

Committee: ACCESS  
Date: 15 October 2009

Report: DEFINITIVE MAP TEAM QUARTERLY REPORT

### Purpose of this Report

1. The purpose of the report is to:
  - Keep Members informed of progress towards attainment of Definitive Map Team actions and objectives identified in the Corporate Plan;
  - Provide a breakdown of casework;
  - Identify other work of the team.

### Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.
  - **Corporate Plan Objective**
    - c) work towards the production of an up-to-date working copy of the Definitive Map so that 80% of the network follows the exact definitive line and is correctly recorded on the Definitive Map by 2012.

### Background

3. This is the quarterly report for the second quarter of 2009/10, identifying Definitive Map work and progress for the period **1 July 2009 – 30 September 2009**.

### Casework Up-date

4. The appendices give outline details of current active casework.

<b>Appendix 1</b>	Current Definitive Map Modification Orders.
<b>Appendix 2</b>	Current Public Path Orders.
<b>Appendix 3</b>	Maps for <b>new</b> casework (where they are available).
<b>Appendix 4</b>	Completed matters e.g. Order Confirmed - file awaiting Legal Event Order and up-dating of the Definitive Map. Once these stages have been completed the file will be closed and removed from the appendices.
<b>Appendix 5</b>	Pending matters.
<b>Appendix 6</b>	Applications received but not yet being actively progressed.

## **Actions and Casework**

5. The actions that the Definitive Map Team expect to achieve this year (2009/10), and the progress towards them, are shown in the table below:

Financial Year	Action 2009-10	Actual 30 September	Revised 2009-10
Anomalies Resolved	<b>40</b>	<b>20</b>	
Opposed Orders to the Secretary of State(SoS)	<b>1</b>	<b>1</b>	
Matters to Decision including Outstanding DMMO Applications	<b>8</b>	<b>3</b>	

6. The current active case-work:

Casework breakdown (see appendices)	Definitive Map Modification Orders	Public Path Orders
No. of active cases @ 30 June 2009	<b>9</b>	<b>4</b>
New cases 1 July - 30 September 2009	<b>0</b>	<b>0</b>
Cases completed 1 July - 30 September 2009	<b>1</b>	<b>0</b>
No of active cases @ 30 September 2009	<b>8</b>	<b>4</b>

### **Matters submitted to the Secretary of State**

7. There is currently one matter with the SoS - diversion of part of FP 16 Flasby-with-Winterburn, and one matter, Stockdale Lane, with Govt Office North Yorkshire and Humber. No new matters have been submitted to the SoS this quarter.
8. Negotiations are on-going with regard to the withdrawal of objections to the Cam High Road Orders and the Harber Scar Lane Order.

### **Matters awaiting submission to the Secretary of State (2009-10)**

9. There are currently seven outstanding opposed Definitive Map Modification Orders awaiting submission to the Secretary of State for confirmation:
  - Two DMM Orders relating to the BOATs at Cam High Road (see appendix 1)
  - One DMM Order relating to the BOAT application at Thwaite Lane, Clapham
  - Two DMM Orders relating to the re-alignment of FP 12 Buckden and FP 30 Grassington respectively
  - One DMM Order relating to the deletion of BW 28 Marrick at Marrick Priory (see appendix 1)
  - One DMM Order relating to BW 12 Horton-in-Ribblesdale (Harber Scar Lane).

## Emergency and Temporary Closures

### Emergency Closures

10. One emergency closure was made in this period.

	<b>Routes Affected</b>	<b>Period</b>	<b>Reason</b>
1	Footpath No.516040 (part) Dent	4 <sup>th</sup> to 8 <sup>th</sup> September 2009	Tree felling.

