

Annex 2

COPY OF TWO E-MAILS SENT AS OBJECTIONS BY THE LOCAL RAMBLERS' ASSOCIATION

(NB: Spelling and grammar not edited)

Dated: 12 February 2007 Time: 1702 hrs

Ramblers' Association, E.Yorkshire and Derwent Area, York Group

Footpaths Secretary: David Nunns, 33 Millgates, York. YO26 6AT

The Public Rights of Way Officer, Directorate of City Strategy. YO1 7ET

Dear Sir,

Huntington Parish, Wray's Avenue Gating Order 2007

Your reference to vehicular access supposes probable use as a bridlepath, or at least cyclists.

Our Footpath sub-committee would ask that you reconsider this proposal, to allow pedestrian access between 7am and 2.30pm.

This would allow continuation of a convenient traffic-free access to Birch Park Royal Mail Delivery Office during its opening hours, being around 200 metres shorter.

The route you show in black from Point B to Point C appears to be privately owned and essentially grass, apart from the 2 emergency exit routes from Tate Smith's warehouse.

Should you unfortunately decide to confirm this Order it would seem logical to close the Right Of Way between this grass and the grass between the macadam path and security fencing behind 51 and 56 to 60 Roche Avenue, but you do not state the ownership of this land.

It may be that the occupiers of the warehouses have no objection to this cul-de-sac remaining opening.

We are unaware of the provision for a gating order to provide no gate, as we understood that any Gating Order pre-supposed at least one gate.

We realise that a Gating Order can easily be modified as to the times of public or private access, so it is not as final as a closure under other sections of the Highways Act 1980.

We do not believe a restriction should apply at all times.

Dated: 12 February 2007 Time: 2242 hrs

Ramblers' Association, E. Yorkshire and Derwent Area, York Group

Footpaths Secretary: David Nunns, 33 Millgates, York. YO26 6AT

The Public Rights of Way Officer, Directorate of City Strategy. YO1 7ET

Dear Sir,

Huntington Parish, Wray's Avenue Gating Order 2007

I regret I did not notice that my computer had reset itself to 01/01/1980 and my letter was in fact written on 12/02/2007.

I apologise for an error in my earlier letter, in that I should have referred to the fact that your Schedule refers to vehicular traffic, rather than vehicular access.

The broken line on your map is generally on the footway, rather than the carriageway, so vehicular traffic (including cyclists) should not use the alternative route.

There are illegal notices on either side of the fence at Point B, to the north of the existing wheelchair / buggy friendly kissing gate, which you do not appear to have made any attempt to remove.

This appears to be typical of the stated general policy of your Authority's Directorate of City Strategy not to take any enforcement action for at least 6 months of the first notification of any breach of planning consents.

Should the Order be made and confirmed as you propose, we trust you will re-use the kissing gate elsewhere in the York area.

For information, access to Birch Park Royal Mail Delivery Office is just off your Order Map, at Grid Ref. SE 6139 5395.

The route you show in black from Point B to Point C may be part of a public highway, but it is essentially grass. We assume the macadam path and the grass up to the bund between the macadam path and security fencing is likely to be part of this public highway. Perhaps the bund itself is also a part.

No doubt you have looked at archived Planning files for the period before Birch Park was given planning consent. I cannot find anything in our records, but agree with you that the macadam path is a public right of way and we are not aware that presumed public rights over A-B, at least on foot, have been contested.

There were indications at one time of people walking across to the South Beck and I believe City of York's Natural Environment Panel had suggested a

green wedge incorporating the beck for wildlife corridors alongside the beck and links to Huntington Road and Monkton Road when considering more recent developments.

We understood that Gating the path under the Clean Neighbourhoods and Environment Act 2005 at Point B does not remove the underlying highway status of A-B and B-C. If it is found that the grounds of closure could no longer be justified, in that crime or anti-social behaviour is not reduced significantly in the area, your Authority could re-open the path without further ado.

We enquire as to the current situation with regard to York's Local Access Forum, as we thought LAF's were statutory consultees for gating orders and we are unaware as to any recent meetings of your Authority's LAF.