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To: The Chair and Members
of the Public Rights of
Way Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 28 February 2024

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PUBLIC RIGHTS OF WAY COMMITTEE

Thursday, 7th March, 2024

A meeting of the Public Rights of Way Committee is to be held on the above date at 2.15 pm in Daw Room, Committee Suite, County Hall to consider the following matters.

Donna Manson
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Apologies
- 2 Minutes (Pages 1 - 6)
Minutes of the Committee meeting held on 23 November 2023. (previously circulated).
- 3 Items Requiring Urgent Attention
Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.
- 4 Devon Countryside Access Forum (Pages 7 - 18)
Draft minutes of the meeting held on 18 September 2023.

DEFINITIVE MAP REVIEWS

- 5 Parish Review: Definitive Map Review - Parish of Clawton 2022-23 (Pages 19 - 34)

Report of the Director of Climate Change, Environment and Transport (CET/24/10).

Electoral Division: Holsworthy Rural

- 6 Parish Review: Definitive Map Review - Parish of Farringdon (Pages 35 - 38)

Report of the Director of Climate Change, Environment and Transport (CET/24/11)

Electoral Division: Broadclyst

- 7 Public Path Orders - Proposed Diversion: Footpath No.13, Thurlestone (Pages 39 - 54)

Report of the Director of Climate Change, Environment and Transport (CET/24/12)

Electoral Division: Salcombe

- 8 Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals (Pages 55 - 58)

Report of the Director of Climate Change, Environment and Transport (CET/24/13)

Electoral Division: Bickleigh & Wembury

MATTERS FOR INFORMATION

- 9 Definitive Map Modification Orders (Pages 59 - 60)
Report of the Director of Climate Change, Environment and Transport
(CET/24/14)

Electoral Division: Broadclyst

- 10 Public Path Orders (Pages 61 - 64)
Report of the Director of Climate Change, Environment and Transport
(CET/24/15)

Electoral Divisions: Broadclyst; Hatherleigh & Chagford; Crediton

- 11 Dates of Future Meetings
11 July 2024
14 November 2024
6 March 2025

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

Nil

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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

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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

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* **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).

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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



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Minutes of the Sixty-Sixth meeting of the Devon Countryside Access Forum held at County Hall, Exeter EX2 4QD

Monday, 22 January 2024

Attendance

Forum members

Andrew Baker	Tino Savvas
Cllr Richard Chesterton	Robert Sewell
Tim Felton	Lorna Sherriff
Lucinda Francis	Sarah Slade (Chair)
Cllr Linda Hellyer (virtual)	Tim Spray
Jo Hooper	Glynn Yabsley
Sue Pudduck	

Devon County Council Officers and others present

Richard Walton, Public Rights of Way and Country Parks Manager, DCC
Hilary Winter, Forum Officer, DCC
Philip Hackett, Access Field Officer, South West, British Horse Society
Daniel Hayes, Level Crossing Manager, Network Rail

1. Apologies

Apologies had been received from Jo Burgess, Chris Cole, Gordon Guest and Bryan Smith.

2. Declarations of interest

There were no declarations of interest.

3. To approve minutes of meeting held on 18 September 2023

Minutes of the meeting held on 18 September 2023 were approved and signed.

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4. Matters arising

4.1 Network Rail. Sandy Lane, Rewe

The Chair welcomed Daniel Hayes, Level Crossing Manager, from Network Rail. Mr Hayes explained that Sandy Lane was currently closed at both ends whilst works were being undertaken. No Traffic Order Regulation was in place. Works being done on the crossing included a new surface, gates with cradles either side of the track and a miniature warning light system to allow time for pedestrians to cross. There were no rights for motorbikes or horses to cross the railway line at this location, although motorbike use had been reported in the past.

The new crossing, surfacing, fences, approaches, and signage were being finalised and would be tested by the Civils and Telecommunications teams in early February. Work had been delayed as much had to be done overnight as it was a main line. Mr Hayes apologised for the long closure.

Network Rail had been contacted about accessibility. If the gates were changed to permit this, motorbikes could potentially access the crossing. Works could be done on the lane to prevent motorbikes.

Andrew Baker, also Chairman of Rewe Parish Council, expressed frustration at the length of time the crossing had been closed and the lack of consultation with the Parish Council. The positioning and timing of the warning lights was critical on the busy stretch of line.

It was agreed and stressed that a Network Rail policy to routinely consider accessibility should be essential at the beginning of the planning process for any crossing to meet Equality Act requirements. Any crossing might be used by disabled people if suitable gates were installed. Procedures should be put in place to consult and design appropriate solutions, wherever safety considerations could be met.

Richard Walton, DCC, confirmed that the Institute of Public Rights of Way officers (IPROW) had done a lot of work with Network Rail. The crossing was unusual as the crossing point was a 'pedestrian only highway,' not a footpath, and the lane either side was an unsurfaced, unclassified county road. He requested specification details for the gates and associated access work being undertaken.

It was resolved to write to Daniel Hayes and senior staff within Network Rail to advise that a policy and process for assessing accessibility use and adaptations should be developed. This applied generically and not just to Sandy Lane. A draft would be circulated to members. Learning from this could be brought back to IPROW.

Action: Forum Officer

4.2 Defra response on dog issues

Hansard for 14.09.23 reported Trudy Harrison's response to a Parliamentary question. (Trudy Harrison MP was Parliamentary Under Secretary of State in the Department for Environment, Food and Rural Affairs at that time).

"Publication of the membership, regular participants and key stakeholders who have engaged with the Responsible Dog Ownership working group is expected later this year alongside their conclusions. We are currently working in partnership with the police, local authorities and animal welfare organisations to address all aspects of tackling irresponsible dog ownership effectively, from prevention to robust, consistent enforcement, focussing on owners as well as on their dogs." This information had not yet been published.

It was agreed that the existing DCAF information on varying dog legislation should be placed on the new Local Access Forum SharePoint discussion board.

Action: Forum Officer

4.3 Former railway line between Buttercombe and Foxhunters

Planning approval for the 700m trail between Buttercombe and Foxhunters was granted in late September which pre-empted any further DCAF comments on surfacing. The surfacing, as stated in the planning application, would be bound tarmac which did factor in British Horse Society advice but was more intrusive in the landscape. It was agreed that earlier involvement in the process would be helpful. It was suggested rolling chippings into the top surface or changing the colour might reduce the impact. Surfacing considerations would be included in the Rights of Way Improvement Plan.

4.4 Annual Report

The Annual Report had been put on the website and the national Local Access Forum SharePoint site.

4.5 Local Cycling and Walking Infrastructure Plans

A number of suggestions were made to improve the draft position Local Cycling and Walking Infrastructure Plan position statement.

- Design and Safety aspects, point 9. The first sentence to be amended to read 'Replacing stiles and kissing gates with 1.5 m wide gates with easy access latches and trombone handles where gaps are not possible.' A new fourth sentence to be added stating that 'weight of gates should be considered to allow easy access.'
- Whilst encouraging road users to consider how they could improve their own safety was a valid point, it was considered not appropriate

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for this position statement.

- Identifying the focus, point 1). It was agreed dog walkers should be added to the list of users.
- Design and safety aspects, point 6. It was agreed that different surface treatments could include different colours to make the trail less visually intrusive.
- To future proof the position statement it should refer to adopting up to date best practice.

A further draft would be circulated for approval.

Action: Forum Officer

5. Public questions

There were no public questions.

6. Correspondence log

The correspondence log was noted. With reference to the footpath obstruction, it was confirmed this related to electric fencing dividing a field into multiple horse areas.

7. Report on meetings attended by DCAF members

7.1 Northbrook Park visit with Devon Wildlife Trust

Gordon Guest, Sue Pudduck, Sarah Slade and Tim Spray had attended a meeting at Northbrook Park, Exeter, with staff from Devon Wildlife Trust to discuss new paths and improvement plans. There was evident local interest in proposals for the Park and it was important for the DWT to connect with the local community.

7.2 Opening of the Elizabeth Bridge, Lower Otter Restoration Project

Gordon Guest and Lorna Sherriff had attended the opening of the new Elizabeth Bridge. This had been well-supported with various groups, such as the Disabled Ramblers, being photographed. Everyone was very positive about the bridge.

8. To note minutes of the Public Rights of Way Committee held on 23 November 2023

Minutes of the Public Rights of Way Committee held on 23 November were noted.

9. Secretary of State's Decisions on the England Coast Path

The Secretary of State's decisions on the England Coast Path in north and south Devon were noted.

10. Public Rights of Way update

Richard Walton, Public Rights of Way and Country Park Manager, DCC gave an update.

Staffing

The Partnerships and Projects Officer post had been advertised. This would include P3. A good response had been received and interviews would take place shortly.

It was hoped to progress the senior post for the Definitive Map and Technical team in the next financial year. In the interim, a meeting had been arranged with WSP, contractors to DCC, to organise temporary support on planning applications, Public Path Orders, temporary Traffic Regulation Orders and development work on the England Coast Path.

Tim Spray said the East Devon Ramblers had met with East Devon National Landscape officers to discuss surveying the East Devon Way for any issues. It would be useful to liaise with the new Partnerships and Projects Officer when appointed.

Budgets

Information was being fed into a Cabinet report on the Capital Programme. The current capital allocation for 2023-2024 was £1.9m with £1m of that investment on the Exe Estuary Trail, led by the Engineering Design Group. £900,000 was being spent on public rights of way projects including path furniture and drainage. The public rights of way team had tapped into resilience funding for storm repairs which had caused surface water flooding and tree damage.

No substantial cuts in revenue budget were anticipated in the next financial year but with inflation spending power would be reduced. The capital allocation may potentially be a little higher.

A ring-fenced sum of £150,000 had been secured from the Asset Innovation Fund for 2024-2025 with flexible spend over the next couple of years. This is to explore surfacing techniques with an emphasis on optimising environmental sensitivity and securing carbon reduction with a focus on shared use and durability. Locations where good data could be obtained were being explored, including a section of the Exe Estuary Trail.

In response to a question about use of road planings, a waste product, Richard Walton confirmed that planings were used in accordance with waste exemption licences and the public rights of way team was reviewing locations to optimise storage for quick re-use. Planings were useful, in particular where there were private vehicle rights. The designer checklist for road improvement schemes meant that public rights of way were consulted about planings.

As not all landowners permitted storage of planings, it was suggested that the National Farmers Union might contact members to see whether farmers would be prepared to store, provided their waste licences permitted this.

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Action: Richard Walton

Definitive Map Review

The Definitive Map Review team were on target to complete parishes by the end of 2025, with a focus on opening meetings for the last few parishes. The priority would then be on schedule 14 applications where public rights of way, thought to exist on historic evidence, are not on the map. Some of these were being picked up as part of the parish review too.

Warden work

Key challenges were surface water and tree damage resulting from storms. As examples, three bridge crossings on the River Otter were impacted.

1. The Coleridge Bridge handrail had been damaged by a fallen tree, including the top rails which are integral parts of the bridge structure. Engineers were investigating. The bridge, an important school route and part of the National Cycle Network, was likely to be closed for a long time. The nearby public footpath (south of the bridge) had been eroded with part of the riverbank totally washed away. Resolution of this involved consideration of wider responsibility issues associated with a housing development and former flood wall built by the Environment Agency.
2. Red Bridge at Newton Poppleford, part of the East Devon Way, is being impacted by river movement and the current location is unlikely to be viable in the future. A new bridge location is proposed a little downstream, to potentially include upgrading its status.
3. At Dotton Bridge, near Newton Poppleford, river movement had caused erosion either side of bridge pillars. Engineers were looking at temporary solutions to re-open the bridge. An unclassified, unsurfaced county road met the bridge.

Much work was being carried out on uUCRs to improve the surface and drainage.

Following proactive inspections, work to fell trees affected by ash dieback was being carried out on the Wray Valley Trail and Drakes Trail with three-week closures. Information had been shared on Facebook and with businesses. The target was to finish before half term.