### Temporary Closures

11. Four temporary closures were made in this period.

### Orders Still in Force

	<b>Routes Affected</b>	<b>Status</b>	<b>Reason</b>
1	Unclassified County Road No. U7028 (part) Hawes	Ends 12 <sup>th</sup> January 2010	The Order is necessary to carry out works whilst maintaining public safety, because several sections of the route have become eroded and it is proposed to construct appropriate drainage infrastructure, comprising of, side ditches, stone and piped culverts beneath the surface, stone fords and stone humps to deflect surface water.
2	Footpath No.7 (part) Bainbridge	Ends 1 <sup>st</sup> Feb 2010	Works are being executed on or near the route, namely road surfacing and marking.
3	Footpath No.4 (part) Burnsall	Ends 4 <sup>th</sup> April 2010	Repairs to the bridge, namely taking down a section of the eastern abutment wall for rebuilding.
4	Footpath No.516040 (part) Dent	Ends 3 <sup>rd</sup> March 2010	Emergency closure continuation – tree felling.

### Pennine Bridleway

12. Objections to the two Orders at Farmoor Common have now been withdrawn and the Orders have been confirmed by the Authority as unopposed Orders. They have been advertised in the usual way.

**RECOMMENDATION**

13. It is recommended that Members note the report.

**John Dwyer**  
**Senior Definitive Map Officer**

30 September 2009

Background papers

None

**CURRENT CASEWORK**

**Appendix 1**

<b>Wildlife &amp; Countryside Act 1981 - Current Definitive Map Modification Orders</b>		
<b>Description of Matter</b>	<b>Previous Position @ 30 June 2009</b>	<b>Current Position @ 30 September 2009</b>
<p><b>Application for BOAT from Buckden to Cray at Buckden Rakes</b>                      Up-grade to BOAT of BW 4 Buckden (Buckden Rakes)  <b>File Ref:- E211306</b>                      Application Received:- 25 November 2005                      Initiation Received:-                      Work Commenced:- 1 September 2006                      Sealed:-                      Confirmed:-</p>	<p>There would not appear to be any substantial evidence of public vehicular rights over the route therefore a report has been prepared for the solicitor on the basis that the status of the route should remain as Bridleway.</p>	<p>Decision made not to make an Order for BOAT or for Restricted Byway on the basis that the evidence does not demonstrate any public rights higher than bridleway.                      LATE APPLICATION</p>
<p><b>Addition of BOAT at UCR No. 215G Ingleton and Addition of BOAT at UCR No. 1007 Buckden and Upgrade to BOAT at Footpath No. 4 Horton in Ribblesdale all at Cam High Road</b>                      Addition of BOAT in the Parish of Ingleton, Horton &amp; Buckden due to alleged higher rights. Initiated by NPA.  <b>File Ref:- E214403a</b>                      Application Received:-                      Initiation Received:-                      Work Commenced:- 14 March 1991                      Sealed:- 19 March 2003                      Confirmed:-</p>	<p>Preparing the case to send to SoS.                      To contact objectors to seek withdrawal of the objections to the Orders as they are proposed to be modified due to effects of NERC Act . TRO in place.</p>	<p>Correspondence sent to both objectors giving further details of new evidence found and explaining the proposed modification of the Orders to record a Restricted Byway on the unsealed section. One objection withdrawn, awaiting response from remaining objector.</p>
<p><b>Addition of BOAT at UCR No. 1007 Bainbridge &amp; Hawes all at Cam High Road</b>                      Addition of BOAT in the Parish of Bainbridge &amp; Hawes due to alleged vehicular rights.  <b>File Ref:- E214403b</b>                      Application Received:-                      Initiation Received:-                      Work Commenced:- 14 March 1991                      Sealed:- 19 March 2003                      Confirmed:-</p>	<p>Preparing case to send to SoS. To contact objectors to seek withdrawal of the objections to the Orders as they are proposed to be modified as a result of NERC Act.</p>	<p>Correspondence sent to both objectors giving details of additional supporting evidence found and explaining the proposed modification of the Orders to record a Restricted Byway on unsealed section of Cam High Road. One objection withdrawn, awaiting response from remaining objector.</p>

