

Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals

Modification Orders

- (i) **Schedule 14 Applications: addition of claimed footpaths in parts of Combe Raleigh parish and an adjoining part of Awliscombe parish, East Devon**
- (ii) **Schedule 14 Application: addition of a claimed Restricted Byway in Berrynarbor parish, North Devon**
- (iii) **Public Inquiry: Footpath No.2, Culmstock (part) & Bridleway No.38, Culmstock and Restricted Byway No.1 Hemyock Definitive Map Modification Order 2012 interim decision: proposed for confirmation subject to modifications.**

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that:

- (i) **members note the direction on behalf of the Secretary of State to make Modification Orders following the appeal decision allowed in respect of the applications and give authorisation for Orders to be made adding the footpaths shown on the lines between points A-B, A-C-D-E, F-G-D-H, I-C and L-M-N on drawing number HTM/PROW/14/81.**
- (ii) **members note the direction on behalf of the Secretary of State to make a Modification Order following the appeal decision allowed in respect of the application and give authorisation for an Order to be made adding the Restricted Byway shown on the line between points A-B-C on drawing number HTM/PROW/15/21.**
- (i) **Schedule 14 Applications: addition of claimed footpaths in parts of Combe Raleigh parish and an adjoining part of Awliscombe parish, East Devon**

A report on seven applications to record footpaths on claimed routes in the parish of Combe Raleigh and an adjoining part of Awliscombe parish with a separate application to record a Byway Open to All Traffic (BOAT) on one of the routes, shown as Proposals 1-6a on drawing number HTM/PROW/14/81, was presented to the Committee on 24 June 2015 (HCW/15/40).

Members resolved then, in line with the officer's recommendation, that no Modification Orders should be made for the addition of footpaths or a BOAT on any of the claimed routes. Appeals by the applicants against that decision in respect of the applications for claimed footpaths in Proposals 1, 2, 3, 4 and 6 have been allowed on the basis of the test that public rights of way on foot can be reasonably alleged to subsist on the routes. The Secretary of State has directed the County Council to make Orders adding public footpaths on those routes. There was no appeal against the decision in respect of the two other claimed footpaths and the claimed BOAT.

- (ii) Schedule 14 Application: addition of a claimed Restricted Byway in Berrynarbor parish, North Devon

A report on an application to record a Restricted Byway on a claimed route in the Sterridge Valley in the parish of Berrynarbor, shown on drawing number HTM/PROW/15/21, was presented to the Committee on 24 June 2015 (HCW/15/41).

Members resolved then, in line with the officer's recommendation, that no Modification Order should be made for the addition of a Restricted Byway as claimed. An appeal by the applicant against that decision in respect of the application has been allowed on the basis of the test that public rights of way can be reasonably alleged to subsist on the route. The Secretary of State has directed the County Council to make an Order adding a Restricted Byway on this route.

- (iii) Public Inquiry: Footpath No.2, Culmstock (part) & Bridleway No.38, Culmstock and Restricted Byway No.1 Hemyock Definitive Map Modification Order 2012 interim decision: proposed for confirmation subject to modifications.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Divisions: Honiton St Paul's; Combe Martin and Willand & Uffculme

