

**Notice of a
Decision Session - Executive Member for Transport and Planning**

To: Councillor Gillies (Executive Member)

Date: Wednesday, 7 December 2016

Time: 4.00 pm

Venue: The King Richard III Room (GO49) - West Offices

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00 pm** on **Friday 9 December 2016**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management and Policy Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on **Monday 5 December 2016**.

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

2. **Minutes** (Pages 1 - 8)
To approve and sign the minutes of the meeting held on 10 November 2016.

3. **Public Participation - Decision Session**
At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5:00pm on Tuesday 6 December 2016**.

Members of the public may speak on an item on the agenda or an issue within the Executive Member's remit,

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>. or, if sound recorded, this will be uploaded onto the Council website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Definitive Map Modification Order (DMMO) to add a footpath to the Definitive Map and Statement: Askham Fields Lane, Askham Bryan (Pages 9 - 242)

This report presents an application for a Definitive Map Modification Order (DMMO) to add a public footpath to the Definitive Map and Statement at Askham Fields Lane, Askham Bryan. It asks the Executive Member to make a decision on whether the application meets the legislative criteria.

[Please note that Annex 4 to the Officer's report is copyrighted material but is available to view on application, please contact Joanne Coote on joanne.coote@york.gov.uk or 01904 551442]

5. BT Public Payphone Removal Consultation
(Pages 243 - 260)

This report is to inform the Executive Member for Transport and Planning of a formal consultation by British Telecom (BT) to the Council and the wider local community on its intentions to remove 26no public payphones at various locations throughout the City of York Council area.

6. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- Email – judith.betts@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Transport and Planning
Date	10 November 2016
Present	Councillor Gillies (Executive Member)
In Attendance	Councillor Cannon

39. Declarations of Interest

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or disclosable pecuniary interests that he might have in relation to the business on the agenda. No additional interests were declared.

40. Minutes

Resolved: That the minutes of the last Decision Session held on 13 October 2016 be signed and then approved by the Executive Member as a correct record.

41. Public Participation

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme. One Member of Council had also registered to speak.

5) Policy on Streets maintained at private expense and Highway powers relating to urgent repairs

Aileen Hingston commended the policy, in reference to Wilton Rise. This was a partly private road and the public had to drive through it to access the public park.

6) Road Safety Review 2016

Paul Hepworth spoke about the need for greater consistent Government funding for cycling in the city and a joint approach across Local Authorities to lobby for investment.

7) Residents Parking Petitions-Beresford Terrace/Finsbury Avenue

Ken Mordue spoke about how he felt there was a need for residents parking on Beresford Terrace and Finsbury Avenue. He informed the Executive Member that recent parking restrictions on Aldreth Grove had displaced vehicles onto Beresford Terrace and Finsbury Avenue. Parking restrictions on Maple Grove had also added to additional vehicle displacement. There had also been a detrimental effect of increased parking on grass verges. Visitors to nearby Rowntree Park were not using the assigned car park but Beresford Terrace and Finsbury Avenue.

One further speaker had registered under this item but did not attend the meeting.

7) Residents Parking Petition-Railway Terrace

Aileen Hingston spoke in reference to the perception that parking problems in the St Paul's area were caused by commuters parking close to the end of Railway Terrace in order to use the footbridge to reach the railway station or city centre. She supported the Officer's recommendation for a consultation of the whole area as shown in Annex B2.

7) Residents Parking Petition- Railway Terrace and Phoenix Boulevard (St Peter's Quarter)

Councillor Cannon felt that there were two main issues that called for residents parking in the area. Firstly, the rise in commuter parking at the footbridge end of Railway Terrace and Holgate Road end. Secondly, the implications of the Holgate Road cycle scheme had a number of consequences such as problems for the number 44 bus route and free parking being removed. She suggested that alternative methods be explored such as special commuter rate on the Park and Ride to discourage non residential parking.

7) Residents Parking Petition- Railway Terrace and Phoenix Boulevard (St Peter's Quarter)

Peter Emsley talked about the need for managed parking for visitors. He also felt that a greater amount of discipline was needed and that disabled parking bays should not be blocked.