England Coast Path

Following the Secretary of State's decision letters, the projects list would be updated in liaison with Lorna Sherriff, South West Coast Path Officer. Approximately £500,000 worth of projects had been identified for 2024-2025. These included a new route to take the trail above the road between Croyde and Saunton and avoid an unpleasant road crossing; waymarking of a route at Saunton Sands (factoring ordnance requirements in relation to Braunton Burrows and the MoD); accessibility improvements between Saunton Sands and Braunton by providing graded bypasses around historic stone stiles, also part of the drainage network; habitat related signage works in consultation with the district councils; alignment work around Skern, Appledore, including stabilisation of the coastal defence; and signage at

Hartland Quay. In south Devon works include accessibility improvements at Wembury in conjunction with the National Trust and South Devon National Landscape; and a high tide route at Mothecombe. Planning permission is in place for the Mothecombe works. Additional projects include signage for estuary routes, a new route along Shady Lane at Stoke Fleming and coast path improvements near Blackpool Sands where a tree came down in a storm. This removed a section of path with the root plate undermining stability and proximity to the cliff face meaning design specifications could not be signed off.

In response to a question about Lighthouse Beach, it was confirmed that DCC would have powers to connect the public right of way and coastal access rights once the designation process was complete, hopefully in the summer. DCC will then work with the landowner and should be able to secure removal of the gated structure. Any obstructions to the existing footpath from Beacon Road would be a public highway enforcement matter.

Work continued on Beacon Road in Kingswear. A Traffic Regulation Order was in place which allowed continued pedestrian use.

Stover Park

Following a question at the last meeting, it was confirmed that visitor numbers at the Park were 186,000 in 2022 and estimated to rise to 203,500 in 2027. Despite optimising contingency and inflation figures, the contract costs for the visitor discovery centre had come in over budget. Discussions were taking place with the preferred tenderer to achieve savings and contractors should be on site at the end of February. The National Heritage Lottery Fund were content with this. Focus was on the Discovery Centre and funds would have to be secured elsewhere for the car park works to complete these within the timescale, for example through section 106 developer contributions. In a worst-case scenario, an application would have to be made to the NHLF to reduce the scope of the project.

Consultants were finalising design work for the Gatehouse and Serpentine Lake restoration. Tenders were due in for the lake desilting.

11. Rights of Way Improvement Plan review

11.1 Rights of Way Improvement Plan review - DCAF consultation response

The response submitted to the Rights of Way Improvement Plan consultation was approved.

11.2 Rights of Way Improvement Plan review update

Richard Walton thanked the Devon Countryside Access Forum for its response. The consultation had been on 'Have Your Say' and organisations had been contacted. Ramblers' local groups had made a good response. The CLA had requested an extension and their feedback had now been received. Comments had been constructive and would be integrated into the final document.

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The plan is to take the final RoWIP to the Public Rights of Way Committee on 7 March and to the DCAF on 22 April. This will include the Equalities Impact and Environmental Impact Assessments. The draft was on the website as a reference document and factored in during decision making processes.

12. Current consultations

12.1 Woodbury Common. Deregistration and exchange of common land. Clinton Devon Estates.

The proposal to deregister and exchange common land was supported and would have a net benefit. Bryan Smith was thanked for his excellent report and his recommendations would be included in the response to The Planning Inspectorate. The draft response was approved and would be submitted.

Action: Forum Officer

12.2 A379 bridge, Devon County Council

Chris Cole and Gordon Guest had been on a site visit to the bridge but had given apologies for the meeting. It was agreed that this item should be deferred until the next meeting, subject to feedback on timescales.

Action: Forum Officer

12.3 Countryside and Rights of Way Act. Review of restriction Hemyock Common, Natural England

The Chair outlined the background to the restriction. The Devon Countryside Access Forum had previously seen this as a reasonable and proportionate restriction. It was noted that considerable discussions and work had gone into noise abatement between Mid Devon District Council and the Gun Club. It was resolved to support a continuation of the direction, using previous comments.

Action: Forum Officer

13. To note and approve responses to consultations and submissions. To note any feedback.

13.1 Wolford Lodge. Felling Licence, Forestry Commission.

The response was noted and approved.

13.2 Lower Brenton Farm planning application DCC/4337/2023

The response was noted and approved.

13.3 Little Bray Farm forestry. Felling Licence, Forestry Commission

The response was noted and approved.

13.12 Stoneycombe Quarry. Felling Licence, Forestry Commission

The response was noted and approved.

13.5 Torridge District Council draft Strategic Local Plan

The response was noted and approved.

13.6 North Devon Council. Public Spaces Protection Order (dogs) consultation

The response was noted and approved. Following consultation, North Devon Council had agreed and published its Public Spaces Protection Order. [Public Spaces Protection Order - Dogs \(northdevon.gov.uk\)](https://www.northdevon.gov.uk/public-spaces-protection-order-dogs)

13.7 South Hams District Council and West Devon Borough Council. Public Spaces Protection Order (dogs) consultations

The response was noted and approved.

13.8 Sidbury to Sidford cycle route. Devon County Council pre-application consultation

The response was noted and approved.

14. Succession planning on the Devon Countryside Access Forum

The Chair led a wide-ranging discussion on succession planning on the Forum and how to move forward.

The knowledge and experience of the Chair and Vice Chair were seen as invaluable. It was not clear whether the Vice Chair stepped into the Chair role and a documented succession plan was suggested to bring people on into the roles. It was recognised there should be a change regardless of any plan. Other LAFs might have experience in succession planning that the DCAF could learn from.

Members were reminded that councillors should not stand for Chair or Vice Chair and that the two positions should not be held by people from the same interest group.

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The Chair acknowledged the greater time input as Chair in deciding with the Forum Officer when and how to take matters forward. Anyone interested in taking on the role in future was asked to speak to the Chair or Forum Officer.

Action: Forum members

The Forum Officer stated that training for members had been less effective in recent years due to CoVID. Options for future meetings included historic records to inform the Definitive Map Review process at the South West Heritage Centre and a presentation from a warden.

An information pack, defining the roles of Chair, Vice Chair and members, together with more advice on the Forum's remit and in particular in areas such as planning would be invaluable. The guidance to local access forums, published in 2007, had not been updated to reflect new legislation. Given that the Forum dealt with a large geographical area compared with other authorities, some degree of proportionality might be appropriate.

Action: Forum Officer

Richard Walton, DCC, emphasised the importance of the Forum Officer role and that he would push hard for reappointment if the role was vacant. The expertise and varying experience of DCAF members plugged a gap in responding to consultations. A suggestion was made that a university could research the costs and benefits of a local access forum.

Prior to the establishment of the DCAF, Devon County Council had a liaison group comprised of representatives of different bodies. The DCAF had a statutory function with an aim to reach consensus between different interests.

It was explained that at one time Natural England required LAFs to attempt to measure their effectiveness. This was difficult due to the time lag between consultations and policy development. The DCAF had achieved some changes in policy and members such as Gordon Guest had been proactive in trying to make a difference. The Chair said the Forum did a good job but needed to keep challenging itself and look at the value it added.

The difficulties in recruiting young people were raised and there being no evident and immediate benefit.

Improving publicity about the DCAF and its work was mentioned. Making use of DCC's social media channels might be one option.

It was agreed it would be useful to add a training element to the next meeting.

Action: Forum Officer and Chair

15. Devon Countryside Access Forum recruitment

The Chair thanked Andrew Baker and Sue Pudduck for their contribution to the work of the Devon Countryside Access Forum over the past three years and wished them well if they decided to seek re-appointment. Vacancies would be advertised shortly.

16. Date of next meeting

The next meeting would be on Monday, 22 April, venue to be advised.

17. Any other business

17.1 *2031 cut-off date*

The Chair reported that legislation associated with the Deregulation Act 2016 was being worked on. The initial date in the Countryside and Rights of way Act 2000 was 1 January 2026 but the legislation had not commenced. The national Stakeholder Working Group had worked on transitional issues and what should be excluded. The Government had subsequently announced a 2031 deadline for applications based on historical evidence pre-1949. There was a cost of going through the schedule 14 process and consideration might be made of whether a route was a useful addition to the network.

Tim Spray said the Ramblers' were likely to put in all schedule 14s in the absence of time to research all thoroughly.

The Creation Order process could still be used for additions to the network.

17.2 *Shared use trail from Shercroft Close, Broadclyst to Mosshayne Lane, Exeter*

The creation of a new 1.5km stretch of trail had been approved on 15.12.23. Conditions included details of drainage design including flood boards, depth boards and warning signage. Further conditions related to public interpretation stating that the trail shall not be opened until public art, direction signs, route maps, interpretations and vehicular access restrictions have been installed in order to enhance the attractiveness for future users in the context of the Clyst Valley Regional Park.

17.3 *Permissive access*

The Chair reported that the Government had announced new permissive access payments under the Sustainable Farming Incentive Scheme. Former Countryside Stewardship payments had been withdrawn in 2012. The new scheme includes upgrading for cyclists and horse-riders, alongside the existing educational access offer. Previously concerns that permissive access could become permanent were a deterrent to uptake.

CET/24/10

Public Rights of Way Committee
7 March 2024

Definitive Map Review Parishes of Clawton 2022-23

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended that a Modification Order be made to modify the Definitive Map and Statement by deleting part of Footpath No.7, Clawton between points A - B – C – D to resolve an error in its recording, as shown on drawing number CCET/PROW/22/103 (Proposal 1).

2) Introduction

This report examines the current proposal arising from the Definitive Map Review in Clawton.

3) Background

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 1st 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 RUPP's, carried out in the 1970s, did not affect the parish.

The following Order has been made and confirmed:

Clawton Bridleway No. 8 Public Path Diversion Order 1996;

Clawton Footpath No. 4 Public Path Diversion Order 2000;

Clawton Footpath No. 4 Public Path Diversion Order 2006; and

Clawton Footpath No. 1 Clawton Footpath No. 4 Public Path Diversion Order & Definitive Map & Statement Modification Order 2012.

Legal Event Modification Orders will be made for these changes under delegated powers in due course.

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The current Review was started in 2022. An informal consultation was carried out in 2023 involving a proposal for modification of the Definitive Map and Statement.

This is the report for the Definitive Map Review in the parish of Clawton.

4) Proposals

Please refer to the appendix to this report.

5) Consultations

General consultations have been carried out with the following results:

County Councillor Morrish	– no comment
Torrige District Council	– no comment
Clawton Parish Council	– no comment
Auto Cycle Union	– no comment
British Horse Society	– no comment
Byways & Bridleways Trust	– no comment
Country Landowners' Association	– no comment
National Farmers' Union	– no comment
Open Spaces Society	– no comment
Ramblers'	– no comment
Trail Riders' Fellowship	– no comment

Specific responses are detailed in the appendix to this report and included in the background papers.

6) Financial Considerations

Financial implications are not a relevant consideration to be taken into account under the provision of the Wildlife and Countryside Act 1981. The Authority's costs associated with Modification Orders, including Schedule 14 appeals, the making of Orders and subsequent determinations, are met from the general public rights of way budget in fulfilling our statutory duties.

7) Legal Considerations

The implications/consequences of the recommendation have been taken into account in the preparation of the report.

8) Risk Management Considerations

No risks have been identified.

9) Equality, Environmental Impact and Public Health Considerations

Equality, environmental impact or public health implications have, where appropriate under the provisions of the relevant legislation have been taken into account.

10) Conclusion

It is recommended that a Modification Order be made to modify the Definitive Map and Statement by deleting part of Footpath No. 7 between points A – B – C – D, as shown on drawing number CCET/PROW/22/103 (Proposal 1).

This will 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.

Should any further valid claim with sufficient evidence be made within the next six months it would seem reasonable for it to be determined promptly rather than deferred.

