

PROW – Preparation of Definitive Map Former County Borough of York (Fishergate, Guildhall and Micklegate Wards)

Representations made after April report was published (26th March – 6th April 2010)

Date of representation	Originator	Nature of presentation	Officer comments	Proposed course of action
10 March 2010	Cllr D'Agorne	I've marked the paths that I'm aware of in Fishergate ward that you didn't have and sent it in internal post to you. If you need clarification or more detail please get in touch. Andy”	It is acknowledged that there are many routes that have not been identified and included within Batches 1 –3 which represent the first stage in the production of a Definitive Map for the Former County Borough. The duty upon the Council following the production of a Definitive Map is to keep the map under continuous review. Any public rights that are in existence but not recorded, and were not investigated at the first stage can be identified and investigated as part of the continuous review and included at a later time.	Routes to be investigated at later stage in the process
		Paths detailed as follows: Map 1: FCB204 should extend to adopted highway at Fulford Cross.	As above	As above
		Map 1: To add commencing from FCB204 proceeding westerly to the Playing Field.	As above	As above

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		Map 1: Pursue cycle access along route abutting Steiner School and Home York.	Cycle routes are not recorded on the Definitive Map, therefore, they are not part of the Definitive Map process. Cycle Tracks are recorded on the List of Streets. This is shown as an adopted highway maintainable at public expense.	No further action
		Map 1: To add various routes on the 'Mast' field.	Any public rights that are in existence but not recorded, and were not investigated at the first stage can be identified and investigated as part of the continuous review and included at a later time.	Routes to be investigated at later stage in the process.
		Map 1: To add routes abutting the wood, located to the west of Redman Close.	As above.	As above
		Map 1: To add route from FCB 205 to river.	As above.	As above
		Map 2: To add cycle track from FCB 200 proceeding easterly crossing Micklegate Stray to enter the University campus.	Cycle routes are not recorded on the Definitive Map, therefore, they are not part of the Definitive Map process. Cycle Tracks are recorded on the List of Streets.	No further action
		Map 3: To add path from Lesley Avenue to Army housing area at Moorlands Field.	Part of the route is adopted. The remainder of the route can be identified and investigated as part of the continuous review and included at a later time.	Routes to be investigated at later stage in the process.

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		Map3: To add cycle track adjacent to Heslington Lane to enter University campus located at southern end of Micklegate Stray.	Cycle routes are not recorded on the Definitive Map, therefore, they are not part of the Definitive Map process. Cycle Tracks are recorded on the List of Streets.	No further action.
		Map 4: To add path between St Ann's Court and Horsman Avenue.	Any public rights that are in existence but not recorded, and were not investigated at the first stage can be identified and investigated as part of the continuous review and included at a later time.	Routes to be investigated at later stage in the process.
		Map 4: Add cycle route through road closure at end of Regent Street.	Route adopted.	No further action
		Map 5: To add back alley to Melbourne Street linking Winterscale Street to Cemetery Road.	Any public rights that are in existence but not recorded, and were not investigated at the first stage can be identified and investigated as part of the continuous review and included at a later time.	Routes to be investigated at later stage in the process.
		Map 5: To add snicket from end of Howard Street alongside playground to Cemetery Road.	As above	As above
		Map 6: Links from riverside path/cycleway via steps to the adjoining Streets: Hartoft, Farndale, Alma Terrace, Frances, Ambrose.	Hartoft Street to the riverside path is adopted. The remaining paths can be identified and investigated as part of the continuous review and included at a later time.	As above

