

NORTH YORKSHIRE COUNTY COUNCIL

PLANNING AND REGULATORY FUNCTIONS COMMITTEE SUB- COMMITTEE

Minutes of the meeting held on 7 October 2011, commencing at 10 am at Catterick Leisure Centre, Catterick Garrison.

PRESENT:-

County Councillors John Blackburn, Robert Heseltine, Bill Hoult and Cliff Trotter.

Also present:- County Councillor Melva Steckles.

One member of the public were present.

41. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN FOR THE MEETING

RESOLVED –

That for the purposes of this meeting County Councillor Robert Heseltine be appointed Chairman and County Councillor Bill Hoult be appointed Vice-Chairman.

COUNTY COUNCILLOR ROBERT HESELTINE IN THE CHAIR

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

42. MINUTES

RESOLVED -

That the minutes of the meeting held on 5 August 2011, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

43. PUBLIC QUESTIONS OR STATEMENTS

The Assistant Chief Executive (Legal and Democratic Services) reported that, other than persons who had indicated that they wished to speak on the application, and would do so at the time of the consideration of that, there were no questions or statements from members of the public.

44. BRIDLEWAY NO. 20.3/2, ARRATHORNE, MODIFICATION ORDER 2009

CONSIDERED –

The report of the Corporate Director – Business and Environmental Services advising Members of an opposed Definitive Map Modification Order, the effect of which, if confirmed, would be to delete part and downgrade part of Public Bridleway Number 20.3/2 at Arrathorne.

A location plan was attached to the report, outlining the route referred to.

The report indicated that the matter would be referred to the Secretary of State for decision on whether or not to confirm the order, and to request Members to decide whether in making the referral, North Yorkshire County Council would take a neutral stance, or its original stance, that the route should remain as a Bridleway. It was noted that the recommendation was that Section A-C of the route remained as a Bridleway.

Details of the application, made under the Wildlife and Countryside Act 1981, for a Definitive Map Modification Order to be made were outlined.

Details of the supporting evidence were outlined which included 14 witness statements claiming the route was never a Bridleway, recent and historic photos showing there was no obvious path, track or gates, a Parish schedule to accompany the Parish survey map of 1952, stating that the Bridleway started at Arrathorne and went to Catterick Camp and did not start on Hunton Road and a number of old maps and farm deeds showing other paths, but not this Bridleway.

In March 2006, the application was amended so that the part of the Bridleway linking the road at Arrathorne and Public Footpath Number 20.3/4 be downgraded from Bridleway to Footpath to ensure it did not become a cul de sac footpath. Further investigation of the evidence by the Definitive Map officer considered that it was insufficient to meet the stringent criteria required to suggest that a mistake had been made in recording the Bridleway on the Definitive Map and, therefore, the application was rejected. An appeal against that decision was lodged in December 2007 with the Secretary of State. An Inspector reviewed the evidence and recommended that the appeal should be allowed in part. Details of the reasons for that decision were outlined in the report and the County Council was directed to make an order, which if confirmed, would delete A-B and C-D from the Definitive Map and downgrade B-C to the status of footpath.

A Definitive Map Modification Order was made on 10 December 2009 and advertised. Details of the Order were included in the report.

Four objections to the Order were received from the Ramblers Association, Mr Alan Kind, the Byways and Bridleways Trust and the British Horse Society. Details of the objections were outlined in the report.

Reference was made to Fowlers 1834 map of Yorkshire within two of the objection letters stating that this showed the Bridleway, although, the map was not submitted to the Inspector at the time of the applicants appeal. Since the making of the Order further relevant documents had come to light, when information was being gathered, to produce the Definitive Map. It was noted that assurances had been sought that a section of the path was not to be recorded on the Definitive Map. In response to that matter, the County Council had stated that the route had been recorded by the Parish Council and that it was for the Parish Council to notify them if they did not want the route recording. There was no evidence of further correspondence; therefore, the route was shown on the Definitive Map as a Bridleway. The correspondence had only come to light since the making of the Order so was not available for the Inspector to see when he considered the applicant's appeal.

The matter had been reported to Richmondshire Area Committee for information and the report had been noted.

In conclusion officers agreed with the Inspector's decision that Section D-E should not be downgraded and that Section C-D should be deleted as it was recorded on the list of streets. In light of the further evidence discovered officers disagreed that Section A-B should be deleted and Section B-C downgraded.

It was recommended, therefore, that the Committee authorise officers from the County Council's Definitive Map team to take a stance that Section A-C remained as a Bridleway when the order was referred to the Secretary of State for decision.

Members discussed the implications of the issues presented to them and were assisted in their discussion by a local resident and the local County Councillor. Amongst issues raised in the ensuing discussion were the following:-

- Members clarified the sections of the route that were being considered.
- The local resident suggested that the rear roadway was a relatively new route with Section A-C, being the original route through that area, as the housing, which had been built for hundreds of years, faced on to route A-C, rather than the new road, suggesting that access had been from that original route.
- The Legal Officer noted that there was conflicting evidence on the old maps in relation to the historical route and it was emphasised that all evidence had to be taken into account.
- Members discussed the opening for the route at A and it was clarified that there was no need for an opening to be provided for this to be a Bridleway, historically.
- Members clarified that stiles could be present on Bridleways.
- Members considered whether the definition of the route of the Bridleway had been removed in error, previously, or whether the route had never been a Bridleway.
- The local resident gave details of the current use of the route by local people. She outlined how there were gates and electric fences on the route. She noted that before a gate had been put in at A, the route could not have been used as there was a hedge in place.
- It was emphasised that it was not unusual to have a public right of way with a blockage on it, as that was why the application process was in place.
- Members discussed the issues raised by the Inspector within the report supplied and suggested that there was some supposition contained within that. The Legal Officer emphasised that the inspection was an initial report and any subsequent consideration of the matter by an Inspector would require a comprehensive consideration of the issues.
- A Member maintained that some of the correspondence had indicated that no rights existed along that route.

- Members acknowledged that despite there being a hedge in place, the route was a footpath, but there was a question against whether this was a Bridleway. The evidence within the report was finely balanced.
- The local County Councillor supported the view of the local resident that the location of buildings along the route meant that this was the traditional route that had been used for hundreds of years previously.

RESOLVED –

That the Committee authorise officers from the County Council's Definitive Map Team to take a stance that Section A-C remains as a Bridleway when the order is referred to the Secretary of State for Decision.

County Councillor Heseltine asked for his vote against the decision to be recorded.

The meeting concluded at 11.10 am.

SL/ALJ