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| **Interim Order Decision** |
| Site visit made on 6 August 2024 |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 16 September 2024** |

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| **Order Ref: ROW/3323377** |
| * This Order is made under section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as the Yorkshire Dales National Park Authority (Restricted Byway and Byway Open to All Traffic at Thwaite Lane Clapham-cum-Newby and Austwick) Modification Order 2007. |
| * The Order is dated 8 March 2007 and proposes to modify the Definitive Map and Statement for the area by adding a restricted byway and a byway open to all traffic as shown in the Order maps and described in the Order Schedule. |
| * There were four objections, and two representations outstanding when North Yorkshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation. |
| **Summary of Decision: The Order is proposed for confirmation subject to the modifications set out below in the Formal Decision.** |
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Procedural Matters

1. The Order was made by the Yorkshire Dales National Park Authority (YDNPA) in 2007 under powers delegated to them by the North Yorkshire County Council (NYCC). The delegated powers agreement was terminated in April 2013 and the duty to keep the Definitive Map and Statement (DMS) under review returned to NYCC who have submitted the Order for determination. They have taken a neutral stance towards the confirmation of this Order.
2. A line showing the Order route between points A and B is not shown on the main Order Map A. However, points A and B are shown on the main Order map and the Order route is shown on the insert map on Map A between A and B with the correct line style. I do not consider anyone would have been misled by the omission of the line on the main Map A and I can modify the Order to show the missing line if I confirm the Order. I have appended a copy of the Order maps to the end of my decision.
3. I also note one of the headings in PART 2 of the Order states ‘Particulars of path or way to be added’ but the paths listed under it are bridleways to be upgraded to byways open to all traffic. If I confirm the Order, this heading will also need to be modified.
4. The difference in the grid reference at point A between the definitive map modification order application (the Application) and the Order was queried by some of the parties. The Application did not include section A to B, but YDNPA considered unrecorded public rights existed over it and included it in the Order.
5. Section A to B of the Order route is not currently recorded on the DMS as a public right of way. Section B to G and H to J are recorded on the DMS as public bridleways.

The Main Issues

1. The Order has been made under sections 53(3)(c)(i) and 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 (the 1981 Act) which requires me to consider if, on the balance of probabilities, the evidence shows a public right of way not shown on the DMS should be shown, and public rights of way shown on the DMS as highways of a particular description ought to be shown as highways of a different description.
2. Historical documents and maps have been submitted in support of the Order. I need to consider if the evidence provided is sufficient to infer the dedication of higher public rights over the claimed route at some point in the past. Section 32 of the Highways Act 1980 (the 1980 Act) requires me to take into consideration any map, plan or history of the locality, or other relevant document provided, giving it such weight as is appropriate, before determining whether or not a way has been dedicated as a highway.
3. User evidence has also been submitted in support of the application. This requires me to consider if the public have used the route as of right and without interruption, for a period of twenty years immediately prior to its status being brought into question. I must establish the date when the public’s right to use the Order route was brought into question and determine if use by the public occurred for a twenty year period prior to this that is sufficient to raise a presumption of dedication. If this is the case, I must then consider if there is sufficient evidence that there was no intention on the part of the landowner to dedicate public vehicular rights during this period.
4. As this Order is concerned with possible unrecorded vehicular rights, it is necessary to have regard to the provisions of Section 67 of the Natural Environment and Rural Communities Act 2006 which extinguished rights for mechanically propelled vehicles (MPV) subject to certain exemptions. Accordingly, should I find in favour of public vehicular rights existing, I would need to determine if any of these exemptions have been met.

Reasons

**Documentary Evidence**

*Map of Disputed Commons Austwick, Crummack, Wharfe, Horton and Selside 1618 and 1619*

1. A route called Horton Stye is described as a *‘path waye’*. Horton Stye and Long Lane bridleway form a continuous route between Sulber Gate and the Order route at point D. Some parties consider *‘path waye’* means it was not a public carriageway. The Order route is not shown on this map.

