

**Name of meeting and date:**

Planning sub-committee (Huddersfield area) 4 January 2018

**Title of report:**

**Application for a definitive map modification order to add a public bridleway to the definitive map and statement, Bridge Lane to Sands, Holmfirth.**

**1. Purpose of report**

Members are asked to consider an application made under the Wildlife & Countryside Act 1981 and decide whether to make a definitive map modification order ("DMMO") to add a public bridleway to the definitive map & statement, or some other requisite order, or not to make an order.

**2. Summary of Report**

Mr Charlton of Holmfirth has made an application to the council for an order and claims that a public bridleway should be in the definitive map and statement across land owned by the Bridge Foundry, Holmfirth Cricket club, Holmfirth Bowling club and Kirklees Council.

Evidence and other submissions have been received from the public as well as from the landowners, which have been followed by an investigation by council officers.

Members are asked to consider the evidence against the relevant legal criteria, noting the relevant guidance, before deciding whether to make the order to record a bridleway, or to record some other public right of way or not to make an order.

Officers report to sub-committee for a decision.

**3. Ward Councillor comments**

No comments to date on the existence of public rights.

**4. Officer recommendations and reasons**

That sub-committee resolves to make an Order to modify the Definitive Map and Statement to record a restricted byway under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 between points A-B and C-D shown on appendix Plan 1

and that

the said Order should be forwarded to the Secretary of State for determination if opposed, or otherwise confirmed as unopposed by the council because the evidence is sufficient to show that either a public right of way (i) subsists or (ii) is reasonably alleged to subsist.

Note: If an order is made, it must be advertised and notice given. If objections are received and not withdrawn it must be forwarded to the Secretary of State at DEFRA to determine.