11) Reasons for Recommendations

To undertake the County Council's statutory duty under the Wildlife and Countryside Act 1981 to keep the Definitive Map and Statement under continuous review and to progress the parish by parish review in the Torridge area.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Holsworthy Rural

Local Government Act 1972: List of background papers

Background Paper: Correspondence Files

Date: Correspondence Files

File Reference: DMR/CLAWTON

Contact for enquiries:

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Appendix I To CET/23/10

A. Basis of Claim

The Highways Act 1980, Section 31(1) states that where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

Common Law presumes that at some time in the past the landowner dedicated the way to the public either expressly, the evidence of the dedication having since been lost, or by implication, by making no objection to the use of the way by the public.

The Highways Act 1980, Section 32 states that a court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan, or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

The Wildlife and Countryside Act 1981, Section 53(3)(c) enables the Definitive Map to be modified if the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows that:

- (i) a right of way not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates.
- (ii) a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
- (iii) there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The Wildlife and Countryside Act 1981, Section 53(5) enables any person to apply to the surveying authority for an order to modify the Definitive Map. The procedure is set out under WCA 1981 Schedule 14.

The Wildlife and Countryside Act 1981, Section 56(1) states that the Definitive Map and Statement shall be conclusive evidence as to the particulars contained therein, but without prejudice to any question whether the public had at that date any right of way other than those rights.

In relation to claims for byways open to all traffic (BOATs), Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes certain rights of way for mechanically propelled vehicles except for the circumstances set out in sub-

sections 2 to 8. The main exceptions are that:

- (a) it is a way whose main use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles;
- (b) it was shown on the List of Streets;
- (c) it was expressly created for mechanically propelled vehicles;
- (d) it was created by the construction of a road intended to be used by such vehicles;
- (e) it was created by virtue of use by such vehicles before 1 December 1930.

Extinguishment of rights for mechanically propelled vehicles also does not apply if, before the relevant date (20th January 2005), an application was made under section 53(5) of the Wildlife and Countryside Act 1981, or such an application was determined by a surveying authority, for an order to modify the definitive map and statement as to show a BOAT.

The judgement in the case of R. (on the application of Winchester College) v Hampshire County Council (2008) however, found that for such exceptions to be relevant the application must fully comply with the requirements of paragraph 1 of Schedule 14 to Wildlife and Countryside Act 1981. It is appropriate therefore firstly to determine whether or not the claimed vehicular rights subsist and, secondly, whether or not any exceptions apply; if vehicular rights subsist but the exceptions are not engaged then the appropriate status is restricted byway. Such claims may also be considered for a lower status.

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- 1 **Proposal 1: Proposed deletion of part of Footpath No. 7 to resolve the dual status with the county road between Leworthy Cross and France also known as Southdown, as shown between points A – B – C – D on plan CCET/PROW/22/103.**

Recommendation: That a Modification Order be made in respect of Proposal 1, be made 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.

1.1 Background

- 1.1.1 The proposal was discovered during the course of the Definitive Map Review as an anomaly in the public highway network which required resolution.

1.2 Description of the Route

- 1.2.1 The proposal route starts at the junction of the county roads, Leworthy Cross, point A, and proceeds generally eastwards along the county road, Leworthy Lane, T1907, through the hamlet of Leworthy, point B, and then proceeding south eastwards to Leworthy Plantation at point C, through the plantation to the property known as France, formerly Southdown, at point D.

1.3 Documentary Evidence

1.3.1 Clawton Vestry Minutes, 1828-94 onwards

- 1.3.1.1 The Minutes provide information about the management of the route and the Council's views regarding the public highways in the parish. A public body such as a Parish Council had powers only in relation to public highways through the appointed Surveyor of Highways historically, which they had a responsibility to maintain.

- 1.3.1.2 Highways are rarely mentioned in the main Vestry minutes, and the Surveyors of Highways Accounts appear not to have not survived.

1.3.2 Ordnance Survey mapping, 1885 onwards

- 1.3.2.1 Ordnance Survey maps do not provide evidence of the status of this route but rather its physical existence over a number of years. These early Ordnance Survey maps carried a disclaimer, which states that: *'The representation on this map of a road, track or footpath is no evidence of a right of way'*.

- 1.3.2.2 On the later 1st Edition 25" scale mapping of 1885, the proposal route is shown as a mainly enclosed lane between points A – B – C, except from point C – to two thirds of the way to point D, which unenclosed through Leworthy Plantation.

1.3.2.3 On the 2nd Edition 25" of 1906, the proposal route is shown as a mainly enclosed lane between points A – B – C, except from point C – to two thirds of the way to point D, which is unenclosed through Leworthy Plantation.

1.3.2.4 On the Post War A Edition of 1954, the proposal route is shown as a mainly enclosed lane between points A – B – C, except from point C – to two thirds of the way to point D, which is unenclosed through Leworthy Plantation.

1.3.3 Clawton Parish Council Minutes, 1894 onwards

1.3.3.1 The Minutes provide information about the management of the route and the Council's views regarding the public highways in the parish. A public body such as a Parish Council had powers only in relation to public highways through the appointed Surveyor of Highways historically, which they had a responsibility to maintain. These references refer to the proposal route and its continuation to Westdown Gate.

1.3.3.2 3rd February 1899. It was 'proposed by William May seconded by Mr William Drown? that the Chairman see Mr Holman about the repair of a foot bridge across the River Deer against the farm called France'.

1.3.3.3 22nd September 1906. 'After a discussion of the Footpath Committee's recommendations and a show of hands, it was decided that the following paths be recommended to remain open...Post P. West Down Gate to South Down (otherwise France)'.

1.3.3.4 11th March 1971. 'Mr Cornish mentioned the need for a passing place in Leworthy Lane. Me Pennington agreed to take up this matter with the Divisional Road Surveyor'.

1.3.3.5 20th January 1992. 'A request by letter to be made to the Highways Department regarding the poor repair of the Leworthy road'.

1.3.3.6 21st February 1992. The 'Leworthy road has been repaired – only part way – Clerk to write to Highways dept to enquire about the remaining length'.

1.3.3.7 30th July 1993. 'The Leworthy road was reported to have had only some of the holes filled as the repairs stopped at Lower Leworthy and not at France'.

1.3.3.8 20th May 1994. 'It was brought to everyone's attention that the...Leworthy road had been resurfaced, although the Leworthy road had only been done as far as the Cornish's'[Lower Leworthy].

1.3.4 Holsworthy Rural District Council Minutes, 1894-1974

1.3.4.1 The Minutes provide information about the management of the route and the Council's views regarding the public highways in the parish. A public body such as a District Council had powers only in relation to public

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highways through the appointed Surveyor historically, which they had a responsibility to maintain. The records for 1898-99 have not survived.

- 1.3.4.2 There are a number of references to the highways but none of those surviving mention the proposal route.

1.3.5 Finance Act, 1909-10

- 1.3.5.1 The Finance Act imposed a tax on the incremental value of land which was payable each time it changed hands. In order to levy the tax a comprehensive survey of all land in the UK was undertaken between 1910 and 1920. It was a criminal offence for any false statement to be knowingly made for the purpose of reducing tax liability. If a route is not included within any hereditament there is a possibility that it was considered a public highway, though there may be other reasons to explain its exclusion.

- 1.3.5.2 The proposal route known as Leworthy Lane, between points A – B – C – D is included in hereditaments 40, Leaworthy and 33, France. Leaworthy, a farm and 2 cottages, was owned and occupied by J Hicks, has a deduction for 2 rights of way, to France and to 2 fields, initially listed as an easement worth £48 but then as a Public Right of Way or User of £50. France, a farm 1.5 miles in from roads, was owned by SH Pyworthy and occupied by R Gilbert. There is no deduction for a Public Right of Way or User.

- 1.3.5.3 The remainder of what is currently recorded as Clawton Footpath No. 7 is included within hereditament 71, Corphett, owned by M Ford and occupied by S Martin. There is no deduction for a Public Right of Way or User.

1.3.6 Handover Roads Records, 1929-47

- 1.3.6.1 These records are considered to be a positive indication of what the highway authority believe the status of roads included to be, and are conclusive evidence of a highway authority's acceptance of maintenance responsibility, a commitment not normally undertaken lightly. Such records were for internal use and did not purport to be a record of rights. The lack of a road's inclusion does not necessarily suggest it could not have been a public highway. Once returned to the County Council, these records were used in conjunction with the UCR Mileage Register.

- 1.3.6.2 The proposal route between points A – B – C – D, along Leworthy Lane, is shown as a UCR, an unclassified county road, now referred to a minor county road, though is not numbered.

1.3.7 UCR Mileage Register, 1950s-70s

- 1.3.7.1 This register was used in conjunction with the Handover Records once all delegated highways had been returned to the County Council in 1947.
- 1.3.7.2 The proposal route between points A – B – C – D, along Leworthy Lane, is included as an addition dated the 9th October 1963 no. 2644, under the Agricultural (Improvement of Roads) Act 1955 Scheme. It was described

as running from the county road C506 south of Brooks House, through Leworthy, Leworthy Plantation to Southdown Farm, also known as France.

1.3.8 List of Streets, 1970s onwards

1.3.8.1 This is the County Council's register of highways maintainable at public expense, which are assumed to be vehicular unless proven otherwise.

1.3.8.2 The proposal route between points A – B – C – D is shown as a UCR, an unclassified county road, now known as a minor county road.

1.3.9 Aerial Photography, 1946 onwards

1.3.9.1 The proposal route, currently recorded as part of Clawton Footpath No. 7, between points A – B – C – D is visible, in a similar manner to other public roads in the parish.

1.3.10 Definitive Map Parish Survey, 1950s

1.3.10.1 The compilation process set out in the National Parks and Access to the Countryside Act 1949 involved a substantial amount of work and such records are considered a valuable source of information. The rights of way included in the process had to pass through draft, provisional and definitive stages with repeated public consultations.

1.3.10.2 Clawton Footpath No. 7 was included in the Parish Survey and was described as a 'footpath from West Down gate by West Down Cottage (on the West Clawton to Holsworthy road) over the stream to 'South Down' (otherwise known as France)'. The Parish noted that the path had been used by the public, and chiefly the postman, with the foot bridge over the stream having been repaired by the Parish Council. The Survey was signed by Mr F Cole and dated 22nd September 1950. It was commented by the District Surveyor that it was 'purely an accommodation road for South Down'.

1.3.11 Definitive Map and Statement, 1957

1.3.11.1 The inclusion of a public right of way on the Definitive Map and Statement is conclusive evidence of its existence. However, this does not preclude that other rights which are currently unrecorded may exist. The final consultation stage for the Definitive Map and Statement for the Holsworthy Rural District area finished on the 6th September 1963.

1.3.11.2 The Definitive Statement for Clawton Footpath No. 7 is described as running from the 'county road at Westdown Gate and proceeds in a westerly direction through Westdown thence turning north-westerly crossing fields and streams to Southdown. (The footbridge across stream repaired by Parish Council). From Southdown the path continues in a north-westerly direction along a Private Accommodation Road (not repairable by the inhabitants at large) to Leworthy where it turns west to end at the County road half a mile north of Affaland Moor'. The Definitive

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Map shows Footpath No. 7 as running from 50 metres south of Westdown Bungalow past France and Leworthy to Leworthy Cross.

1.3.12 Route Photographs, 2023

1.3.12.1 Site photographs of the proposal route, between points A – B – C – D show that it is open and available.

1.3.13 National Street Gazetteer, 2023.

1.3.13.1 The Gazetteer includes the proposal route A – B – C – D, Leworthy Lane, as a category 9 service road, T1907.

1.3.14 Land Registry, 2023

1.3.14.1 The proposal route between points A – B and almost to point C is unregistered. The remainder is registered to Leworthy Farm Equestrian Centre, the Forestry Commission, and Bridge Farm, North Tamerton.