*Clapham Thwaite and Side Inclosure Agreement and Award 1758*

1. The Articles of Agreement for the Division of Clapham Thwaite and Side 1758 states *‘there are Two Highways over the said pasture, the one leading from the town of Clapham to a gate called Bottoms Gate and the other from the town of Clapham to a gate called the Bank Gate’*. It does not indicate the status of the two highways.
2. The Award made under the Article of Agreement 1758 ordered fences be made six yards apart across the pasture from the side *‘of a gate commonly called Ake Bank gate leading into Austwick Thwaite… in order to Lane out the highway mentioned in the said articles to lead from Clapham aforesaid towards Austwick’* and also *‘to lane out the said highway leading from Clapham towards Austwick and extending… to… a new lane…from the Bottoms Gate…towards Clapham’*. It also refers to a route *‘Laned from Clapham to the said Clapham Gate in the most commodious manner possible for all persons and uses whatsoever’.*
3. No map is available, but I consider the Order route between A and E to be the highways from Clapham towards Austwick and Long Lane Bridleway is the new lane from Bottoms Gate towards Clapham. It is not clear from the Award where the section from Clapham to Clapham Gate is.
4. The Award stated all the proprietors of the allotments *‘shall and may at all times…make use of the said intended new Lanes respectively for passing and repassing on foot and on horseback and with all kinds of cattle carts and carriages to and from their respective shares or allotments’.* Some parties consider this means public vehicular rights, but others consider this indicates private rights for the allotment holders only.
5. One party stated that, before the Inclosure, the proprietors of the allotments would have been able to pass over the open pasture wherever they wished and enclosing the land would have hindered this passage. They consider the awarding of vehicular rights to the proprietors of the allotments would not have been necessary if public vehicular rights over the Order route had existed before the Inclosure Award.
6. I consider the rights given to proprietors of the allotments applied to the new lanes, but the existing highways pre-dated the Inclosure Award and were not new. Awarding rights over new lanes does not indicate the status of the existing highways. Furthermore, as the Award was made under an agreement, the arbitrators did not have the power to stop up or create public highways. The section between Clapham and Clapham Gate is for the use of everyone for all uses which would suggest public carriageway rights but it is not clear if this is part of the Order route. Overall, I consider the 1758 agreement shows the Order route is a highway, but its status is not clear.

*Austwick Thwaite Pasture Inclosure Award*

1. The Austwick Thwaite Pasture Inclosure Award made by agreement does not include a date and a complete copy is not available. It is suggested this agreement dates from between 1762, when the West Yorkshire Archives Catalogue records cattle gates on Austwick Thwaite Pasture, and 1831 when an estate plan shows the Order route just east of E. I agree that this must have been made before 1831, but it is not clear why it must have been after 1762. The cattle gates could have existed before the 1762 reference. The Catalogue is not provided, and there is nothing to indicate the cattle gates were new in 1762. Therefore, it is not clear if this agreement pre or post-dates the Clapham Thwaite Agreement of 1758.
2. It refers numerous times to *‘the said intended new Way or Road leading from Wharfe and Austwick aforesaid to Clapham aforesaid’*. It also referred to a pre-existing ‘*gate hung at a place called Akebank Gate in the road leading from Wharfe and Austwick aforesaid to Clapham Aforesaid’*. I consider this to be at least section E to G and probably also section H to J of the Order route. The roads between Austwick and Wharfe, and Austwick to Ingleborough (Crummack Lane and the bridleway north to Subler Gate) are also referred to as intended new roads or ways.
3. The agreement specifies with respect to the ways and roads the proprietors shall be entitled to make use at *‘all times for the said new Ways or Roads now set out and intended to be Laned off…(to wit the said Ways or Roads leading…from Wharfe aforesaid to Clapham and from Wharfe and Austwick aforesaid to Clapham aforesaid and from Austwick towards Ingleborough aforesaid and Clapham aforesaid) for Carts Carriages Horses Dr. Cattle and for every other purpose to their said…allotments’*.
4. I consider the Austwick Thwaite Award suggests private rather than public rights over the Awarded routes. However, the reference to *‘Laned off’* routes including the Order route suggests some of the intended new ways were pre-existing routes and Crummack Lane (a public road) and the bridleway north to Sulber Gate are also shown on the 1618/19 Disputed Commons Map. As the Award was made by agreement, the arbitrators did not have powers to create or extinguish highways.

