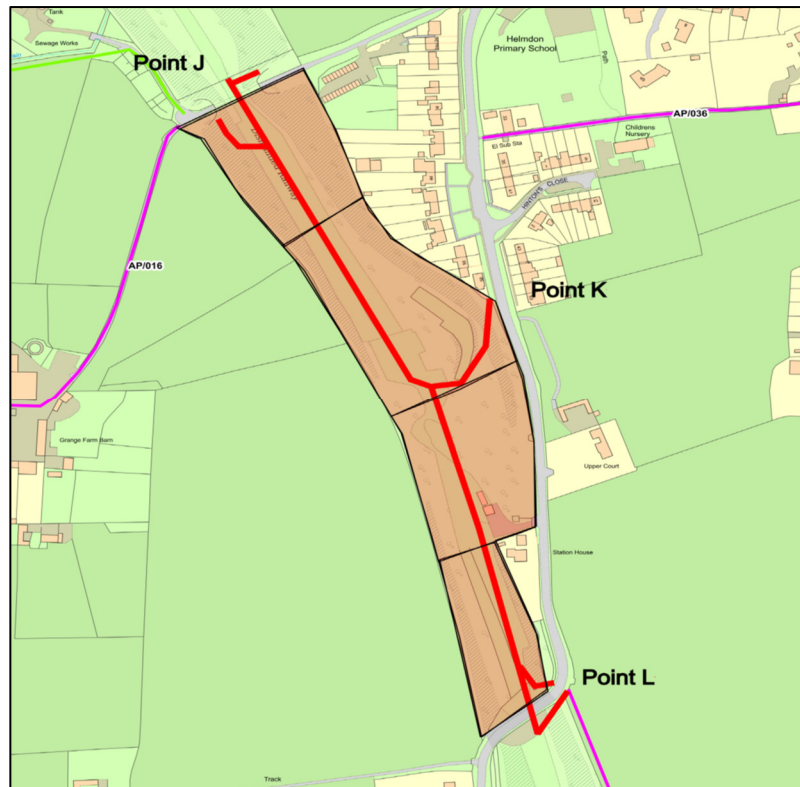


Report of the Helmdon Old Station Local Wildlife Site – 23 October 2024

1. This report relates to the Helmdon Old Station Local Wildlife Site (HOSLWS). This is the site of the old Great Central Railway station, which closed to passengers in 1966.
2. The whole site, stretching from the Station Road Bridge (near Point L) to the Grange Lane Tunnel (near Point J) has been sold off in five separate parcels in 2024.



3. Helmdon Parish Council discussed the HOSLWS several times in 2024. In April, Cllrs Moody and Holloway were deputised to meet on site with the owners of Plot B, C, and D. This took place on 27 April 2024 and a report was sent to all councillors on 29 April 2024. At its meeting held on 22 May 2024, the council decided against obtaining the Legal Pack for Plot A (above the Grange Lane Tunnel) because to do so would incur a £9,600 deposit, non-refundable if the council did not proceed to purchase and so it was considered too much of a risk (Minute Ref 239).
4. Until 12 October 2024 access to the HOSLWS was possible from Point K near the Old Bungalow Stores, up the bank and across Plots B, A+, and A. The owners of Plots B and A+ did not object to responsible use of the site by walkers. Plot A was unsold until late September/early October.
5. On or around 12 October 2024, the new owner of Plot A (the plot above the Grange Lane Tunnel) took steps to block off public access across the plot by placing cut branches across the path at the southern end of the plot and in front of the kissing gate beyond the northern edge of the plot.
6. On Sunday 13 October 2024 a post from a Helmdon resident on the Helmdon Villagers Facebook page alerted people to the fact that the path had been closed off.

7. It is widely and commonly known that people have had free access, without permission, to the HOSLWS for more than sixty years and have routinely accessed it from Points L, K, and J as well as other points off Station Road and Grange Lane. Understandably, residents are aggrieved at the loss of such access.
8. The parish council's stance hitherto has been to work with the landowners, recognising that if it is unlikely that the path from Point L to Point J through the centre of the site could be retained, it may still be possible to negotiate a new path on the eastern or western edge of the site so as to connect footpath AP35 (near Point L) with the kissing gate at Point J and the permissive path beyond across the Helmdon Viaduct.
9. However, some residents are aware that a route that has been used without permission for a period of 20 years can be claimed as a Right of Way (RoW). This is done by applying for a Definitive Map Modification Order (DMMO – See Appendix 1). Any person can apply for a DMMO, including but not limited to a parish council. The parish council considered that the landowners were very likely to be resistant to a DMMO application being submitted and that working with the landowners was more likely to a) maintain access to the site currently and b) achieve a negotiated route along the edge of the site in due course.
10. On 16 October 2024 a resident decided to start the DMMO process and posted on Facebook asking residents to complete a form to say how they had used the site and for how long. It is not yet known what the reaction of the landowners will be.
11. The parish council now must choose between two options (or design a third):
 - 11.1. To maintain its stance of working with the landowners (noting that the landowners may themselves now withdraw their co-operation), which would put the parish council at odds with the Residents' DMMO application, or
 - 11.2. To add its voice and weight to the Residents' DMMO.
12. At its meeting on 23 October 2024, the parish council will need to carefully consider the pros and cons of each approach, taking into account any representations made in writing or in the public participation section of the meeting.

Recommendation: That the parish council considers the options set out at paras 11.1 and 11.2 and indicates its preference.

Appendix 1

DMMOs Explained

A Definitive Map Modification Order (DMMO) is a legal procedure used to add or amend a public right of way to the definitive map of a local area. This map records the public rights of way, such as footpaths, bridleways, and cycleways.

The DMMO Process

1. Initial Application:

- A person or organisation can apply to the local authority for a DMMO. In this case, the local authority is West Northamptonshire Council (WNC).
- The application must provide evidence of the right of way, such as historical maps, photographs, or witness statements.

2. Investigation:

- The local authority will investigate the claim, gathering evidence and consulting with relevant parties.
- They may conduct site visits, examine historical records, and interview local residents.

3. Public Consultation:

- The local authority will advertise the DMMO application and invite public comments.
- Any interested parties can submit their views on the proposed modification.

4. Decision:

- After considering the evidence and public comments, the local authority will make a decision on the DMMO.
- If approved, the right of way will be added to the definitive map.

Key Considerations

- **Evidence:** The quality and quantity of evidence are crucial to the success of a DMMO application.
- **Historical Records:** Historical maps, documents, and photographs can provide valuable evidence of a right of way.
- **Local Knowledge:** Witness statements from people who have used the path for a long time can also be helpful.
- **Public Support:** Strong public support for the DMMO can increase the chances of a successful outcome.
- **Legal Representation:** It's often advisable to seek legal advice from a specialist in public rights of way.

Timeframe and Costs

The duration and cost of the DMMO process can vary significantly depending on the complexity of the case, the workload of the local authority, and any objections or hearings.