<b>Wildlife &amp; Countryside Act 1981 - Current Definitive Map Modification Orders</b>		
<b>Description of Matter</b>	<b>Previous Position @ 30 June 2009</b>	<b>Current Position @ 30 September 2009</b>
<p><b>Upgrade of Bridleway No. 12 Horton in Ribblesdale to BOAT from Horton village along Harber Scar Lane to Buckden parish boundary.</b>  Upgrade Bridleway No. 12 Horton in Ribblesdale to Restricted Byway and record a BOAT on the UCR from Horton/Buckden parish boundary to High Greenfield based on documentary evidence.  <b>File Ref:- E214407</b>  Application Received:- 18 January 2005  Initiation Received:-  Work Commenced:- 8 February 2005  Sealed:- 4 June 2009  Confirmed:-</p>	<p>Order published to record a Restricted Byway from Horton to Buckden parish boundary and a BOAT from Buckden parish boundary to the tarmac road at High Green Field farm, and resolve anomalous line of a short section of the Bridleway. Objection period ends 17.7.09. One objection received at present. Affected by NERC.</p>	<p>Two objections to the Order received. Corresponded with one objector giving details of the evidence which supports the Order and asking whether objection is still maintained; awaiting response. Second objector to be contacted on their return from a trip abroad; will meet to discuss the evidence.</p>
<p><b>Application for BOATs at Top Mere Road and Starbotton Cam Road, Kettlewell.</b>  Up-grade to BOAT of BWs 6,7 &amp; 33 Kettlewell and BW 1 Carlton Highdale  <b>File Ref:- E214602</b>  Application Received:- 24 October 2005  Initiation Received:-  Work Commenced:- 1 September 2006  Sealed:-  Confirmed:-</p>	<p>Some examination of the evidence still to be done then a report will be prepared for the solicitor.</p>	<p>Research now completed. A report has been sent to the Solicitor. LATE APPLICATION</p>
<p><b>Upgrade Bridleway No. 3 Settle &amp; Nos. 11 &amp; 12 Malham to BOAT at Stockdale Lane</b>  Application for upgrade of BW 3 Settle, BWs 11, &amp; 12 Malham (including link to Gorbeck Road) to BOAT at Stockdale Lane to Malham Cove Road due to alleged higher rights.  <b>File Ref:- E216201</b>  Application Received:- 29 November 2004  Initiation Received:-  Work Commenced:- 3 October 2005  Sealed:-  Confirmed:-</p>	<p>Govt Office North Yorkshire and Humber is still considering the appeal. Further comments are still awaited from the appellant and the impact of the Winchester judgement is being considered. Letter sent 9th June 2009 requesting most up to date information. No reply as yet.</p>	<p>Further letter requesting an up-date was sent 1st September 2009. No reply as yet.</p>
<p><b>Bridleway No. 28 in the Parish of Marrick at Marrick Priory</b>  Research to investigate whether the Bridleway is on the correct alignment through the Priory, or whether it was shown on the definitive map in error.  <b>File Ref:- E220401</b>  Application Received:-  Initiation Received:-  Work Commenced:- 22 November 2007  Sealed:- 9 December 2008  Confirmed:-</p>	<p>Advertisement period ended 13 February, 2009, with four objections received. Correspondence ongoing with objectors..</p>	<p>Preparation of submission documents for referral to Secretary of State. No change.</p>