*An Award and Map 1814 for reducing to a Stint Commons in Austwick*

1. The Award for reducing to a Stint commons in Austwick awarded routes called Clapham Road and Cromack Road as ‘*private carriage, and public bridleway and driving roads*’. Clapham Road continues along Long Lane bridleway to point D on the Order Map and Cromack Road is the bridleway from Crummack to Sulber Gate which also continues south to Crummack Lane. Both routes connect to Horton Stye shown on the 1618/19 Disputed Commons Map. The bridleways, private carriage roads, and driving roads were to be repaired by the owners and occupiers of the sheepgates upon the stinted commons.
2. It is suggested the Order route must be a bridleway because Clapham Road and Cromack Road were set out in the 1814 Award in the same way as Long Lane in the Clapham 1758 Agreement and Crummack Lane in the Austwick Thwaite Award. However, Long Lane is described in the 1758 Agreement as a new lane down from Bottoms Gate towards Clapham whereas the Order route is referred to as an existing highway. I do not consider the status of two routes several kilometres north of the Order route can be taken to indicate the status of the Order route.

*Estate Plans and Plans of Clapham*

1. On the 1831 Plan of Lands in the Township of Austwick belonging to James William Farrer Esquire, a short section of the Order route east of E is shown with double solid edges labelled *‘From Clapham’* and *‘To Horton’*.
2. The Order route is shown between A and E on the 1847 Map of an Estate in the Parish of Clapham belonging to John Jacques Willis Esquire and is labelled *‘To Austwick’* at point E. Long Lane bridleway is shown in the same way but a destination is not indicated.
3. An 1883 Plan of the Village of Clapham shows section A to B and the section between the tunnels with double solid edges in the same way as Church Avenue and other public roads.
4. An 1885 Plan of Clapham shows the Order route between A and B, the section between the two tunnels, and C and E with double solid edges and it is labelled *‘to Wharfe’* at point E. Church Avenue and Long Lane bridleway are shown in the same way but tracks within the grounds of Ingleborough Hall and Clapdale Lane Bridleway are shown with pecked edges. I am advised that Long Lane is also labelled *‘to Selside’*, but this is not clear on the copy provided.
5. An undated estate plan based on a six inch to the mile Ordnance Survey (OS) map shows the Order route between A and E with double solid edges labelled *‘Thwaite Lane’*. Other public roads and Long Lane bridleway are shown in the same way.
6. The Estate and Clapham plans show the Order route has existed for many years as a route between Clapham and Austwick. However, the estate plans were produced to show land in private ownership and the purpose of the Clapham plans is not clear. References ‘to’ and ‘from’ places is suggestive of public rights. However, public and private roads and public bridleways are shown in the same way on these maps. Therefore, I do not consider them to be a reliable indicator of public rights or their status.

*Map for the Diversion of the western end of Thwaite Lane 1832 and Quarter Sessions Order Book 1 January 1833*

1. An 1832 plan for the diversion of the western end of Thwaite Lane shows section D-G-E of the Order route coloured pink as a new section of highway. The other new section of highway between C and D is now Church Avenue. The existing highways are coloured yellow.
2. The 1 January 1833 Wetherby Section Quarter Sessions transcript refers to the stopping up and diversion of ‘*parts of* two *ancient highway leading from the village of Clapham aforesaid (over the Thwaites) to the village of Austwick’*. They were being diverted to make them *‘nearer and more commodious for the Public’*. Church Lane is also described in the transcript as a highway. An ancient footway running from *‘the carriage road leading to the Mansion House…along the said carriage road… to the old Highway’* was also diverted. The new highways were to be *‘of the breadth of eighteen feet upon an average’* and the new footpath *‘two yards or thereabouts’*. Carriageway rights were reserved over the footpath for named individuals.
3. Church Avenue is a public vehicular highway, and some parties claim this indicates the Order route must also be a public carriageway as the diversion described them both as highways.
4. The diversion would have been made under the Highways Act 1773. Under this Act surveyors of the Highways shall *‘cause to be made, supported and maintained every publick cartway leading to any Market Town, twenty feet wide at the least…if the ground between the fences inclosing the same will admit thereof’*. It also allowed that *‘any publick Highway... or publick Bridleway or Footway may be diverted, so as to make the same more commodious to the Publick…and the new Highway, Bridleway or Footway so to appropriated and set out, shall be, and for ever after continue a publick Highway, Bridleway or Footway’*. This suggests public highways needed to be at least twenty feet, but only if conditions allowed. It also suggests the term *‘public highway’* indicated vehicular rights because lower status routes are referred to as footways of bridleways.
5. I consider the Diversion Order suggests the Order route is a public highway which is more likely to be a carriageway.