Local Government Act 1972: List of Background Papers

Contact for enquiries: Ros Davies

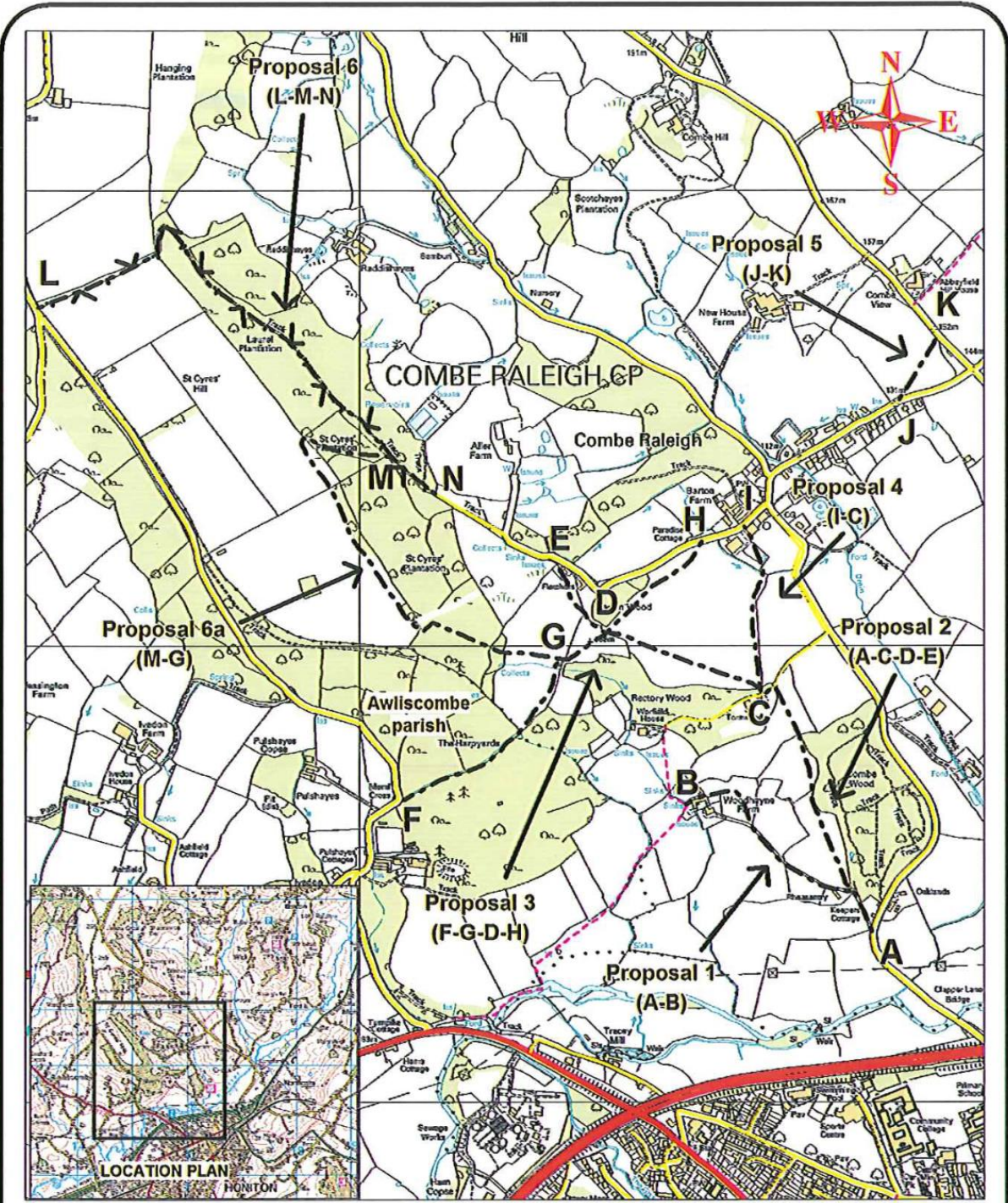
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Background Paper	Date	File Ref.
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Nil