1.4 User Evidence

1.4.1 No user evidence forms were received in support of the proposal.

1.5 Landowner Evidence

1.5.1 No responses were received from any of the adjacent landowners along Leworthy Lane.

1.6 Rebuttal Evidence

1.6.1 No rebuttal evidence has been received in relation to the proposal.

1.7 Discussion

1.7.1 In considering the evidence it is necessary to consider the evidential facts in the context of the whole of the documents in which they are contained. Section 32 of the Highways Act 1980 indicates how documents should be evaluated as a whole and how the weight should be given to the facts derived from them. Once the evidence sources have been assessed individually, they are comparatively assessed as required by the balance of probabilities test.

1.7.2 Statute – Section 31 Highways Act 1980. There does not appear to be a specific date on which the public's right to use the application route above that of a footpath has been called into question. The Definitive Map and Statement is conclusive evidence of the information it contains, that Clawton Footpath No. 7, the proposal route exists between points A – B – C – D, though it does not preclude that other unrecorded higher rights may exist or that errors exist requiring rectification.

1.7.3 As there is no specific date of calling into question or user evidence, the proposal cannot be considered under statute law. However, higher rights above that of a footpath may yet still be proven to exist along the application route at common law. Evidence of dedication of higher rights by the landowners can be express or implied and an implication of dedication may be shown at common law if there is evidence, documentary, user or usually a combination of both from which it may be inferred that a landowner has dedicated a highway of a higher status and that the public has accepted the dedication.

1.7.1 Common Law. On consideration of the proposal at common law, the historical documentary evidence demonstrates the proposal route's physical existence and availability since at least the late 19th century. It is shown in a similar manner to other recorded public highways, though not entirely an enclosed lane, as part of it passes through what it now Leworthy Plantation.

Since the early part of the 19th century the proposal route has physically existed as an enclosed lane. Records appear to indicate that the proposal route was a type of road which was open and available to the public since at least that time. In 1947 when the former District Councils handed back their delegated highways responsibilities, Leworthy Lane was included on the Handover Records as a district road, a public carriageway. However, when the Parish Council carried out its survey in 1950 it should have omitted the section of the footpath which runs along Leworthy Lane, which is now proposed for deletion under section 53(3)(c)(iii) of the Wildlife and Countryside Act 1980.

1.7.2 The Ordnance Survey 25" mapping from 1885 onwards shows the proposal route between points A – B – C – D shown in the same manner as public roads in the parish with no change in surface at Leworthy Cross. However, the Ordnance Survey mapping is not evidence of a right of way, only the existence of features on the ground at the time of the relevant survey.

1.7.3 The public vehicular nature of the proposal route along Leworthy Lane between points A – B – C – D, is first demonstrated by the minutes of the Clawton Parish Council, which are contemporaneously supported by the 1909-10 Finance Act records. These record a deduction of £50, an amount regularly used for public roads, rather than footpaths which commonly only attracting a deduction of around £12. The Parish Council minutes also are very clear on the extent of Clawton Footpath No. 7 only being between Westdown Gate and Southdown/France since at least 1906.

1.7.4 This continues with the County Council's Highway Handover records dated 1929-47, UCR Mileage Register of the 1950s-70s, and List of Street from the 1970s onwards, a continuous record of public highway responsibility since at least 1929. The UCR Mileage Register in particular shows that the proposal route having been a '*private accommodation road*' as noted by the Divisional Surveyor at the time of the 1950 Parish Survey was taken

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over as a county road in 1963 under the Agricultural (Improvement of Roads) Act 1955 Scheme. The 1940s RAF aerial photography shows the proposal route in a similar manner to other parish roads, as does the large scale Ordnance Survey mapping.

- 1.7.5 The Parish Council minutes consistently show that the parish did not consider the footpath to continue through Leworthy to Leworthy Cross and that the proposal was always a road, which the public used, despite its status of a '*private accommodation road*' prior to 1963.
- 1.7.6 Consequently, the Divisional Surveyor was correct to extend Clawton Footpath No. 7 to Leworthy Cross in the 1950s but should have removed the proposal route from the Definitive Map and Statement in 1963, when it was included in the Agricultural (Improvement of Roads) Act 1955 Scheme.
- 1.7.7 Under NERC Act 2006 section 67(1) where there are dual status routes, any vehicular rights are thought to be extinguished. However, under section 67(2)(a) of the same Act, vehicular rights are retained if the main use of the highway in the 5 years prior to the commencement date of the Act was with mechanically propelled vehicles. It is clear from the highway authority records that this proposal route was adopted in 1963, though the property owners have relied on it for access since at least 1906, and its main use has been with vehicles since that time.

1.8 Conclusion

- 1.8.1 On consideration of all the available evidence, on the balance of probabilities, the documentary evidence demonstrates that the proposal route, currently recorded as part of Clawton Footpath No. 7, along Leworthy Lane, between points A – B – C – D has probably existed since at least 1885, when the commons were enclosed. It has been open and available and appears to have been considered public since that time.
- 1.8.2 The vehicular nature of the proposal route along Leworthy Lane between points A – B – C – D, is demonstrated through the documentary evidence since the 1909-10 Finance Act, and the Clawton Parish Council minutes from 1906, and supported by the County Council's Highway Handover records, UCR Mileage Register, and List of Streets, a continuous record of public highway responsibility since at least 1929. These show that the proposal route was always considered to be a type of road, which was taken over by the County Council in 1963.
- 1.8.3 The evidence when taken as a whole is considered sufficient to show that particulars contained in the map and statement require modification, that the extent of the highway currently recorded as Clawton Footpath No. 7 requires modification. It demonstrates that the proposal route between points A – B – C – D was considered historically as an all-purpose public highway, and is considered sufficient to demonstrate that the proposal route was recorded in error on the Definitive Map and Statement.

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- 1.8.4 It is therefore considered to be sufficient under Common Law to demonstrate that an error occurred when Clawton Footpath No. 7 was included on the Definitive Map and that the section between points A – B – C – D should not have been included as it was already included as a county road on the List of Streets.
- 1.8.5 It is therefore recommended that a Modification Order should be made to delete the section of Clawton Footpath No. 7 between points A – B – C – D on the Definitive Map and Statement, as shown on drawing no. CCET/PROW/22/103. If there are no objections, or if such objections are subsequently withdrawn, that it be confirmed.

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Looking East at Point A

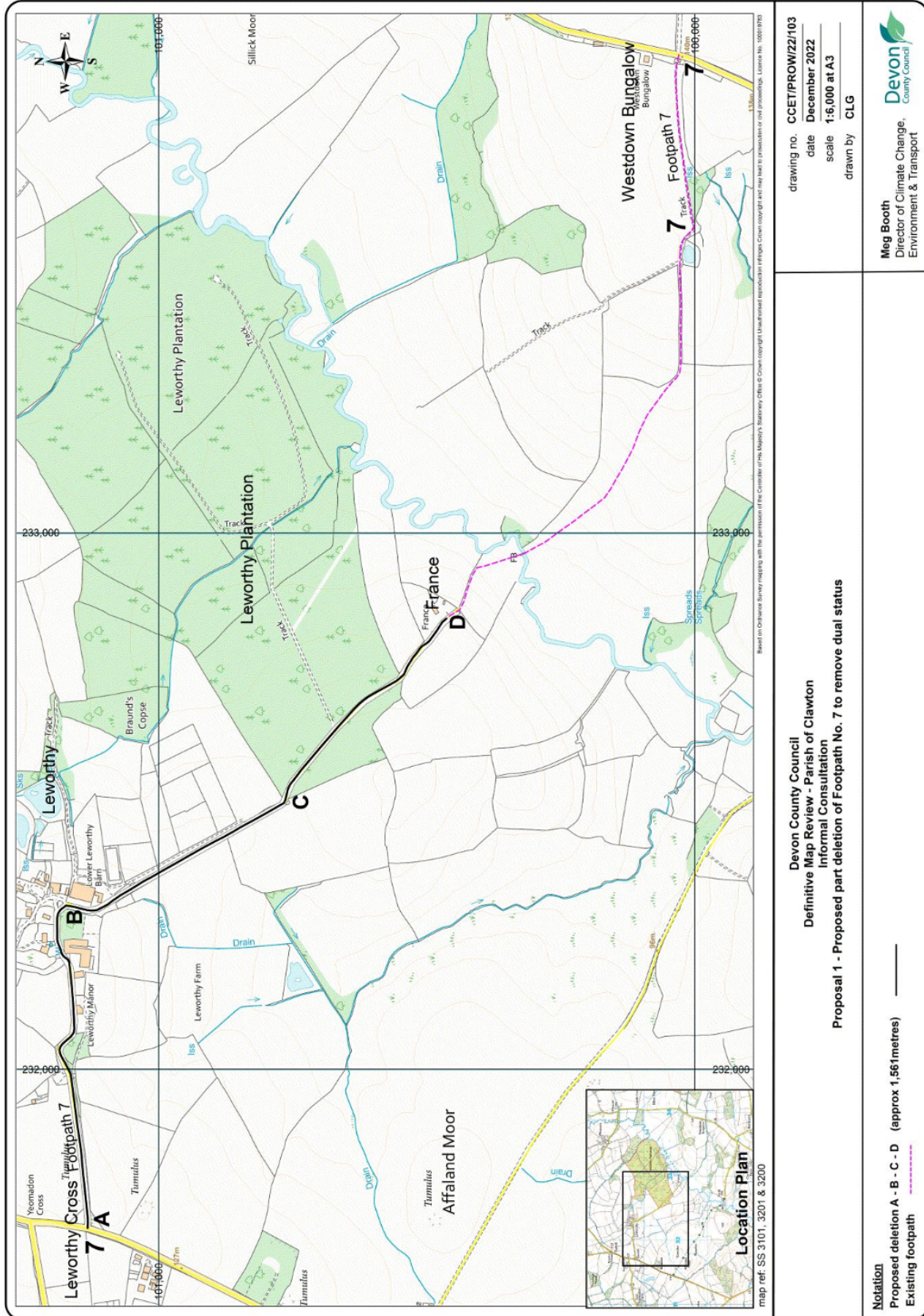


Looking Southeast at Point D



Looking Northwest at Point D





CET/24/11

Public Rights of Way Committee
7 March 2024

Definitive Map Review Parish of Farringdon Report of the Director of Climate Change, Environment & Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

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

2) Introduction

The report examines the Definitive Map Review in the parish of Farringdon in East Devon.

3) Background

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.

The following orders have been made and confirmed:

No orders have been made to date. Should they occur, Legal Event Modification Orders will be made for any changes under delegated powers in due course.

The current review began in January 2023 with a presentation to Farringdon Parish Council, along with a Sway presentation published online, which was advertised in the parish and online.

4) Proposals

No valid proposals arising out of this or previous reviews.

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5) Consultations

General consultations have been carried out with the following results:

County Councillor Sara Randall Johnson	-	no comment;
County Councillor Henry Gent	-	no comment;
East Devon District Council	-	no comment;
Farringdon Parish Council	-	no comment;
Country Land and Business Association	-	no comment;
National Farmers' Union	-	no comment;
Trail Riders' Fellowship/ACU	-	no comment;
British Horse Society	-	no comment;
Cycling UK	-	no comment;
Ramblers	-	no comment;
Byways & Bridleways Trust	-	no comment;
Open Spaces Society	-	no comment

6) Financial Considerations

Financial implications are not a relevant consideration to be taken into account under the provision of the Wildlife and Countryside Act 1981. The Authority's costs associated with Modification Orders, including Schedule 14 appeals, the making of Orders and subsequent determinations, are met from the general public rights of way budget in fulfilling our statutory duties.

7) Legal Considerations

The implications/consequences of the recommendation(s) have been taken into account in the preparation of the report.

8) Risk Management Considerations

No risks have been identified.

9) Equality, Environmental Impact (including Climate Change) and Public Health Considerations

Equality, environmental impact (including climate change) and public health implications have, where appropriate under the provisions of the relevant legislation, been taken into account in the preparation of the report.

