

## PUBLIC RIGHTS OF WAY COMMITTEE

23 November 2023

Present:-

Councillors L Hellyer (Chair), R Chesterton (Vice-Chair), D Barnes, J Bradford, J Brook, I Chubb, M Squires and D Sellis

Apologies:-

Councillor D Thomas

**71 Chair's Announcements**

The Chair welcomed Mrs R Salthouse who was attending in her capacity as a Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

**\* 72 Minutes**

**RESOLVED** that the minutes of the meeting held on 13 July 2023 be signed as a correct record.

**\* 73 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

**\* 74 Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 18 September 2023. The minutes were noted.

In response to a comment regarding dogs, it was noted that the Forum had raised awareness of uncertainty and confusion caused by different rules being applied by different local authorities and other organisations , including number of dogs walked by an individual and length of lead.

**\* 75 Parish Review: Definitive Map Review - Parish of Parracombe - Part 3**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/46) which examined an application by respective landowners to divert part of a public footpath in the parish of Bere Ferrers. The proposed diversion would support the applicants land management improvements, in addition to wildlife and heritage value, and

improvement to their privacy. The proposal would address historic anomalies relating to path alignment.

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

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by varying the particulars of Parracombe Footpath No. 2 and Challacombe Bridleway No. 3 as shown on drawing number CET/PROW/18/27 (Proposal 1). The proposed changes are: • deleting Footpath No. 2 between points D – E – F – G; • deleting Bridleway No. 3 between points G – H; • adding Footpath No. 2 between points D – L; • adding Bridleway No. 3 between points I – H; and • upgrading Footpath No. 2 to bridleway between points K – J – I.

\* **76**      **Parish Review: Definitive Map Review - Parish of Littleham 2003-23**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/90) which re-examined a proposal originally raised during the Definitive Map Review in Littleham parish in 2003-05. The Definitive Map Review was opened in the parishes of Littleham and Landcross in 2003, with an informal consultation carried out in early 2005. This consultation included a proposal to add a footpath along Upadown Lane in Littleham village.

During general discussion about the consultation, Members noted that no objection had been raised by the Parish Council

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hellyer and **RESOLVED** that:

a Modification Order be made to modify the Definitive Map and Statement by adding a footpath along Upadown Lane, Littleham between points A – B, as shown on drawing number CCET/PROW/23/78 (Proposal 1). This would update the decision originally resolved by this Committee on 24 March 2005.

\* **77**      **Parish Review: Definitive Map Review 2020-2023 - Parish of Washfield (part 2)**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/91) which examined the route referred to as Proposal 2 arising out of the Definitive Map Review in the Parish of Washfield in Mid Devon. A report on Proposal 1 was taken to the Devon Public Rights of Way Committee Meeting on 9 March 2023.

Mr Morison, attended the meeting under the Council's Public Participation scheme and made his objection that the pathway not be registered as a bridleway. He considered that the demarcation as an official track may increase the use and therefore spoil his privacy.

During general discussion, Members noted that the proposal was recommended due to an evidence led approach. In response to the consultation and the neighbouring landowner concerns, Washfield Parish Council now did not support the proposal. However, both Stoodleigh Parish Council and a different local resident supported the proposal.

It was **MOVED** by Councillor Barnes, **SECONDED** by Councillor Hellyer and

**RESOLVED** that a Modification Order be made to modify the Definitive Map and Statement by the addition of a Bridleway between points S - T - U as shown on drawing number HIW/PROW/22/18a (Proposal 2 Washfield).

\* 78

**Parish Review: Definitive Map Review - Parish of Aylesbeare**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/92) which examined two proposals arising from the Definitive Map Review in the parish of Aylesbeare.

**Proposal 1: Proposed addition of a public Bridleway from the B3180 following Aylesbeare Footpath 11 to Manor Farm and then along Houndbeare Lane to meet the county road Quarter Mile Lane at Marsh Green. Points A-B-C-D-E-F on the proposal map CCET/PROW/23/22. Grid Ref: SY 054918 – SY 041935**

It was noted that the Parish Council were supportive of the proposal and that the route is currently impassable due to fallen trees.

