



Order Decision

Site visit made on 20 January 2025

by **Claire Tregembo BA (Hons) MIPROW**

An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 10 February 2025

Order Ref: ROW/3331063

This Order is made under section 26 of the Highways Act 1980 and is known as the North Yorkshire Council Public Bridleway No 15.43/14 Crimple Viaduct, Follifoot Creation Order 2023. The Order is dated 24 February 2023 and proposes to create a public bridleway as shown on the Order plan and described in the Order Schedule.

There were two objections outstanding when North Yorkshire Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Preliminary Matters

1. The Order states the bridleway to be created is 10 metres long, but some parties state the gap between the end of Bridleway 15.54/61 (the Crimple Bridleway) and the bridleway dedicated by Rudding Park Estate is as short as 2 metres. Based on the Definitive Map and the Public Path Creation Agreement (PPCA) plan I agree that the Order route is shorter than 10 metres. North Yorkshire Council (NYC) advise that the digitised records of parish boundaries are not to a suitable scale to accurately measure the distance between the parish boundary and property boundary. They believe the Officer who produced the Creation Order and map may have included a longer length than necessary in case future issues were raised with the boundaries. Any extra length would be along the existing Crimple Bridleway so would not affect any additional land or create additional public rights.

The Main Issues

2. Under section 26 of the 1980 Act, if I am to confirm the Order, I need to be satisfied there is a need for the bridleway and that it is expedient that it should be created having regard to:
 - a) the extent to which the paths would add to the convenience or enjoyment of a substantial section of the public, or the convenience of persons resident in the area; and
 - b) the effect which the creation of the paths would have on the rights of the persons with an interest in the land, account being taken of the provisions for compensation.
3. I also need to have regard to any material provision of any rights of way improvement plan (ROWIP) prepared by any local highway authority whose area includes land over which the Order relates.

Reasons

4. In 2013 the owners of Rudding Park Estate signed a PPCA to dedicate a public bridleway along a disused railway line on their land (the Railway Bridleway). The

aim of the PPCA is to connect two existing public bridleways, one of which is a cul-de-sac route. However, it was subsequently discovered that there is a short gap between the existing Crimble Bridleway and the edge of the disused railway line. This land is not part of Rudding Park Estate, and the landowner declined to dedicate a public bridleway to connect the Crimble Bridleway with the new Railway Bridleway. The Creation Order was made to connect these routes.

The need for the proposed bridleway

5. Before making the Creation Order, NYC carried out informal consultations. Over 100 responses supporting the creation of the proposed bridleway were received from members of the public and user groups.
6. Those supporting the Order route, consider it will create a pleasant circular route and connect the Crimble Bridleway to the Railway Bridleway and the wider rights of way network. Several parties refer to a need for traffic-free routes and short circular routes for walkers, cyclists, and horse riders.
7. I consider the level of support for the Order route and the desire for traffic-free circular routes in the area indicates a need for the proposed bridleway.

The extent to which the path would add to the convenience or enjoyment of the public or the convenience of residents

8. Those supporting the Order route state it will enhance their enjoyment of the area, fitness, health, and wellbeing. Many people refer to pleasant views of Crimble Viaduct (a Victorian heritage asset), and valley from the Crimble Bridleway. However, they are disappointed they have to retrace their steps and said they would find a circular route more enjoyable.
9. Supporters of the Order felt it would create a useful link to the wider bridleway network and allow a short circular route. Horse riders state it would provide additional options for riding in the area and would be particularly enjoyable and convenient for riders from a nearby riding school. The riding school offers lessons for children and adults, and a disabled riders group is also based there. The Order route could be used to reduce the amount of road riding, improve safety, and increase opportunities for novice and disabled riders.
10. The landowner also states in their objection letter that *'there is no doubt that the creation of a new 'loop' will be attractive as an alternative route for the significant amount of walkers that currently enjoy walking between Fulwith Mill Lane, Almsford Bank, and Follifoot Lane'*.
11. Therefore, I consider the proposed bridleway would add to the convenience and enjoyment of the public and residents.

The effect on persons with an interest in the land, taking account of the provisions as to compensation

12. The objectors raise concerns that the creation of a circular route would have a negative impact on the surrounding land, existing bridleways, and agriculture. They cited current issues with trespass, sheep worrying, dog fouling, litter, fire, anti-social behaviour, damage to fences and gates, parking problems and access issues. They believe a circular route would increase use of the bridleways over their land,

particularly the Crimble Bridleway compounding these issues and degrading the land. Concerns are also raised about the safety of the public.

