

NORTH YORKSHIRE COUNTY COUNCIL
LOCAL ACCESS FORUM

21st AUGUST 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 February 2008.

2.0 RECENT DETERMINATIONS

2.1 Since the last report to this meeting in February 2008, 6 application files have been investigated and have been resolved by an Order, or have been closed.

2.2 1 Modification Order has been confirmed following a Public Inquiry:-

- 04/18 Ryedale Pickering Wells Walk (BOAT)

1 Modification Order has been formally not confirmed following a Public Inquiry, ie the application has been rejected by the Secretary of State:-

- 88/12 Richmondshire Skeeby Skeeby to Union Hse (d/g of BW to FP)

Note:- The reference No. is allocated when the application was submitted. The format relates to the year, and is followed by the next number in the list. For example '04/18 Ryedale' was the eighteenth application to be received in 2004.

2.3 4 application files have been closed or rejected following correspondence with the applicants, it was decided that in each case there was insufficient evidence to adequately satisfy the criteria required by the legislation to promote an Order:-

- 01/10 Harrogate Stonebeck Up pt of FP No.12 (up/g to a BOAT)
- 03/07 Richmondshire St Martins off Theakston Ln (Re-align FP)
- 03/09 Ryedale Normanby BW No. 2 (d/g to FP)
- 87/13 Ryedale Pickering Vivers Br to Mill Lane (FP)

The first case was for a short section of FP to be upgraded to BOAT, but the subsequent changes in legislation ie NERC, extinguished any vehicular rights on the unrecorded route to which it would have joined. There was little evidence submitted in support of the application.

The second case, in the parish of St Martins, also had little evidence submitted with it, and documentation within our records was inconclusive.

The application for the downgrading of the bridleway at Normanby was thinly supported by evidence, and whilst the applicant may have been justified in believing that the route should only have been recorded as a footpath originally, it was clear from the decision following the Skeeby Public Inquiry, that this proposed downgrading had little chance of success.

The Pickering application was thinly supported by evidence, the route had been permanently obstructed in the past, no further interest had been taken in the route in the past, and after consultation with the applicant it was clear that there was no current support for the route. However, during discussions with the Town Council regarding the claimed route, the Town Council raised issues on the existing footpath adjoining the claimed route, as a result we are undertaking a diversion order and creation order to resolve obstructions and a missing link, improving this well used footpath on the fringe of the town.

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 month.

- 04/16 Hambleton Easby Mucky Lane (FP)
- 04/13 Hambleton Easingwold Off Manor Road (FP)
- 05/04 Scarborough Scarborough Westwood Gardens (FP)
- 04/11 Scarborough Whitby Church St Car Park (FP)
- 89/10 Selby Wistow Oaklands Fm to FP No.8 (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 to authorise the making of a Modification Order in each case.

4.0 CASES FOR WHICH INVESTIGATIONS HAVE BEEN COMPLETED

4.1 7 applications have been investigated and Orders have been made and advertised, or are shortly to be advertised.

- 04/04 Harrogate Bishop Thornton Shaw Mills (BW)
- 05/06 Harrogate High&Low Bishopside Smelthouses (FP)
- 98/09 Hambleton Great and Little Broughton The Lonnin (FP)
- 89/04 Craven Skipton Providence Place (FP)
- 90/18 Harrogate Ripon Stepping Stones, R.Skell (FP)
- 03/06 Richmondshire Colburn From BW No.1 along disused rly (BW)
- Scarborough Whitby St Andrew's Estate (FP)

4.2 Objections that could not be subsequently withdrawn were made to 3 further Modification Orders which are now required to be sent to the Secretary of State.

- 04/08 Richmondshire Brompton-on-Swale Station Rd to Parkgate Lane (BW)
- 96/12 Richmondshire Richmond Off St James' Wynd (FP)
- 03/03 Harrogate Harrogate Harrogate Grammar School (FP)
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The objection to the first Order is on a technicality and is likely to be resolved by the Secretary of State quite promptly. The second has a joint objection, and the third Order has considerable opposition, and is likely to be considered at a Public Inquiry.

5.0 APPLICATIONS CURRENTLY UNDER INVESTIGATION

5.1 A further 36 applications are under investigation.

6.0 NEW APPLICATIONS

6.1 3 new applications for a DMMO has been received since February 2008.

- 08/01 Harrogate Kirk Hammerton Skewkirk Bridge (BW)
- 08.02 Scarborough Scarborough Off Lismore Rd (FP)
- 08/03 Scarborough Folkton Off Fordon Rd (FP)

7.0 OTHER DEFINITIVE MAP WORK

7.1 The new Definitive Map and Statement for the District of Craven has been issued, and copies of the map have been provided to Craven District Council and Skipton Library for the public to view.

7.2 The digitising of the new Definitive Map for the area of the former East Riding which now lies within North Yorkshire is continuing. 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 October.

- 7.3 Work is now being undertaken to complete the Omnibus Order for the District of Harrogate such that a new Definitive Map for Harrogate can be issued.
- 7.4 Urban areas across the country, such as London and York, were not mapped for public rights of way under the National Parks and Access to the Countryside Act 1949. The town of Scarborough, strangely, fell within the category of an excluded area and consequently no Definitive Map was produced. Current legislation now requires that these formerly unmapped areas should be mapped, and whilst we have produced a Definitive Map for Scarborough to comply with current legislation, it only shows a handful of routes that have become established by Order since the 1950s. There are a huge number of routes which need to be formally recorded. A project is just commencing, initially entailing mapping and photographing routes, to quantify the eligible routes which will eventually need recording by the processing of numerous Orders.

8.0 RECOMMENDATION

- 8.1 That Members note the report.

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