

PUBLIC RIGHTS OF WAY COMMITTEE

4 March 2019

Present:-

Councillors P Sanders (Chair), T Inch, J Brook, P Colthorpe, A Dewhirst, L Hellyer, M Shaw and C Whitton

* 86

Minutes

RESOLVED that the minutes of the meeting held on 15 November 2018 be signed as a correct record.

* 87

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 88

Devon Countryside Access Forum

The Committee received the draft minutes of the Devon Countryside Access Forum meeting held on 24 January 2019 which covered a range of matters. The next meeting of the Forum would be on 25 April 2019 at Cheriton Bishop.

Members raised the issue of sheep worrying and Officers reported that they had met with the Rural Affairs Police Officer for Devon to discuss rural crime issues. Guidance was on the Council's public rights of way web pages, encouraging the public to report any incidents of livestock worrying to the Police.

Members noted that the Teignbridge District Council Public Space Protection Order on dog control was soon to be implemented. This would also cover Stover Country Park.

* 89

Parish Review: Definitive Map Review - Parish of Parracombe

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

(Councillor S Bastock on behalf of Parracombe Parish Council attended under the Council's Public Participation Scheme and spoke to this item in support of Proposals 2 and 3.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/16) which examined two of the three current proposals arising from the Definitive Map Review in Parracombe.

As to Proposal 2, Officers confirmed that Parracombe Parish Council would have an opportunity to comment on the further investigation regarding the status of Bridleway No 5.

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 restricted byway between points G – H as shown on drawing number HCW/PROW/18/28a (Proposal 2) to resolve an anomaly affecting Bridleway No. 5 so that it meets a public highway at both ends, and that further investigation be made regarding the status of Bridleway No 5 in the light of the evidence set out in this report.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by deleting a public bridleway between points J – L and adding a public bridleway between points J – K – L as shown on drawing number HCW/PROW/18/27a (Proposal 3) to resolve an error in the recording of Footpath No. 9 north of West Bodley.

* **90** **Parish Review: Definitive Map Review 2017-2019 - Parish of Lympstone**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

(Mr Goddard attended under the Public Participation Scheme and spoke to this item against Proposal 2.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/17) which examined three proposals arising from the Definitive Map Review in the Parish of Lympstone in East Devon.

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points A - B as shown on drawing number HIW/PROW/19/01.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Whitton and

RESOLVED that the making of a decision in respect of Proposal 2 be deferred pending further investigation as to the accuracy of paragraph 2.6.14 in the Report (HIW/19/17).

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

RESOLVED that a Modification Order be not made in respect of Proposal 3 and that it be noted that it is already recorded as highway maintainable at public expense.

* **91** **Parish Review: Definitive Map Review 2018-2019 - Parish of Clayhanger - Borden Gate Parish Council**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/18) which examined the Definitive Map Review in the Parish of Clayhanger in Mid Devon, one of the three parishes now within Borden Gate Parish Council.

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

RESOLVED that completion of the Definitive Map Review in the Parish of Clayhanger be noted requiring that modifications be not made.

* **92** **Parish Review: Definitive Map Review 2018-2019 - Parish of Huntsham - Borden Gate Parish Council**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/19) which examined the Definitive Map Review in the

Parish of Huntsham in Mid Devon, one of the three parishes now within Borden Gate Parish Council.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Inch and

RESOLVED that completion of the Definitive Map Review in the Parish of Huntsham be noted requiring that modifications be not made.

[Note: in accordance with Standing Order 32(4) Councillor Colthorpe requested that her abstention from voting on this decision be recorded.]

* **93** **Parish Review: Definitive Map Review 2017-2019 - Parish of Sampford Peverell**

(Councillor Colthorpe declared a personal interest in this item by virtue of being a member of the British Horse Society.)

The Committee received the Report of the Chief officer for Highways, Infrastructure Development and Waste (HIW/19/20) which examined the second of the three proposals for change arising out of the Definitive Map Review in the Parish of Sampford Peverell in Mid Devon.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Inch and

RESOLVED that it be noted that the route shown on drawing number HIW/PROW/18/017 is already a public footpath.

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

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/21) on decisions received from the Secretary of State.

* **95** **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/22) on a Modification Order confirmed as unopposed under delegated powers, namely Byway Open to All Traffic No. 21 and Footpath No. 15 Buckerell Definitive Map Modification Order 2018.

* **96** **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/23) on Public Path Orders made and confirmed under delegated powers, namely:-

Diversion Orders

- (i) Footpath No. 6, Coldridge Public Path Diversion & Definitive Map and Statement Modification Order 2018
- (ii) Footpath No. 7, Okehampton Public Path Diversion & Definitive Map and Statement Modification Order 2018
- (iii) Footpath No. 93, Bere Ferrers Public Path Diversion & Definitive Map and Statement Modification Order 2017
- (iv) Footpath No. 60, Sidmouth Public Path Diversion & Definitive Map and Statement Modification Order 2018

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4/03/19

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

The Meeting started at 1.00 pm and finished at 2.16 pm