

## PUBLIC RIGHTS OF WAY COMMITTEE

9 November 2017

Present:

Councillors P Sanders (Chair), J Brook, I Chubb, P Colthorpe, R Edgell, M Shaw and C Whitton

Apologies:

Councillors T Inch and A Dewhirst

\* 44

**Minutes**

**RESOLVED** that the minutes of the meeting held on 6 July 2017 be signed as a correct record.

\* 45

**Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

\* 46

**Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 12 October 2017.

\* 47

**Parish Review: Definitive Map Review - Parish of Buckerell (Part 1)**

(Councillor Twiss attended in accordance with Standing Order 25(2) and spoke to this item in support of the recommendations.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/80) on the outcome of the Definitive Map Review in the Parish of Buckerell in East Devon district which concerned the investigation of whether a public footpath was recorded on the wrong line of a path, shown on older maps crossing a field in the parish, and a claim to add a footpath based on historical evidence.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Colthorpe and

**RESOLVED** that a Modification Order be not made in respect of Proposal 2 for amending the definitive line of Footpath No. 4 in Buckerell parish, but access be made available to use on the route as recorded; and

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Shaw and

**RESOLVED** that a Modification Order be not made in respect of Proposal 3 for the claimed addition of a footpath from the road east of Buckerell village and through the Deer Park Hotel grounds to the road near Weston village.

\* 48

**Parish Review: Definitive Map Review - Parish of Combe Martin, North Devon (Part 4)**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/81) on the outcome of the Definitive Map Review in the parish of Combe Martin in North Devon district.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Shaw and

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding a Restricted Byway between points A-B-C as shown on drawing number HTM/PROW/17/56 (Proposal 17);

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Edgell and

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding a Footpath between points D-E as shown on drawing number HTM/PROW/17/57 (Proposal 18);

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Brook and

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding a Footpath between points F-G-H as shown on drawing number HTM/PROW/17/58 (Proposal 20).

\* **49**      **Parish Review: Definitive Map Review - Parish of Culmstock**

(Mr French attended under the Council's Public Participation Scheme and spoke in support of the Modification Order.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/82) on an anomaly with regard to the northern spur of Footpath No. 10, Culmstock.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Shaw and

**RESOLVED** that a Modification Order be made to add a public footpath between points A-B as shown on plan HIW/PROW/17/014 and that a Modification Order be not made to add a public footpath between points A-C.

\* **50**      **Parish Review: Definitive Map Review - Parish of East Down (Part 2)**

(Mrs N Hardman attended under the Council's Public Participation Scheme and spoke against the Modification Order.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure and Waste (HIW/17/83) on the outcome of the Definitive Map Review in East Down.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Shaw and

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding to them a restricted byway between points E-F-G-X-H-I-J between Princes Gate and Shortacombe, and to upgrade part of East Down Footpath No. 20 between points J-K between Shortacombe and Shortacombe Corner to restricted byway as shown on drawing no. HIW/PROW/16/40a.

\* **51**      **Addition of public footpath through fields from Shadycombe Road to Gould Road, Batson Creek in the Parish of Salcombe**

(Councillor Long, on behalf of Salcombe Town Council, the applicant, attended under the Council's Public Participation Scheme and spoke in support of the Modification Order and Mr P Frampton, on behalf of Messrs Smith, attended and spoke against the Modification Order.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/84) and background papers available prior to and at the

meeting examining a Schedule 14 Application made in February 2017 for the addition of a public footpath from Shadycombe Road to Gould Road, Batson Creek in the Parish of Salcombe.

It was **MOVED** by Councillor Shaw, **SECONDED** by Councillor Colthorpe and

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by adding a public footpath between points A-D-E-F and B-C as shown on drawing number HIW/PROW/17/55.

\* **52** **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/85) on decisions and directions received from the Secretary of State, namely:-

**Modification Orders**

(a) Schedule 14 Application to add a footpath connecting with Northam Footpath No. 26 at either end of Kipling Tors, Westward Ho! – the Council were directed to determine the application within three years of the decision date of 6 September 2017; and

(b) Footpath Nos. 16, 17, 18, 19 and 20, Combe Raleigh and No. 5 Awliscombe, Definitive Map Modification Order 2016 – Interim decision 26 October 2017: the Order was proposed for confirmation in connection with Combe Raleigh Footpath No. 20. The decision was subject to modifications which required re-advertisement in due course.

\* **53** **Public Path Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/86) of Public Path Orders made and confirmed under delegated powers, namely:-

(a) **Diversion Orders**

(i) Footpath No. 61, Hartland Public Path Diversion & Definitive Map and Statement Modification Order 2017

(i) Footpath No. 14, Clayhidon Public Path Diversion & Definitive Map and Statement Modification Order 2016

(ii) Footpath No. 55, Bere Ferrers Public Path Diversion & Definitive Map and Statement Modification Order 2017

(iii) Footpath No. 53, Horwood, Lovacott & Newton Tracey Public Path Diversion & Definitive Map and Statement Modification Order 2017

(iv) Bridleway No. 66, Uplyme Public Path Diversion & Definitive Map and Statement Modification Order 2016

(v) Footpath No. 2, Milton Abbot Public Path Diversion & Definitive Map and Statement Modification Order 2017

(b) **Extinguishment Orders**

(i) Footpath No. 63, Broadclyst (Part) Public Path Extinguishment Order 2017

(ii) Footpath Nos. 42, 43, 46 & 50, Ilfracombe Public Path Extinguishment & Definitive Map and Statement Modification Order 2016

(c) **Creation Orders/Agreements**

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- (i) Footpath Nos. 63, Broadclyst & No. 1, Clyst Honiton Public Path Creation Order 2017
- (i) Footpath Nos. 42, 43, 46 & 50, Ilfracombe Public Path Creation & Definitive Map and Statement Modification Order 2016.

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 4.00 pm