13. The existing Crimble Bridleway appears to be well used by walkers and cyclists with some signs of use by horse riders. Other rights of way in the area also appear to be well used. I saw several people using the Crimble Bridleway and surrounding paths during my site visit, despite the wet weather. I do not consider the proposed bridleway route would lead to an overall increase in use by the public. Any increase in use is likely to be low.
14. Currently, those using the Crimble Bridleway must retrace their steps when they reach the eastern end. Creating a through route would allow bridleway users to continue their walk or ride along the Railway Bridleway. This could reduce the number of journeys along the Crimble Bridleway due to the availability of a circular route.
15. The issues concerning anti-social behaviour, litter, and fires, are said to be occurring in woodland north of the Order route. Access to this area is easier and more direct from existing footpaths and bridleways. Access to Crimble Beck is also available directly off the existing Crimble Bridleway. I do not consider the creation of the Order route would lead to an increase in these activities.
16. The issues concerning damage to fencing, signs, and gates and some trespass appears to be due to waterlogged surface conditions along the enclosed section of the Crimble Bridleway. I consider the creation of the Order route is unlikely to exacerbate this damage. Surface improvements to the Crimble Bridleway could reduce these issues and NYC has agreed with the landowner to carry out improvement works to it if the Order is confirmed. This would benefit the landowner, and any surface or drainage works, would alleviate some of the issues raised. Issues caused by dogs not being under proper control or fouling could be mitigated with effective signage which NYC can supply.
17. Public safety concerns are raised regarding the existing bridge on the Crimble Bridleway due to the lack of handrails and bridge surface condition. The bridge is wide and appeared suitable for use. I have not been advised of any accidents on this bridge. The bridge is not on the Order route therefore, I do not consider the proposed bridleway will adversely affect public safety.
18. The Crimble Bridleway passes under one of the Crimble Viaduct arches, and the Railway Bridleway passes under another. Fourteen other arches are close to the Crimble Bridleway and Order route. Concerns are raised about bricks falling from the viaduct affecting public safety. The Order route does not pass under any of the viaduct arches and those using the rights of way network should keep to the legal line. I do not consider there is an increased risk to the public from falling debris due to the creation of the Order route. Network Rail, who are responsible for the viaduct, were consulted about the Creation Order at the pre-Order and Order making stages. They did not respond which suggests they do not have concerns about the proximity of the proposed bridleway and the creation of a through route close to railway infrastructure.
19. Furthermore, the Liability Act 1984 provides that any duty of care to trespassers from a known risk of danger can be discharged by giving appropriate warning of the

danger, no duty is owed in respects of risks willingly accepted, and no duty is owed under this Act to persons using a highway.

20. Fulwith Mill Lane provides access to the rights of way network in the Crimple Valley. There are reports of occasional parking in front of gates, and inconsiderate parking that makes it impossible for larger vehicles to pass. I do not consider the creation of the Order route will increase these issues. Obstructions to highways can be dealt with by other means.
21. I do not consider the proposed bridleway would lead to much of an overall increase in use of the rights of way in the area. For the reasons given above, I consider the proposed bridleway is unlikely to exacerbate current issues and is therefore unlikely to cause any adverse impact on persons with an interest in the land. Some of the issues raised could be reduced by the creation of a through route and the improvement works agreed with NYC.

Conclusions on whether it is expedient to confirm the creation order

22. I consider the proposed bridleway is needed for public use and would add to the convenience and enjoyment of the public and residents. The issues raised are unlikely to be exacerbated by the proposed bridleway or the creation of a through route. Therefore, there are unlikely to be any adverse effects on the landowner or occupier. Having regard to these and all other matters, I consider it is expedient to confirm the Order.

Needs of Agriculture

23. The land between the Crimple Bridleway and the Railway Bridleway was fenced off on both sides at the time of my site visit. Therefore, although the land over which the existing bridleways runs and the surrounding land is used for agricultural purposes, the bridleway to be created is not.
24. Concerns were raised that the creation of a circular route would have a negative impact on the agricultural use of the land due to increased footfall. These issues have been discussed above under the heading '*the effect on persons with an interest in the land*'.

Rights of Way Improvement Plan

25. A copy of the ROWIP for the area has not been provided, but none of the parties have raised any matters relating to it.