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sc/cr/modification orders
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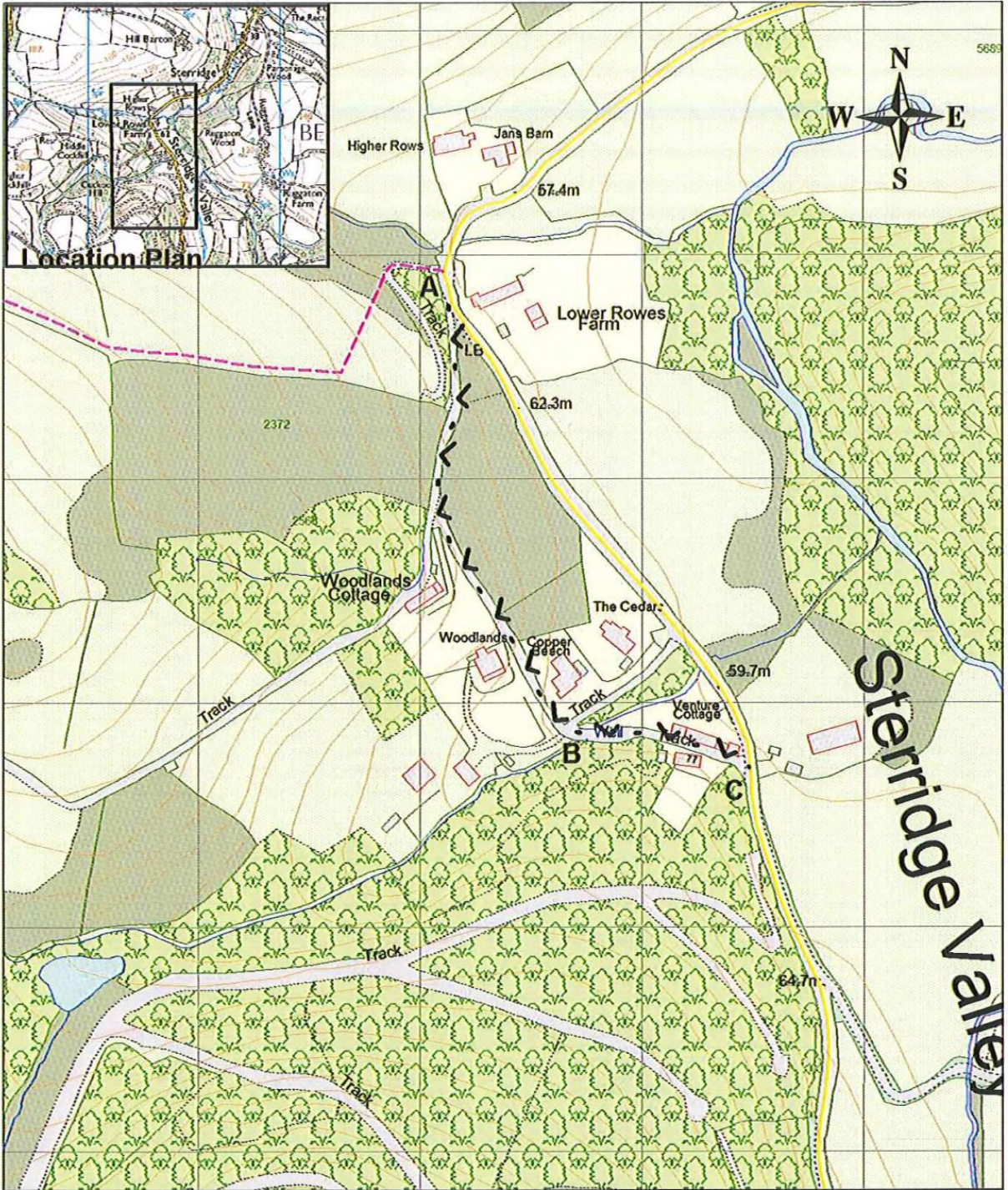
DEVON COUNTY COUNCIL
 Definitive Map Review, Combe Raleigh parish
 Informal Consultations, Proposals 1-6a:
 Claimed addition of footpaths and byway

drawing number HTM/PROW/14/81
 date Jul 2014
 scale 1:12,500
 drawn by NSC

Notation
 Claimed footpaths (Proposals 1-6a) 
 Claimed byway (Proposal 6) 
 Existing footpaths 

David Whitton
 HEAD OF HIGHWAYS, CAPITAL DEVELOPMENT & WASTE





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**Devon County Council
Definitive Map Review
Schedule 14 Application
Sterridge Valley Berrynarbor**

drawing number **HCW/PROW/15/21**
date **May 2015**
scale **1:2500**
drawn by **AS**

Notation
Proposed Restricted Byway A-B-C 
Existing footpath 

David Whitton
Head of Highways, Capital Development & Waste