It was **MOVED** by Councillor Barnes, **SECONDED** by Councillor Brooks and

**RESOLVED** that no Modification Order be made in respect of **Proposal 1:** addition of a public Bridleway from the B3180 following Aylesbeare Footpath 11 to Manor Farm and then along Houndbeare Lane to meet the county road Quarter Mile Lane at Marsh Green. Points A-B-C-D-E-F on the proposal map CCET/PROW/23/22. Grid Ref: SY 054918 – SY 041935

**Proposal 2: Proposed addition of public Footpath along Withy Bed Lane, between Houndbeare Lane and Quarter Mile Lane, points D-G on proposal map CCET/PROW/22/23. Grid Ref: SY 049926 – SY 038927**

It was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Brooks and

**RESOLVED** that no Modification Order be made in respect of **Proposal 2:** addition of public Footpath along Withy Bed Lane, between Houndbeare Lane and Quarter Mile Lane, points D-G on proposal map CCET/PROW/22/23. Grid Ref: SY 049926 – SY 038927

\* **79**            **Parish Review: Definitive Map Review 2020-2023 - Parish of Exminster**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/93) and proposal to resolve the anomaly of a short section of unrecorded footpath across a footbridge between the parishes of Exminster and Exeter City.

The Committee noted that the ferry ran on a seasonal basis and in response to a question regarding a diversion route it was noted that the current route was liable to flooding.

It was **MOVED** by Councillor Brooks, **SECONDED** by Councillor Squires and

**RESOLVED** that:

(a) A Creation Agreement be made between Devon County Council and Exeter City Council to add Proposal 1 to the Definitive Map as a Footpath. Should a creation agreement not be practicable, that:

(b) a Modification Order be made for Proposal 1 to add it to the Definitive Map as a Footpath

\* **80**            **Parish Review: Definitive Map Review - Parish of Brixton**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/94) which examined the Definitive Map Review in the parish of Brixton in the South Hams District

It was **NOTED** that the Definitive Map Review has been completed in the parish of Brixton and that no modifications have been identified.

\* **81**            **Public Path Orders - Proposed Diversion: Footpath No.2 Bere Ferrer**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/95) which examined an application by respective landowners to divert part of a public footpath in the parish of Bere Ferrer. The proposed diversion would support the applicants land management improvements, including for wildlife and heritage value, as well as improving their privacy. In addition, the proposal would address historic anomalies relating to path alignment.

Mr R Flavin, one of the land owners, attended the meeting under the Council's Public Participation scheme and spoke in favour of the officer recommendation.

It was **MOVED** by Councillor Brooks, **SECONDED** by Councillor Chubb and

**RESOLVED** that a Public Path Diversion and Definitive Map & Statement Modification Order be made to divert Footpath No. 2, Bere Ferrers from the lines A – B, to the line A - C - D – E, as shown on drawing no. CCET/PROW/23/77; and that if there are no objections, or if such objections are made and subsequently withdrawn, it be confirmed as an unopposed order.

\* **82**      **Definitive Map Modification Orders**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/97) which informed that a Definitive Map Modification Order for **Ottery St Mary (Footpath No. 64) Definitive Map Modification Order; Newton Poppleford & Harpford (Footpath No. 39) Definitive Map Modification Order** had been confirmed as unopposed.

Members **NOTED** the report.

\* **83**      **Public Path Orders**

The Committee **NOTED** the Report of the Director of Climate Change, Environment and Transport (CET/23/98) on the Public Path Orders made and confirmed under delegated powers.

\* **84**      **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee **NOTED** the Report of the Director of Climate Change, Environment and Transport (CET/23/96) that the modification orders as detailed in the report had been received by the Secretary of State.

\* **85**      **Rights of Way Improvement Plan**

The Committee **NOTED** the Report of the Director of Climate Change, Environment and Transport (CET/23/99) which provided an update on progress in reviewing The Rights of Way Improvement Plan (Devon on the Move, Rights of Way Improvement Plan Version 3).

**86**      **Dates of Future Meetings**

Dates of future meetings were noted as:

Thursday 7 March 2024  
Thursday 11 July 2024  
Thursday 14 November 2024  
Thursday 6 March 2025

**NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.20 pm