

PUBLIC RIGHTS OF WAY COMMITTEE

30 June 2022

Present:-

Councillors L Hellyer (Chair), D Barnes, J Bradford, J Brook, I Chubb and D Thomas

Apologies:-

Councillors R Chesterton and D Sellis

Members attending in accordance with Standing Orders 8 and 25

* 27

Minutes

RESOLVED that the minutes of the meeting held on 10 March 2022 be signed as a correct record.

* 28

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 29

Devon Countryside Access Forum

The Committee received and noted the draft minutes of the Devon Countryside Access Forum meeting held on 25 April 2022.

Reference was made to the January 2026 cut-off date (as set out in the Countryside and Rights of Way Act 2000) for claims made on historic evidence which was likely to be repealed. Concerns were raised that this could lead to an increase in work and could lead to delays on the Definitive Map Review. However, the Public Rights of Way and Country Parks Manager assured members that this would likely have little impact on priorities and work would continue on the Devon map review. The Committee agreed to note this point.

* 30

Parish Review: Definitive Map Review - Parishes of Bradford & Cookbury

The Committee considered the report regarding a footpath as part of the Definitive Map Review in Bradford and Cookbury.

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

RESOLVED that no Modification Order be made to modify the Definitive Map and Statement by upgrading Footpath No. 1, Bradford, to a bridleway between points A – B – C – D – E – F – G – H, as shown on drawing number HCW/PROW/20/37.

* **31** **Schedule 14 Application: Parish of Newton Poppleford & Harpford**

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding a claimed footpath known as Moor Lane, Southerton, between county road Lynch Head and Footpath No. 17, points A-B on the proposal map HIW/PROW/22/08.

The application included 30 user evidence forms and the route appeared to have been well-used historically.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hellyer and **RESOLVED** that a Modification Order be made in respect of the proposal for a footpath between the county road at Lynch Head and Footpath No. 17.

* **32** **Schedule 14 Application: Parish of Colyton**

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding a proposal about a claimed footpath between Whitwell Lane and Holyford Lane, Colyton, points A-B on the proposal map HIW/PROW/22/10.

The recommendation was for an order to be made to record a footpath in respect of the application. This was based on assessment of the evidence.

There was debate, discussion and questions regarding historic use of the footpath and related signage at different points in time. Some of the strongest user evidence was from the 1950s to 1980s but there was also information regarding more recent permissive signage.

The proposal was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Bradford with two votes for and three against.

It was **RESOLVED** that no Modification Order be made in respect of the proposal for a Footpath between Whitwell Lane and Holyford Lane, Colyton.

* **33** **Schedule 14 Application: Parishes of Loddiswell and Aveton Gifford**

(The following people attended the meeting under the Council's Public Participation Scheme: Mrs Wilson, the applicant who spoke in support of the application and Mrs Savary and Mr Hunt, spoke against the application)

The Committee considered a report of the Director of Climate Change, Environment and Transport regarding an application for a footpath starting at point A on plan no. HIW/PROW/22/28 on the county road east of Langland

Bridge and continuing in a north westerly direction along Stanton Lane, past Stanton Court and Stanton Cottage to the brook by Higher Stanton Coppice, continuing south west through the trees the parish boundary with Aveton Gifford and continues west thorough pasture to join Footpath No.16 at point F.

Points A - B and points B - C on the plan are public highways and so it is points C – F to which consideration of a public footpath applied.

The report concluded that in the absence of user evidence, it cannot be shown that there has been use as of right. The documentary evidence is considered insufficient to show that there had been express or implied dedication by any landowner or any acceptance by the public of the claimed route as a public footpath. It was therefore recommended that no modification be made.

It was **MOVED** by Councillor Barnes and **SECONDED** by Councillor Thomas and **RESOLVED** that no Modification Order be made to modify the Definitive Map and Statement by the addition of a public footpath continuing from Stanton Lane to Footpath No.16, Aveton Gifford as marked C - D - E - F on drawing number HIW/PROW/22/28.

* **34** **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/22/19) on decisions received from the Secretary of State.

* **35** **Public Path Diversion and Definitive Map Modification Orders**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/20) on Public Path Diversion and Definitive Map Modification Orders that has been confirmed as unopposed under delegated powers.

* **36** **Public Path Orders**

The Committee noted the report of the Director of Climate Change, Environment and Transport (CET/22/21) on Public Path Orders that had been made and confirmed under delegated powers.

37 **Dates of Future Meetings**

The Committee noted the dates for future meetings of 3 November 2022 and 9 March 2023.

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 3.05 pm