

PUBLIC RIGHTS OF WAY COMMITTEE

2 March 2017

Present:-

Councillors P Sanders (Chairman), J Brook, P Colthorpe, T Dempster, R Gilbert, J Knight and E Morse

Apologies:-

Councillors A Eastman and G Hook

* 22

Minutes

RESOLVED that the minutes of the meeting held on 24 November 2016 be signed as a correct record.

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Items Requiring Urgent Attention

(An item taken under Section 100B(4) of the Local Government Act 1972)

The Chairman had decided that at the request of the Chief Officer for Highways, Infrastructure Development and Waste the Committee should urgently consider a further direction from the Secretary of State as set out in the report circulated at the meeting.

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

RESOLVED that the report be noted and that following the Secretary of State's direction in respect of item (a) in the report, a Modification Order be made adding the footpath shown between points I-J on drawing number HTM/PROW/14/144.

* 24

Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 26 January 2017 and noted that the next meeting of the Forum would take place on 27 April 2017.

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Parish Review: Definitive Map Review 2015-17 - Parish of Awliscombe, East Devon

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/6) and background papers examining a proposal arising from the Definitive Map Review in the Parish of Awliscombe.

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

RESOLVED that a Modification Order be not made in respect of Proposal 1 for the application to record a claimed Byway Open to All Traffic on Ivedon Lane in Awliscombe Parish.

* 26

Parish Review: Definitive Map Review 2016-17 - Parish of Clyst St George

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/7) and background papers examining two proposals arising from the Definitive Map Review in the Parish of Clyst St George.

It was **MOVED** in respect of (a) below by Councillor Gilbert and in respect of (b) below by Councillor Brook, **SECONDED** in respect of (a) below by Councillor Morse and in respect of (b) below by Councillor Knight, and

RESOLVED

(a) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points A–B–C as shown on drawing number HIW/PROW/17/06; and

(b) 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 HIW/PROW/17/07.

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Parish Review: Definitive Map Review - Parish of East Down (Part 1)

(Mr A Dunlop attended the meeting under the Council's Public Participation Scheme on behalf of Mr Berry of Honeywell Farm and spoke against this item.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/8) examining two claims submitted by the Trail Riders Fellowship in February 2006 in the Parish of East Down, one of which also affected Marwood Parish.

(a) Proposal 1: Bridleway No. 22, East Down

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

RESOLVED that no Modification Order be made in respect of Proposal 1, as shown on drawing number HIW/PROW/16/38.

(b) Proposal 2: Bridleway between County Roads at Bowden Corner and Whitefield Hill

The County Solicitor confirmed that as the matter had not been considered at Common law on the basis of both documentary evidence and user evidence previously, it could properly be considered by the Committee today.

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

RESOLVED that a Modification Order be made in respect of Proposal 2 to modify the Definitive Map and Statement by adding a bridleway between points C–D as shown on drawing number HIW/PROW/16/39.

* 28

Parish Review: Definitive Map Review 1997-2016 - Parish of Holcombe Rogus

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/9) on the Definitive Map Review for the Parish of Holcombe Rogus in Mid Devon District.

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

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Holcombe Rogus and that Modification Orders were not required to be made.

* 29

Parish Review: Definitive Map Review 2006-17 - Parish of Luppitt (Part 3)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/10) and background papers examining proposals arising from the Definitive Map Review in the Parish of Luppitt in East Devon district.

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

RESOLVED that Modification Orders be not made in respect of Proposals 20-24 for the applications to record claimed public footpaths in parts of Luppitt Parish.

* **30** **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/17/11) following decisions and directions received from the Secretary of State/High Court relating to Modification Orders:

(i) Schedule 14 Applications for addition of a footpath between the minor road, Old Mill, Combe Raleigh and its junction with Luppitt claims 12 and 14 (Combe Raleigh proposal 7/Luppitt proposal 13) between points O-P-Q on drawing no. HTM/PROW/14/82 – Appeal dismissed.

(ii) Schedule 14 Application for the addition of a footpath from the minor road, Wick Farm and minor road, Shaugh Farm (Luppitt proposal 14) between points T-Q-U on drawing no. HTM/PROW/14/82 – Appeal allowed in part.

(iii) Schedule 14 Application for the addition of a footpath from the minor road, Higher Wick Farm and the minor road, south of Woodhayes (Luppitt proposal 12) between points S-Q-R on drawing no. HTM/PROW/14/82 – Appeal allowed.

(iv) Schedule 14 Application for the addition of a footpath between Greenway Lane, Greenway Manor and minor road, Higher Shelvin, (Luppitt proposal 8) between points Q-R on drawing no. HTM/PROW/14/142 – Appeal dismissed.

(v) Restricted Byway No. 99, Bere Ferrers Definitive Map Modification Order 2015 as shown on drawing no. HTM/PROW/15/62 – Confirmed.

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

RESOLVED that the Report be noted and that following the Secretary of State's direction in respect of items (ii) and (iii) authorisation be given for Modification Orders to be made adding the footpaths, as shown between points S-Q-R and U-Q on drawing number HIW/PROW/14/82.

* **31** **Modification Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/12) of a Modification Order confirmed as unopposed under delegated powers in respect of Footpath No. 35, Combe Martin Definitive Map Modification Order 2016.

* **32** **Public Path Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/13) of Public Path Orders made and confirmed under delegated powers in respect of Diversion Orders:

(i) Footpath No. 6, Heanton Punchardon and Footpath No. 35, Braunton Public Path Diversion and Definitive Map and Statement Modification Order 2016

(ii) Footpath No. 3, Sampford Courtenay Public Path Diversion and Definitive Map and Statement Modification Order 2016.