

PUBLIC RIGHTS OF WAY COMMITTEE

24 November 2016

Present:

Councillors P Sanders (Chairman), P Colthorpe, A Eastman, R Gilbert, J Knight and E Morse

Apologies:

Councillors J Brook and G Hook

* 11

Minutes

RESOLVED that the minutes of the meeting held on 8 July 2016 be signed as a correct record.

* 12

Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 13 October 2016. The next meeting of the Forum would be held at the Stover Country Park on 26 January 2017 and would be open to the public.

* 13

Public Rights of Way Update

The Chief Officer for Highways, Infrastructure Development and Waste reported on national and local matters relevant to the Committee's work, including:

- the updating of the Public Rights of Way website (<https://new.devon.gov.uk/prowl/>) which included an interactive Rights of Way map, Definitive Maps with links to national guidance and policy documents;
- consultations would be also included on the website (in preparation for changes resulting from the Deregulation Act, as there would be no requirement for them to be advertised in the local press);
- the continuing delay in publishing the necessary Regulations resulting from the Deregulation Act 2015; a further update would be given at the next meeting;
- the deadline for tenders for the two year maintenance and improvement contract for the Public Rights of Way and Country Parks would close on 25 November 2016;
- Natural England would be reporting next March on coastal areas in North Devon and South Devon.

* 14

Parish Reviews: Definitive Map Review 2015/16 - Parishes of Clyst St Mary and Sowton (administered as Bishops Clyst)

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/9) and background papers available prior to and at the meeting examining the Definitive Map Review for the Parishes of Clyst St Mary and Sowton, which was administered as Bishops Clyst.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Gilbert and

RESOLVED that an Order be made to add a Public Footpath to the Definitive Map and Statement for Sowton Parish as shown between points A-B-C-D-E-B and F-G, as shown on drawing number HCW/PROW/16/12v2.

* **15** **Parish Review: Definitive Map Review - Parish of Ilfracombe (Part 3)**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/10) and background papers available prior to and at the meeting examining a Schedule 14 application at Higher Slade in the Parish of Ilfracombe.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight and

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath to the Definitive Map and Statement between points A-B-C along Doggie Lane, as shown on drawing number HCW/PROW/16/35.

* **16** **Parish Review: Definitive Map Review 2006/16 - Parish of Luppitt Part 2 with part of Upottery Parish**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/11) and background papers available prior to and at the meeting examining give proposals arising out of the Definitive Map Review in the Parish of Luppitt.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Gilbert and

RESOLVED that Modification Orders be not made in respect of Proposals 15-19 for the applications to record claimed public footpaths in parts of Luppitt Parish and an adjoining part of Upottery Parish.

* **17** **Parish Review: Definitive Map Review 1997-2016 - Parish of Zeal Monachorum**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/12) examining the Definitive Map Review in the Parish of Zeal Monachorum,

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight and

RESOLVED that the Committee note that the Definitive Map Review in the Parish of Zeal Monachorum was complete and no modifications were required.

* **18** **Addition of public footpath through Brimhay from Gidley's Meadow to Forder Lane in the Parish of Dartington**

(Mrs Turrell and Councillor Mrs Hodgson (South Hams District Council) attended the meeting under the Council's Public Participation Scheme and spoke to this item on behalf of the applicant and in support, respectively, of the Schedule 14 Application).

The Committee received the Report of the Chief Officer of Highways, Infrastructure Development and Waste (HIW/16/13) and background papers available prior to and at the meeting examining a Schedule 14 application made in June 2015 for the addition of a public footpath from Forder Lane House on Gidley's Meadow, Brimhay to Forder Lane in the Parish of Dartington.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Knight and

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement and record a public footpath along the line A-C-B as shown on drawing number HWC/PROW/16/24.

* **19** **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/16/14) of Modification Orders received from the Secretary of State/High Court, namely:

(a) Modification Orders

(i) Footpaths No. 8, Northleigh, No. 3, Farway, No. 6, Colyton and No. 10, Southleigh Definitive Map Modification Order 2013 – not confirmed.

