

meeting **RIGHTS OF WAY COMMITTEE**

date **16 JUNE 2010**

agenda item number

10

REPORT OF CORPORATE DIRECTOR (COMMUNITIES)

COUNTRYSIDE ACCESS (DEFINITIVE MAP) PROGRESS REPORT

Purpose of the Report

1. To provide Rights of Way Committee Members with a summary of the progress made on current case files.

Background

2. This report provides Members with an update on the progress of various applications received and decisions made under delegated powers since the meeting of the Committee on 10 March 2010. This summary report will give Members an update on the range of applications which are currently being processed.
3. Members may recall having received a full schedule of 'live' cases which accompanied a report which was brought to the Committee meeting on 18 November 2009. Subject to Members' approval, it is intended that each September (to coincide with the anniversary of the first meeting of this Committee) commencing in 2010 a full schedule will be again be tabled and that in between those yearly schedules, the Committee will receive progress reports at each meeting which will identify developments which have occurred in those various cases.
4. In order to give Members a clearer understanding of where in the process various cases have reached, the attached table of 'Cases in Progress' has been slightly redesigned. Where one of the stages referred to at paragraph 5 has been reached since the last progress report to Committee, this will trigger inclusion in the current progress report. .
5. The 'trigger points' are as follows:-
 - a) Receipt of a new application / discovery of evidence;

- b) Appeal stage against a decision not to make an order;
 - c) Making an order;
 - d) Confirming an order;
 - e) Referring an objected order to the Planning Inspectorate.
 - f) Setting a date for a public inquiry / hearing;
 - g) Outcome of public inquiry / hearing.
6. Appendix 1, therefore, sets out in tabular form, applications to modify or add paths to the legal record of public rights of way, the Definitive Map and Statement. The table includes the electoral division, parish, claim number, description and progress made,
7. Members may also wish to view the statutory Rights of Way Modification Order Application Register. This lists all outstanding claims made by members of the public for alterations to the County's legal record of public rights of way. This is available to view on the Council's internet site on the countryside access and rights of way pages.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service and where such implications are material they have been described in the text of the report.

RECOMMENDATION

9. It is RECOMMENDED that:
- (i) Full schedules of live Definitive Map cases be reported to the Committee each September commencing in 2010 and interim progress reports be brought to the Committee at each meeting.
 - (ii) The contents of this report be noted.

TIM MALYNN

Corporate Director (Communities)

Comments of the Service Director – Finance

The contents of this report are duly noted; there are no financial implications.
[DJK – 18/05/10]

Legal Services' Comments

The recommended decision under 9(i) is within the power of the Committee to determine and the recommended decision under 9(ii) is for noting only. [JI – 07/06/10]

Background Papers Available for Inspection

Case Files

Electoral Division(s) and Member(s) Affected

All

Case officers;

Tim Hart, Senior Definitive Map Officer	74395
Angus Trundle, Definitive Map Officer	74961
Eddie Brennan, Definitive Map Officer	74709
Jenny White, Definitive Map Officer	74702

APPENDIX 1 – DEFINITIVE MAP CASES IN PROGRESS

<i>Receipt of new application / discovery of evidence</i>							
<i>Electoral Division</i>	<i>Parish</i>	<i>Elected Member</i>	<i>Claim No.</i>	<i>Type of Application</i>	<i>Case Officer</i>	<i>Description</i>	<i>Progress</i>
Worksop East	Worksop	Glynn Gilfoyle	N/A	Modification Order	Eddie Brennan	Addition of a footpath crossing the proposed new Tesco site	Application not properly made, consulting with applicant via John Mann's constituency office
Misterton	Clarborough	Liz Yates	895	Modification Order	Jenny White	Addition of a footpath	Application received
Chilwell and Toton	Toton	Richard Jackson & Tom Pettengell	905	Modification Order	Jenny White	Addition of a bridleway	Application received
Arnold North	Arnold	Ged Clarke & Carol Pepper	900	Modification Order	Tim Hart	Addition of a footpath	Application received
Farnsfield & Lowdham	Bleasby	Andy Stewart	901	Modification Order	Tim Hart	Addition of a footpath	Application received
Balderton	Balderton	Keith Walker	902	Modification Order	Tim Hart	Addition of a footpath	Internal processing of missing link
Kimberley & Trowell	Kimberley (Babington)	Ken Rigby	903	Modification Order	Tim Hart	Upgrade of bridleway to Restricted Byway and addition of connecting Restricted Byway	Processed in response to request from Kimberley Town Council
Kimberley & Trowell	Kimberley	Ken Rigby	904	Modification Order	Tim Hart	Addition of a footpath	Application received
Ruddington	Costock	Reg Adair	906	Modification Order	Tim Hart	Addition of a footpath	Internal processing of missing link
Bingham	Scarrington	Martin Suthers	907	Modification Order	Tim Hart	Addition of a footpath	Internal processing of missing link

Receipt of new application / discovery of evidence							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
Rufford	Clipstone	Les Ward	908-909	Modification Order	Tim Hart	Addition of two footpaths	Internal processing of unregistered jetty paths
Misterton	Clarborough	Liz Yates	910	Modification Order	Tim Hart	Upgrade of bridleway to Restricted Byway	Internal processing of evidence in response to issues raised by private vehicular access.

Appeal stage against a decision not to make an order							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
NONE							

Making an order							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
Sutton in Ashfield Central	Sutton in Ashfield	Michelle Gent	N/A	Extinguishment Order	Angus Trundle	Extinguishment of Sutton in Ashfield Footpath 47	Extinguishment Order made

Confirming an order							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
Mansfield East	Mansfield Woodhouse	Bob Cross Martin Wright	N/A	Extinguishment Order	Eddie Brennan	Extinguishment of Mansfield Woodhouse Footpath No. 29	Order confirmed
Mansfield East	Mansfield Woodhouse	Bob Cross Martin Wright	N/A	Modification Order	Eddie Brennan	Addition of two footpaths	Order confirmed

Referring an objected order to Planning Inspectorate							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
NONE							

Details of Public Inquiry / Hearing							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
Tuxford	Askham	John Hemsall	106-109	Modification Order	Eddie Brennan	Addition of a number of byways and footpaths	Hearing to be held on 25th August 2010 at East Markham Village Hall

Outcome of Public Inquiry / Hearing							
Electoral Division	Parish	Elected Member	Claim No.	Type of Application	Case Officer	Description	Progress
Tuxford	Grove	John Hemsall	525	Modification Order	Tim Hart	Addition of two footpaths	Public inquiry on 25th May; awaiting decision.
Bingham	Elton	Martin Suthers	203	Modification Order	Tim Hart	Addition of a footpath	Local hearing on 15th June; awaiting decision.