

**North Yorkshire County Council**  
**Business and Environmental Services**

**Executive Members**

**21 May 2021**

**Opposed DMMO-Halliday Slack Road, Great & Little Broughton**

**Report of the Assistant Director – Travel, Environmental & Countryside Services**

**1.0 Purpose of the report**

- 1.1 To advise the Corporate Director of Business and Environmental Services (BES) of the proposed submission to the Secretary of State (SoS) of an opposed Definitive Map Modification Order (DMMO).
- 1.2 To request the Corporate Director, in consultation with the Executive Members, to authorise that North Yorkshire County Council (NYCC) in its submission of the opposed Modification Order to the SoS will support confirmation of the Order. A location plan as attached to this report as Plan 1 of Appendix 1. The route is shown on Plan 2 of Appendix 1.

**2.0 Background**

- 2.1 The application for the DMMO to upgrade an existing public footpath to bridleway was submitted to the County Council in 2017.
- 2.2 The application was supported by historical evidence consisting of Enclosure Award, Tithe Award, OS mapping and Commercial Maps.
- 2.3 The route is described in the Enclosure Award as a “private carriage road and a public bridle road”. Inclusion in this manner is considered to be conclusive evidence of public highway status.
- 2.4 The route is shown in the Tithe documents as not having an apportionment number which indicates that no tithe was charged and that the route was distinct from adjoining agricultural land.
- 2.5 Inclusion of the route on the 1857 OS map being named “Halliday Slack Road” when taken with the other evidence is supportive of the route being likely to have been in use by the public.
- 2.6 The commercial maps show the route in question and inclusion on such maps, which were sold for use by the public, is indicative that the route was of a substantial nature and was possibly a route that the public made use of as a public highway.
- 2.7 An informal consultation was carried out and no objections or comments were received. It was determined that the evidence met the required standard to make an Order.

2.8 The Modification Order was made on 31 July 2020 and was subsequently advertised, attracting objections from one landowner which remains outstanding. The County Council cannot confirm a DMMO where there are outstanding objections; the Order must be forwarded to the Secretary of State for resolution.

### **3.0 Representation made by the local member**

3.1 No formal representations were received from the local councillor in response to the consultations regarding the Diversion Order.

### **4.0 Financial implications**

4.1 As the evidence submitted consists only of documentary evidence, not user evidence, it is probable that the Order would be resolved by written representations.

4.2 There would be an unavoidable cost to the Authority in preparing a submission to the SoS, and responding to any queries raised by the SoS. These costs would be officer time which would be met by the respective staffing budgets.

### **5.0 Equalities Implications**

5.1 It is the view that the recommendations do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

### **6.0 Legal Implications**

6.1 The opposed Diversion Order would be determined by an Inspector appointed by the SoS, and, as stated above, determination will most likely be by way of written representations.

6.2 The Inspector, on the basis of the evidence and the legal criteria will decide whether or not to confirm the opposed Modification Order. If he/she decides to confirm the Order, the routes will be amended on the Definitive Map and statement in accordance with the details within the Modification Order.

### **7.0 Climate Change Implications**

7.1 The proposal is to alter the status of routes already recorded as public routes within the County Council's records. The confirmation of this order would have no positive or negative impact on climate change.

### **8.0 Current Decision to be made**

81 In submitting an opposed Order to the SoS the County Council needs to express whether, on the basis of the available evidence, it;

- supports confirmation of the Order,
- believes the Order should not be confirmed, or
- considers the evidence is either so finely balanced, or is particularly unclear and wishes to take a neutral stance.

8.2 The current decision to be made is which stance the County Council is to take within its submission of this opposed DMMO to the SoS.

- 8.3 One landowner has submitted an objection to the sealed order but has not stated the grounds of that objection.
- 8.4 In the absence of any evidence countering the evidence in support of the Order there is no reason for the Authority not to support the confirmation of the Modification Order.

**9.0 Recommendation**

- 9.1 That the Director authorises the Authority to support confirmation of the Order within its submission of the opposed Modification Order to the Secretary of State.



