

NORTH YORKSHIRE COUNTY COUNCIL
LOCAL ACCESS FORUM

22 FEBRUARY 2007

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 August 2006.

2.0 RECENT DETERMINATIONS

- 2.1 Since the last report to this meeting in August 2006, 7 application files have been investigated and have been resolved by an Order or Agreement, or have been closed.

- 2.2 4 Modification Orders or Creation Agreements have been made for:-

- 91/10 Craven Cowling Cockhall Bridge to Winkholme (FP)
- 88/02 Harrogate Laverton Quarry Top FP 15.54/30 (FP)
- 06/04 Ryedale Helmsley Ashdale Road to Station Road (FP)
- 94/01 Ryedale Sherburn Near Pasture House (FP)

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 88/02, Quarry Top application in Laverton, was the second application received in 1997.

- 2.3 3 applications files have been closed.

- 06/08 Craven Glusburn Off FP 05.22/12 - Parallel with Park Road (FP)
- 91/15 Harrogate Ripon Clotherholme Quarry Double Gates (FP)
- 06/03 Craven Bntham Shakey Bridge (FP)

In the first 2 cases it was decided that there was insufficient evidence submitted with the application to support the application.

For the Glusburn application the applicant was advised of this, and accepted that he was unable to provide any further evidence.

For the Ripon application there was not a clear applicant but the local representative for the Ramblers' Association was consulted who was unable to provide any further evidence to support the application.

The Bentham application affected land that is in the ownership of Network Rail. It was considered that as rights can not be acquired over land owned by a railway company that this application could not succeed. The application was therefore rejected, however the applicant has appealed to the Government Office, and is now under further consideration by them.

Any application that has been closed or rejected due to insufficient evidence, can be re-opened in the future if evidence was subsequently came to light.

3.0 APPLICATIONS TO BE CONSIDERED BY AREA COMMITTEES

3.1 4 applications are to be considered at Area Committees within the next few months.

- 04/07 Craven Settle Ingfield Ln to Lodge Rd(FP)
- 04/06 Craven Glusburn Hall St to Fieldhead Dr(FP)
- 98/09 Hambleton Great and Little Broughton The Lonin (FP)
- 95/01 Harrogate High and Low Bishopside Blue Plains Farm (FP)
- 04/04 Harrogate Bishop Thornton Shaw Mills (BW)

3.2 The Settle and the Great Broughton applications are well supported applications, but there are objections from the respective landowners which seem irresolvable at this stage.

3.3 The High and Low Bishopside application has been in progress for some time. It was considered that there was insufficient evidence to satisfy the criteria, however extra time was allowed for someone who was endeavouring to uncover further evidence.

3.4 We had been awaiting the outcome of a case currently under investigation in Cambridgeshire before proceeding with the Bishop Thornton application where circumstances were similar. The outcome of the case is now known and the implications are that the landowner's evidence against the Bishop Thornton application appears to be adequate to rebut the application, and that an Order will not be made.

4.0 CASES FOR WHICH INVESTIGATIONS HAVE BEEN COMPLETED

4.1 2 applications in Whitby have been investigated and Orders have been drafted which will be advertised shortly.

- 93/06 Scarborough Whitby Stakesby Road to Byland Road (FP)
- 93/07 Scarborough Whitby Stakesby Road to Station Avenue (FP)

5.0 APPLICATIONS CURRENTLY UNDER INVESTIGATION

5.1 A further 31 applications are under investigation.

6.0 NEW APPLICATIONS

6.1 4 new applications for DMMOs have been received since August 2006.

- 06/10 Hambleton Easingwold Paradise Fields to bowling club (FP)
- 06/12 Richmonshire Stanwick St John Stanwick Park (RB)
- 06/14 Ryedale Scampston Firs Plantation (BW)
- 06/15 Craven Bank Newton Ingber House (FP realign)

9.0 RECOMMENDATION

9.1 That Members note the report.

Contact Officer:

Penny Noake

Definitive Map Officer

01609 532245