

**NORTH YORKSHIRE COUNTY COUNCIL****PLANNING AND REGULATORY FUNCTIONS SUB-COMMITTEE****5 AUGUST 2011****APPLICATION FOR DIVERSION OF PUBLIC BRIDLEWAY NO 15.101/14  
NEW YORK FARM, NORTH RIGTON****1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Members of an application for a Diversion, the effect of which if pursued would be to divert Bridleway No 15.101/14, New York Farm, North Rigton. A location plan is attached to this report as **Plan 1**. The section of bridleway proposed to be deleted is shown A – B – C and the section of bridleway proposed to be added is shown A – D – E – C on **Plan 2**.
- 1.2 To request Members to authorise the Corporate Director, Business and Environmental Services, to make a Definitive Map Modification Order.

**2.0 THE COMMITTEE'S RESPONSIBILITIES**

- 2.1 Under Section 119 of the Highways Act 1980, the County Council can make a Diversion Order where it is satisfied that it meets the criteria that is expedient to do so, either in the interests of the owner, lessee or occupier of the land crossed by the route in question, or that it is expedient in the interests of the public.
- 2.2 The Committee's decision whether to "make" an Order is the first stage of the process. If Members authorise an Order being "made", and there are no objections to the Order, the County Council can "confirm" the Order, but will need to be satisfied that:
- i) the diversion is still expedient, and
  - ii) that the diversion will not be substantially less convenient to the public as a result of the Order, and it is expedient to confirm the Order having regard to the effect which:
    - (a) the diversion would have on public enjoyment of the route as a whole;
    - (b) the coming into operation of the Order would have, as respects other land served by the existing public right of way; and
    - (c) any new public right of way created by the Order would have, as respects the land over which the right is created and any land held with it.

2.3 However, if there were an objection to an Order that is not subsequently withdrawn, only the Secretary of State would have the power to decide if it should be “confirmed”. The decision whether or not to confirm the Order would rest with the Secretary of State.

### **3.0 BACKGROUND**

3.1 A formal application under Section 119 (1) of the Highways Act 1980 was submitted on 1 June 2010 by the landowner of New York Farm, North Rigton, to divert the bridleway as shown on Plan 2.

3.2 The proposal for diversion was submitted due to the landowner’s proposed development of New York Farm, which would affect the bridleway on its current alignment. The landowner wishes to move the bridleway away from the vicinity of the buildings.

3.3 The proposed route incorporates a new stone cart bridge shown as point E on Plan 2 that the landowner has built to provide him with access over the beck to his fields. If the proposed diversion is pursued, the new route of the bridleway will pass over the cart bridge, providing the public with a bridged route over the beck. The bridge would remain the maintenance responsibility of the landowner. The existing route has an un-bridged watercourse at point B on Plan 2. The landowner’s cart bridge on the proposed route would therefore be of benefit to users of the route.

3.4 An informal consultation on the proposal was undertaken with the statutory consultees on 4 July 2010, in accordance with required procedure.

3.5 In response to the consultation, replies were received from the British Horse Society, British Driving Society, the Ramblers and the Harrogate Bridleways Association.

### **4.0 REPRESENTATION IN SUPPORT OF THE PROPOSED DIVERSION**

4.1 Three of the respondents at the informal consultation presented comments that supported the making of the order.

4.2 The British Horse Society passed comment that they had inspected the route and considered it to be a good alternative to the route that is currently un-passable due to the un-bridged watercourse.

4.3 British Driving Society commented that the proposal would provide a dry crossing point of the beck to users on foot.

4.4 The Ramblers Association commented that they do not object to the proposed on the condition that no further limitations are added to the route.

## **5.0 REPRESENTATION AGAINST THE PROPOSED DIVERSION**

- 5.1 The Harrogate Bridleways Association has objected to the proposal as they have concerns that the stone set surface of the bridge will prove to be slippery to horses. They wish to see the proposed route being used through the winter before they are prepared to withdraw their objection.

## **6.0 COMMENTS ON THE OBJECTION**

- 6.1 In response to the concerns raised in the consultation, officers have arranged for surface testing to the surface of the cart bridge to be undertaken by Jacobs, and it was determined that the surface at present is not a risk to equestrian users of the cart bridge. Assurances have been provided by the landowner that if the surface does become a hazard to equestrian users in the future, remedial works will be made to the surface of the cart bridge to make it safe for equestrians to use.

## **7.0 CONCLUSION**

- 7.1 It is the view of officers that the application satisfies the criteria of Section 119 (1) Highways Act 1980, that is to say, it is in the owner's interests to have the bridleway moved further away from his property, and it is considered that the proposal would not be substantially less convenient to the public. It is also the view of officers that it is unfounded that the new cart bridge poses a slip hazard to equestrians, and it is the view of officers that the provision of the bridge would be an improvement to the route for both pedestrians and equestrians.
- 7.2 As there are outstanding objections to the application, the Planning and Regulatory Functions Sub-Committee will be asked to determine whether a Diversion Order should be made, having given consideration to the objection.

