

NORTH YORKSHIRE COUNTY COUNCIL
LOCAL ACCESS FORUM

28 February 2008

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 2007.

2.0 RECENT DETERMINATIONS

2.1 Since the last report to this meeting in August 2007, 5 application files have been investigated and have been resolved by an Order or Agreement, or have been closed.

2.2 3 Modification Orders have been confirmed, and 2 Creation Agreements signed for:-

- 04/14 Craven Giggleswick Glebe Field (FP)
- 99/20 Hambleton East Tanfield Thornborough Rd to East Tanfield Rd (BW)
- 04/10 Harrogate Marton-cum-Grafton Off Main St (FP)
- 93/06 Scarborough Scarborough Stakesby Road to Bylands Road (FP)
- 93/06 Scarborough Scarborough Stakesby Road to Station Ave (FP)

Note:- The reference No. is allocated when the application was submitted. The format relates to the year, and followed by the next number in the list. For example '04/14 Craven' was the fourteenth application to be received in 2004.

2.3 3 applications files have been closed or rejected:-

- 93/06 Craven Settle Watery Lane/Brockhole Ln (BW)
- 99/08 Craven Ingleton Nutgill Farm (BW to be down graded)
- 04/09 Harrogate Grantley Grantley Hall (FP)
- 04/02 Richmondshire Arrathorne West Arrathorne (FP)
- 99/07 Selby HeckMain Street to Former Public Wells (FP)

The first case was reported to the Craven Area Committee with an officer recommendation for a Modification Order to be made. The Committee resolved that an Order should not be made on the basis that there was limited evidence.

The applicant was advised of the Committee decision, and has appealed against the decision to the Secretary of State.

The next 4 cases were formally rejected applications. All were supported by some evidence, however, after investigation of that evidence, it was decided that in each case there was insufficient evidence to adequately satisfy the criteria required by the legislation to promote an Order. Applicants were advised why the decision had been made, and were given the opportunity to appeal to the Secretary of State if they disagreed with our decision.

We are aware that the applicant for the Ingleton case has appealed against the decision to the Secretary of State, and we are expecting an appeal against the Arrathorne case. The appeal period for the Grantley and Heck has expired without appeal being made.

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

3.0 APPLICATIONS TO BE CONSIDERED BY AREA COMMITTEES

3.1 5 applications are to be considered at Area Committees within the next few months.

- 04/16 Hambleton Easby Mucky Lane (FP)
- 04/13 Hambleton Easingwold Off Manor Road (FP)
- 04/04 Harrogate Bishop Thornton
Shaw Mills (BW)
- 05/06 Harrogate High&Low Bishopside
Smelthouses (FP)
- 04/11 Scarborough Whitby
Church St Car Park (FP)

There are objections to these proposed Orders, but officers are of the opinion that there is sufficient evidence in each case for an Order to be made. The Area Committee will be requested for authorisation for a Modification Order to be made for each of these cases.

4.0 CASES FOR WHICH INVESTIGATIONS HAVE BEEN COMPLETED

4.1 3 applications have been investigated and Orders have been made and advertised.

- 98/09 Hambleton Great and Little Broughton
The Lonnin (FP)
- 03/03 Harrogate Harrogate
Harrogate Grammar School (FP)
- 04/08 Richmondshire Brompton-on-Swale
Parkgate Lane (BW)

3.2 Objections that could not be subsequently withdrawn were made to 2 Modification Orders. The orders were sent to the Secretary of State for consideration and are now to be considered by Public Inquiry.

- 84/05 Ryedale Pickering Wells Walk (BOAT)
- 88/12 Richmondshire Skeeby Union House (d/g of BW)

The Pickering Wells Walk Inquiry will be held at Pickering Town Hall on 6th – 8th May, and the Skeeby Inquiry will be held at County Hall on 18th – 19th June.

5.0 APPLICATIONS CURRENTLY UNDER INVESTIGATION

5.1 A further 31 applications are under investigation.

6.0 NEW APPLICATIONS

5.1 3 new applications for DMMOs have been received since August 2007.

- 07/08 Harrogate Copt Hewick South View (FP)
- 07/09 Craven Sutton-in-Craven Hall Drive to Ellers Road (d/g of BW)
- 07/10 Ryedale Wrelton Holly Close to Cropton Lane (FP)

7.0 OTHER DEFINITIVE MAP WORK

7.1 The digitising of the new Definitive Map for the District of Craven has been completed and is being followed by a check of the associated Definitive Statement. It is intended that the new Definitive Map and Statement will be issued by April 2008.

7.2 The digitising of the new Definitive Map for the area of the former East Riding which now lies within North Yorkshire is being undertaken. It is intended that this new map, to accompany the existing Definitive Statement for the area of the former East Riding, will be completed in April.

8.0 RECOMMENDATION
8.1 That Members note the report.

Contact Officer:
Penny Noake

Definitive Map Officer
01609 532245