(ii) Schedule 14 Applications for the addition of a footpath between the road near Carpenter's Hill in Combe Raleigh, and Greenway Lane near Greenway Manor in Luppitt (Combe Raleigh proposal 9/Luppitt proposal 10) – Appeal dismissed.

(iii) Schedule 14 Applications for the addition of a footpath from the Dunkeswell to Honiton Road near Combe House in Combe Raleigh, to the minor county road near Lower Shelvin Farm in Luppitt (Combe Raleigh proposal 8/Luppitt proposal 9) – Appeal allowed.

(b) Public Path Orders

(i) Footpath No. 26, Exeter Rail Crossing Diversion Order 2015 – confirmed with modifications.

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

RESOLVED that the report be noted and, following the Secretary of State's direction in respect of item (a)(iii), authorisation be given for an Order to be made adding the footpath as shown between points V-W-X on drawing number HTM/PROW/14/83.

* **20** **Modification Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/15) of Modification Orders confirmed as unopposed under delegated powers, namely:

- (a) Bridleway No. 54, Clayhidon Definitive Map Modification Order 2016
- (b) Restricted Byway No. 53, Clayhidon Definitive Map Modification Order 2016
- (c) Footpath Nos. 40, 88 & 112, Ilfracombe Definitive Map Modification Order 2016
- (d) Footpath No. 65, Ilfracombe Definitive Map Modification Order 2016
- (e) Bridleway No. 66, Ilfracombe Definitive Map Modification Order 2016
- (f) Footpath No. 109, Ilfracombe Definitive Map Modification Order 2016
- (g) Footpath No. 122, Ilfracombe Definitive Map Modification Order 2016

* **21** **Public Path Orders**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/16) of Public path Orders made and confirmed under delegated powers, namely:

(a) Diversion Orders

- (i) Footpath No. 75, Bere Ferrers Public Path Diversion and Definitive Map and Statement Modification Order 2015
- (ii) Footpath No. 91, Bere Ferrers Public Path Diversion and Definitive Map and Statement Modification Order 2015
- (iii) Bridleway Nos. 4, Morthoe and Georgeham Public Path Diversion and Definitive Map and Statement Modification Order 2013
- (iv) Footpath No. 35, Hemyock Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (v) Footpath No. 2, Buckland Brewer Public Path Diversion Order 2016
- (vi) Footpath No. 39, Chardstock Public Path Diversion Order 2016
- (vii) Bridleway No. 22, Hennock Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (viii) Bridleway No. 12 and Footpath No. 13, Dunkeswell Public Path Diversion and Definitive Map and Statement Modification Order 2015
- (ix) Footpath No. 12, South Huish Public Path Diversion and Definitive Map and Statement Modification Order 2013
- (x) Footpath No. 1, Berrynarbor Public Path Diversion and Definitive Map and Statement Modification Order 2014
- (xi) Footpath No. 3, North Molton Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (xii) Footpath Nos. 1 and 10, Bondleigh Public Path Diversion Order 2016
- (xiii) Footpath No. 1, Bondleigh Public Path Diversion Order 2016
- (xiv) Footpath No. 51, Chardstock Public Path Diversion and Definitive Map and Statement Modification Order 2016
- (xv) Bridleway No. 44, Shaugh Prior Temporary Public Path Diversion Order 2016

(b) Creation Orders/Agreements

- (i) Footpath No. 6, Strete Public Path Creation Agreements 2016 (x8)
- (ii) Footpath No. 28a, Newton & Noss Public Path Creation Agreement 2016
- (iii) Footpath No. 39, Newton & Noss Public Path Creation Order 2014

(c) Extinguishment Orders

- (i) Footpath No. 5, Chawleigh (Part) Public Path Extinguishment and Definitive Map and Statement Modification Order 2016
- (ii) Footpath No. 22, Dunkeswell Public Path Extinguishment and Definitive Map and Statement Modification Order 2015
- (iii) Footpath No. 10, Holbeton and No. 39, Newton and Noss Public Path Extinguishment Order 2014

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

The Meeting started at 2.00 pm and finished at 3.30 pm