## **8.0 RECOMMENDATION**

- 8.1 That the Committee authorise the Corporate Director, Business and Environmental Services to make a Diversion Order for the route concerned to be diverted to the alignment as shown on plan 2 as A – D – E – C on the Definitive Map, and in the event that formal objections to that Order are made, and are not subsequently withdrawn, to refer the Order to the Secretary of State for determination, and in doing so, to exercise powers delegated to him under the County Council's Constitution in deciding whether or not the County Council can support confirmation of the Order.

DAVID BOWE  
Corporate Director Business & Environmental Services

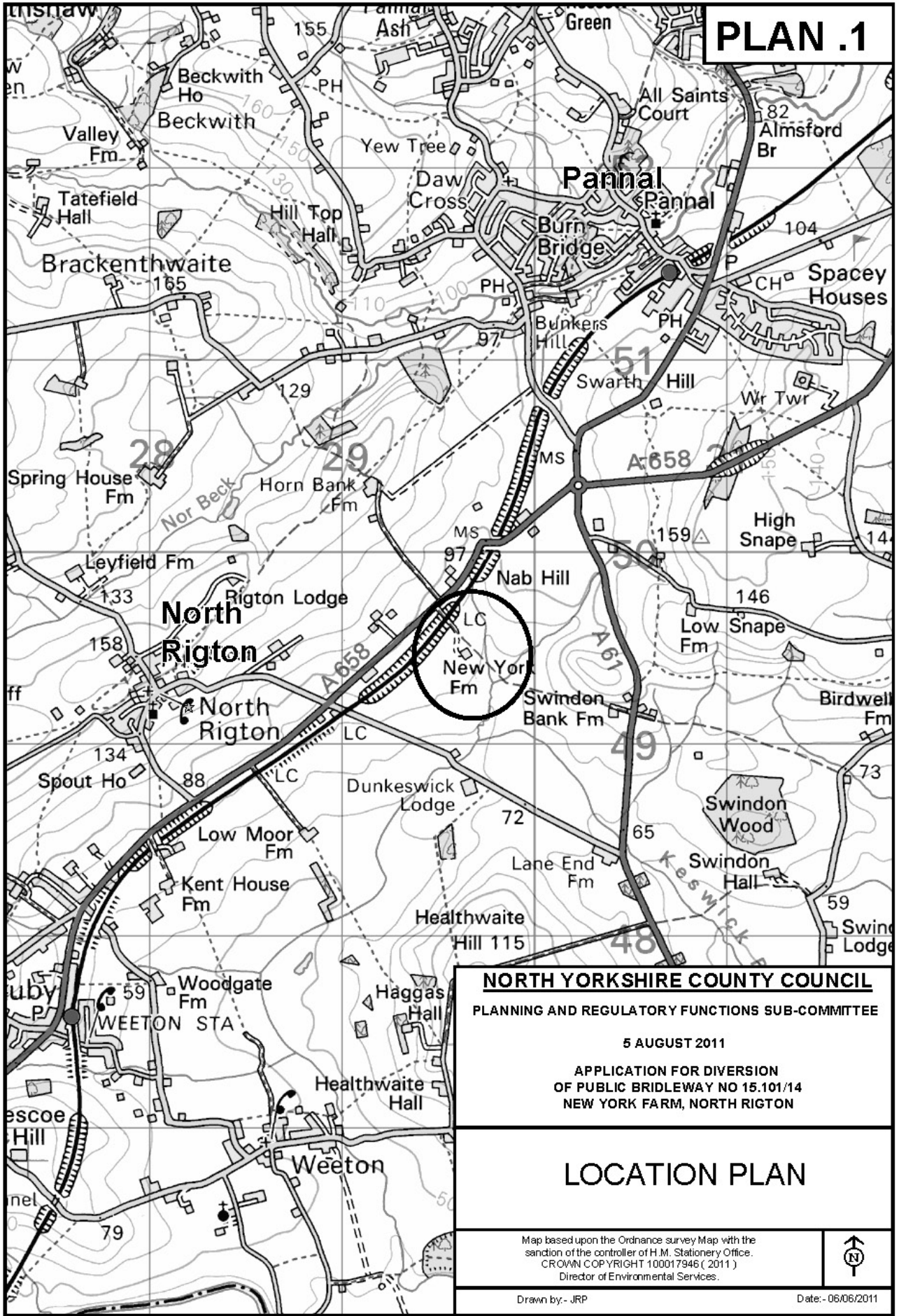
Background papers:

Diversion application dated 1 June 2010

Correspondence relating to the consultation on the application.

The documents are held on a file marked HAR/2010/10/DO held by the Definitive Map Team.