<b>Wildlife &amp; Countryside Act 1981 - Current Definitive Map Modification Orders</b>		
<b>Description of Matter</b>	<b>Previous Position @ 30 June 2009</b>	<b>Current Position @ 30 September 2009</b>
<p><b>Bridleway 82 Sedbergh at Hebblethwaite Hall</b> Possible deletion / addition of part of Bridleway - apparent anomaly. Initiated by the Authority. <b>File Ref:- E230314</b> Application Received:- Initiation Received:- 1 October 2008 Work Commenced:- 1 October 2008 Sealed:- Confirmed:-</p>	<p>Evidence appears to indicate that the route immediately past Hebblethwaite Hall has always been used and recognised as the public right of way. The definitive map shows a different alignment in adjacent yard. Further consultation to be carried out with previous residents to confirm.</p>	<p>Responses to consultation &amp; evidence received so far indicate that the definitive line was recorded in error. Current landowners have been consulted. Awaiting further evidence &amp; responses.</p>



<b>Highways Act 1980 &amp; Town &amp; Country Planning Act 1990 Current Public Path Orders and Agreements</b>		
<b>Description of Matter</b>	<b>Previous Position @ 30 June 2009</b>	<b>Current Position @ 30 September 2009</b>
<p><b>Diversion of Footpath No 16 Flasby-w- Winterburn at Cowper Cote Farm</b> Diversion of the path away from the farmhouse to improve privacy and security HA 1980 S119 <b>File Ref:- E112910</b> Application Received:- 14 December 2007 Initiation Received:- Work Commenced:- 14 December 2007 Sealed:- 25 November 2008 Confirmed:-</p>	<p>Matter now with the SoS and will be dealt with by the Written Representations procedure.</p>	<p>Exchange of Statements of Case has taken place. It is anticipated that the Inspector will make an unaccompanied site visit in early November.</p>
<p><b>Diversion of Footpath No.25 &amp; 28 Bainbridge at Low Blean Farm</b> To divert two footpaths that run in close proximity of each other within the farmstead. One weaving between buildings of a narrow working yard and the other alongside and through the garden of the farmhouse, onto an alignment through open fields approx. 30 metres further south. HA 1980 S119 <b>File Ref:- E125208</b> Application Received:- 15 November 2005 Initiation Received:- Work Commenced:- 27 January 2006 Sealed:- 22 March 2007 Confirmed:-</p>	<p>Referred to Secretary of State.</p>	<p>Accepted by PINs to hold a Public Hearing, date set for 20 October, 2009.</p>
<p><b>Diversion of Footpath No. 102 at Hawes</b> To divert Footpath No. 102, Hawes with minimum disturbance to the public onto a parallel line along the eastern boundary wall of the property at Westfield, Snaizeholme, to allow the development of a conservatory which was granted planning permission on the 15/08/2008. TCPA 1990 S257 <b>File Ref:- E125623</b> Application Received:- 20 March 2009 Initiation Received:- Work Commenced:- 5 May 2009 Sealed:- 23 July 2009 Confirmed:-</p>	<p>All internal checks, site visits, agreements, permissions and statutory consultations undertaken. Plan drafted and attached to this report. Report being drafted to Solicitor requesting permission to make the Order.</p>	<p>Order made 23/07/09 and advertised until 21/09/09.</p>

**Highways Act 1980 & Town & Country Planning Act 1990  
Current Public Path Orders and Agreements**

Description of Matter	Previous Position @ 30 June 2009	Current Position @ 30 September 2009
<p><b>Diversion of Footpath Nos. 7 &amp; 8, Coverham-with-Agglethorpe at Thorngill</b>            To divert two public footpaths away from the front driveway, and from between the house and buildings of a racehorse training yard.            HA 1980 S119  <b>File Ref:- E126003</b>            Application Received:- 14 February 2007            Initiation Received:-            Work Commenced:- 31 May 2007            Sealed:- 10 October 2007            Confirmed:-</p>	<p>Referred to Secretary of State.</p>	<p>Accepted by PINs to be dealt with by the written representation procedure. Exchange period now ended, Inspector to make site visit.</p>