10) Conclusion

It is recommended that Members note that there are no proposals for modifying the Definitive Map in the parish of Farringdon. Should any valid claim with sufficient evidence be made in the next six months, it would seem reasonable for it to be determined promptly rather than be deferred.

11) Reasons for Recommendations

To undertake the County Council's statutory duty under the Wildlife and Countryside Act 1981 to keep the Definitive Map and Statement under continuous review and to progress the parish by parish review in the East Devon area.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Broadclyst

Local Government Act 1972: List of background papers

Background Paper: Correspondence file

Date: 2023 to date

File Reference: TCG/DMR/FARRINGDON

Contact for enquiries:

Name: Thomas Green

Telephone: 01392 382856

Address: M8 Great Moor House, Bittern Road, Exeter

tg210224pra

sc/cr/DMR Parish of Farringdon

03 210224

CET/24/12

Public Rights of Way Committee
7 March 2024

Proposed Diversion: Footpath No.13, Thurlestone (part)

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended 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.

2) Summary

This report examines an application by Luscombe Maye Land Agents on behalf of their clients at Worthy, Bantham, 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 proposal route is shown on plan no. CCET/PROW/24/09

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

3) Background

Footpath No.13, Thurlestone is recorded in the Definitive Map and Statement with a relevant date of 1st December 1954. The footpath starts from the county road next to the entrance to Clanacombe and proceeds along a hedged lane into a field and continues along the western hedge line, through a gap and follows a track on the eastern hedge line of a large field and passed a small quarry. The footpath continues into the next field following the eastern hedge line and then follows the line of an old track, which is flat and easily recognisable across the contours of the steep field heading north northeast down towards the stream, over a stile into the field below Worthy House. The path continues in the field, along the bottom of the contours to a culvert over the stream and to a gate. The gate is at point A on the plan CCET/PROW/24/09. From the gate at point A the footpath continues in a defined lane with a traditional stone wall on the left and an avenue of chestnut trees to the right. This section of the footpath is described in the Definitive Map Statement as going “along a Private Accommodation Road (not repairable by the inhabitants at

Agenda Item 7

large) to Worthy Farm and its junction with B.R. No.12". The surface of the footpath from A – B on plan CCET/PROW/24/09 is mostly earth, but partially paved with stone and the upper section towards point B is shale and short grass. The gradient from point A up to point B is steady and a comfortable walk.

Footpath No.13 is approximately 1.1 kilometres in length.

In 2010, Footpath No.13 was the subject of a Definitive Map Modification Order to add a short section of footpath by Worthy House point B – C, to Bridleway No.12 Thurlestone. This was due to a gap on the map from Footpath13 to its junction with Bridleway No.12 Thurlestone and highly likely the result of a historical change in the road layout at Worthy.

To assist the background information, two extracts from the Thurlestone Tithe Map 1840 have been included below to add context of the whole route, and its layout at Worthy.

4) The Diversion Proposal

4.1 Landowner Application

The Application to divert the footpath was made by A.M.Burden, Land Agent for Luscombe Maye, on behalf of the landowners of Worthy, Bantham in the parish of Thurlestone and submitted to the county council in February 2021.

The diversion proposed by the applicants is to divert the path from its junction with Bridleway No.12, Thurlestone from point C on plan CCET/PROW/24/09, behind the new shed/barn along the eastern boundary of a field down to the stream at point D and then west to join the original section of the path, to cross the stream.

Extracts from the land agents accompanying letter date 26 February 2021 state;
"The proposed diversion will result in the footpath running along the eastern boundary of Worthy with the new parkland fencing on the eastern site and the open field to the west. It will then meet the stream to the south where it will run to the west and then join the original route of the footpath where it crosses the stream and lead into the neighbours' land."

The land agent continues;

"The other benefits relating to this location are that the current route that runs from the yard area to the north of the agricultural building comprises a dilapidated lane where the trees and tree roots have become overgrown, surface water has eroded the surface and the whole route therefore needs assistance from an arborist, stone waller and digger driver to manage the trees, foot up the bank and repair the stone walls. It is hoped that you will agree that the new route, avoiding crossing the yard where vehicles manoeuvre, will be better for users of the footpath as well as providing a relief to the Applicants."

The diversion application was accompanied by two plans indicating the line of the proposed diversion with a red dashed line. (At the end of the report.)

No details were included of what the landowners intend to do with the existing line of

trees adjacent to the proposed diversion line, on the upper section of the field, which are growing inside of the current wire fencing.

As part of the rebuilding and refurbishment of Worthy, a Temporary Traffic Regulation Order (TTRO) has been in place on a short section of path from C – B for safety reasons whilst building works are carried out. The temporary diversion takes the user from point C along a gravelled path around and in front of the new wooden barn and back to the line of Footpath No.13 just south of point B. This temporary diversion is signed in two places with a large red and white sign stating, “Footpath Diversion.”

5) Objections/Representations to the proposed diversion

The parish council have been supportive of the planning application at Worthy. However, objections have been raised by local representatives of the parish council (who are also regular walkers of the public rights of way in their area, including this path), with regards to the path diversion proposal.

In response to a request from the Agent, two representatives from Thurlestone Parish Council met with the Amanda Burden (land agent) on 6th October 2023 at Worthy Farm (one of whom is also Parish Chair).

One Councillor comments that they “... met Amanda Burden out of courtesy on site following her request to discuss our objections again on site. However, she was unable to present any good reasons for me to change my opinion that any diversion to Footpath 13 at Worthy Farm Bantham would be wrong. I confirmed this to Amanda at the end of that meeting reconfirming my opinions that this was an unnecessary diversion and would actually remove one of the most commodious and unique stretches of Footpath 13. A section which currently offers a valuable glimpse into past country life on this well-trodden footpath.....This proposed diversion is non-essential, and if allowed would remove a unique section of Footpath 13, a section which greatly enhances the enjoyment of this part of our countryside and creates a real link with its past and our consequent enjoyment of this piece of our countryside”.

They add; “Our discussions with Amanda were good but did not allay our concerns about removing this ancient and unique stretch of the footpath by diverting around what we both feel is an important and unique part of Footpath 13. We felt the proposed diversion to be less commodious than the original footpath and would change the character of that part of the walk” and “We confirmed with Amanda at the end of our meeting that our concerns and objections to the diversion of the path still remain.”

The parish Chair recalls:

“At this courtesy site meeting Amanda repeated the reasoning behind proposed resetting position.

Having once again understood the reasoning I REPEATED MY OBJECTION TO PROPOSAL ...Based on the non-essential nature of proposal plus my firmly held belief that these ancient paths following the established well used tracks meandering through the original terrain are vital to our countryside experiences in nature.”

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6) Highway Considerations

Highway Act 1980

The section 119 of the Highways Act 1980 sets out the criteria for making and confirming a public path diversion order. Landowners and their agents can apply to the Highway Authority under this section of the Act to seek a diversion of a public right of way. The council may, subject to the criteria set out below, decide if it is expedient or not, to divert the line of a public right of way recorded in the Definitive Map & Statement.

Section 119(2) of the Act:

A public path diversion order shall not alter a point of termination of the path or way

- a) if that point is not on a highway or
- b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.

Section 119(6):

Requires that the new path or way will not be substantially less convenient to the public as a result of the diversion.

And having regard to:

S 119 (6) (a). the effect that the diversion would have on public enjoyment of the path as a whole;

Highways Act s130 (1)

“It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority...”

Site visits to Worthy

Public Rights of Way Officers have made two site visits to the proposed diversion at Worthy.

In April 2023, two officers met with the site manager to walk the line of the proposed diversion, and the temporary diversion on the stone path in front of the new barn. The line of the temporary diversion started from Bridleway No.12 Thurlestone and passed to the front of the new barn in between tall Heras fencing and then back onto the existing line of Footpath No.13. south of point B.

On the line of the proposed diversion, they walked downhill over a rough pasture field towards the stream. There was no indication at that time of replacing the fencing to the east with a “parkland” fence as suggested by the land agent. There was no thought or indication how they proposed to manage the trees currently planted next to the existing fence and over hanging any potential path. The site manager explained the new path would be down the side of the field, which would be planted as an orchard and then continue along the bottom of the field parallel to the stream to re-join the existing footpath near point A. It was discussed with the site manager that a path parallel to the stream would become very wet, plus, users had to walk against

the gradient of the contours. It was suggested that any new path would be drier if moved further into the field.

The existing line of the footpath was walked from point A towards B. There is a traditional stone wall on the left of the path which has broken in places causing the odd stone to fall onto the footpath. This was not a problem to walk over. Further up the path towards point B, the wall is in good condition and a lovely example of a South Hams stone wall. There was no issue underfoot. The eastern side of the track has a slight bank with mature chestnut trees and there is no intrusion from root growth. The surface of the track is likely to have been paved with stone in the past and towards the top, the surface was shale and short grass.

The track is far from “delapidated” as suggested by the land agent in her letter (26/2/21) and requires some attention to the boundaries by the landowner. This section point A – B, is the ancient track as depicted on the Thurlestone Tithe Map of 1840 and is a moderate gradient and certainly not as steep as the proposed diversion.

The second site visit was made on a wet day in February 2024. Footpath No.13 was walked in its entirety, from the county road near Clanacombe to the southwest of Worthy.

From point A, the old lane continues towards point B over the same surface as described above. The lane is not eroded by surface water, it is not overgrown by trees or tree roots and was easy to walk and drier underfoot than anywhere else. There was no water running down the footpath.

The line of the proposed diversion was also walked again from the stream at point A along the bottom of the field to point D. This line was unpleasant to walk as it cut across the contours slope of the field, the field is rough pasture and has already been planted with trees. In addition, there is an inspection hatch or pit cover in the grass that could impact on the proposed route. From point D – C, the proposed line continued over rough pasture and up a substantially steeper gradient than the current line of Footpath 13.

There is currently a field gate on the boundary of the property near Point A, adjacent to the culvert over the stream which is tied shut. There is a stile adjacent to the gate, which is not on the line of the definitive path and should be removed and the gate made openable in line with the councils’ easy-to-use criteria of the inspection regime.

With regards to the vehicular movements and the current line of the public footpath, none were observed. The new barn is used for storing materials and is not in constant use. It should be noted that the current line of Footpath 13 and the proposed diverted line, both join Bridleway No.12 at point C on the plan. Bridleway No.12 exits the property to the north via the private drive to Worthy and thus is already exposed to vehicular activity. Due consideration to the safety of the public user by vehicles and drivers along this bridleway should already be observed for current walkers, horse riders or cyclists. Therefore, vehicular traffic is not a new factor to consider in relation to the existence of any of the current public rights of way in or around Worthy.

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The County Council's relevant policies state:

- LP1A** The making of diversion orders which are in the interests of the users and/or landowners will be supported. Examples of diversions in the interest of the public are those which achieve:
- i. a direct improvement in road safety for users; or
 - ii. a direct improvement in provision of a circular route, or provide access to a national route, regional route, attraction or viewpoint.

None of LP1A are relevant to the diversion.

- LP1B** Applications will be supported which seek to divert paths away from:
- i. residential buildings to improve privacy; and
 - ii. working farmyards and farm buildings for safety reasons.

There is a small element of improving privacy as mentioned as “a relief to the Applicants” as mentioned by the land agent, however the proposed diversion route must be as, or, more commodious and easy to use for the public as set out in HA 119 (6).

Strategic Plan

At the strategic level, public rights of way and access are of significant importance to:

- connecting people and places (including Active Travel),
- the local economy (with the network providing essential infrastructure in support of recreation, leisure, and tourism),
- carbon reduction, biodiversity, landscape, and heritage (particularly provision for non-car based travel, contribution to climate change avoidance and mitigation measures, and as a key component of green infrastructure), and
- physical and mental health and wellbeing (with benefits directly attributable to exercising outdoors and contact with nature).