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11th April 2010	Cllr D'Agorne	I am now working on detailed descriptions for the missing Fishergate paths. Could you please clarify if there is any special status related to riparian towpaths ie the River Ouse and Foss at Castle Mills Lock	See comments above in response to information shown on Maps 1 to 6. A towpath is legally a part of the navigation of a canal or navigable river. It may or may not also be a public right of way. Routes such as these will be investigated at a later stage in the Definitive Map process.	See comments above in response to information shown on Maps 1 to 6.
		Also note that the access points to New Walk from adjoining streets are not shown. Should these be designated as part of the path 205 for simplicity or individually as separate paths?"	Comments noted, and the access points will be treated as separate paths and will be investigated at a later stage in the Definitive Map process.	Routes to be investigated at later stage in the process.
31st March 2010	Cllr Merrett	Joanne, Have now seen the papers going to City Strategy, and whilst thanking you for reporting my detailed comments on the footpaths/PROWS in my ward, am concerned that they, with one exception, they appear to have been completely ignored. Can I ask why? What is the point of us being asked to make a submission on the proposals for our ward?	The routes identified for the first phase of the Definitive Map project have been subject to formal consultation process, we cannot add any further routes at this stage.	Routes to be investigated at later stage in the process.
		Additionally having looked at the plans and your proposals, I would like to flag a couple of extra thoughts that have come to me. 1. Footpath/PROW between Scarcroft Hill and Mill Mount. This path is extensively used	The route has been adopted, see Paragraph 8 for further details.	No further action

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		by children, parents and visitors going to and from All Saint's Upper School and was previously designated as part of the Safe Route between the Upper and Lower schools. It has certainly been used by me for over twenty years.		
		Besides mentioning the Millennium cycle / walking path down the side of the west end of Knavesmire road and across the Little Knavesmire to Albemarle Road, I should also have mentioned the Millennium Bridge and its approach paths as additionally deliberately provided paths / rights of way, albeit not having been there the twenty years.	The Highways Act 1980, section 31(9) allows for those routes that do not have a minimum period of 20 years use but have been used 'as of right (without force, without secrecy and without permission)', to give rise to the presumption of dedication.	Routes to be investigated at later stage in the process.
		The ward map does not reflect the corrected routing of footpath 31 that I identified to you.	The Ward Map was used purely to provide an approximate location of the routes proposed. The individual map included within the report provides the detail, and this shows the path extended to emerge onto Tadcaster Road opposite St George's Place. It is acknowledged that there appears a number of paths crossing this area and further investigations of these paths in this locale will be researched at a later stage.	Amend Order map.
		Footpath 6. The marked route misses the last few yards at the north end taking the route out onto Custance Walk.	The path exits onto an adopted route.	No further action

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		<p>Footpaths 16-18 over Scarcroft Allotments. Why are you recommending no action. These have certainly been in existence for many decades without let or hindrance. They were discussed and agreed with the then ward Councillors when the last effort was made eight or so years back to identify the basic PROW network in the ward, and when we put in secondary gates within the allotments to reduce damage within the allotments.</p>	<p>The evidence on file would suggest that these paths may prove to be contentious. Those routes that are potentially contentious have been removed from this the first stage of the Definitive Map process.</p>	<p>Routes to be investigated at later stage in the process</p>
		<p>Footpath 23. Again, why no action, it's stiled and I'm sure this one actually used to be waymarked, although I've checked on Saturday and there's only battered nails on the post now.</p>	<p>It is the opinion of the consultant that at this stage there is insufficient evidence to reasonably alleged that public rights exist.</p>	<p>As above</p>
		<p>Footpath 24. I think your reason for no action is in error. I think the reference to closed gates referred to the access of the path into the back of the law college, not to being across the path itself. From recollection the path was built by Sustrans circa the late 1980s using City Council funding and there have never been any barriers across it since that time.</p>	<p>Comments noted. However, the decision is not to include the route at this time and further investigations will be carried out at a later stage of the Definitive Map process.</p>	<p>Routes to be investigated at later stage in the process</p>
		<p>Footpaths 27-9. Again why no action? I recall exploring these paths when the Sustrans route first opened, so again they've been in</p>	<p>It is the opinion of the consultant that at this stage there is insufficient evidence to reasonably alleged that</p>	<p>Routes to be investigated at later stage in the</p>

