

NORTH YORKSHIRE
LOCAL ACCESS FORUM

17 FEBRUARY 2011

PUBLIC RIGHTS OF WAY
RT ROAD RECORDING PROJECT - AN UPDATE

1.0 PURPOSE OF REPORT

- 1.1 To provide an update to members on progress on investigating the status of the Priority 1 RT routes that are an integral part of the Public Right of Way network.

2.0 PROGRESS

- 2.1 A pilot case has been looked at in the Scarborough area. The route was examined and details were noted in relation to the condition of the route, and it was noted that there was a sign in place reading 'Private Road'. The sign was not accompanied by any physical barrier and it is likely that pedestrians would not have been deterred by it. In this instance an officer approached the landowner direct, and discussed the route. It seems hopeful at this stage that the landowner will be willing to dedicate the route as a footpath.
- 2.2 This case has raised the issue that whilst it is possible that documentary research could prove that higher rights exist, it is the purpose of this project to investigate missing links in the networks, with the intention of protecting the Definitive Map network from the possibility of losing links if the relevant section of the CROW Act is implemented in 2026. The public rights of way linking onto this particular RT road are footpaths only, and if the landowner is prepared to dedicate footpath, our proposal is that the dedication be accepted. This would not preclude the possibility of higher rights being proved at a later date for a route much longer than the section of RT road under consideration.

3.0 TIMETABLE FOR EXAMINATION OF THE PRIORITY 1 ROUTES

- 3.1 It is acknowledged that there has been little progress on this project over the last 12 months however guidance notes and a system of recording information has now been collated to assist volunteers, and the volunteers will be invited to an introductory day within the next month.
- 3.2 It is expected that the volunteers will visit, photograph and record their allotted routes as soon as they are able, and will report to the lead officer before the end of March. The lead officer will arrange a consultation with

the landowner, either direct, or by letter, explaining the circumstances and the aims of the project, requesting the views of the landowner. If the landowner is willing to dedicate the route, the formal process will be undertaken by Definitive Map Officers. If the landowner is unwilling to dedicate the route at a status that will match any connecting and dependant recorded public rights of way, the volunteers will commence a standard programme of research into the route as described in the guidelines. This will, of course, have been explained to the landowner.

- 3.3 Research will be undertaken in the appropriate record offices depending on the location of the route. A report form has been designed for the volunteer to record what documents have been viewed, and what information has been uncovered. Copies of the relevant documents will be requested by the volunteer and will be filed on a case by case basis.
- 3.4 It is intended that 4 DMMOs per year will be processed to record those routes where there is no opportunity to enter into an Agreement with the landowner. It will be necessary to gather sufficient evidence to support the making of an Order, those cases that are the most strongly supported will be considered first. It should be remembered that although it may appear that it is clear that a route should be recorded as a public right of way, it is not always straight forward to prove that rights exist.
- 3.5 By the next meeting we hope to be able to bring photographs of the routes, and to be able to give an initial assessment of the 17 Priority routes and details of any Creation Agreements that have been promoted.

4.0 RECOMMENDATION

- 4.1 To receive the report for information

Contact Officer:

Penny Noake

Definitive Map Team Leader - 01609 532245