Directly relevant priorities set out within the Devon Strategic Plan include:

Responding to the climate emergency, especially:

- More opportunities for cycling and walking – including active travel,
- Helping wildlife and landscapes to recover,

Supporting recovery and growth, especially:

- Maintain, and where necessary, improve our highway network and improve sustainable transport options,

Improve health and wellbeing, especially:

- Give people greater opportunities for walking and cycling to increase their physical activity.

7) Financial Considerations

There are likely to be new or additional cost implications arising from maintenance requirements for the proposed alignment change.

8) Legal Considerations

Section 6 above refers.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

Implications have, where appropriate under the provisions of the relevant legislation, been taken into account.

10) Equality Considerations

This report has been prepared with s.149 of the Equality Act 2010 in mind. As illustrated by the foregoing sections of this report, the proposed diversion is less easy to use for members of the public than the existing definitive line of Footpath No.13, Thurlestone at Worthy.

11) Risk Management Considerations

No risks have been identified.

12) Reasons for Recommendation

Any new route proposed to replace an existing public right of way must be as good, or better than currently exists. The new proposed route must be as commodious and easy to use, thus not being substantially less convenient to the public user.

The information to date strongly suggests that there remains local user opposition to the proposed diversion route at Worthy, including that the route is less commodious and substantially less convenient to the public, and will have a negative impact on public enjoyment. Investigations and site visits by officers indicate that there is substantive merit to the objections raised during the informal consultation stage, with no material benefit to the public arising from this diversion proposal for part of Footpath No.13, Thurlestone.

It is therefore considered that; this proposal does not meet the requisite tests as set out under s.119 of the Highways Act 1980.

13) Conclusion

The application is considered insufficient in meeting the legal tests to be applied for making a Public Path Order. Therefore, no Order should be made 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.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Salcombe

Agenda Item 7

Local Government Act 1972: List of background papers

Background Paper - Correspondence file

Date - 2021

File Reference - PROW/Public Path Orders/Case Files/South Hams/Thurlestone

Contact for enquiries:

Name: Emily Spurway/Rachel Dixon

Telephone: 01392 383240

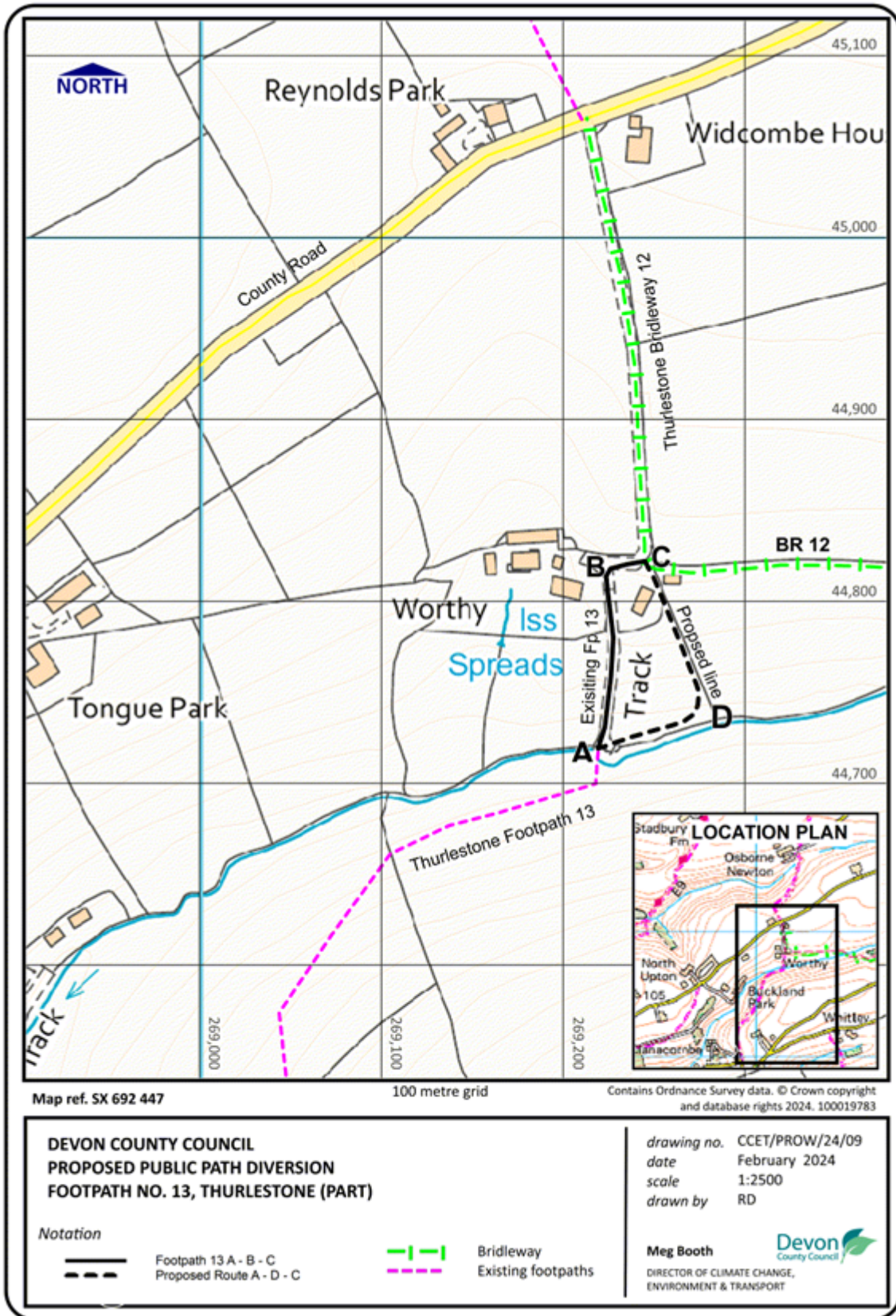
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es260224pra

sc/cr/Proposed Diversion Footpath No.13 Thurlestone

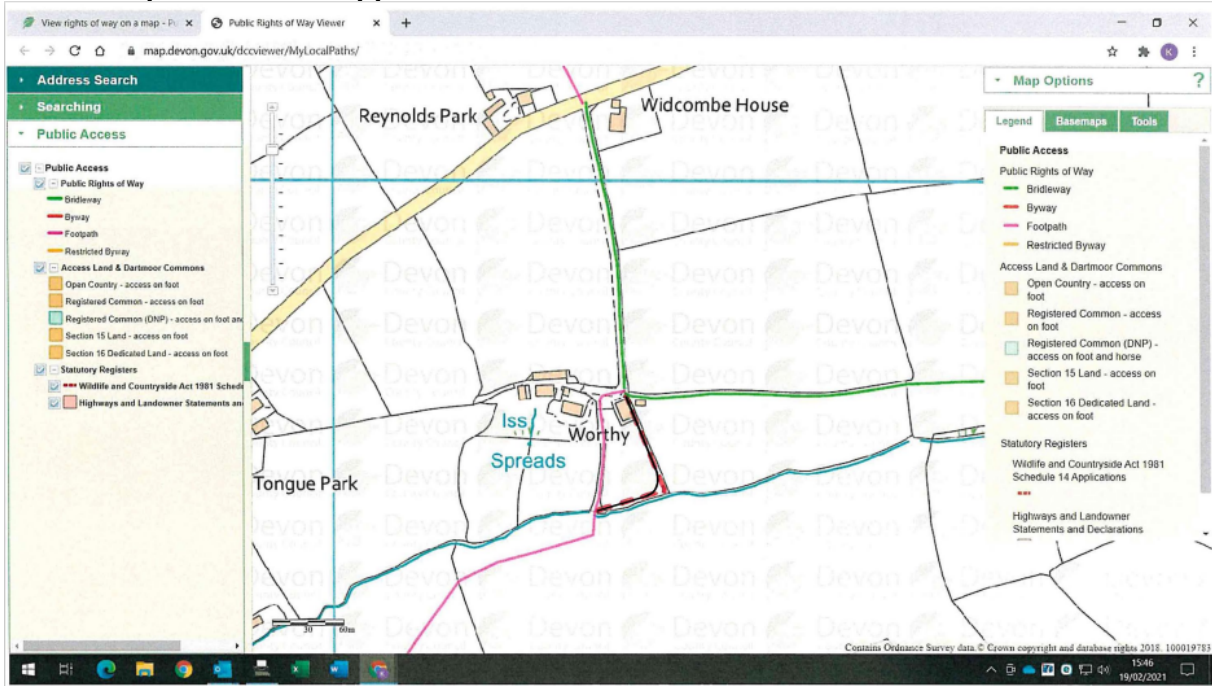
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Diversion Proposal Plan

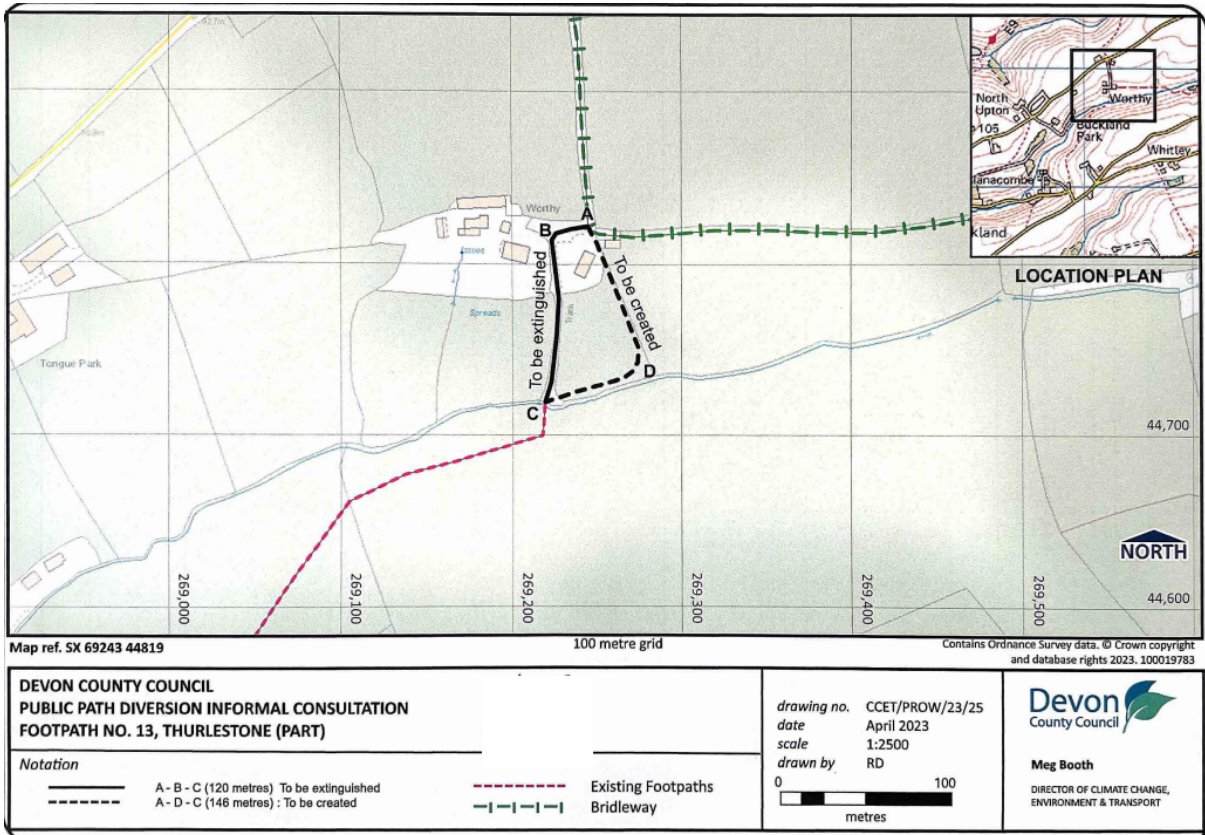


Agenda Item 7

Diversion plan from the applicants



Formal redacted diversion plan from the applicant



Existing Route

Walking from point A towards point B as per DCC plan (well defined track and a good surface)



Looking at gate at point A



Agenda Item 7



Towards point B and temporary diversion

Stone wall along existing Fp13



Point B marks the fingerpost for FP13 Thurlestone and end of the lane

Finger post at point C junction with Bridleway No.12 Thurlestone and new barn



Agenda Item 7

Proposed Route

Walking From A towards point D on DCC plan



Looking across the field walker going from point D – C



Unknown cover in between point A – D



Agenda Item 7

Tithe Map Extracts

- Tithe Apportionment Transcription [PDF](#), [CSV](#)



Thurlestone Tithe Map 1840
Worthy and the associated paths



Thurlestone Tithe Map 1840

CET/24/13

Public Rights of Way Committee
7 March 2024

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

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended that the report be noted.

