

DEPARTMENT OF RESOURCES

ORIGINATING DIVISION: Highways and Transportation/PROW Capita

REPORT TO: Blackburn with Darwen Borough Council
Planning and Highways Committee

DATE: 12th July 2017 (previously considered 15th October 2015)

TITLE: Application for a Definitive Map Modification Order
(DMMO) at Church Meadows, Belmont

WARDS: North Turton and Tockholes

COUNCILLORS: Colin Rigby (OBE) and Jean Rigby

1. PURPOSE OF REPORT

To seek a decision from Committee for an application to add a Public Bridleway to the Definitive Map and Statement via a Definitive Map Modification Order (DMMO) at Church Meadows, Belmont.

2. BACKGROUND

The land over which the application route runs is open uncultivated land situated between Ward's Reservoir and St Peter's Church at Belmont. Since circa 2003 the land has been registered as Access Land for the purposes of the Countryside and Rights of Way Act 2000 and therefore the so called "Right to Roam" provisions apply, namely the public have a right to walk anywhere over this area. A copy of the map showing the extent of the Access Land is included in the document bundle at Tab 2.

It is understood that in or about 2011/12 the ownership of this area of land changed and this triggered local concerns over future access provisions. As a result, in March 2012 the Council received an application for a Definitive Map Modification Order to add the routes shown by broken black lines on Plan 1 to the Definitive Map. The applicants believe that these routes are public footpaths, and that they should be recorded as such.

Please refer to accompanying report and appendices for details.

The Council has a duty to process the application and determine whether or not sufficient evidence exists to **'make'** a DMMO, or if the application should be refused.

3. DETAIL

Please refer to accompanying assessment of case report for details.

4. THE LAW

Blackburn with Darwen Council is the Surveying Authority for the purposes of Section 53 of the Wildlife and Countryside Act 1981. The Surveying Authority has a duty pursuant to Section 53 of the 1981 Act to maintain the Definitive Map and Statement for its area, and to modify it, by way of making Definitive Map Modification Orders upon the discovery of evidence, which show, when considered with all other available evidence, that they require amendment or updating. Members of the public have a right to apply for a Definitive Map Modification Order, to seek amendment to the legal record using the procedures set out within Schedule 14 of the Wildlife and Countryside Act 1981.

5. RECOMMENDATION

It is the investigating Officer's view that there is a reasonable allegation in favour of the establishment of Public Footpath rights over the application route(s), which are currently unrecorded, and therefore a Definitive Map Modification Order should be promoted.

It is recommended that the Council makes a Definitive Map Modification Order (DMMO) at Church Meadows, Belmont and supports the application.

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| <u>6. CONTACT OFFICER</u> | James Daplyn Ex. 3525 |
| <u>7. DATE PREPARED</u> | 2.6.17 |
| <u>8. BACKGROUND PAPERS</u> | Assessment of the Application
Bundle of Evidence (Digital) |