

Proposed Diversion Order (East Lynch), Parish of Selworthy

HIGHWAYS ACT 1980

EXMOOR NATIONAL PARK AUTHORITY

Public Footpath WL21/12

Proposed Public Path Diversion Order 2023 [Ref: East Lynch]

Summary

Background

Public footpath WL21/12 runs from its junction with public bridleway WL21/10 at East Lynch to the Selworthy to Deans Cross county road.

This proposal is to divert two sections of public footpath near East Lynch.

The current definitive line runs from the bridleway near East Lynch in a west-north-westerly direction, criss-crossing several field boundaries to a small area of woodland and then continues in a northerly and then north-westerly direction, cutting across the corner of the field to join the county road.

For many years, the public have used a slightly different line to the legal line described above. The path on the ground leaves the bridleway near East Lynch, follows a very short section of track before crossing the field boundary by means of a stile and then follows the northern side of a fence to cross another stile. The path on the ground then follows the western side of a hedge before joining the county road approximately 45 metres due east of the legal line. The legal line of the footpath seems to follow an old hedge line which at some point was replaced by a fence in a slightly different position and the footpath has probably followed this line ever since.

The landowners, the National Trust, are planning to plant a new woodland in the most westerly field through which this public footpath runs and would like to establish permanently where the public footpath is to run so that they can plant trees without causing any obstruction to the legal line of the footpath. The route that has been walked for many years is well established and has the same excellent views as you would gain from the legal line. After discussion with ENPA staff, it was decided that the best course of action would be to divert the legal line onto the well-established used line. This would make the line clear for walkers and avoid any confusion when looking at the definitive or Ordnance survey maps and allow the landowners to proceed with their woodland planting plans with certainty. The National Trust, in consultation with their tenant, have agreed to replace the 3 stiles on the walked line of the footpath with kissing gates so that the new legal line will be more convenient for the public to use. If the legal line were to be reinstated in its current position, a total of six field boundaries would need to be crossed so it seems the more convenient and sensible course of action to divert the legal line onto the already used line on the ground.

Current Proposal

Exmoor National Park Authority proposes to make a diversion order at East Lynch in the interests of the landowner. The order is being made to move the public footpath to a position where it follows a safe and convenient line. The route that is being proposed is 'substantially as convenient to the public' compared to the current definitive route (this being the legal test that has to be met in diverting a public path).

The proposed order is as follows:

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This order will divert part of public footpath WL21/12 from A-B to E-F-G-B and from C-D to C-H.

Therefore, it appears to the Exmoor National Park Authority that in the interests of the public it is expedient that part of Public Footpath WL21/12, Parish of Selworthy should be diverted, as described on the enclosed proposed schedule & plan.

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SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

1. Part of public footpath WL21/12 starting from it's junction with public bridleway WL21/10, a point approximately 23 metres south-west of East Lynch Cottage, point A on the proposal plan, and running in a generally west-north-westerly direction for approximately 304 metres to a point approximately 308 metres west-north-west of East Lynch Cottage, point B on the proposal plan. A total distance of 304 metres.
2. Part of public footpath WL21/12 starting from a point approximately 330 metres north-west of East Lynch Cottage, point C on the proposal plan, and running in a north-north-westerly direction for approximately 82 metres to it's junction with the county road, a point approximately 393 metres north-west of East Lynch Cottage, point D on the proposal plan. A total distance of 82 metres.

Part of WL21/12 to be stopped up	Length (m)
A-B	304
C-D	82

PART 2

DESCRIPTION OF SITE OF PROPOSED NEW PATH OR WAY

1. A public footpath starting from it's junction with public bridleway WL21/10, a point approximately 22 metres south-west of East Lynch Cottage, point E on the proposal plan, and running along a track in a generally north-westerly direction for 8 metres to a field boundary at point F. From point F, the route runs in a west-north-westerly direction along the northern side of a fence for approximately 276 metres to cross a field boundary at point G. From point G, the route continues in a west-north-westerly direction for approximately 10 metres to a point approximately 308 metres west-north-west of East Lynch Cottage, point B on the proposal plan. A total distance of 294 metres.
2. A public footpath starting from a point approximately 330 metres north-west of East Lynch Cottage, point C on the proposal plan, and running in a generally northerly direction along the western side of a hedge for approximately 65 metres to it's

junction with the county road, a point approximately 351 metres north-west of East Lynch Cottage, point H on the proposal plan. A total distance of 65 metres.

Description of site of new path or way	Length (m)	Width (m)
E-F-G-B	294	2.0
C-H	65	2.0

PART 3

LIMITATIONS AND CONDITIONS

Position	Limitations and conditions
F	Kissing gate to BS5709 – 2018
G	Kissing gate to BS5709 – 2018
H	Kissing gate to BS5709 – 2018