**No new matters this quarter**



<b>Completed Matters (i.e. Order Confirmed)</b>			
<b>Description of Matter</b>	<b>Order Confirmed (OC) Appeal Rejected (AR)</b>	<b>Current Position @ 30 Sept 2009</b>	<b>File Closed</b>
<p><b>Diversion of Footpath No. 5 Horton-in-Ribblesdale at Nether Lodge</b> To divert the footpath away from the buildings of a working farm at a point where four footpaths merge into the farmyard on the busy three peaks route. HA 1980 S119 <b>File Ref:- E114425</b> Application Received:- Initiation Received:- Work Commenced:- 23 May 2005 Sealed:- 2 September 2005</p>	Confirmed:- 3 November 2005	Legal Event to be made and records to be updated.	
<p><b>Creation of Footpath at Arcow Quarry, Helwith Bridge Horton-in-Ribblesdale.</b> Creation Agreement to dedicate new Public Footpath adjacent to quarry access road. HA 1980 S25 <b>File Ref:- E114426</b> Application Received:- Initiation Received:- 5 April 2007 Work Commenced:- 1 June 2007 Sealed:- 26 November 2007</p>	Confirmed:-	Legal Event Order required.	
<p><b>Creation of new footpath in the parish of Malham</b> Creation Agreement for new path at Malham to provide a safe alternative to the main village road. HA 1980 S25 <b>File Ref:- E115410</b> Application Received:- Initiation Received:- 10 March 2008 Work Commenced:- 14 March 2008 Sealed:-</p>	Confirmed:- 25 February 2009	Notice of Creation Agreement advertised 4/10/2009. Path opened Easter 2009.	

<b>Completed Matters (i.e. Order Confirmed)</b>			
<b>Description of Matter</b>	<b>Order Confirmed (OC) Appeal Rejected (AR)</b>	<b>Current Position @ 30 Sept 2009</b>	<b>File Closed</b>
<p><b>Creation of New Footpath No31 Threshfield at Grisedale Farm .</b>  Application for the creation of new Footpath No31 Threshfield by way of Creation Order . Order to be made concurrently with Extinguishment Order (see also application reference E117114)  HA 1980 S26  <b>File Ref:- E117113</b>  Application Received:- 19 September 2006  Initiation Received:-  Work Commenced:- 14 November 2006  Sealed:- 11 April 2007</p>	<p>Confirmed:- 15 June 2007</p>	<p>Legal Event Order required to update the Definitive Map.</p>	
<p><b>Extinguishment of Footpath 14 (part) at Grisedale Farm Threshfield</b>  Application for the extinguishment of Footpath 14(part) Threshfield, at Grisedale Farm. This is a cul-de sac path that does not give a connection to any other PRow. See also Creation Order at reference E117113.  HA 1980 S118  <b>File Ref:- E117114</b>  Application Received:- 19 September 2006  Initiation Received:-  Work Commenced:- 14 November 2006  Sealed:- 11 April 2007</p>	<p>Confirmed:- 15 June 2007</p>	<p>Legal Event Order required to update the Definitive Map</p>	
<p><b>Diversion of Footpath No. 33, Marrick</b>  Diversion around cattlegrids that have been installed across the track at Marrick Park.  HA 1980 S119  <b>File Ref:- E120402A</b>  Application Received:- 1 June 2006  Initiation Received:-  Work Commenced:- 1 June 2006  Sealed:- 7 February 2007</p>	<p>Confirmed:- 30 May 2007</p>	<p>Legal Event to be made and records to be updated.</p>	

