

PUBLIC RIGHTS OF WAY COMMITTEE

7 March 2024

Present:-

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

Apologies:-

Councillors M Squires and D Thomas

* 87

Minutes

RESOLVED that the minutes of the meeting held on 23 November 2023 be signed as a correct record.

* 88

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 89

Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 22 January 2024. The committee were advised on the updated timetable for the Rights of Way Improvement Plan with the revised policies and objectives to be considered by Devon Countryside Access Forum in April, and this committee in July.

* 90

Parish Review: Definitive Map Review - Parish of Clawton 2022-23

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/24/10) which examined the current proposal arising from the Definitive Map Review in Clawton.

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed 6 footpaths and 2 bridleways, which were recorded on the Definitive Map and Statement with a relevant date of 1 September 1957. The review of the Definitive Map, under s.33 of the 1949 Act, which commenced in the late 1960s but was never completed, produced a number of proposals for change to the Definitive Map at that time. The Limited Special Review of Review of Roads used as public paths (RUPPS), carried out in the 1970s, did not affect the parish.

The order would address the dual status with the path also recorded as a county road (T Class, Maintenance Category 9) between Leworthy Cross and France also known as Southdown

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

Resolved: that a Modification Order be made in respect of Proposal 1, to modify the Definitive Map and Statement by deleting part of Footpath No. 7, Clawton, between points A – B – C – D between Leworthy Cross and France (Southdown), along Leworthy Lane, as shown on drawing no. CCET/PROW/22/103.

* **91** **Parish Review: Definitive Map Review - Parish of Farringdon**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/11) which examined the Definitive Map Review in the parish of Farringdon in East Devon.

The original survey under s. 27 of the National Parks and Access to the Countryside Act 1949, revealed two footpaths, which were recorded on the Definitive Map and Statement with a relevant date of 1st September 1957.

The reviews of the Definitive Map under s.33 of the 1949 Act, which commenced in the 1960s and 1970s but were never completed, produced no valid proposals affecting the parish of Farringdon. The Limited Special Review of Roads Used as Public Paths (RUPPS), also carried out in the 1970s, did not affect this parish.

No orders have been made to date and no objections received.

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

RESOLVED: that it be noted that the Definitive Map Review has been completed in the parish of Farringdon and no modifications are required.

* **92** **Public Path Orders - Proposed Diversion: Footpath No.13, Thurlestone**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/12) which examined an application to divert part of a Footpath No.13, Thurlestone. The proposed diversion would divert walkers away from a newly developed barn which has replaced an old farm shed and for privacy to their client's house.

The application was submitted in accordance with s119 of the Highways Act 1980 on 26 February 2021. The proposal was subject to an informal consultation process in July – August 2023, which included the parish council, local ward member, statutory undertakers, and representative user groups.

The parish council have been supportive of the planning application at Worthy. However, objections were raised by local representatives of the parish council with regards to the path diversion proposal.

Ms Burden, the land agent, attended the meeting under the Council's Public Participation scheme and expressed her concern of no diversion to the existing footpath. It was noted that the current route runs to the north of the agricultural building where the trees and tree roots have become overgrown, surface water has eroded the surface and the whole route needs assistance to manage the trees, foot up the bank and repair the stone walls.

During general discussion the Committee considered that a diversion would be less commodious and substantially less convenient to the public, and have a negative impact on public enjoyment.

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

RESOLVED: that no Public Path Diversion and Definitive Map & Statement Modification Order is made in relation to divert Footpath No. 13, Thurlestone (part) from the lines A – B – C to the line A - D - C, as shown on drawing no. CCET/PROW/24/09.

* **93** **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/24/13) and the Secretary of State conclusion that the Devon County Council (Bridleway No.28, Wembury) Definitive Map Modification Order 2022 should be confirmed with a minor modification to replace 'Warren Road' with 'Warren Lane' on the third line of the third paragraph in Part 1 of the Schedule.

* **94** **Definitive Map Modification Orders**

The Committee considered and **NOTED** the report of the Director of Climate Change, Environment and Transport (CET/24/14) and plan HIW/PROW/18/03 which informed that a Public Path Diversion and Definitive Map and Statement Modification Orders had been made and confirmed under delegated powers.

* **95** **Public Path Orders**

The Committee **NOTED** the report of the Director of Climate Change, Environment and Transport (CET/24/15) on the Public Path Orders made and confirmed under delegated powers.

96 **Dates of Future Meetings**

11 July 2024, 14 November 2024, 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 2.41 pm