

## PUBLIC RIGHTS OF WAY COMMITTEE

13 July 2023

Present:-

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

Apologies:-

Councillors J Brook and M Squires

\* 61

**Minutes**

**RESOLVED** that the minutes of the meeting held on 9 March 2023 be signed as a correct record.

\* 62

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

The Chair informed the Committee that there was a request to defer agenda item 6 as representatives were unable to attend due to a family bereavement.

There was also a request to defer agenda item 7 to enable further assessments to take place including possible impact on part of the lane.

It was agreed to defer both items until the next meeting in November.

\* 63

**Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 24 April 2023.

The minutes were noted.

\* 64

**Parish Review: Definitive Map Review - Parishes of East Budleigh with Bicton**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/46) which examined one proposal that arose as a result of the Definitive Map Review in the parishes of East Budleigh with Bicton. This was for a footpath claim for a path between Russel Drive and Oak Hill end of the Oakhill private estate road between points A-B-C on the plan CET/PROW/23/34.

Members were informed that from assessment of the user evidence, in conjunction with the lack of any historical evidence, it was considered that there is insufficient evidence to support the claim that this route is a public footpath.

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

(a) no Modification Order be made in respect of Proposal 1.

\* **65**      **Parish Review: Definitive Map Review - Parish of Parracombe - Part 3**

This item was deferred until the next meeting.

\* **66**      **Parish Review: Definitive Map Review - Parish of Washfield - Part 2**

This item was deferred until the next meeting.

\* **67**      **Parish Review: Definitive Map Review - Parish of Newton Poppleford & Harpford - Part 2**

Mr R Swan, the applicant for Proposal 3, attended the meeting under the Council's Public Participation scheme and spoke in favour of recommendation.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/49) on a proposal arising from the Definitive Map Review in the parish of Newton Poppleford & Harpford. This was the second report and examined a claimed footpath between High Street and School Lane in Newton Poppleford.

The Report stated from the assessment of the evidence, in conjunction with other historical evidence and all evidence available, it was considered sufficient to support the claim that public rights subsist on the balance of probabilities on the northern part of the proposal route between the car park and The Green.

There was further discussion regarding the full-length of the proposed route with claims that this was well used.

It was **MOVED** by Councillor Chesterton, **SECONDED** by Councillor Chubb and **RESOLVED**

- (a) that a Modification Order be made in respect of part of proposal 3 as shown between points E and G on the plan CCET/PROW/23/33; and
- (b) that prior to making the Order, the Council negotiates with the landowners with a view to extending the proposal to Point F on the plan

CCET/PROW/22/86, and subject to these negotiations being successful, delegate authority to the Chair of the Committee to determine the proposal.

\* 68     **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee received the report of the Director of Climate Change, Environment and Transport (CET/23/50) which outlined decisions received from the Secretary of State since the last meeting of the Committee.

Members noted the report.

\* 69     **Public Path Diversion and Definitive Map Modification Orders**

The Committee received the report of the Director of Climate Change, Environment and Transport (CET/23/51) on Public Path Diversion and Definitive Map Modification Orders that had been confirmed as unopposed under delegated powers.

Members noted the report.

\* 70     **Dates of Future Meetings**

Dates of future meetings were noted as:

23 November 2023 and 7 March 2024

**NOTES:**

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

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

The Meeting started at 2.15 pm and finished at 2.45 pm