2) Summary

Since the last Committee the following decisions have been received from the Secretary of State. Where applicable, the plans are attached in the appendix to this report.

Modification Orders

Order	Decision
Devon County Council (Bridleway No.28, Wembury) Definitive Map Modification Order 2022	<p>The Secretary of State concluded that the combination of the documentary evidence and the user evidence is sufficient to show, on the balance of probabilities, that Footpath No.28 Wembury should be upgraded to Bridleway status.</p> <p>In addition, the Secretary of State concluded that the Order should be confirmed with the following modifications:</p> <ul style="list-style-type: none">• On the third line of the third paragraph in Part 1 of the Schedule replace 'Warren Road' with 'Warren Lane'

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Bickleigh & Wembury

Agenda Item 8

Local Government Act 1972: List of background papers

Background Paper Nil

Contact for enquiries:

Name: Emily Spurway

Telephone: 01392 383000

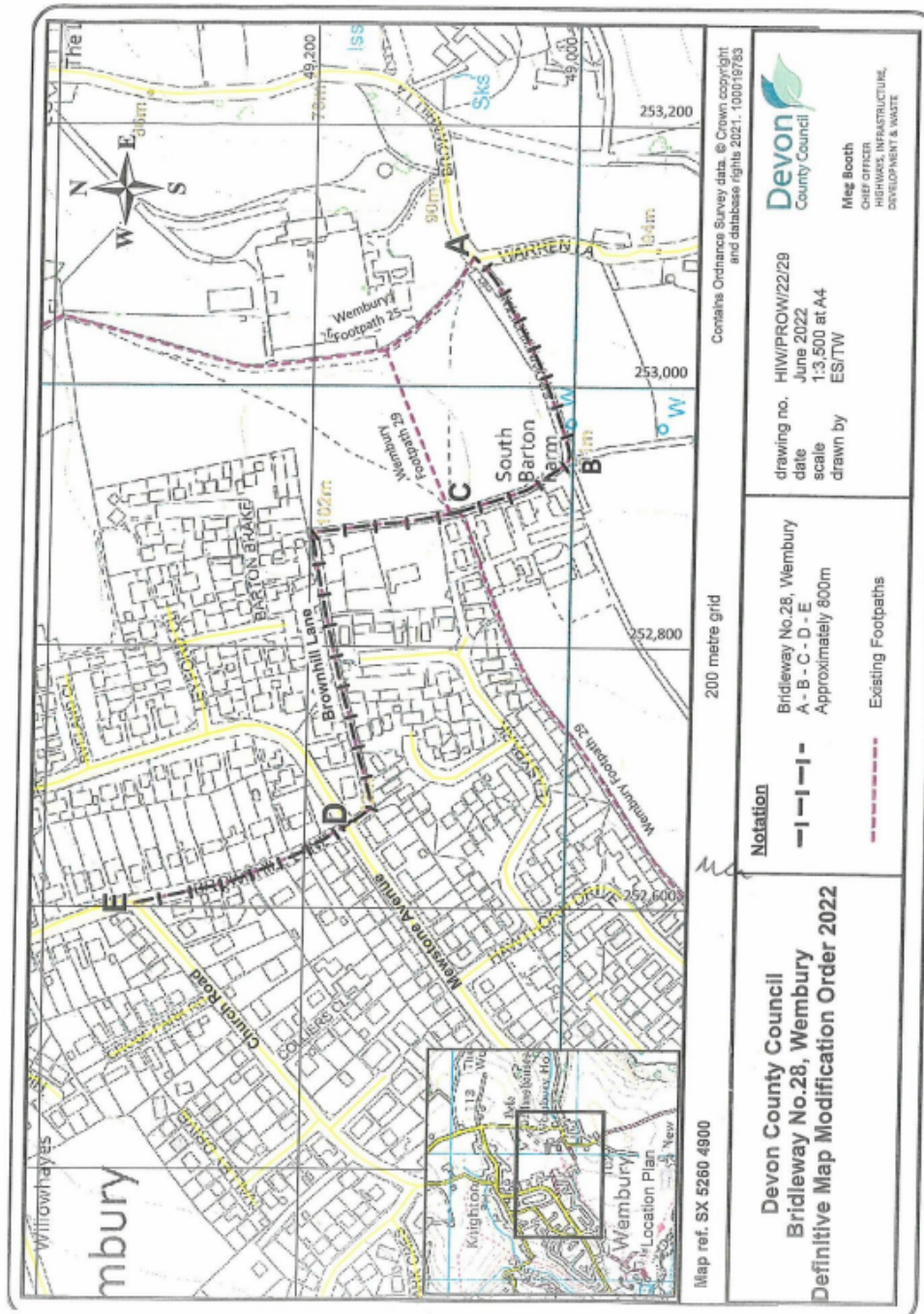
Address: M8 Great Moor House, Bittern Road, Exeter

es210224pra

sc/cr/Public Inquiry, Informal Hearing and Written Representation

03 210224

Order Decision ROW/3314087



CET/24/14

Public Rights of Way Committee
7 March 2024

Public Path Diversion and Definitive Map and Statement Modification Orders

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended that the report be noted.

2) Summary

Since the last Committee the following Public Path Diversion and Definitive Map and Statement Modification Orders have been made and confirmed under delegated powers. Plans are attached in the appendix to this report.

Modification Orders

Devon County Council Clyst St George (Footpath No. 10) Definitive Map Modification Order

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Division: Broadclyst

Local Government Act 1972: List of background papers

Background Paper Nil

Contact for enquiries:

Name: Richard Walton

Telephone: 01392 383000

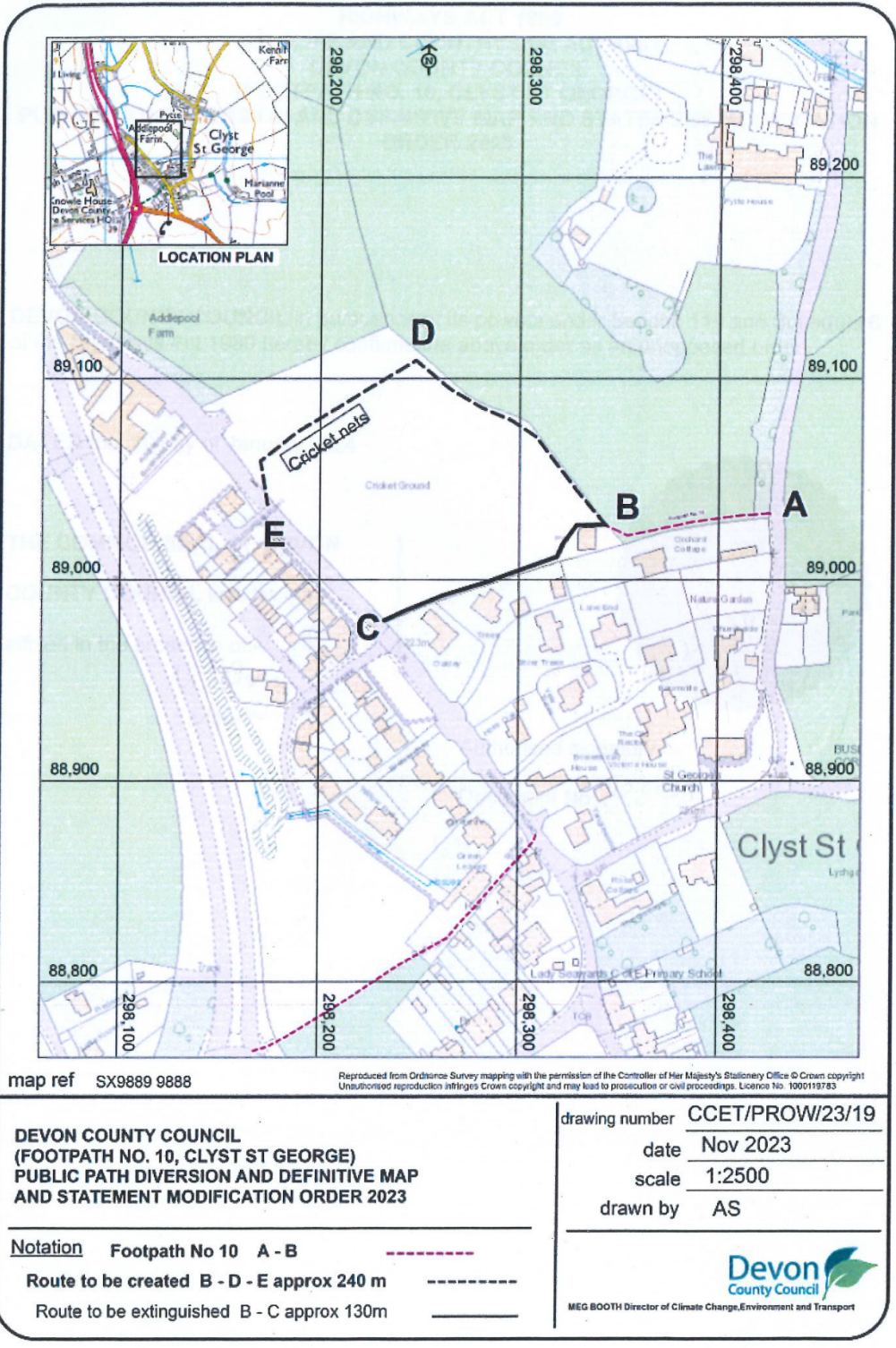
Address: M8, Great Moor House. Bittern Road, Exeter

rw210224pra

sc/cr/Public Path Diversion and Definitive Map

03 21024

Agenda Item 9



map ref SX9889 9888

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DEVON COUNTY COUNCIL
(FOOTPATH NO. 10, CLYST ST GEORGE)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER 2023

drawing number **CCET/PROW/23/19**
 date **Nov 2023**
 scale **1:2500**
 drawn by **AS**

Notation Footpath No 10 A - B -----
 Route to be created B - D - E approx 240 m -----
 Route to be extinguished B - C approx 130m _____


 MEG BOOTH Director of Climate Change, Environment and Transport

CET/24/15

Public Rights of Way Committee
7 March 2024

Public Path Orders

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) **Recommendation**

It is recommended that the report be noted.

2) **Summary**

Since the last Committee the following Public Path Orders have been made and confirmed under delegated powers. Plans are attached in the appendix to this report.

