

**From:** Hugh Craddock <  
**Subject:** Rifle range footpaths  
**Date:** 1 June 2020 at 09:44:24 BST  
**To:** "chris. young

**ITEM 8.1**

Hi Chris

Thank you for enquiry about the application to record various footpaths at the old rifle range. I am assuming that the parish council has applied for a definitive map modification order to record these footpaths on the definitive map and statement.

I see no reason why the parish council should be required to submit more than one application for the footpaths. S.53(5) of the Wildlife and Countryside Act 1981 provides that:

'Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3);... .'

Thus one application may relate to 'one or more events' giving rise to a requirement to modify the definitive map and statement. Moreover, I would expect the council, if it accedes to the application, to make one single order to record all those paths as to which evidence 'raises a presumption that the way has been dedicated as a public path' (s.53(3)(b)).

However, we here do not know anything about the circumstances. I would advise real caution in applying to record quite so many footpaths unless the evidence to support their dedication, comprising evidence of user over a 20 year period prior to the use being brought into question, is such that the council is confident that it can succeed in every case. If not, it would be more sensible to focus on those paths which are of most value and for which the evidence of user is cogent.

I see that the land concerned is part of that comprised in the 'Steyping Downland Scheme' website. An application to record these footpaths may be contested by the owner of the land (which appears to be the Goring family) on the grounds that access to the land was by permission. You council will need to look carefully at the terms of the Steyping Downland Scheme, and any associated lease, tenancy, *etc.*, to see on what terms public access was to be permitted, encouraged or otherwise. For example, on the Scheme map, several areas (across which lie claimed paths) are marked 'Open Access (by permission)', while another claimed path is described as 'permitted path'. If documentation of this kind has been in existence for many years, it is not a promising basis for the application.

Alternatively, it may be that the land owner is willing to see the footpaths dedicated voluntarily. If so, no application would be required under s.53(5).

regards

Hugh

*Hugh Craddock  
Case Officer*