*Tithe Maps*

1. On the Austwick and Lawkland Tithe map of 1847 the Order route is shown with double solid edges between E and J and is labelled *‘from Clapham’* at point E. Other public roads and bridleways are shown in the same way.
2. On the Clapham-cum-Newby Tithe map 1852, the Order route is shown with double solid edges between A and E. Section A to B is narrower than B to D. It is numbered 1299 between D and E and is labelled *‘to Austwick’* at point E. In the 1847 Award, Apportionment 1299 is listed under the heading ‘*Public roads and Waste’* and described as *‘Thwaite Lane’*. The two routes described under this heading as Public Road are now C roads, as is the route described as an Old Turnpike Road. Most of the named lanes are recorded footpaths or bridleways, but one has no recorded status.
3. The purpose of tithe records was to identify titheable land capable of producing crops. They were not produced to record public rights of way, although they can sometimes be helpful in determining the existence and status of such routes. I consider the Tithe maps are suggestive of public rights over the Order route but, they are not a reliable indicator of status.

*Finance Act Maps*

1. On the 1910 Finance Act map the Order route is excluded from the surrounding hereditaments between the eastern end of the tunnel and point J. Section A to B is also excluded from the adjacent hereditaments. Public roads and Long Lane bridleway are also excluded from the adjacent hereditaments. The section through the tunnels is included within parcel 113 but the Order route is largely underground at this point. In the field book Hereditament 113 is stated to describe the Order route as a *‘Right of Way through tunnel’* but a copy is not provided.
2. The Finance Act 1910 imposed a tax on any increase in land value, which was payable when the land changed hands. Maps were produced to show taxable land following a survey by the Board of Inland Revenue. The exclusion of part of the appeal route from the adjoining hereditaments could indicate public rights which were more likely to be vehicular. However, private roads could also be shown in the same way, particularly when there are multiple private right holders.
3. The Finance Act maps are suggestive of public vehicular rights, but known bridleways are shown in the same way. The Inclosure Awards indicates there were multiple individuals with rights over it. Therefore, I consider the weight I can give to it is limited.

*Highway and Definitive Map Records*

1. Thwaite Lane is not included in Settle Rural District Council’s (SRDC) List of Roads circa 1915. It is included in SRDC Particulars of Lengths of Ratione Tenure Roads (RTR) which NYCC believe is circa 1896. A typed list of RTR sent with a letter dated 26 March 1982 also includes Thwaite Lane and I am advised it is recorded in current NYCC highway records as a RTR. Clapham Road and Cromack Road, which were set out in the 1814 Austwick Award as *‘private carriage and public bridleway and driving roads’*, are also included in the 1896 RTR list and Cromack Road is also on the 1982 list of RTR.
2. An 1896 letter asked parishes which RTR should be taken over and maintained by SRDC. Letters between the Ingleborough Estate and SRDC between 1904 and 1908 indicate the Estate did not agree to the maintenance of Thwaite Lane being taken over by SRDC. One party suggests they did not wish the RTR to be taken over because they could claim an exemption from highway rates for maintaining them, but no evidence has been provided to indicate the Estate were claiming an exemption.
3. One of the parties compiled a list of the roads included in the 1896 list of RTR and their current status. The RTR are a mixture of public footpaths, bridleways, unclassified roads, and C roads with one not being a highway.
4. A 1915 letter from SRDC refers to a gap between flags at a cattle creep that horses could get their foot trapped in on *‘the road from Clapham to Austwick’*. The Estate Agent responded stating *‘road made safe for the passage of horses and carts’*. The letters do not indicate the public status of the road.
5. The Order route and Long Lane bridleway are shown coloured blue between A and G on the Handover map 1929 as a RTR. Section H to J is not coloured. These maps were produced under the Local Government Act 1929 which transferred the responsibility for maintenance of highways from Rural District Councils to County Councils.
6. Thwaite Lane is not included on the maps produced under the Rights of Way Act 1932 but routes connecting to it are. A letter from Ingleborough Estate in 1936 contested path 161A which ran parallel to the Order route. They state Thwaite *‘lane itself gives ample rights to the public between Clapham and Wharfe’*. The landowners acknowledged public rights over the Order route but do not refer to their status. The Order route may have been omitted from the 1932 maps because it was considered to carry vehicular rights, but there may have been other reasons for its omission.
7. The Order route between B and J has been included on the DMS as a bridleway since the 1953 Draft map. The Parish Survey Schedule for the section within Austwick describes it as *‘an old Roman Road’* but no status is indicated.
8. Section A to B is not shown on the definitive map. Some parties suggest its omission indicates it was considered to be a publicly maintainable vehicular highway when the DMS was produced. Another party refers to the definitive statement for Clapham-cum-Newby which states Thwaite Lane commences from *‘the junction with the Clapham Village Street adjoining St. James Church’*. This description does not name the village street and could indicate it commenced at either point A or point B. If the former, section A to B would already be included in the definitive statement as a bridleway.
9. Correspondence in the 1970s refer to damage to the Order route caused by public use with MPV, and requests were made for the erection of notices to prohibit them. There were also concerns in the 1950s and 1980s about damage caused by timber extraction vehicles. The responses from the Highway Authority stated the landowners were responsible for repairing Thwaite Lane and they had private vehicular rights which allowed them to take forestry vehicles along it.
10. The Highway and Definitive Map records clearly indicate the Order route has public rights and is a RTR. Various arguments have put forward by the parties as to whether RTR roads carry vehicular or bridleway rights. Two routes awarded as public bridleways in 1814 are listed in the RTR records and other routes in the 1896 list of RTR are recorded on the DMS as footpaths or bridleways. Therefore, I do not consider the inclusion of the Order route in the RTR records reliably indicates its status. The other Highway and Definitive Map records also do not provide a clear indication of public rights higher than bridleway status.