MICHAEL LEAH  
Assistant Director: Travel, Environmental & Countryside Services

Author of report: Ron Allan

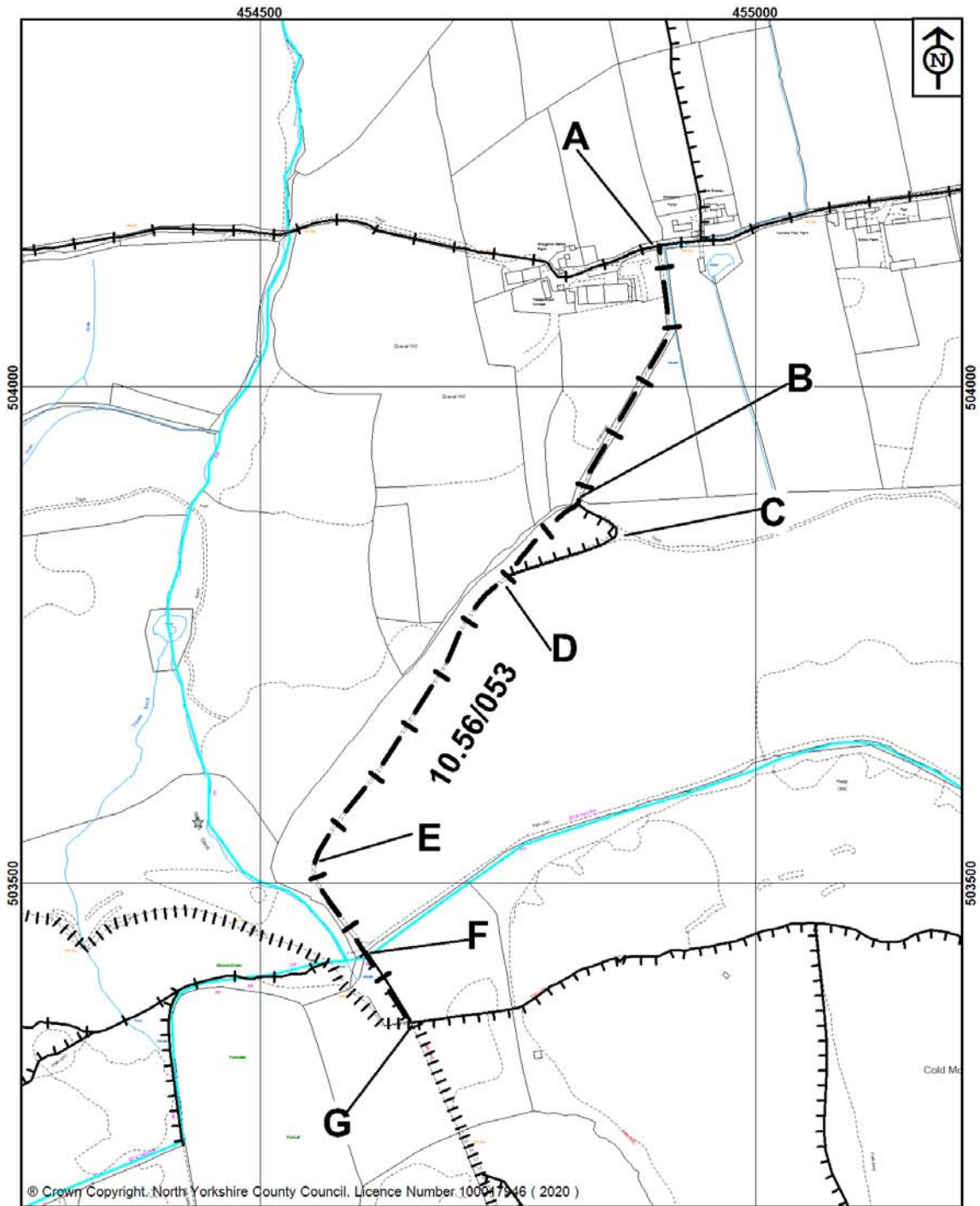
Background papers: File Ref HAM/2009/07/DMMO




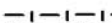

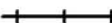



 <p><b>North Yorkshire County Council</b></p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p><b>Location</b> </p>	<p><b>North Yorkshire County Council</b> Wildlife and Countryside Act 1981 Section 53 Halliday Slack DMMO Location Plan</p>
	<p>Map drawn on 21 January 2020 Drawn by RWA</p>	<p>Scale 1:40000</p>





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 <p><b>North Yorkshire County Council</b> Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <ul style="list-style-type: none"> <li>Claimed Bridleway </li> <li>Other footpaths </li> <li>Other bridleways </li> <li>Maintainable Highways </li> </ul>	<p><b>North Yorkshire County Council</b> Wildlife and Countryside Act 1981 Section 53 Claimed upgrade of Footpath no 10.56/053/1 to Bridleway Halliday Slack, Broughton</p>
	<p>Map drawn on 21 January 2020 Drawn by RWA    Scale 1:5000</p>	<p>File Ref No. HAM/2017/14/DMMO</p>

**North Yorkshire County Council**

**Corporate Director - BES**

**21 May 2021**

**Opposed Public Bridleways No.s 10.56/054 Great  
& Little Broughton & 10.177/703 Bilsdale Midcable  
Modification Order 2020**

**AUTHORISATION**

I approve / do not approve the recommendation set out above

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ANY ADDITIONAL RECOMMENDATION or COMMENT:

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.....

Karl Battersby

Corporate Director - BES

Signed: ..... Date: .....