

PUBLIC RIGHTS OF WAY COMMITTEE

11 July 2024

Present:-

Councillors L Hellyer (Chair), R Chesterton (Vice-Chair), D Barnes, J Brook and D Thomas

Apologies:-

Councillors I Chubb, M Squires and D Sellis

97 Declarations of Interest

*** 98 Minutes**

RESOLVED that the minutes of the meeting held on 7 March 2024 be signed as a correct record.

*** 99 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

*** 100 Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 22 April 2024.

*** 101 Parish Review: Definitive Map Review - Parish of Littleham 2023-24**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/50) which examined the current proposal arising from the definitive map review in Littleham.

On 24 March 2005 the Committee resolved that a Modification Order be made for the status of footpath. Due to local requests prior to this Order being made, a dedication agreement was sought to record the route as a bridleway. This was not successful, but for reasons not known, the Modification Order as resolved, was not made.

As an Order had not been made following the Committee resolution in 2005, the proposal was again considered by the Committee at the meeting held on 23 November 2023. The Committee resolved that a Modification Order be

made for the status of footpath. Additional evidence was then received within six months of the Committee meeting indicating that status should be bridleway, and in line with current policy has been assessed promptly rather than being deferred to the end of the parish by parish review process

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 bridleway along Upadown/Shutta Lane, Littleham between points A - B, as shown on drawing number CCET/PROW/23/78 (Proposal 1). This will update the resolution made by this Committee on 23 November 2023 and 24 March 2005.

* **102** **Parish Review: Definitive Map Review 2009 - Parish of Halberton Part 1**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/51) which examined the route arising out of the Definitive Map Review in the parish of Halberton in mid Devon.

It was noted that a second proposal would be heard at a future Public Rights of Way Committee meeting.

The original Halberton Parish Survey under Section 27 of the National Parks and Access to the Countryside Act 1949 identified 37 paths. Paths were reviewed and 19 were withdrawn or omitted as they were considered to be private. After publication of the draft definitive map, 8 paths received objection and 4 footpaths were subsequently recorded with 2 substantially shortened in length. A total of 14 footpaths were subsequently recorded on the Definitive Map and Statement with the relevant date 9 June 1964. Footpath 71 was transferred from Uplowman parish following construction of the A361 and change to the parish boundary.

It was noted that the proposal was within Tiverton East and Councillor Slade had been consulted.

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 the addition of a Public Footpath between points E - F and G – H as shown on plan number CCET/PROW/24/23.

* **103** **Schedule 14 application - Parish of Chardstock**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/52) which examined a proposal arising from a schedule 14 application to add a footpath along Stockstyle Lane.

A Definitive Map Review of the Parish of Chardstock was conducted between 1987 and 1991. The proposal had not been put forward during the review and it had not appeared in any previous reviews. A Schedule 14 application was submitted and was added to the register for determination once the parish by parish review had been completed. Due to the likelihood of an appeal to the Secretary of State for non-determination of the application, and because public access along the route had been blocked, it was decided that the application be considered out of turn.

During general discussion, Members noted that there was no evidence that users had been challenged prior to a gate being installed within the land by an adjacent landowner.

In response to a question about the gate, Members heard that currently, if accepted that public rights subsist, the gate is an unlawful obstruction. However, Devon County Council as highway authority may authorise a gate for livestock management on land used for agricultural purposes, or may provide a gate for safety or enhancing amenity of the public right of way. Members were keen that permission for the gate be regularised and suggested that a suitable application be invited by the landowner, and that if submitted, such an application be supported.

It was **MOVED** by Councillor Thomas **SECONDED** by Councillor Hellyer and

RESOLVED: that a modification order be made in respect of proposal one (claimed footpath along Stockstyle lane, between Chardstock footpath 24 and the unclassified County Road, points A - B on the proposal map CCET/PROW/24/7).

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

The Committee **NOTED** the report of the Director of Climate Change Environment and Transport (CET/24/53).

* 105 **Public Path Diversion and Definitive Map and Statement Modification Orders**

The Committee considered and **NOTED** the report of the Director of climate Change Environment and Transport (CET/24/54) and plans CCET/PROW/23/66 and CCET/PROW/23/03 which informed that a public

path diversion and definitive map and statement modification orders had been made and confirmed under delegated powers.

* **106** **Public Path Orders**

The Committee **NOTED** the report of the Director of Climate Change Environment and Transport (CET/24/55) on the Public Path Orders made and confirmed under delegated powers.

107 **Rights of Way Improvement Plan**

The Committee considered the report of the Director of Climate Change Environment and Transport (CET/24/56) which examined progress of reviewing the Rights of Way Improvement Plan (Devon on the Move, Rights of Way Improvement Plan version 3).

The review of objectives and policies had commenced in 2022 and had been undertaken in consultation with relevant organisations and groups and the document was endorsed by the Devon Countryside Access Forum at their April 2024 meeting. The review is completed on a 10 year cycle, lastly in 2012.

The main purpose of the document is to set out the key principles to inform and steer maintenance and improvement of the public rights of way and wider access network across Devon. Objectives and policies will influence service priorities, working practises and action plans to enhance and extend the network.

The improvement plan considers a number of elements including: meeting the present and likely future needs of the public; and opportunities provided for exercise and other forms of open air recreation and enjoyment.

It was noted in regards to the policy on Schedule 14 applications that Secretary of State direction may also require that applications and claims be considered outside of the parish by parish review process.

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

RESOLVED: that objectives and policies for the Devon Rights of Way Improvement Plan be updated as set out in the appendix to the report.

108 **Dates of future meetings**

The next meetings of the Committee to be held on 14 November 2024 and 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 3.00 pm