*Commercial Maps*

1. The Order route is shown on Jeffrey’s 1771 map as a mixture of *‘inclosed’* and *‘open roads’*. Cary’s 1787 map shows a route on a similar line to the Order route with double solid edges. On Bartholomew’s Motoring map of the British Isles 1924 the Order route is shown uncoloured and the key states *‘uncoloured roads are* i*nferior and not to be recommended’*. Other public roads and bridleways are shown on these maps in the same way.
2. The commercial maps indicate the existence of the Order route for many years. They are suggestive of public rights, possibly higher than bridleway, but they do not provide a reliable indication of status and the weight that can be given to them is limited.

*Ordnance Survey Maps*

1. The first edition David and Charles Map shows all the Order route with double solid edges labelled *‘Thwaite Lane’*. It is shown in the same way on the 1851 six inch to the mile and 1909 25 inch to the mile OS maps, with the exception of the tunnels between B and C which are shown with double pecked lines and labelled Tunnel. Other public roads and bridleways including Long Lane are shown in the same way.
2. The Skipton and District one inch to the mile 1931 OS map shows the Order route as a *‘metalled Road, third class’* and labelled *‘Thwaite Lane’*. On the New Popular Edition of Askrigg and Settle 1947 OS map it is shown as an *‘other motor road narrow bad’* between points A and G and a *‘minor road’* between points H and J. The key indicates footpaths and bridleways are shown with dashed lines. The 1:25,000 1950 OS map shows the Order route as *‘Other Roads, poor or unmetalled’*. Other public roads and bridleways are shown in the same way.
3. The OS maps provide evidence of the physical existence of the Order route. However, since the late 19th Century, OS maps have carried a disclaimer that tracks and paths shown provide no evidence of the existence of public rights. Some of the OS maps are suggestive of public rights of a higher status than bridleway. However, other routes with public bridleway rights are also shown in the same way which limits the weight that can be placed on them.

*Conclusions on the Documentary Evidence*

1. The documentary evidence indicates the Order route has been a public highway since at least 1758 but none of the documents before me provide a clear indication of its status. The undated Austwick Inclosure Award suggests private rights but a full copy of this is not available. The Clapham Inclosure Award indicates the Order route is a public highway, but no status is given.
2. Tithe maps, Commercial maps, Finance Act maps, Estate Plans, and OS maps all show known public bridleways and carriageways in the same way as the Order route, including two routes set out as public bridleways in the 1814 Award. Many of the routes in the lists of RTR have public footpath or bridleway rights including the two bridleways set out in the 1814 Award. The routes listed under public roads and wastes in the Clapham Tithe Award include footpaths and bridleways. Furthermore, the definition of roads can include foot and bridle roads not just carriageways.
3. The reference to the Order route as a public highway rather than bridleway in the 1832/3 Diversion of part of Thwaite Lane is more suggestive of vehicular rights but is not conclusive. Other documents show the Order route in the same way as known public bridleways and roads and some are suggestive of private rights. Therefore, I do not consider the 1822/3 Diversion is sufficient on its own to indicate public vehicular rights.
4. I consider the documentary evidence before me is not sufficient to show, on the balance of probabilities, public vehicular rights over the Order route. Section A to B is not shown on the Definitive Map but the evidence before me shows it is part of a public highway called Thwaite Lane. The rest of Thwaite Lane is recorded on the DMS as a public bridleway and the evidence suggests bridleway rights. Therefore, I consider there is sufficient evidence to show, on the balance of probabilities, public bridleway rights over section A to B of the Order route.

