

## PUBLIC RIGHTS OF WAY COMMITTEE

14 November 2024

Present:-

Councillors L Hellyer (Chair), R Chesterton (Vice-Chair), D Barnes, J Brook, I Chubb and M Squires

Apologies:-

Councillors J Bradford, D Sellis and D Thomas

**109**      **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [A list of county councillors who are also district, borough, city, parish or town councillors](#)

\* **110**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 11 July 2024 be signed as a correct record.

\* **111**      **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* **112**      **Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 23 September 2024 and in particular noted the project at Instow which trialled use of 'flexipave', to reduce carbon and test its robustness in a high use area.

\* **113**      **Parish Review: Definitive Map Review - Parish of Ashwater**

The Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/97) which examined several proposals arising from the Definitive Map review in Ashwater.

The original survey of the National Parks and Access to the Countryside Act 1949 produced no proposals for change to the Definitive Map and the limited special review of Route Used as Public Path (RUPP's) during the 1970s did not affect the parish.

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

- (a) that a Modification Order be made to modify the Definitive Map and Statement by deleting part of Footpath No. 1 between points O – P as shown on drawing number CCET/PROW/23/16 (Proposal 1);

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

- (b) that a Modification Order be made to modify the Definitive Map and Statement by deleting part of Footpath Nos. 2, 3 and 4 between points Q – R – S – T – U as shown on drawing number CCET/PROW/23/14 (Proposal 3);

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

- (c) that a Modification Order be made to modify the Definitive Map and Statement by deleting part of Footpath No. 12 between points C1 – D1 as shown on drawing number CCET/PROW/23/19 (Proposal 6)

\* **114**      **Parish Review: Definitive Map Review 2009 - Parish of Halberton - Part 2**

**RESOLVED:** that no Modification Order be made to modify the Definitive Map and Statement for the addition of a Public Footpath between points A - D as shown on plan numThe Committee considered the report of the Director of Climate Change, Environment and Transport (CET/24/98) which examined the route arising out of the Definitive Map Review in the parish of Halberton in mid Devon. A report on proposal 1 was taken to the Public Rights of Way Committee meeting on the 11 July 2024 (as set out in CET/24/51).

Mr Stevens, land owner relating to Part 2, attended the meeting under the Council's Public Participation scheme and made objection to the proposal (but in support of the recommendation) that no modification be made to the Definitive Map for the addition of the public footpath. He commented that current users did not stay on the pathway and damage to cereal crops had occurred recently.

Mr Britton, speaking on behalf of Halberton Parish Council in support of the proposal (but in objection to the recommendation), referred to the representation made at the consultation stage which included the following points:

- that the existence of a footpath had been given insufficient historical consideration;
- that greater weight should be placed on the Finance Act; and
- that Ordnance Survey documentation has shown and labelled as a footpath on OS maps from 1880 through to 1961

During general discussion, Members noted that there had been insufficient user evidence to demonstrate that a path had been accepted or in use. Members also noted that Halberton Parish Council could potentially submit the route as an application under schedule 14 of the Wildlife and Countryside Act 1981.

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

**RESOLVED**: that no Modification Order be made to modify the Definitive Map and Statement for the addition of a Public Footpath between points A - D as shown on plan number CET/PROW/23/89

\* **115**      **Schedule 14 application - Parish of Sheldon**

The Committee considered the report of the Director of Climate Change Environment and Transport (CET/24/99) which examined one proposal arising from a Schedule 14 Application in the parish of Sheldon.

A Definitive Map Review of the Parish of Sheldon was conducted in 2014. This proposal was not put forward in full during the review and had not appeared in any previous reviews. A proposal was considered for a claimed missing link footpath along Landcroft lane between footpaths 2 and 3 which had no recorded public status. Evidence of a route was submitted and an order was confirmed on 10 July 2015.

An application for a bridleway was submitted via Sheldon Parish Meeting in March 2023 following the erection of a no through road sign on the lane by the landowner. It was considered reasonable to add the bridleway to the Definitive Map.

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

**RESOLVED**: that a Modification Order be made in respect of the proposal to add a Bridleway along Landcroft Lane, Sheldon, points A-B-C-D on the proposal map CCET/PROW/24/24

\* **116**      **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/24/100)

\* **117**      **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/24/101) and plans

CCET/PROW/24, CCET/PROW/24/11 and CCET/PROW/22/29 which informed that Public Path Diversion and Definitive Map and Statement Modification Orders have been made and confirmed under delegated powers:

Exmouth (Footpath No. 25) Definitive Map Modification Order 2024;  
Newton Poppleford and Harpford (Footpath No. 40) Definitive Map Modification Order 2024; Bridleway No. 28 Wembury Definitive Map Modification Order 2022.

\* **118**      **Public Path Orders**

The Committee **NOTED** the Report of the Director of Climate Change Environment and Transport (CET/24/102) on the Public Path Orders made and confirmed under delegated powers.

\* **119**      **Dates of Future Meetings**

The next meetings of the Committee will be held at 10.30am on the following dates:

6 March 2025  
17 July 2025  
18 November 2025  
4 March 2026

**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