

NORTH YORKSHIRE  
LOCAL ACCESS FORUM

26 FEBRUARY 2009

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 2008.

2.0 RECENT DETERMINATIONS

- 2.1 Since the last report to this meeting in August 2008, 12 application files have been resolved by an Order, or have been closed.

- 2.2 4 Modification Orders have been confirmed:-

|       |               |                            |                               |
|-------|---------------|----------------------------|-------------------------------|
| 89/04 | Craven        | Skipton                    | Providence Place (FP)         |
| 98/09 | Hambleton     | Great and Little Broughton | The Lonnin (FP)               |
| 90/18 | Harrogate     | Ripon                      | Stepping Stones, R Skell (FP) |
| 03/06 | Richmondshire | Colburn                    | Along part former Rly (BW)    |

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 '89/04 Craven' above, was the fourth application to be received in 1989.

- 2.3 1 Creation Agreement for a Restricted Byway was made:-

Richmondshire West Layton White House Fm (RB)

This recording of the Restricted Byway between the Durham county boundary, north of West Layton formalises the status of the route, which has been used by the public linking West Layton with Hutton Magna. Within Hutton Magna the route is a very minor road recorded on their List of Streets.

- 2.4 8 application files have been rejected, or closed following correspondence with the applicants:-

|       |           |                       |                              |
|-------|-----------|-----------------------|------------------------------|
| 04/16 | Hambleton | Easby                 | Mucky Lane (FP)              |
| 04/13 | Hambleton | Easingwold            | Manor Road (FP)              |
| 87/02 | Hambleton | Gt & Little Broughton | Ayton Firs (To d/g a BW)     |
| 95/03 | Harrogate | Kirby Hall            | BW Nos. 4 & 10 (To d/g a BW) |
| 99/21 | Ryedale   | Allerston             | West View Main St (FP)       |

|       |             |             |                            |
|-------|-------------|-------------|----------------------------|
| 94/16 | Ryedale     | Willerby    | Sidegate to Wold Ln (BOAT) |
| 96/02 | Scarborough | Filey       | Former Butlins site (FP)   |
| 08/02 | Scarborough | Scarborough | Off Lismore Rd (FP)        |

The first 2 cases were opposed applications which had lead to a report being placed before the Hambleton Area Committee. Officers had recommended that a DMMO be made in each case, but the Members' recommendation was that the Orders should not be made. No appeal has been made against the decision in the Easby case but a formal appeal has been made to the Secretary of State by the applicant in the Easingwold case. The SoS will either uphold the rejection of the application, or will direct NYCC to make and advertise the Order, allowing the evidence to be tested through the formal processes.

The further 6 cases were insufficiently supported by evidence to have justified the promotion of an Order. In each case the applicants were advised of the circumstances.

- 2.5 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 2 applications are to be considered at Area Committees within the near future.

|       |           |            |                               |
|-------|-----------|------------|-------------------------------|
| 01/01 | Ryedale   | Sinnington | Old Road (FP)                 |
| 05/12 | Harrogate | Harrogate  | Bilton Old Lane (u/g to a BW) |

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

### 4.0 CASES FOR WHICH INVESTIGATIONS HAVE BEEN COMPLETED

- 4.1 8 applications have been investigated and Orders have been made and advertised, or are shortly to be advertised.

|       |             |                     |  |
|-------|-------------|---------------------|--|
| 05/06 | Harrogate   | High&Low Bishopside | Smelthouses (FP)                       |
| 05/09 | Harrogate   | Spofforth           | Long Field(u/g FP to BW)               |
| 08/04 | Harrogate   | Littlethorpe        | Littlethorpe Rd to Canal tow path (FP) |
| 03/06 | Ryedale     | Middleton           | Back Lane South to Main Street (FP)    |
| 96/15 | Scarborough | Brompton by Sawdon  | Off Cayley Ln (FP)                     |
| 89/08 | Scarborough | Burniston           | Burniston Beck to Former Rly (FP)      |
| 05/07 | Scarborough | Whitby              | Bog Hall / Esk Terrace (FP)            |
| 92/08 | Selby       | Cliffe              | Turnham Hall Ln (BW)                   |

3.2 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 for consideration.

|       |             |                 |                         |
|-------|-------------|-----------------|-------------------------|
| 04/04 | Harrogate   | Bishop Thornton | Shaw Mills (BW)         |
| 05/04 | Scarborough | Scarborough     | Westwood Gardens (FP)   |
| 04/11 | Scarborough | Whitby          | Church St Car Park (FP) |

## 5.0 APPLICATIONS CURRENTLY UNDER INVESTIGATION

5.1 A further 21 applications are under investigation.

## 6.0 NEW APPLICATIONS

5.1 2 new applications for a DMMO have been received since August 2008.

|       |           |           |   |
|-------|-----------|-----------|---|
| 08/05 | Selby     | Kelfield  | Moor End (FP)                           |
| 09/01 | Hambleton | Stokesley | Rosehill Dr to Levenside (u/g FP to BW) |

## 7.0 RECOMMENDATION

7.1 That Members note the report.

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