

**NORTH YORKSHIRE
LOCAL ACCESS FORUM**

17 AUGUST 2006

**PUBLIC RIGHTS OF WAY
DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS - AN UPDATE**

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to provide an update to the Local Access Forum on the progress with the processing of Definitive Map Modification Order applications since September 2004.

2.0 RECENT DETERMINATIONS

- 2.1 Since the last report to this meeting in September 2004, 62 application files have been investigated and have been resolved by an Order or Agreement, or have been closed.

- 2.2 24 Modification Orders or Creation Agreements have been made for:-

- 97/01 Craven Sutton-in-Craven Holme Bridge to The Hawthorns
- 99/05 Craven Carleton Vicars Row to Beckside
- 01/07 Hambleton Aiskew Back Lane FPs No.7 & 8
- 99/22 Hambleton Seamer Between old PO & Village Hall to FP 3
- 89/12 Harrogate Givendale River Walk, Ox Close Locks to Roecliffe
- Harrogate Harrogate Borough Harlow Moor Ward, Pinewoods
- 04/05 Harrogate Hartwith cum Winsley Knox Lane, Low Laithe.
- 81/01 Harrogate High and Low Bishopside Dredging Box Bank
- 04/12 Harrogate Hutton Conyers Pillmore Lane, Hutton Conyers
- Harrogate Markington with Wallerthwaite Near Hincks
- 93/05 Harrogate Middleton East end of fp No.5 (now footpath 11)
- 95/22 Richmondshire Redmire Redmire Falls
- 04/03 Ryedale Thornton le Clay Judy Lane - Low St to 'High St
- 93/12 Ryedale Westow Chapel Lane to Main Street
- 01/17 Ryedale Willerby Binnington to Willerby
- 01/16 Ryedale Willerby Wain's Lane to A64
- 92/06 Scarborough Newby and Scalby Barmoor Lane to Carr Lane
- 92/19 Scarborough Scarborough Osgodby Res to Knox Lane
- 00/10 Selby Barlby Church Lane
- Selby Grimston Seavy Carr Wood
- 00/04 Selby North Duffield Hall Farm to Park Farm
- 93/09 Selby Saxton cum Scarthingwell Scarthingwell Park
- 86/07 Selby Sherburn in Elmet Church Hill to Low Street

- 95/26 Selby South Milford High St to West Field Lane

Note:- The reference No. is allocated when the application was submitted. The format relates to the year, and then the next number in the list. For example 97/01, Holme Bridge application in Sutton in Craven, was the first application received in 1997.

- 2.3 35 applications files have been closed. These files were those where there was insufficient information on the file to consider promoting an Order. Where it was possible to identify the person who had apparently had some interest in the matter they were contacted with a request for a formal application, if there was still local interest in the route. Where the route was identifiable, and had some apparent potential merit as a public right of way, consultations were undertaken with the local user groups.
- 2.4 3 applications have been formally rejected. These were applications where the evidence submitted did not correspond with the criteria in accordance with the relevant legislation. The reason for the rejection of the applications was explained to the applicant, giving them the opportunity to amend the application, or appeal to the Secretary of State if they disagreed with our decision.

3.0 APPLICATIONS UNDER CONSIDERATION BY AREA COMMITTEES

- 3.1 Two applications are to be considered at Area Committees within the next couple of months.
- 04/10 Harrogate - Marton-cum-Grafton - Main St to Back Ln (FP)
An Order was made and received one objection. To be reported to the next Area Sub Committee to recommend forwarding to the Secretary of State for determination.
 - 01/09 Harrogate - Stonebeck Up - Scarhouse Dam (BOAT)
An objection made during initial consultations. To be reported to the next Area Sub Committee to recommend an Order to be made.
- 3.2 A further application is to be considered by a future Harrogate Area Sub-Committee. The circumstances are similar to a case currently under investigation in Cambridgeshire. The outcome of that case is awaited before our application is pursued.
- 04/04 Harrogate - Bishop Thornton - Shaw Mills (BW)
An objection made by the landowner during initial consultations. To be reported to the next Area Sub Committee.

4.0 CASES FOR WHICH INVESTIGATIONS HAVE BEEN COMPLETED

- 4.1 5 Orders have been sealed but have not yet been confirmed.
- 00/03 Richmondshire Richmond Applegarth

- 88/12 Richmondshire Skeeby Union Hse BW No.10 & Easby BW No.3
- 98/03 Selby Heck Booty Lane, Great Heck

These 3 Orders have been made and advertised, but formal objections have been received. The Order, together with the objections, have been , or are about to be, sent to the Secretary of State.

- 04/10 Harrogate Marton cum Grafton Main Street - Back Lane

This Order has been made and advertised, but a formal objection has been received. (See 3.1 above).

- 97/03 Harrogate Nesfield with Langbar West Hall to Fisher Fountain Ford

This Order has been made and advertised, but a formal objection has been received, negotiations are being undertaken in an attempt to have the objection withdrawn.

4.2 A further Order and Creation Agreement have just been drafted and have been forwarded to Legal Services for sealing and advertising.

- 88/02 Harrogate Laverton Laverton FP. No.30
- 94/01 Ryedale Sherburn Nr Pasture House

5.0 APPLICATIONS CURRENTLY UNDER INVESTIGATION

5.1 A further 37 applications are under investigation.

6.0 NEW APPLICATIONS

6.1 27 new applications for DMMOs have been received since Sept 2004.

7.0 PRIORITISATION OF APPLICATIONS

7.1 When the process of prioritising the applications was discussed it was agreed that only the 'backlog' cases would be prioritised, and that applications received since January 2004 would be categorised as high priority in accordance with the policy. The intention was that 'new' applications (i.e. received after January 2004) would be investigated within a year of receipt to prevent them falling into the backlog. Hence all the 'new' applications are distinguished from the 'backlog' applications. Applications to be investigated are selected fairly equally from both:

- i) the oldest of the 'new' applications
and
- ii) those in the backlog with the highest score

8.0 REGISTER OF DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS

- 8.1 In accordance with Section 53B of the Wildlife and Countryside Act 1981 (introduced by Paragraph 2 of Schedule 5 to the Countryside and Rights of Way Act 2000) all surveying authorities are required to keep a register of applications for Definitive Map Modification Orders from 31 December 2005. Our Register is available on www.northyorks.gov.uk under Environment, Town and Countryside and Public Rights of Way-General. The version that is available on the website at the moment is a Word document that needs to be replaced each time an update is made to our database. We are working with the website steering groups to produce a more sophisticated version that can be searched by parish name or postcode.

9.0 RECOMMENDATION

- 9.1 That Members note the report.

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