Overall Conclusion

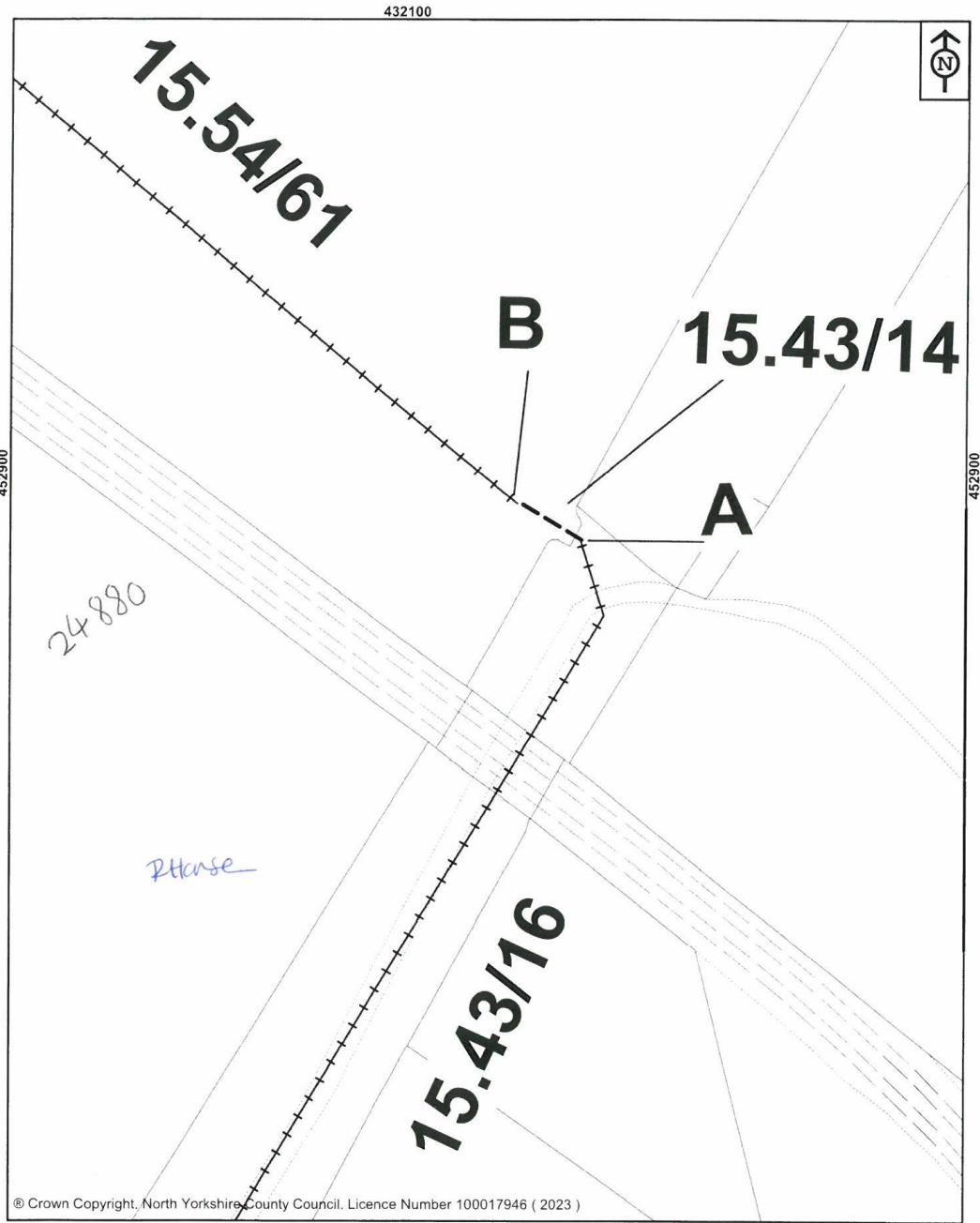
26. Having regard to these and all other matters raised in the written representations I conclude that the Order should be confirmed.


Formal Decision

27. I confirm the Order.

Claire Tregembo

INSPECTOR



 <p>North Yorkshire County Council Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key: Bridleway to be added - - - - - Other bridleways + + + + +</p>	<p>North Yorkshire County Council Highways Act 1908 Section 26</p>
	<p>Map drawn on 22 February 2023 Drawn by RWA Scale 1:625</p>	<p>Pubic Bridleway No. 15.43/14 Follifoot Creation Order 2023</p> <p>File Ref No. HAR/2022/03/CO</p>

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