

CITY OF YORK
DEDS
14 JUL 2006
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9 Yew Tree Mews
Osbalwick Village
York
YO10 3PQ

Ms Suzan Hemingway
Head of Civic, Democratic & Legal Services
5-6 King's Court
York
YO1 7LD

RECEIVED
12 JUL 2006

9 July 2006

Dear Ms Hemingway

117701

Re: Public Rights of Way – Public Path Extinguishment Order, Osbalwick Public Footpath Number 6, Osbalwick, York

I am writing to object to the Public Path Extinguishment Order for the above Public Footpath on the following grounds:

1) Loss of amenity:

- i) The public footpath was and should still be a pleasant semi-rural, traffic free walkway. The extinguishment order seeks to remove this amenity in legal terms, although, the amenity has already been removed in physical terms by the activities, endorsed by City of York Council, of the developers – George Wimpey.
- ii) The Planning & Transport (East Area) Sub Committee Agenda for 10 November 2005 in Analysis, Option 1 states: 'The path is not needed for public use as the already well used footway adjacent to the Link Road provides a safer and more convenient route.'

This is not correct, since the construction commenced on the Wimpey site the amenity and safety of the Link Road footpath has been compromised by the construction of a vehicle crossing used by the developer as an access route for HGVs, skips and construction vehicles.

I assume that this crossing will remain as a permanent feature to allow for maintenance of the drainage swales dug on the line of the public footway.

Whatever the case, a footpath adjoining a busy highway is not and cannot be considered a suitable substitute for an off road public footpath.

2) Procedure:

- i) As the public footpath Number 6, Osbalwick, York is clearly marked on maps, I consider that the construction of drainage swales along its route and the subsequent granting of planning permission (retrospectively) to the

developers by City of York Council to be a gross departure from normal procedures.

- ii) I do not believe that the potential extinguishment of this public amenity has been dealt with in the correct manner. The pre-order consultation should have been carried out prior to the granting of planning permission for the footpath's physical destruction.
- iii) It has been admitted by City of York Council that mistakes have been made on the Murton Way, Wimpey site with regard to the Flood Risk status of the site. I can, therefore, only conclude that the drainage swales were dug as a result of a serious error in granting planning permission for this site with its original proposed drainage system.
- iv) I cannot decide if the current situation regarding the public footpath extinguishment order is a result of collusion, between City of York Council and the developer, to cover up an embarrassing situation with regard to the drainage/flooding issue on this site, or gross negligence on the part of City of York Council in allowing, through lack of effective monitoring and enforcement, a developer to remove a public footpath without following normal consultative procedures. Either way the situation is unacceptable.

I am writing this objection in the full knowledge of its implications with regard to the potential for a Public Inquiry and I state now that this objection will not be withdrawn.

The matter of the Murton Way (Wimpey) site was brought up at the Public Inquiry into the Land West of Metcalfe Lane application on 5 July 2006 and the Agenda Item 8 from the 10 November 2005 Planning & Transport (East Area) Sub Committee meeting copied onto the core document list.

I am writing to Mr Fred Weeks to request, under the Freedom of Information Act, various pieces of information with regard to flooding/drainage issues on the Murton Way site and will be passing them to the current Public Inquiry for consideration, as they will no doubt demonstrate City of York Council's ability to determine and monitor flood risk issues on new developments, along with a copy of your response to this letter.

Yours sincerely



Mr M Warters

cc: Osbaldwick Parish Council