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		existence over twenty years, and probably a lot more.	public rights exist.	process
		Footpath 30. This is another long established route - I remember discussing additionally making it part of the original cycle network circa 1988, so again it's certainly been in existence over twenty years.	As above.	Routes to be investigated at later stage in the process
28 March 2010	Ramblers	There are a few instances where the Location Maps differ from the individual proposed DMMO maps.	The location maps are purely to give a general indication of where routes are located. The individual maps form the basis of the Order maps.	No further action
		Walmgate Stray, Fishergate – Paths 201, 202 & 203 on the Location Plan differ from those on pages 84, 86 & 88, but no action is proposed to be taken at this time.	There is occasionally discrepancy between the information held on paper format and the information held on CAMS database. CAMS is the most up to date, therefore this is the alignment that has been followed.	No further action
		Butcher Terrace, Micklegate – Path 21 on the Location Plan differs from that on page 155, as already pointed out by David Merrett. We assume the Location Plan is incorrect.	Noted.	The individual maps form the basis of the Order
		Foss Navigation Towpaths, Guildhall – Pleased to see you are going ahead with 207, as the RA had to go to Magistrates Court many years ago to prove that it was a PROW and Walkers had to provide a cover under their new crane, but we can not see any reference to the link to Navigation Road,	Noted.	Routes to be investigated at later stage in the process

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		<p>which predates the path alongside the warehouse. We are sorry you have not felt able to include 208 at the present time, but wish to point out that the description of the path on p.104 starts at the steps nearer to Monk Bridge se SE 6087 5256 than your map on p.105.</p>		
		<p>Micklegate Stray, Micklegate – Originally Robin Carr was of the opinion that there were no PROW over the Strays, as people had open access to them, but subsequently changed his opinion. We believe there are other routes over the Stray, as well as those listed by the Ward Councillors. One in particular, not in your present proposals, is the N-S route shown on the OS maps, which was admitted to by the Council when the Southern By-pass was built. This resulted in the steps being provided at GR SE 5965 4845, so the route could be followed alongside the by pass bridge and past the old trees on what was a field boundary at the time. The Racecourse subsequently changed its 'straight' and since then the farmer has maintained the route from the steps a short way across his field and alongside the shorter straight track to meet Path 26 at GR SE 5968 486.</p>	<p>It is acknowledged that there are many routes that have not been identified for investigation. This is the first phase and there is a lot more work yet to come.</p>	<p>Routes to be investigated at later stage in the process</p>
		<p>We do not understand why you are taking no action at present re Path 24, the well used shared use cycle route, as the reference to</p>	<p>It is the opinion of the consultant that at this stage there is insufficient</p>	<p>Routes to be investigated at later stage in the</p>

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		the existence of regularly locked gates through allotments on your file note has no relevance whatsoever to public use of the adjacent path.	evidence to reasonably alleged that public rights exist.	process
		We also query why no action is being taken at the present time re Path 30.	As above	As above.
		There are at least 2 or 3 paths where the Grid References for one of the ends of the paths differ from the length shown on the related maps. Which we would expect to be resolved before any Orders are made. An example is Path 5 (Bishopthorpe Road end).	Comments noted.	Orders will be rechecked.
		The Plan for Path 31 shows a link to part way along to Tadcaster road, which is not recorded in the description, but not a link to Tyburn.	The OS base map shows a physical feature at this location. At a larger scale the base map indicates two parallel solid lines. However at the scale of the individual map included within the report the feature is distorted to give the impression of a dashed line representing a possible path.	No further action
		On Path 25, we note there are gates at both ends, which you do not record, with just about enough space for a hand-bike (trike) to get through. Perhaps the gates are unauthorised?	Noted.	Further investigation required.
		Whilst your Location Maps are supposed to be helpful, they do not appear to include all	Comments noted.	Routes to be investigated at