**User Evidence**

*Bringing into question*

1. To bring into question the right of the public to use the Order route some actions or events must have occurred that brought home to at least some of those using it that their right to do so was being challenged. These must have been sufficiently overt to bring that challenge to the attention of the public using the route.
2. In the 1970’s concerns were raised about public vehicular use of Thwaite Lane and signs prohibiting motor vehicles were requested. There is nothing before me to indicate signs were erected and there is no evidence of other events challenging use.
3. In the absence of evidence of overt acts bringing the right of the public to use the route into question, section 31(7a) and (7b) of the 1980 Act provides that a Definitive Map Modification Order Application made to the surveying authority, can serve as a challenge to use for the purposes of section 31(2) of the 1980 Act. An application was made to YDNPA in September 2004. I therefore consider this to be the date of challenge and the relevant twenty year period of use is September 1984 to September 2004.

*Analysis of use*

1. To satisfy the requirements of section 31, use must be by those who can be regarded as the public. For use to be as of right it must be without force, secrecy, or permission. Use should be without interruption, and to be effective, any interruption must be by the landowner, or someone acting on their behalf. The interruption should be with the intention of preventing use of the way by the public and not for other purposes such as car parking or building works.
2. I must also be satisfied that there was sufficient use by the public to raise a presumption of dedication.
3. Twenty three people provided user evidence forms (UEF) indicating use of the Order route with a MPV between 1970 and 2004. Only six people used it for twenty years or more. Frequency of use was low with most people only using it once a year and no one using it more than three times a year.
4. The UEF contained limited questions and were not accompanied by a map of the route used. No additional information about use has been provided. All the forms were distributed with standard responses typed on. All the UEF have a standard response stating the user had not been challenged by a landowner or occupier, encountered a locked gate or obstruction. One form has a standard response saying they had not been told it was not a vehicular highway, and the others have a standard response stating they did not have permission to use it and had used it openly. None of the forms have a question or response concerning notices or signs along the Order route.
5. The standard responses did not allow the person completing the UEF to answer in their own words. I consider this reduces the weight I can give to the UEF. In my opinion, the limited questions and the lack a question about notices along the Order route also reduces the value of the user evidence.
6. Due to the quality of the evidence before me and the low frequency of use, I am not satisfied there is sufficient use of the Order route with a vehicle to raise a presumption of dedication of vehicular rights during the relevant twenty year period.

*Lack of intention to dedicate*

1. As I have found insufficient evidence to raise a presumption of dedication of public vehicular rights, I do not have to consider if there was a lack of intention to dedicate by the landowners.

**Other Matters**

1. Some parties raised concerns over the suitability and desirability of using the Order route with a vehicle including damage to the Order route, noise pollution, danger to other users, environmental impacts, and negative effects on farming. Although I understand these concerns, these are not matters that I can legally take into consideration when determining the Order.

Conclusions

1. Having regard to these and all other matters raised in the written representations I conclude that the Order should be confirmed with modifications. The proposed modifications will record a bridleway over section A to B. Section B to G and H to J will not be upgraded from bridleway to byway open to all traffic.

Formal Decision

1. I propose to confirm the Order subject to the following modifications:

In PART 1 of the Schedule, Modification of the Definitive Map

* Under Description of path or way to be added replace all reference to ‘Restricted Byway’ with ‘Bridleway’.
* Replace ‘broken black line with small arrow heads’ with ‘solid line with crossbars’.
* Delete the headings ‘Description of path or way to be upgraded’ and both paths listed under these headings.

