

PUBLIC RIGHTS OF WAY COMMITTEE

8 July 2016

Present:-

Councillors J Brook, P Colthorpe, T Dempster, A Eastman, R Gilbert, G Hook and J Knight

Apologies:-

Councillors P Sanders and E Morse

Members attending in accordance with Standing Order 25

Councillor R Hosking

* 1

Minutes

RESOLVED that the minutes of the meeting held on 17 March 2016 be signed as a correct record.

* 2

Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 26 April 2016.

* 3

Implications of the Rights of Way Sections of the Deregulation Act 2015 (Minute *PR/8/20 November 2013)

The Committee received the Report of the Head of Highways, Capital Development and Waste (HCW/16/47) on the likely impact of the rights of way sections of the Deregulation Act 2015 and issues for the Council, landowners and members of the public resulting from changes to rights of way processes explained previously in Report HCW/13/65).

Members expressed concern at the impact these changes would have on the Council's already limited resources acknowledging there would be a cost saving of around £7,000 per annum as a result of Order notices no longer needing to be advertised.

The Head of Service advised that it was not expected that the necessary Regulations to implement the Deregulation Act 2015 would be brought into force before the autumn of 2016 and undertook to report further to the next meeting.

It was **MOVED** by Councillors Brook and Gilbert, **SECONDED** by Councillors Gilbert, Colthorpe and Eastman, respectively and

RESOLVED

(a) that the Head of Highways, Capital Development and Waste be authorised to make Modification Orders in respect of obvious administrative errors where applicable under the streamlined procedure and that, accordingly, the Procedures Committee be requested to approve the necessary changes to the scheme of delegation enshrined within the Council's Constitution;

(b) that the Head of Highways, Capital Development and Waste be authorised to make Modification Consent Orders and that, accordingly, the Procedures Committee be requested to approve the necessary changes to the scheme of delegation enshrined within the Council's Constitution;

(c) that the draft proposed Definitive Map Review Procedure be agreed subject to further clarification from DEFRA, including any further changes being approved by the Chairman or Vice-Chairman and County Solicitor and that changes to the legal process as a result of the Rights of Way provisions of the Deregulation Act 2016 and the risks and implications for County Council resources be noted.

* **4** **Parish Review: Definitive Map Review - Parish of Cornwood**

The Committee received the Report of the Head of Highways, Capital Development and Waste (HCW/16/48) on the outcome of the Definitive Map Review in the Parish of Cornwood in South Hams District.

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

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Cornwood and no modifications were required.

* **5** **Parish Review: Definitive Map Review - Parish of Ilfracombe (Part 2)**

The Committee received the Report of the Head of Highways, Capital Development and Waste (HCW/16/49) and background papers examining four proposals arising from the Definitive Map Review in the Parish of Ilfracombe.

It was **MOVED** by Councillors Gilbert, Knight, Eastman and Brook, **SECONDED** by Councillors Brook, Colthorpe and Gilbert, respectively and

RESOLVED

(a) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath to the Definitive Map and Statement between points A1 – A2, as shown on drawing number HCW/PROW/14/124a (Proposal 11);

(b) that a Modification Order be made to modify the Definitive Map and Statement by deleting part of a public footpath between points B1 – B2 – B3 as shown on drawing number HCW/PROW/14/127a (Proposal 15) to resolve an anomaly affecting Ilfracombe Footpath No.69 and removing the dual status with the county roads, Witheridge Place and part of Cat Lane, and upgrading part of Footpath No. 69 between points between points B3 – B4 – B5 – B6 – B7 – B8 to bridleway along the remainder of Cat Lane as shown on drawing number HCW/PROW/14/127a (Proposal 15);

(c) that a Modification Order be made to modify the Definitive Map and Statement by deleting part of a public footpath between points C1 – C2 – C3 as shown on drawing number HCW/PROW/14/130a (Proposal 18) to resolve an anomaly affecting Footpath No. 95 and removing the dual status with the county road, Brookfield Place;

(d) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points D2 – D3 as shown on drawing number HCW/PROW/14/131a (Proposal 19) to resolve an anomaly and extending Footpath No. 97 along Cross Park to meet the county road, Wilder Road.

* **6** **Parish Review: Definitive Map Review 2006-16 - Parish of Luppitt (Part 1)**

The Committee noted the Report of the Head of Highways, Capital Development and Waste (HCW/16/50) and background papers which examined proposals arising out of the Definitive Map Review in the Parish of Luppitt in East Devon district.

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

RESOLVED that no Modification Orders be made in respect of Proposals 1 – 8 for the applications to record claimed public footpaths in parts of Luppitt Parish.

* 7 **Addition of public footpath through Brimhay, from Gidley's Meadow to Forder Lane, in the Parish of Dartington**

The Committee noted that pending legal proceedings this matter would be deferred to a future meeting.

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

The Committee noted the Report of the Head of Highways, Capital Development and Waste (HCW/16/52) of Modification Orders received from the Secretary of State/High Court, namely:

(a) Confirmed with modifications

- (i) Footpath No. 21, Hemyock Definitive Map Modification Order 2013
- (ii) Footpath No. 173, Sidmouth Definitive Map Modification Order 2014

(b) Appeal Refused

- (i) Schedule 14 Application for variation of Footpath No. 3 Northlew.

* 9 **Modification Orders**

The Committee noted the Report of the Head of Highways, Capital Development and Waste (HCW/16/53) of Modification Orders confirmed as unopposed under delegated powers, namely:

- (a) Footpath No. 12, Chawleigh Definitive Map Modification Order 2015
- (b) Footpath No. 14, Chawleigh Definitive Map Modification Order 2015
- (c) Footpath No. 52, Clayhidon Definitive Map Modification Order 2015
- (d) Footpath Nos. 7 and 63, Bere Ferrers Definitive Map Modification Order 2015
- (e) Bridleway No. 71, Bere Ferrers Definitive Map Modification Order 2015
- (f) Restricted Byway No. 98, Bere Ferrers Definitive Map Modification Order 2015

* 10 **Public Paths Order**

The Committee noted the Report of the Head of Highways, Capital Development and Waste (HCW/16/54) of Public Path Orders made and confirmed under delegated powers, namely:

(a) Diversion Orders

(i) Footpath No. 16, Woolfardisworthy Public Path Diversion & Definitive Map and Statement Modification Order 2015

(ii) Footpath No. 16, Sandford Public Path Diversion & Definitive Map and Statement Modification Order 2015

(iii) Footpath No. 28, Ugborough Public Path Diversion & Definitive Map and Statement Modification Order 2015

(iv) Footpath Nos. 23 & 12b, Winkleigh Public Path Diversion Order 2015

(v) Footpath No. 24 & 38, Ilfracombe Public Path Diversion & Definitive Map and Statement Modification Order 2016

(b) Creation Orders/Agreements

(i) Footpath Nos. 12 & 12b, Winkleigh Public Path Creation Order 2015

(ii) Footpath No. 25, Dartington Public Path Creation Agreement 2016

(c) Extinguishment Orders

(i) Footpath Nos. 23 & 12b, Winkleigh Public Path Extinguishment Order 2015

(ii) Footpath No. 29, Ugborough Public Path Extinguishment & Definitive Map and Statement Modification Order 2015

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