

PUBLIC RIGHTS OF WAY COMMITTEE

15 November 2018

Present:-

Councillors P Sanders (Chair), T Inch, P Colthorpe, A Dewhurst, L Hellyer and C Whitton

Apologies:-

Councillors M Shaw

* 76

Minutes

RESOLVED that the minutes of the meeting held on 5 July 2018 be signed as a correct record.

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Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

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Announcements

The Chair welcomed Mr Hipkin who was attending the meeting in his capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework. He also welcomed Tom Green, the new Definitive Map Officer for the East Devon area.

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Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 9 October 2018 and a verbal update was given on the management of public rights of way and off-road cycle routes.

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Parish Review: Definitive Map Review - Parish of Kentisbury

(Councillor Davis attended in accordance with Standing Order 23(2) and spoke to this item at Proposal 1 at the invitation of the Committee and Councillor Harper-Davis from Kentisbury and Trensishoe Parish Council attended the meeting under the Council's Public Participation scheme and spoke to this item at Proposal 1.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/75) which examined two proposals arising from the Definitive Map Review in the Parish of Kentisbury.

There was discussion with Members and Officers around safety issues relating to Proposal 1 where the right of way exited onto the A39 road. Whilst safety factors were not pertinent to the decision, officers highlighted that the Council could carry out a Safety Assessment at the location should the route be recorded, and if so requested.

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

RESOLVED

- (a) that a Modification Order be made to modify the Definitive Map and Statement by adding a restricted byway to the Definitive Map and Statement between points A-B-C-D as shown on drawing number HCW/PROW/17/34 (Proposal 1); and

(b) that a Modification be not made in respect of Proposal 2.

* **81** **Parish Review: Definitive Map Review - Parish of Sampford Peverell**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/76) which examined 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

(a) that a Modification Order be made to modify the Definitive Map and Statement by adding a Public Bridleway along Whitnag Lane between points A-B-C-D as shown on drawing number HIW/PROW/18/012 (Proposal 1); and

(b) that a Modification Order be not made in respect of Proposal 3.

* **82** **Parish Review: Definitive Map Review - Parish of Uplowman**

(Councillor Colthorpe declared a personal interest in Proposal 1 by virtue of knowing persons mentioned in the Report.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/77) which examined the route referred to as Proposal 1 arising out of the Definitive Map Review in the Parish of Uplowman in Mid Devon. The route was also Proposal 1 in the Definitive Map Review for the Parish of Sampford Peverell running concurrently (Minute 81).

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

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by the addition of a Public Bridleway along Whitnag Lane between points A-B-C-D as shown on drawing number HIW/PROW/18/012 (Proposal 1).

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

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/78) on decisions received from the Secretary of State.

It was noted that the Report omitted reference in (i) to a second Modification Order, and should read:

'(i) Devon County Council (Footpath Nos 60 and 61 Luppitt) and (Footpath No 62 Luppitt) Definitive Map Modification Orders 2017...'

* **84** **Modification Orders**

The Committee received the Report of the Chief officer for Highways, Infrastructure Development and Waste (HIW/18/79) on Modification Orders confirmed as unopposed under delegated powers, namely:-

- (i) Footpath No 10a, Culmstock Definitive Map Modification Order 2018
- (ii) Footpath Nos 49 and 50, Salcombe Definitive Map Modification Order 2018.

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Public Path Orders

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/18/80) on Public Path Orders made and confirmed under delegated powers, namely:-

Diversion Orders

- (i) Bridleway No. 15, Axminster Public Path Diversion & Definitive Map and Statement Modification Order 2015.
- (ii) Footpath No. 36, Upottery & Footpath No. 7, Stockland Public Path Diversion & Definitive Map and Statement Modification Order 2018.
- (iii) Footpath No. 23, Holcombe Rogus Public Path Diversion & Definitive Map and Statement Modification Order 2017.

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

The Meeting started at 2.15 pm and finished at 3.25 pm