

## NORTH YORKSHIRE LOCAL ACCESS FORUM

20<sup>th</sup> May 2010

### PUBLIC RIGHTS OF WAY UPDATE ON RT ROADS

#### 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 process of identifying RT roads with NorthYorkshire

#### 2.0 INTRODUCTION

- 2.1 Following the changes made to legislation relating to Definitive Maps and Statements by the Countryside and Rights of Way Act 2000 rights which are not recorded on the Definitive Map, by the 'cut-off' date of 1 January 2026, could be extinguished. An example of routes which could fall into this category are the *ratione tenurae* 'roads' (see below for a definition of these routes).
- 2.2 Consequently, a proposal has been made that an examination should be made of these routes across the county to establish those routes which are potentially threatened by the effects of the legislation, but are necessary to the public rights of way network to prevent fragmentation.
- 2.3 This initial report has been prepared to demonstrate what has been undertaken to date, with information which was passed to Public Rights of Way from North Yorkshire Highways.
- 2.4 The routes included in this report have been assessed according to their importance to the existing Rights of Way network. This is detailed below.
- 2.5 The routes assessed for this report is not exhaustive. There may be other RT roads in existence which are not known to the County Council.

### 3.0 Definition of Ratione Tenurae

3.1 Bird (1990) defines it as “by reason or in respect of his tenure”. In Parrish and Mauley (1967) it is defined as “liability to repair *ratione tenurae* is a charge imposed upon the land, and the obligation runs with the land and every part of it”.

RT roads are those roads which are maintainable at private expense but over which the Public has a right of way.

### 4.0 Categorisation of Routes

All routes passed to Public Rights of Way from Highways have been assessed and graded into the following categories.

Category	Description
1	Vital missing link upon which the Rights of Way network is dependant in that particular area.
2	Not a critical link but would provided an improvement to the network
3	No interest as it is not vital to the network or provide a network improvement
4	RT road within the North York Moors National Park Authority
5	RT road within the Yorkshire Dales National Park Authority
6	Already recorded as a Right of Way on the Definitive Map of at least footpath status in the area of North Yorkshire County Council's (NYCC) area of responsibility.
7	A cross boundary route between NYCC and one of the National Parks

## 5.0 Results of Assessment

The total number of routes that have been identified is 72, and the table below shows which category they fall within.

Category	Description	Number of routes found
1	Vital to Network	17
2	Improvement to network	8
3	No relevance for network	4
4	NYMNPA	8
5	YDNPA	16
6	Already recorded	18
7	Cross boundary between NYCC and NPA	1

The intention is to undertake a more thorough examination of the 17 routes in category 1 to establish the status of these routes and how best to formally record them.

## 6.0 RECOMMENDATION

5.1 That Members note the report.

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