<b>Completed Matters (i.e. Order Confirmed)</b>			
<b>Description of Matter</b>	<b>Order Confirmed (OC) Appeal Rejected (AR)</b>	<b>Current Position @ 30 Sept 2009</b>	<b>File Closed</b>
<p><b>Diversion of Footpath No.8 Melbecks</b> Where the definitive line goes through two houses and the garden of a third property. HA 1980 S119 <b>File Ref:- E120505</b> Application Received:- Initiation Received:- Work Commenced:- 23 October 2006 Sealed:- 7 February 2007</p>	Confirmed:- 22 March 2007	Legal Event to be made and records to be updated..	
<p><b>Creation of Footpath No. 61 Muker</b> Creation Agreement to add a footpath linking two county roads via a snicket behind the church in the village and Parish of Muker. HA 1980 S25 <b>File Ref:- E120607</b> Application Received:- Initiation Received:- Work Commenced:- 3 November 1999 Sealed:- 28 July 2008</p>	Confirmed:- 28 July 2008	Legal Event to be made and records to be updated.	
<p><b>Diversion of Footpath No. 23, Hudswell</b> To divert the footpath currently passing through a childrens play area to a line a few metres distant within the same field boundary, which would enable the enclosure of the play area for the protection of the children and exclusion of dogs. HA 1980 S119 <b>File Ref:- E122701</b> Application Received:- 4 October 2006 Initiation Received:- Work Commenced:- 6 November 2006 Sealed:- 19 March 2007</p>	Confirmed:- 20 June 2007	Legal Event to be made and records to be updated.	

<b>Completed Matters (i.e. Order Confirmed)</b>			
<b>Description of Matter</b>	<b>Order Confirmed (OC) Appeal Rejected (AR)</b>	<b>Current Position @ 30 Sept 2009</b>	<b>File Closed</b>
<p><b>Diversion of Footpath No. 516012 Dent at Dan's Croft</b>            To divert a footpath that the public confuse as passing through a gate north east but in fact passes to south in front of Dan's Croft. The diversion taking it out of an area to be enclosed onto a more gradual easterly rise that provides, in part, improved long distance views while also avoiding an area of wet ground.            HA 1980 S119  <b>File Ref:- E130113</b>            Application Received:- 24 August 2006            Initiation Received:-            Work Commenced:- 29 August 2006            Sealed:- 11 April 2007</p>	<p>Confirmed:- 17 September 2007</p>	<p>Legal Event to be made and records to be updated.</p>	
<p><b>Claimed Restricted Byway at Swineley Cowm in the parishes of Dent &amp; Hawes</b>            To confirm the true status of Bridleway No.516056 in Dent and a missing link at Swineley Cowm, Hawes to facilitate the Pennine Bridleway National Trail.            WCA 1981 S53  <b>File Ref:- E225622</b>            Application Received:-            Initiation Received:- 8 May 2007            Work Commenced:- 8 May 2007            Sealed:- 2 January 2008</p>	<p>Confirmed:- 5 June 2009</p>	<p>Period for challenging the Order expired without a challenge being made. The Order is now in effect. The amendment to the Definitive Map remains to be completed .</p>	

**Pending Casework 2009-10**

**Priority matter - currently inactive**

**Requirement**

- High Birkwith to Cam End - Restricted Byway Order.....Research not yet commenced

**Remaining Pending Matters**

- |   |  |
|---|--|
| • Footpath 12 Buckden - Re-alignment<br>DMMO  | Submission of opposed Order to<br>SoS                              |
| • Footpath 30 Grassington - Re-alignment<br>DMMO  | Submission of opposed Order to<br>SoS                              |
| • BW 2 Calton & BW 21 Malham<br><b>Late application for BOAT</b>                                | Some research carried out.   |
| • BWs 7 & 4 Hetton, 6 Calton, 21<br>Malham and 2/A Rylstone<br><b>Late application for BOAT</b> | More research required   |
| • BW 5 Threshfield & BW 2/B Rylstone<br><b>Late application for BOAT</b>                        | Research not yet started   |
| • Long Lane - Clapham to Selside -<br>BOAT application  | Order not yet made   |
| • Thwaite Lane - Clapham to Austwick<br>BOAT application  | Opposed Order to be submitted<br>to SoS                            |
| • BW 52 (part) addition to Definitive Map<br>In Hawes and High Abbotside                        | Further research required  |
| • BW 7 Newbiggin – deletion and addition  | Further research to be carried out<br>before an Order can be made. |
| • FP 568077 Sedbergh - diversion at<br>Dovecote Gill  | Further liaison with landowners<br>required                        |
| • BW 14 Ingleton – diversion, exting., creation   | Further liaison with landowners<br>required.                       |
| • FP 37 H-in-R Dub Cote - up-grade to BOAT  | Further research required  |
| • BW 20 Malham M; BW 3 Malham (Monk's Rd)<br>Downgrade to FP                                    | Opposed Order to be submitted to<br>SoS.                           |
| • BWs 1&2 Bordley (Lainger Hse) – up-grade to<br>BOAT . <b>Late application for BOAT</b>        | Research not yet started   |