Author of report: James Perkins, Definitive Map Officer



**PLAN .1**

**NORTH YORKSHIRE COUNTY COUNCIL**  
 PLANNING AND REGULATORY FUNCTIONS SUB-COMMITTEE

5 AUGUST 2011

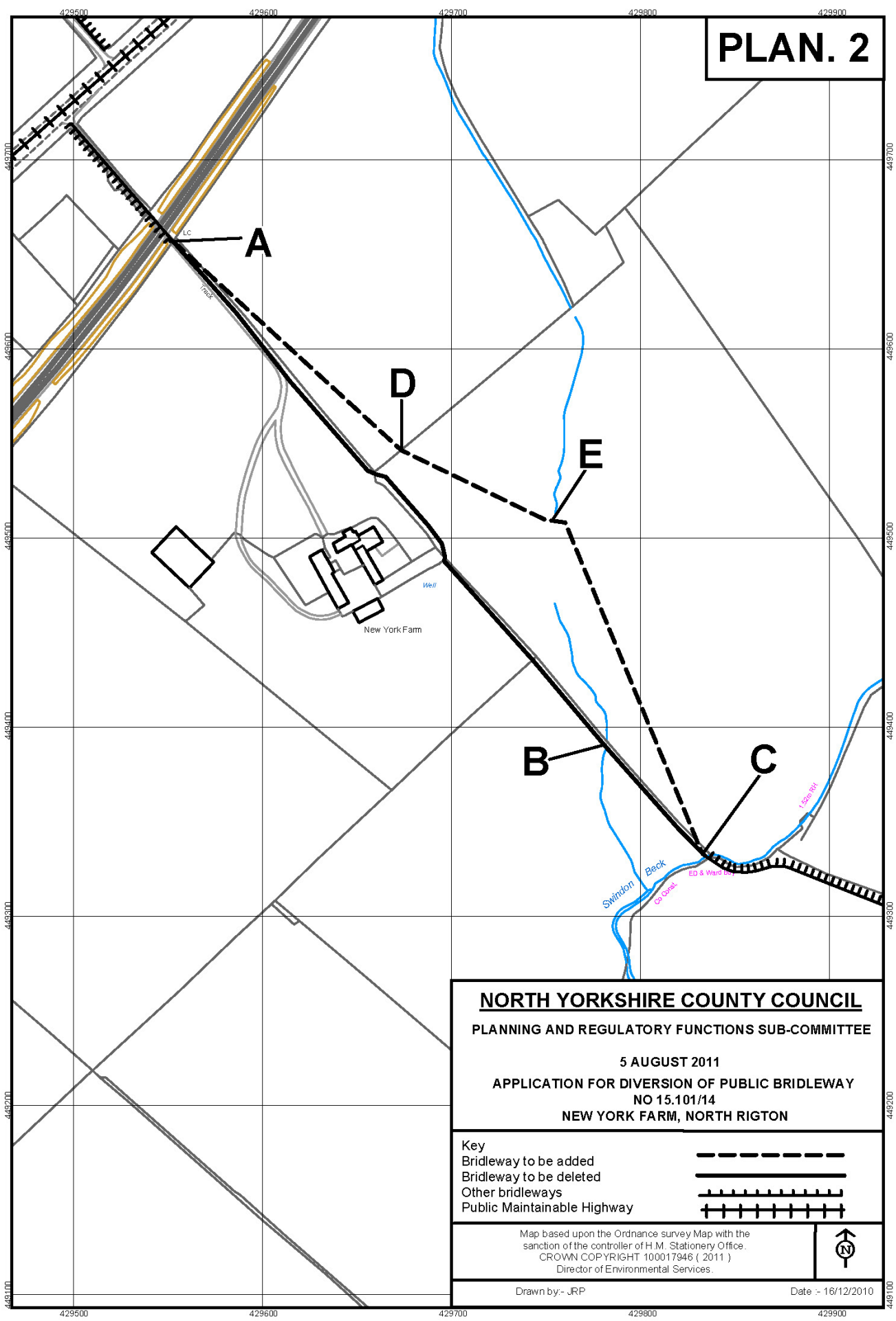
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 OF PUBLIC BRIDLEWAY NO 15.101/14  
 NEW YORK FARM, NORTH RIGTON

**LOCATION PLAN**

Map based upon the Ordnance survey Map with the sanction of the controller of H.M. Stationery Office.  
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 Director of Environmental Services.

Drawn by: - JRP Date: - 06/06/2011

# PLAN. 2



**NORTH YORKSHIRE COUNTY COUNCIL**  
 PLANNING AND REGULATORY FUNCTIONS SUB-COMMITTEE  
  
 5 AUGUST 2011  
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Key	
Bridleway to be added	-----
Bridleway to be deleted	=====
Other bridleways	+++++
Public Maintainable Highway	

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 sanction of the controller of H.M. Stationery Office.  
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Drawn by:- JRP Date :- 16/12/2010