In PART 2 of the Schedule, Modification of the Definitive Statement

* Under Particulars of path or way to be added, Map A (insert) delete ‘RB' and replace with ‘BW' and delete ‘Restricted Byway’ and replace with ‘Bridleway’.
* Delete the headings ‘Particulars of path or way to be upgraded Map A’ and ‘Particulars of path or way to be added Map B’ and the paths listed under these headings.

On the Order maps

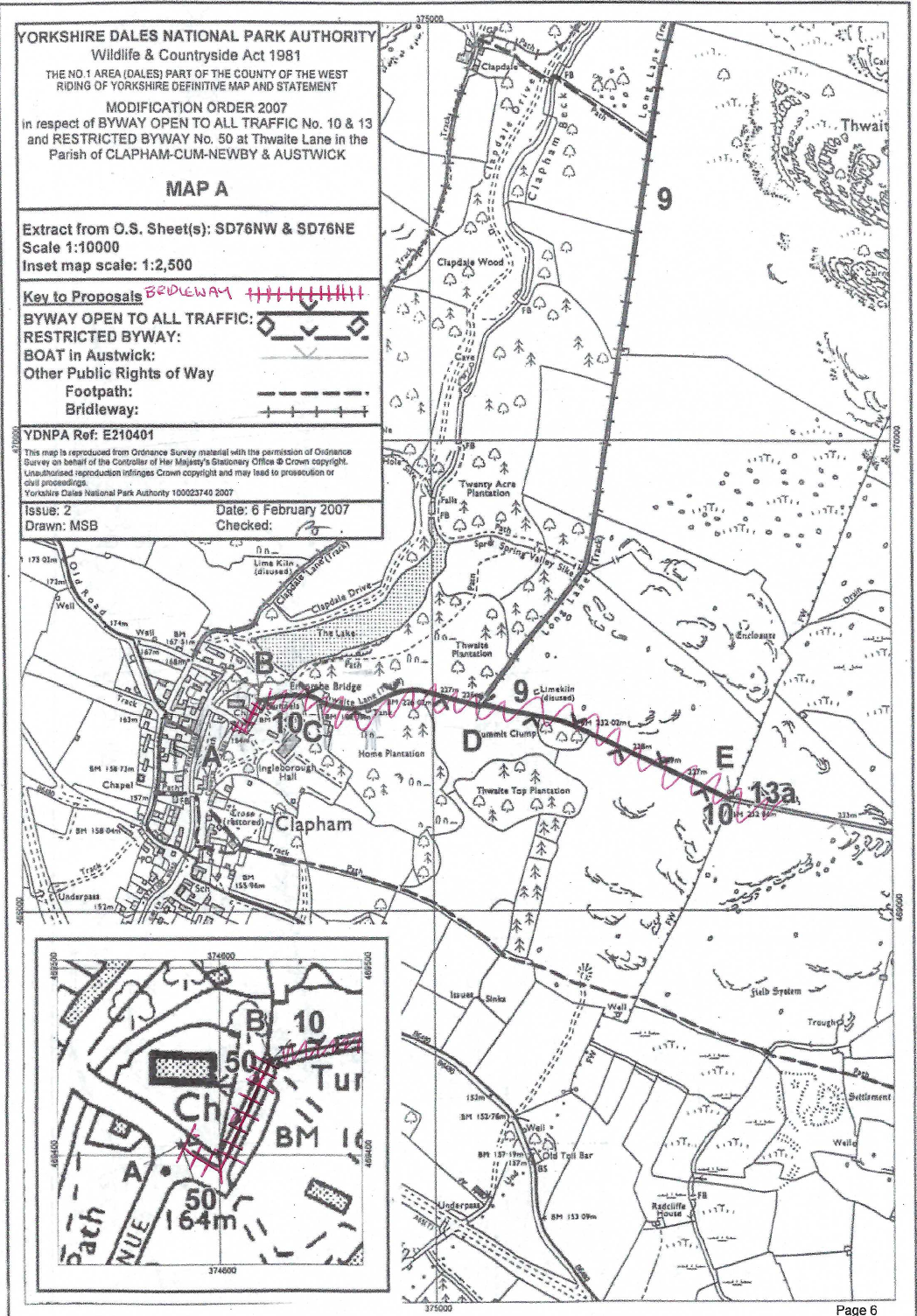
* On the ‘key to proposals’ for map A add a symbol for bridleway (solid line with crossbars)
* Add a bridleway line between A and B on the main map and amend the line style between A and B on the insert map from restricted byway to bridleway.
* Delete sections B-C-D-E, E-F-G, and H-I-J.

