

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

NORTHSIDE, HAXEY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To decide if the Council should send two orders to the Secretary of State for confirmation as made.

2. BACKGROUND INFORMATION

- 2.1 Officers believe Northside is a restricted byway throughout. This is for the reasons set out in the report that authorised the orders' making (see Appendix 1).
- 2.2 The orders were made on 4 May 2011. At present, about two thirds of Northside is a public footpath. The rest is unrecorded. Therefore, two orders were required, one to add and one to upgrade (see Appendix 2).
- 2.3 Notice of the orders having been made was given on 26 May 2011. Five objections were duly lodged. Though three were withdrawn, the two remaining ones still prevent officers from confirming the orders. One of the objectors requires more information and the other has put forward a well-rehearsed objection to the effect that the way in question is not a public right of way but a carriageway used mostly by motor vehicles. It is unlikely that the objector will retract (see Appendix 3).
- 2.4 Only the Secretary of State for the Environment, Food and Rural Affairs can confirm orders in the event that they are contested.

3. OPTIONS FOR CONSIDERATION

- 3.1 To refer both orders to the Secretary of State for confirmation as made.
- 3.2 To refer both orders to the Secretary of State recommending one or both either not be confirmed or be confirmed subject to modification.

4. ANALYSIS OF OPTIONS

4.1 If members wanted to ask the Secretary of State not to confirm one or both orders, or to confirm one or both subject to modification, they would need evidence to that effect. Otherwise, we must refer both orders for confirmation as made.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no financial, staffing, property or IT resource implications requiring consideration in connection with this matter.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory, Risk

6.1.1 See Appendix 4.

6.2 Environmental, Diversity, Section 17 - Crime and Disorder and Other

6.2.1 None.

7. OUTCOMES OF CONSULTATION

7.1 When the making of the orders was advertised, the people and bodies listed in Appendix 5 were sent copies, together with copies of the notices. Even so, the only objectors were as referred to in paragraph 2.3 above.

8. RECOMMENDATIONS

8.1 It is recommended that the Planning Committee agrees to the following actions:

8.1.1 Submit "Definitive Map Modification (Restricted Byway 99, Haxey) Order 2011 (1)" and "Definitive Map Modification (Restricted Byway 99, Haxey) Order 2011 (2)" to the Secretary of State for the Environment, Food and Rural Affairs for confirmation as made; and

8.1.2 Participate fully in the Secretary of State's chosen means of arbitration.

DIRECTOR OF INFRASTRUCTURE SERVICES

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