Diversion Orders

Devon County Council (Footpath No.10 Clyst St George)
Public Path Diversion and Definitive Map and Statement Modification Order 2023

Devon County Council (Footpath No.4, Broadwoodkelly)
Public Path Diversion and Definitive Map and Statement Modification Order 2019

Devon County Council (Footpath No.2, Cheriton Bishop) Public Path Diversion & Definitive Map and Statement Modification Order 2023

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Divisions: Broadclyst; Hatherleigh & Chagford; and Crediton

Local Government Act 1972: List of background papers

Background Paper Nil

Contact for enquiries:

Name: Richard Walton

Telephone: 01392 383000

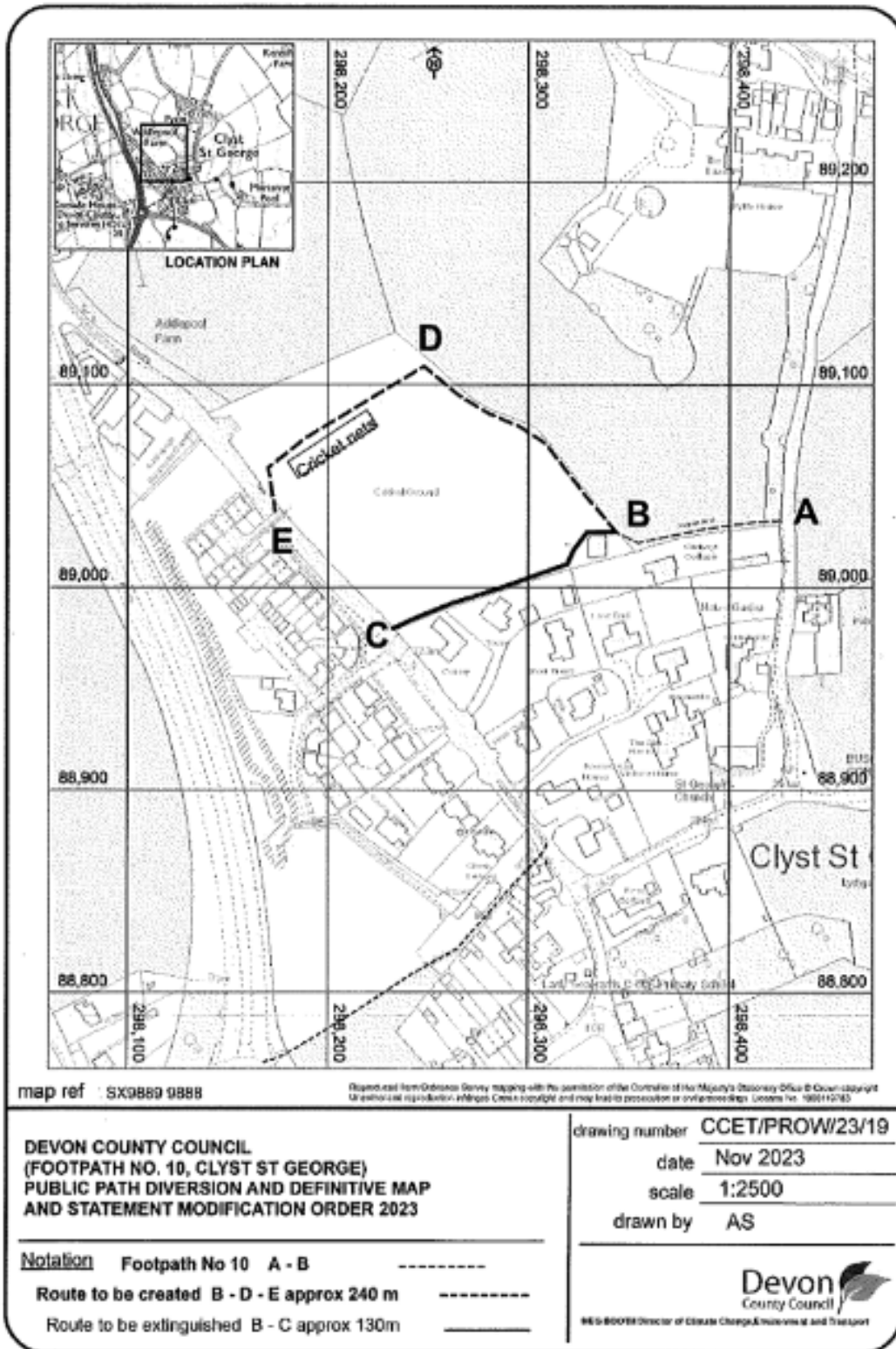
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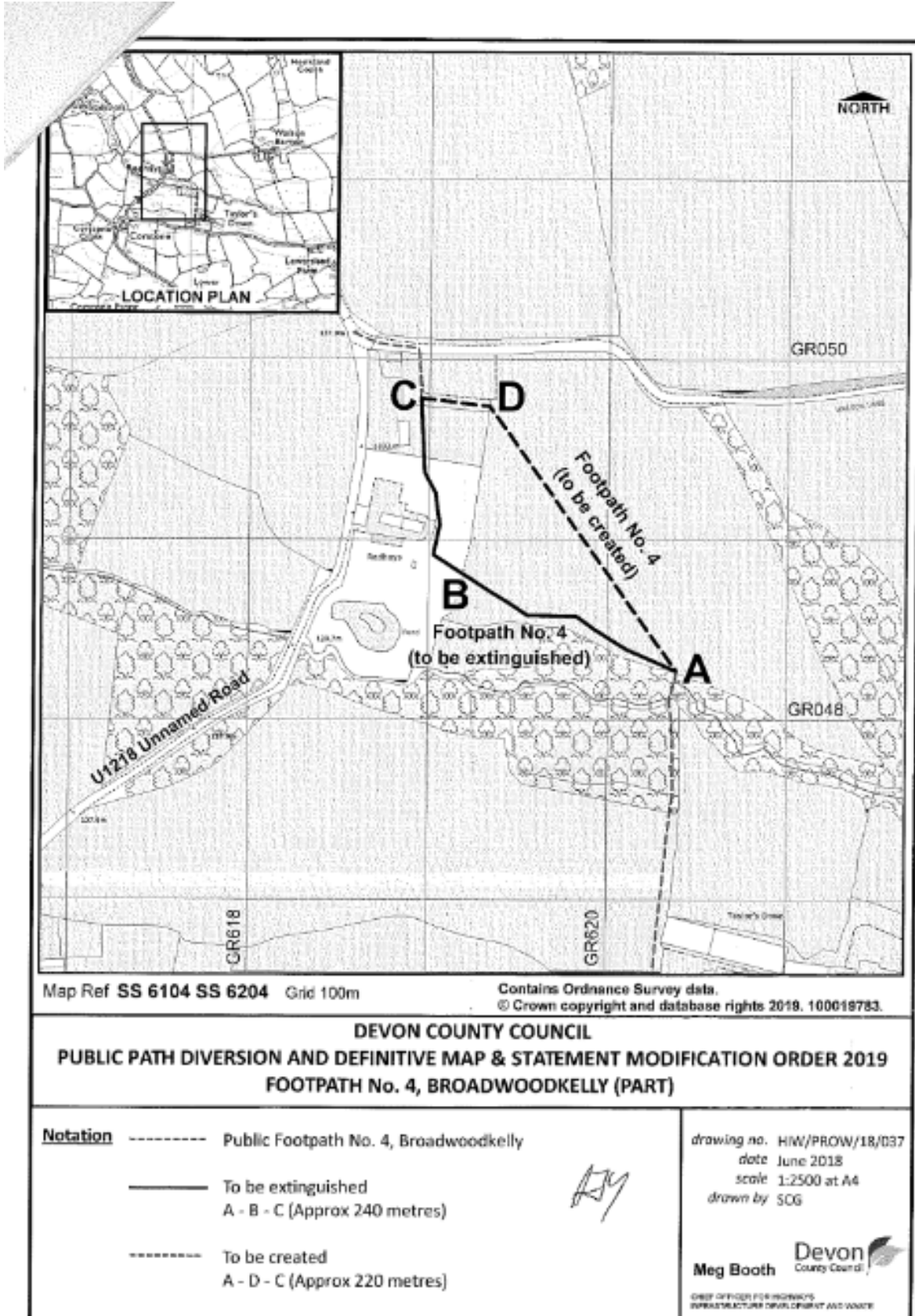
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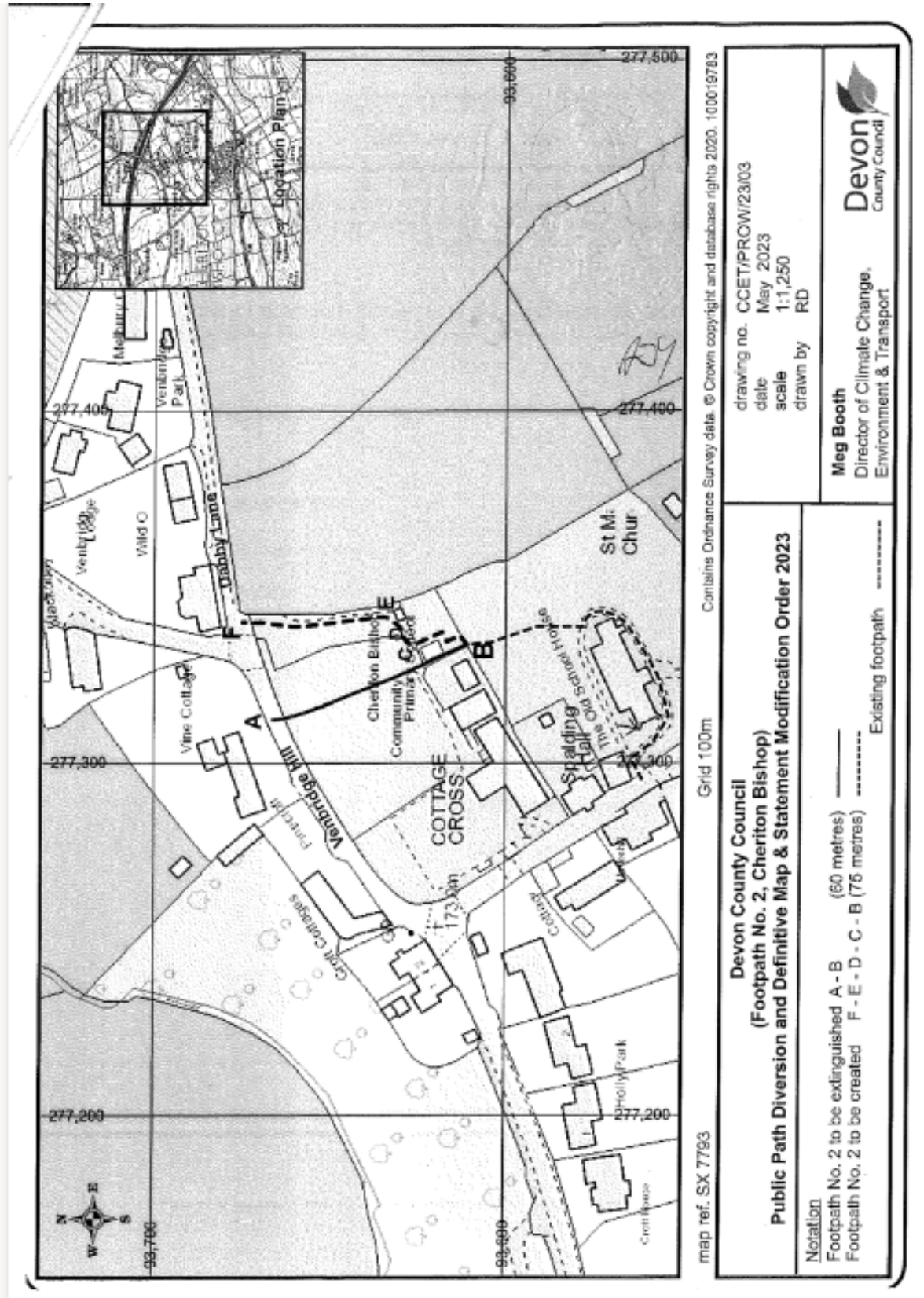
sc/cr/public Path Orders

03 210224

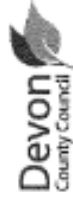
Agenda Item 10







map ref. SX 7793 Grid 100m Contains Ordnance Survey data. © Crown copyright and database rights 2020. 100019793

Devon County Council (Footpath No. 2, Cheriton Bishop) Public Path Diversion and Definitive Map & Statement Modification Order 2023		drawing no. CCET/PROW/23/03 date May 2023 scale 1:1,250 drawn by RD	 Devon County Council
Notation Footpath No. 2 to be extinguished A - B (60 metres) ——— Footpath No. 2 to be created F - E - D - C - B (75 metres) - - - - - Existing footpath - - - - -		Meg Booth Director of Climate Change, Environment & Transport	