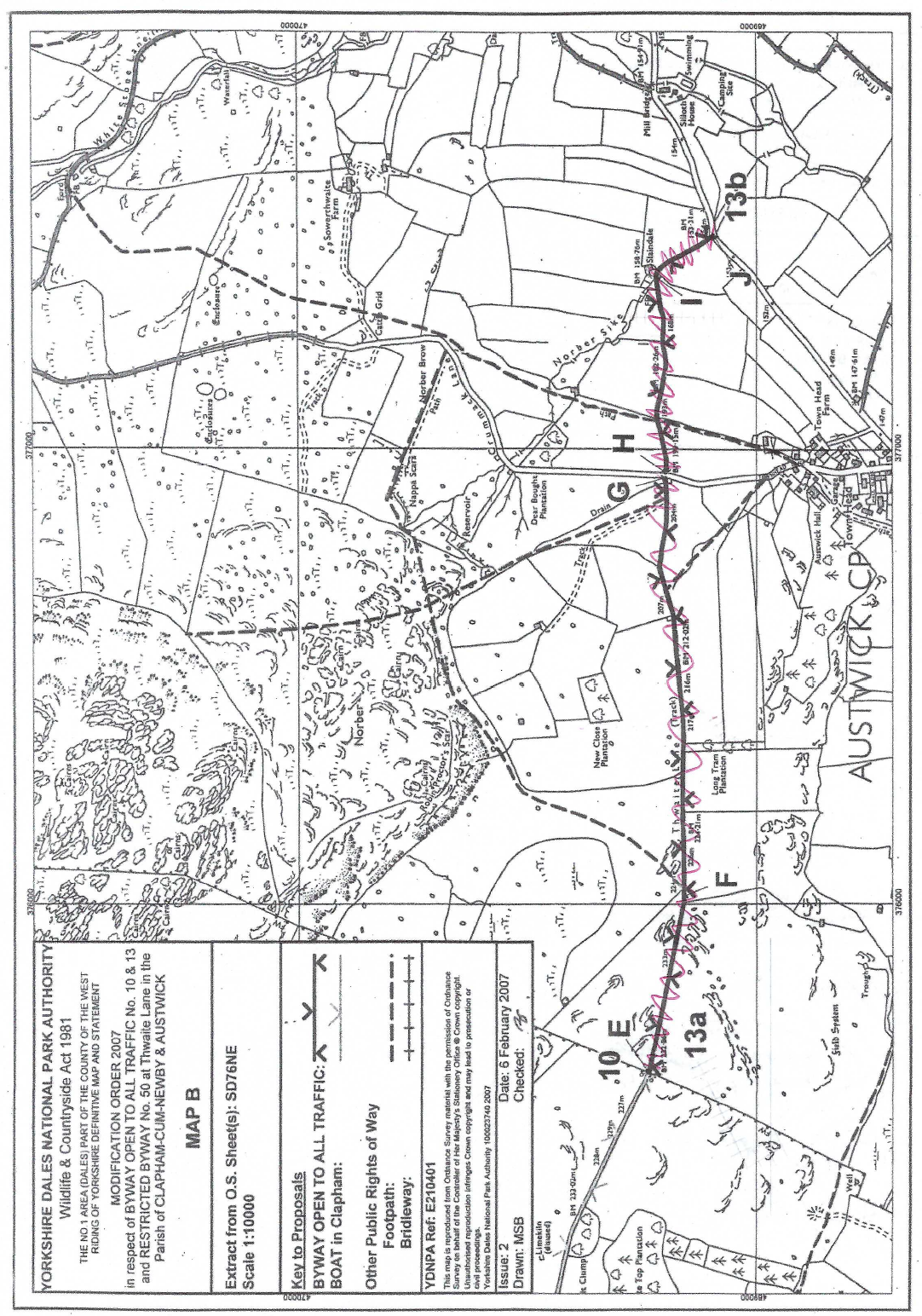
1. Since the confirmed Order would not show a way shown in the Order and show a highway of one description as a way which is shown as a highway of another description in the Order as submitted, paragraph 8 (2) of Schedule 15 to the Wildlife and Countryside Act 1981 requires that notice shall be given of the proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

Claire Tregembo

INSPECTOR

**Order Maps**

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