- BW 11 Buckden (Raisgill) – up-grade to BOAT  
**Late application for BOAT** Research not yet started
- BW 4 Bordley & BW 9 C-w-K - up-grade to BOAT  
**Late application for BOAT** Research not yet started
- FP 3 Halton Gill - deletion and addition  
(re-alignment) Further research required

<b>Wildlife &amp; Countryside Act 1981 Definitive Map Modification Order Applications not yet being dealt with BOAT APPLICATIONS</b>	
<b>Description of Matter</b>	<b>Affected by NERC / Winchester ? (See footnote for explanation of terms)</b>
<b>Upgrade of Bridleways No. 21 Austwick &amp; No. 2 Lawkland at Bark House Lane</b> BW upgrade to BOAT <b>File Ref:- E210402</b> Application Received:- 06/07/2005	Affected by NERC - late application
<b>Upgrade Bridleway Nos. 25 Horton in Ribblesdale &amp; No. 4 &amp; 5 Halton Gill to BOAT at Foxup Road &amp; Hesleden Bergh</b> Upgrade BW 25, 4 & 5 to BOAT <b>File Ref:- E213503</b> Application Received:- 18/01/2005	Affected by Winchester
<b>Upgrade of Bridleways No. 2 Ingleton &amp; No. 516045 Dent at Cravens Way</b> Upgrade to BOAT <b>File Ref:- E214503</b> Application Received:- 24/10/2005	NERC - late application
<b>Upgrade Bridleway No. 3 Langcliffe at Winskill Rd to Stainforth Parish Boundary</b> Upgrade of Bridleway No. 3 to BOAT <b>File Ref:- E214803</b> Application Received:- 09/02/2005	“ “ “
<b>Upgrade Bridleway Nos. 5 &amp; 6 Lawkland and Bridleway Nos. 26 &amp; 27 Austwick to BOAT</b> Upgrade of Bridleways to BOAT Austwick to Feizor <b>File Ref:- E214901</b> Application Received:- 01/02/2005	“ “ “
<b>Upgrade of Bridleways No. 10 Malham &amp; No. 6 Malham Moor at Dean Moor</b> Upgrade of Bridleway 10 & 6 to BOAT <b>File Ref:- E215402</b> Application Received:- 29/11/2004	Affected by Winchester
<b>Arncliffe Cote to Great Close Gate Upgrade of BW to BOAT</b> Upgrade BW 29 & 30 Bordley BW 16 & Arncliffe BW 5 to BOAT <b>File Ref:- E215503</b> Application Received:- 29/11/2004	Affected by Winchester
<b>Upgrade Bridleway Langber, Dacre &amp; Haw Lanes Settle to Otterburn</b> Addition & Upgrade to BOAT <b>File Ref:- E215801</b> Application Received:- 06/07/2005	NERC - late application

**Wildlife & Countryside Act 1981  
Definitive Map Modification Order  
Applications not yet being dealt with  
BOAT APPLICATIONS**

