

## REPORT TO LEEDS LOCAL ACCESS FORUM

Meeting 13<sup>th</sup> July 2010

**Report regarding the result of six Definitive Map Modification Order applications determined by the Countryside and Access Manager on 22<sup>nd</sup> January 2010**

**Report prepared by Ken Bell of Legal, Licensing and Registration**

1. Leeds City Council is the Surveying Authority for the Leeds Metropolitan District and is responsible for maintaining the Definitive Map and Statement covering the area.
2. A number of applications have been made to the council to modify the Definitive Map and Statement and six such applications were determined by the Countryside and Access Manager on 22<sup>nd</sup> January 2010.
3. The applications considered were in respect of the following ways:
  - (i) an alleged footpath at Mill Lane to Forest Bank, Gildersome;
  - (ii) an alleged footpath adjacent to Ringshaw Beck, Drighlington;
  - (iii) an alleged footpath off Greenbank Avenue, Horsforth;
  - (iv) an alleged bridleway at Quarry lane, Bracken Park, Scarcroft;
  - (v) an alleged footpath from Woollin Crescent to footpath 108 Haigh Wood, East Ardsley; and
  - (vi) an alleged byway open to all traffic on part of footpath no. 1 Pudsey at Horsforth New Road slip road to Rodley.
4. The result of the applications were as follows:
5. Mill Lane to Forest Bank, Gildersome

Having considered the report of Robin Carr Associates, public rights of way consultants, employed by Leeds City Council and having been made aware of the law and sources of documentary and user evidence investigated including the oral evidence of an adjacent landowner, the Countryside and Access Manager was satisfied that a twenty year period of enjoyment had occurred and therefore authorised the making of a Modification Order in accordance with section 53 of the Wildlife and Countryside Act 1981.

The making of the Modification Order has been delayed because the occupier of the land is going to apply for a Diversion Order. This would allow the Council to make the Diversion Order and Modification Order concurrently making better use of staff time and resources and allowing the public and users an opportunity to consider the Orders together.

6. Footpath adjacent to Ringshaw Beck, Drighlington

Having considered the report of an officer of the Council's Public Rights of Way section and having been made aware of the law and sources of documentary and user evidence investigated including the oral evidence of the landowner, the Countryside and Access Manager, on a balance of probability, did not accept that the claimed routes existed as public footpaths. In the circumstances it was not considered appropriate to make a Modification Order in accordance with section 53 of the Wildlife and Countryside Act 1981.

No appeal has been received to that decision.

7. Greenbanks Avenue to Church Avenue, Horsforth

Having considered the report of an officer of the Council's Public Rights of Way section and having been made aware of the law and sources of documentary and user evidence investigated, the Countryside and Access Manager was satisfied that a twenty year period of enjoyment had occurred and therefore authorised the making of a Modification Order in accordance with section 53 of the Wildlife and Countryside Act 1981.

The Order was made and advertised on 1<sup>st</sup> April 2010 and the statutory period for representations or objections expired on 17<sup>th</sup> May 2010. There have been three objections received.

8. Quarry Lane, Bracken Park, Scarcroft

Having considered the report of an officer of the Council's Public Rights of Way section and having been made aware of the law and sources of documentary and user evidence investigated, and having heard from several adjacent landowners and the Clerk to the Parish Council, the Countryside and Access Manager was satisfied that a twenty year period of enjoyment had occurred for the way to be a bridleway and therefore authorised the making of a Modification Order in accordance with section 53 of the Wildlife and Countryside Act 1981.

The Order was made and advertised on 9<sup>th</sup> April 2010 and the statutory period for representations or objections expired on 24<sup>th</sup> May 2010. There have been no objections received.

9. Woollin Crescent to Footpath 108 Haigh Wood, East Ardsley

Having considered the report of Robin Carr Associates, public rights of way consultants, employed by Leeds City Council and having been made aware of the law and sources of documentary and user evidence investigated including the landowner, a member of the public and a local councillor, the Countryside and Access Manager was satisfied that a twenty year period of enjoyment had occurred in respect of part of the claimed path, part of the application being rejected, and therefore

authorised the making of a Modification Order in respect of part in accordance with section 53 of the Wildlife and Countryside Act 1981. A notification of intention to appeal was received by DEFRA against the decision to reject part of the application and they are contacting the proposed appellant to ascertain whether the communication received by them should be regarded as being an appeal.

The Order was made and advertised on 9<sup>th</sup> April 2010 and the statutory period for representations or objections expired on 24<sup>th</sup> May 2010. There have been no objections received.

10. Part of footpath no. 1 Pudsey at Horsforth New Road slip road to Rodley

Having considered the report of Robin Carr Associates, public rights of way consultants, employed by Leeds City Council and having been made aware of the law and sources of documentary and user evidence investigated the Countryside and Access Manager was satisfied on the balance of probabilities that a restrictive byway subsists and therefore authorised the making of a Modification Order in accordance with section 53 of the Wildlife and Countryside Act 1981.

The Order was made and advertised on 16<sup>th</sup> April 2010 and the statutory period for representations or objections expired on 31<sup>st</sup> May 2010. No objections have been received.