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Peak District
Green Lanes Alliance

How does Derbyshire County Council add public rights of way e.g. BOATs to the definitive map?

We're sorry that this is long and complicated; but we thought it more important to let you know how the process actually works rather than to try and simplify things. This description reflects what is happening now; not what happened in the past.

DCC can decide to make a Definitive Map Modification Order (DMMO) to add a public right of way (footpath, bridleway or restricted byway or BOAT) to the definitive map of public rights of way either as the result of discovering evidence or as the result of an application.

DCC has to investigate applications which comply with certain requirements e.g. which provide the evidence the applicant lists on the application, which show the route applied for on a map drawn to a scale of 1:25,000 or greater. (In the past it would appear that DCC accepted all applications and only queried points when they began to process the application.)

If an application is not compliant, DCC may still decide to investigate the case on the basis of discovery of evidence e.g. to resolve the public right of way status of an "other route with public access" (ORPA), especially if it is a Priority Route within the Peak District National Park.

You can see all current applications at
http://www.derbyshire.gov.uk/leisure/countryside/access/rights_of_way/register_of_application/default.asp

You can search this website by Parish or District. Unfortunately, this online list is not 100% accurate. For example in January 2013 it showed Bamford Clough and Hurstclough Lane as "non-compliant application", but DCC has decided that these routes are BOATs. The online list also excludes applications which have completed the processes described below.

The only foolproof way of determining the status of a route is to inspect the Definitive Map (although the DCC website does not say how to do this!) Although there is a disclaimer stating the information on line is not the definitive map, the easier approach is to look on Derbyshire Mapping Portal at
http://derbyshiremaps.derbyshire.gov.uk/launch_portal.asp?

It is generally simplest to find a route by the name of the nearest village and then navigate to the route you are interested in. Then use "Change Map Information",

“Environment” and “Rights of Way”. Either click the Map **Information button** and then click the route or zoom in to get the rights of way information for a particular route

Step one: DCC processes the application or investigates discovered evidence

- ◆ DCC consults the Parish Council, the relevant County Councillor and other interested parties, asking if they have relevant information about past use.
- ◆ DCC puts up notices on the route informing the public of the consultation and asking for any relevant information.
- ◆ DCC starts its own historical research.
- ◆ DCC officers complete their consultation and research and prepare a report for the Regulatory Licensing and Appeals Committee with a recommendation about the public right of way status of the route, based on the historical and user evidence.
- ◆ The committee decides whether to accept, modify or decline the recommendation.
- ◆ DCC writes to the applicant (if there is one) and those people who replied to the original consultation informing them of the decision

- ◆ If the decision is to make an order adding the public right of way to the definitive map, the order is then made and advertised. The advert contains information about how to object.
- ◆ If there are no objections to the order, DCC confirms the order.
- ◆ DCC adds the route to the definitive map and the Derbyshire Partnership Mapping Portal. The information is also sent to the Ordnance Survey, so that it can update its maps.

Step two: if there are objections

- ◆ If there are objections, DCC attempts to get the objectors to withdraw their objections. It does this because many of the grounds on which people object are irrelevant under current rights of way law (e.g. the fact that use by motor vehicles is dangerous for other people, or that the surface cannot withstand use by motor vehicles).
- ◆ If the objectors will not withdraw, DCC has to refer the order to the Planning Inspectorate, which will then arrange a public inquiry, a more informal hearing or an exchange of written representations to decide whether to confirm the order.
- ◆ If new evidence is discovered during this step, DCC may decide to take a neutral position rather than seeking confirmation of its order.
- ◆ The Planning Inspector decides whether DCC has made the correct decision and confirms, modifies or declines to confirm the DCC order.
- ◆ If the Planning Inspector decides on a modification, the modification has to be advertised in case there are objections.
- ◆ When the order has been confirmed as made or as modified, DCC then makes to the definitive map and the Derbyshire Partnership Mapping Portal the changes ordered by the Planning Inspector. The information is also sent to the Ordnance Survey, so it can update its maps.

Summary of 2012 progress

The tables below reflect what we know about routes investigated in the Peak District National Park during 2012. DCC and the Planning Inspectorate also investigated routes outside the National Park in 2012.