Description of Matter	Affected by NERC / Winchester ? (See footnote for explanation of terms)
<b>Upgrade Bridleway No. 10 Settle to BOAT at Lodge Road</b> Upgrade of Bridleway 10 to BOAT <b>File Ref:- E216202</b> Application Received:- 09/12/2004	Affected by Winchester
<b>Upgrade Bridleway No. 7 Settle to BOAT at Lambert Lane</b> Upgrade of Bridleway 7 to BOAT <b>File Ref:- E216203</b> Application Received:- 28/01/2005	NERC - late application
<b>Upgrade BW 13, Carlton Town &amp; BW30, Burton-cum-Walden to BOAT</b> Upgrade of bridleways from Carlton in Coverdale via Howden Lodge to Walden Cote (Thupton Gill) <b>File Ref:- E226709</b> Application Received:- 18/10/2005	“ “ “
<b>Upgrade of Bridleway No. 2 Ingleton &amp; No. 516045 Dent at Black Rake Road</b> Up-grade to BOAT <b>File Ref:- E230103</b> Application Received:- 24/10/2005	“ “ “
<b>Upgrade Bridleway No. 516029 Dent to BOAT at Occupation Road</b> Upgrade to BOAT <b>File Ref:- E230104</b> Application Received:- 25/11/2005	“ “ “
<b>Upgrade Bridleway No. 516027 Dent to BOAT at Flintergill Outrake</b> Upgrade to BOAT <b>File Ref:- E230105</b> Application Received:- 25/11/2005	“ “ “
<b>Upgrade Bridleway No. 516043 Dent to BOAT at Nun House Outrake</b> Upgrade to BOAT <b>File Ref:- E230106</b> Application Received:- 25/11/2005	“ “ “

<b>Wildlife &amp; Countryside Act 1981</b> <b>Definitive Map Modification Order</b> <b>Applications not yet being dealt with</b>
<b>NON-BOAT APPLICATIONS</b>
<b>Description of Matter</b>
<b>Windy Pike Lane, Hanlith</b> Addition of bridleway over Windy Pike Lane from Hanlith to the Calton Parish boundary <b>File Ref : E213701</b> Application Received : 15/06/2009
<b>Nursery Hill, Hellifield.</b> Addition to the Definitive Map of two claimed footpaths <b>File ref : E214201</b> Application rec'd 15/07/2009

### **Footnote**

The 'NERC' Act is the Natural Environment and Rural Communities Act 2006. The effect of s.67(1) of the Act was to extinguish rights for mechanically propelled vehicles (MPVs) over routes that were either not recorded on a Definitive Map or were recorded only as footpath, bridleway or restricted byway. In other words, where the rights for vehicles were unrecorded, the Act extinguished MPV rights. One of the exceptions in the Act, that saved MPV rights from extinguishment was if an application for a BOAT had been made prior to 20 January 2005. In that event any existing rights for MPVs were not extinguished and a BOAT could result. However, if the application was late (i.e. after 20 January 2005) it did not save MPV rights and in order to achieve a BOAT the applicant would need to rely on one of the other exceptions in the Act.

For the purposes of this report therefore, when reference is made to an application being affected by NERC it means that a BOAT application was made after the relevant date and in order to be successful it must rely on one of the exceptions in s.67(2) of the 2006 Act.

'Winchester'. This was the case that decided the issue of whether or not an application, where it was made before the 20 January 2005, was in fact a valid application. Schedule 14 to the Wildlife and Countryside Act 1981 prescribes how applications for DMMOs must be made. Section 67(6) of the 2006 Act (NERC) requires that applications be made in accordance with schedule 14. However, Authorities, prior to NERC, had taken a flexible approach to these requirements. The Winchester case decided that if an application is to save MPV rights it must have been made strictly in accordance with the requirements of schedule 14.

For the purposes of this report therefore, if a case is referred to as being affected by Winchester it means that the Authority has determined that the application was not made strictly in accordance with the requirements of schedule 14 and therefore cannot be regarded as a valid application. Therefore it does not have the effect of saving MPV rights.