

NORTH YORKSHIRE
LOCAL ACCESS FORUM

19 NOVEMBER 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 February 2009.

2.0 RECENT DETERMINATIONS

- 2.1 Since the last report to this meeting in April 2009, 5 application files have been resolved by an Order, or have been closed.

- 2.2 2 Modification Orders has been confirmed:-

08/04 Harrogate Littlethorpe Littlethorpe Rd to Canal tow path (FP)

04/08 Richmondshire Brompton on Swale Station Rd to Old 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 '08/04 Harrogate' above, was the fourth application to be received in 2008.

- 2.3 3 application files have been rejected, or closed following correspondence with the applicants:-

01/20 Harrogate Felliscliffe Pond Hse Fm (d/g BW)

94/13 Scarborough Filey Long Plantation (FP)

95/25 Scarborough Snainton Wydale (FP)

Each case was insufficiently supported by evidence to have justified the promotion of an Order.

- 2.4 An opposed application for a BOAT to be added to the Definitive Map was reported to the Ryedale Area Committee. Officers had recommended that a DMMO be made, but the Members' resolution was that the Orders should not be made.

84/05 Ryedale Pickering Greens Lane (BOAT)

The applicant has been informed of the decision and has been advised of their right to appeal to the SoS.

- 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 CASES FOR WHICH INVESTIGATIONS HAVE BEEN COMPLETED

- 3.1 9 Modification Orders and Creation Agreements are about to be made and advertised.

- 3.2 Modification Orders are about to be advertised where we have been instructed to make Orders by the SoS following appeals against our decisions not to make an Order.

99/08 Craven Ingleton BW No.37 (to d/g part of BW)

This application was for the downgrading of a bridleway. We had rejected the application on the basis that there was no new evidence to be considered, although there was information within the original Parish submissions to the County Council to suggest that the route was intended to be recorded as a footpath. The SoS has directed that an Order to downgrade should be made, which will provide the opportunity for the evidence to be tested.

04/07 Craven Settle Ingfield Ln/Watery Lane (BW)

In this instance officers had recommended to the Area Committee that an Order should be made for the footpath to be upgraded to a bridleway, but the Committee were of the opinion that there was insufficient evidence to support an Order, and rejected the application. The applicant appealed to the SoS who subsequently directed that an Order should be made to upgrade the footpath.

04/02 Richmondshire Arrathorne West Arrathorne (delete a BW)

This application was for the deletion of a bridleway. We had rejected the application on the basis that there was no new evidence to be considered. The applicant appealed to the SoS who has directed that part of the route should be deleted, part should be downgraded and part should remain as a bridleway.

- 3.3 Creation Agreements have been negotiated in 6 cases to add new routes to the Definitive Map.

01/01 Ryedale Sinnington Old Road (FP)

This application for a DMMO from Sinnington Parish Council was initially opposed by a landowner, however the objections have now been resolved, and the landowner has agreed to enter into a Creation Agreement to allow this footpath to be recorded.

Craven Martons Both East Marton (BW)

This bridleway has been negotiated with the landowner by a Ranger at Ranger Team 1. The bridleway allows off road access avoiding a section of the busy A59.

Craven Skipton Grassington Rd (FP)

This footpath has been negotiated with the landowners by a Ranger at Ranger Team 1. The footpath provides a safe off road route avoiding walking along a stretch of the busy B6266.

Harrogate Aldwark To Aldwark Toll Br (FP)

Aldwark Parish Council negotiated this route with 2 landowners, and requested us to formalise the footpath to be added to the Definitive Map.

Harrogate Studley Roger Hell Wath Ford (FP)

This creation of a short stretch of footpath was negotiated with the landowner by a Ranger from Ranger Team 3. It will formalise the path already in use by the public and will allow the opportunity to make improvements to the surface of this popular path.

Harrogate North Stainley Lavender Walk (FP)

This Creation Agreement has been negotiated with the landowner by the Parish Council who would like to see the route into the centre of the village recorded.

4.0 IN PROGRESS

4.1 There are 44 further applications, which are in progress.

5.0 NEW APPLICATIONS

5.1 5 new applications for a DMMO have been received since April 2009.

09/02	Ryedale	Sherburn	Water Ln	(FP)
09/03	Selby	Carlton	Convent Walk	(FP)
09/04	Hambleton	Easby Off	Mucky Lane	(FP)
09/05	Ryedale	Nawton	Pinfold Hill	(FP)
09/06	Selby	Kellington	Roall Plantation	(FP)

6.0 RECOMMENDATION

6.1 That Members note the report.

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