Table 1 Routes investigated by DCC during 2012

Name of route	Parish	Start and finish grid reference	DCC committee decision	Current position with respect to the route (if known)
Brough Lane	Brough and Shatton CP and Bradwell	SK184819 SK190803	BOAT	DCC to make the Order
Shatton Lane	Brough and Shatton CP	SK201815 SK192806	BOAT	DCC to make the Order
Duper Lane	Abney and Abney Grange CP	SK190003 SK198799	BOAT	DCC to make the Order
Abney Restricted Bridleway 5	Abney and Abney Grange CP	SK190803 SK192806	BOAT application rejected	Remains a restricted byway and no further action required
Callow Bank	Hathersage		Public bridleway	DCC to make the order

Table 2: Routes investigated by DCC in 2012 which will be going to the Planning Inspectorate

Name of route	Parish	Start and finish grid references	DCC decision	Any information known about the appeal
Blakelow Lane	Bonsall	SK262588 SK 262596	BOAT	Objection opposing the order
Green Lane	Bonsall and Ible	SK253578 SK259580	Public bridleway	Objection from TRF
Blakemere Lane	Bonsall	SK253578 SK262588	BOAT	Objection received
Bamford Clough	Bamford	SK208836 SK215840	BOAT	DCC negotiating with objectors

Name of route	Parish	Start and finish grid references	DCC decision	Any information known about the appeal
				to try to persuade than to withdraw their objections.
Hurstclough Lane	Bamford and Outseats	SK213830 SK225832	BOAT	DCC negotiating with objectors to try to persuade than to withdraw their objections.

Table 3 Routes where DCC has consulted but the Regulatory Licensing and Appeals Committee has not considered the DCC research

Name of route	Parish	Start and finish grid reference to the best of our knowledge	DCC progress (if known)
Moor Lane	Bonsall	SK262588 SK272584	Committee report in progress for January 2013
Moorlands Lane	Bonsall	SK262588 SK270592	Committee report in progress for January 2013
Black Harry Lane	Stoney Middleton	SK207742 SK212761	
Mires Lane	Great Longstone	SK194745 SK207742	
Haydale Road	Wheston and Wormhill	SK112772 SK128778	Committee report in progress
Water Lane	Tideswell and Wheston	SK134766 SK145768	Committee report in progress
Monksdale Lane (in 2 parts)	Wheston	SK132763 SK134758	
Monksdale Lane (in 2 parts)	Tideswell and Wheston	SK137752 SK148741	
Slancote Lane	Tideswell	SK150756 SK147748	

Name of route	Parish	Start and finish grid reference to the best of our knowledge	DCC progress (if known)
Occupation Lane	Tideswell	SK139768 SK147759	
Clough Lane	Birchover and South Darley	SK240618 SK259619	
Garner House to Highlow Hall	Offerton	SK206821 SK219801	Committee report in progress

Table 4 Routes that have been resolved by the Planning Inspectorate in 2012

Name of route	Parish	Start and finish grid reference	DCC committee decision PI Decision	Current position with respect to the route (if known)
Mill Lane	Eyam and Stoney Middleton	SK222762 SK230754	BOAT	BOAT
Pretty Wood	Eyam	SK231764 SK232763	DCC: BOAT PI: BOAT	
SK232763 to New Road	Eyam	SK232763 SK234760	DCC: Bridleway, then neutral PI: Footpath	Modification to footpath advertised
Jacob's Ladder	Stoney Middleton	SK234760 SK231754	DCC: BOAT, then neutral PI: BOAT	
Steep Lane	Eyam and Grindleford	SK232763 SK235762	This arose out of evidence at the inquiry	Modification from footpath to restricted byway advertised
Bradley Lane	Pilsley and Hassop		DCC: BOAT	Awaiting decision

Table 5 Routes that have been referred to the Planning Inspectorate before 2012 or are known to be awaiting referral to the Planning Inspectorate having been dealt with before 2012 by DCC

Name of route	Parish	Start and finish grid reference	DCC committee decision	Current position with respect to the route (if known)
Gypsy Lane	Chapel-en-le-Frith	SK080819 SK089823	BOAT and RB	Order made; objections received

Table 6 Routes where an order was confirmed by DCC in 2012 although the process started before 2012

Name of route	Parish	Start and finish grid reference	DCC committee decision
Long Causeway	Outseats	SK 227843 SK247844	BOAT