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		<p>the routes on the the Council's List Of Streets. They appear to include most (but not all) of those routes that were admitted to be PROW, when considering Gating Orders, but several others seem to be missing. I suppose it is an ongoing exercise, with Cllrs. comments suggesting some of the possible omissions. My printer does not pick out your Yellow colour very well.</p>		<p>later stage in the process</p>
		<p>I note Cllr. Merrett's reference to Rougier Street was in fact the road between the 2 Railway Offices. Although shown in Red, you have not included these paths in this proposal. These may be deemed 'permissive', in view of the HA Notices on display.</p>	<p>It is acknowledged that these routes are permissive.</p>	<p>No further action.</p>
		<p>Re para. 36 of your report, we note HMS are seeking additional funding, but we do not recall them seeking additional funding for those alleys they accepted as PROW for Alleygating purposes - I don't believe they always conducted annual surveys on them, as some were in a pretty poor state of maintenance.</p>	<p>Noted.</p>	<p>Additional funding to be identified.</p>
<p>6 April 2010</p>		<p>Fishergate : 201/202/203 - Whilst NFA at this time, the Location Plan shows their historic routes, prior to the Allotments, whereas your</p>	<p>There is occasionally discrepancy between information held on paper format and the information held on CAMS database. CAMS is the most</p>	<p>No further action</p>

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		descriptions and Plans show their current routes.	up to date, therefore this is the alignment that has been followed	
		206 - Start GR on Plan SE 6104 5105, not ... 5106. Should your Structure GR refer to each end?	Revise Statement as required.	All schedules to be rechecked.

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		211 - Stone archway GR given is that of the arch under Scarborough Railway Bridge. The rest of the Description & Plan finishes at Marygate, where there is a stone archway nearby.	Noted.	Route to be checked on site.
6 April 2010		Micklegate: 3 - Plan suggests end GR is SE 6017 5143.	Noted.	Route to be checked on site.
		4 - We assume only part of the footway on Bishopthorpe Road forms part of the public highway, the rest being shop frontages, hence your Plan shows the FP running over the frontage to GR SE 6017 5105.	Route claimed links St Benedict (adopted) to Bishopthorpe Road (adopted).	No further action.
		5 - We are not sure where this footpath goes in view of the various items of furniture in the area, but note your Start GR SE 6013(or 4?) 5096 is on Bishopthorpe Road whereas your Plan shows the start as GR SE 6011 5097.	Noted.	Amend map.
		10 - Start on Plan is at GR 5967 5099, rather than SE 5967 5100, but of little significance. We presume the End point is the Footway of Nunthorpe Road, rather than the Carriageway, but again of little significance.	Start of the route commences at adopted highway at Grid Reference given and ends at its junction with adopted highway.	No further action.
		12 - Both the GRs shown do not relate to the Plan.	Noted.	Amend GRs
		21 - The Location Plan shows this starting from under the Millennium Bridge, rather than the end of Terry Avenue as shown correctly on your Description and Plan.	Location plan is merely indicative.	The individual maps form the basis of the Order

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		24 - The Start GR is a mix of 'SE' & '44' - should be SE 5998 4964.	Noted.	Amend GRs
		26 - The End GR refers to where the Lane meets the Vehicle gate and barrier, adjacent to the Carriageway, whereas the Plan shows the End at the edge of the Highway land at GR SE 5880 4828. Near this latter point there is access both up the embankment for pedestrians and a shared use cycle route under it, both within the Highway land.	Noted.	Amend plan as required. Further investigation required.
		30 - Whilst NFA at this time, Description starts at GR SE 5903 4950, whereas Plan starts around 40m further W at GR SE 5899 4950.	Amend as required.	Site visit required at later stage.
		31 - There are multiple access points along Tadcaster Road that provide links onto this path, particularly at Tyburn	Noted.	Investigate at later stage.

AN/GE

26 April 2010

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