of July, 1962.

3. The state of repair in which a reasonable person would expect to find the public path. Again this is largely a matter of common sense bearing in mind the character of the path.

Finally, I should add that when the survey of rights of way has been completed and there is a definitive map for the parish, the Parish Council are supplied with a copy of the map for public inspection and for its own use. Until then, it will be necessary to call in the copies of the maps for amendment from time to time.

THE INSPECTION

1. The inspection of each footpath and bridleway for the parish contained in the relevant definitive map (or, as the case may be, the draft or provisional map until this is made definitive) prepared by the County Council under the National Parks and Access to the Countryside Act, 1949, should be undertaken annually - the spring will probably be the best time of year.

2. The person inspecting should walk the whole length of the path, and note in writing at the time any defect of maintenance or repair which might cause danger to users of the path, and the precise location of such defect.

3. The person inspecting should as soon as possible after the inspection make an entry in a suitable book - perhaps for incorporation in the minute book - setting out the date of the inspection, the location of any defects found and their nature.

4. The Clerk to the Parish Council or the Chairman of the Parish Meeting should, as soon as possible after any inspection report has been entered, inform the Divisional Surveyor in writing of the nature and location of the defects, if any, the date of the inspection, and the name and address of the person carrying out the inspection, as contained in the report book. He should enter the date of informing the Divisional Surveyor.

5. A suggested layout for the report book is annexed hereto.

Yours faithfully,

H. G. Godsall

Inspection of Public Footpaths and Bridleways

Footpath/Bridleway Number

from

to

on.	Location of Defects	Nature of Defects	Signature of person carrying out or supervising inspection	Date reported to Divisional Surveyor	Initials of Clerk to Council