42. Response to Petition: Advertising Boards ('A' Boards) and other Equipment on the Public Highway

The Executive Member received a report which advised him of the receipt of a petition which sought an amendment to the resolution of the Executive made on 25 August 2016, in respect of Advertising Boards ('A' Boards) and other equipment on the public highway, and made recommendations in response to the petition.

It was reported that a further consultation event had taken place since the Executive meeting in August. The Executive Member had also received photographs from a local resident which showed the city in the early morning before the 'A' Boards had been set out and afterwards when they were all on display. The requests for 'A' Boards in the prohibited zone of Micklegate would be kept on a register to see how this would work and then the Executive would in twelve months time decide whether to implement the policy full time.

Resolved: That the resolution of the Executive, of 25 August 2016, as highlighted at Annex B of the Officer's report be reaffirmed.

Reason: (i) To provide adequate control of the many and varied obstructions (particularly for those with impaired mobility for example, blind and/or partially sighted) temporarily located on the public highway. This taking into account of the Council's responsibilities under the Highways Act 1980, the Equality Act 2010 and Town & Country Planning Act 1990.

(ii) To mitigate the impact on the visual amenity of the conservation area and setting of the many listed buildings in the city centre.

(iii) To contribute further to the removal of street clutter, improve the street scene and public realm.

43. Policy on Streets maintained at private expense and Highway Powers relating to urgent repairs

The Executive Member considered a report which asked to note the contents of this report covering the issue of streets within the city boundary which are maintained at private expense and endorse it as a refresh of the substantive council policy.

The Executive Member considered the comments made by the speaker under Public Participation and stated that whatever methods taken would be incur expense. He questioned how the roads were never adopted in the first place and mentioned wider aspects of adoption, such as traffic flow. He stated that he was happy to agree to an increase in the council contribution towards initial preparatory estimates/design works, to above the current 55%.

- Resolved:
- (i) That the review be noted and advice accepted.
 - (ii) That the methodology for the undertaking of a Private Streetworks (PSW) scheme (at 34) be ratified.
 - (iii) That the council contribution towards initial preparatory estimates/design, above the current 55% be amended.
 - (iv) That Officers re-consult the 12 streets ranked highest (as listed in **Annex A** of the Officer's report) and those which have previously submitted a petition expressing an interest.
 - (v) That any requests submitted in line with the above will require a report to the Executive making recommendations and seeking the necessary resources to progress.

Reason: To ensure that a policy on private streets in the city is endorsed.

44. Road Safety Review 2016

Consideration was given by the Executive Member to an overview report of the work undertaken by the City of York's Road Safety team.

The Executive Member urged for greater promotion of the Bikeability training.

Resolved: (i) That the relatively low level of casualties in the York area compared to other authorities in the region be noted.

(ii) That the work planned to be undertaken by the Road Safety team in the coming year with the expectation that further reports will be issued providing updates on the measures being taken be supported.

(iii) That the '95 Alive' Speed Management Protocol, continue to be adopted, to work to overcome current challenges for the next six months and that a further report be brought documenting progress in Summer 2017.

Reason: To demonstrate that the council is committed to working with regional and local partners to ensure that casualty reduction is given the priority it requires.

45. Residents Parking Petitions

The Executive Member considered a series of residents parking petitions.

South Bank Avenue

A written representation from Councillor Gunnell had also been received in respect of the South Bank Avenue petition.

Consideration was given by the Executive Member to the following options:

Option 1 : To note but take no action because the petition does not represent the whole street.

Option 2: To approve the initial consultation just on the section of street the signatures represent.

Option 3: To approve the initial consultation for the whole of the street, but bearing in mind the differences in the two parts of the street have the fall back option of taking forward a scheme if just the petition section of the street is in favour.

Following consideration of the representations and comments received;

Resolved: That Option 3 be approved.

Reason: To progress residents requests.

Beresford Terrace/Finsbury Avenue area

Officers reported that in regards to the Beresford Terrace/Finsbury Avenue Petition, an additional petition in support of residents parking had been received.

Option 1: To approve the initial consultation for the above 2 streets only.

Option 2: To approve the initial consultation for the wider area as shown in Annex C3.

Following consideration of the comments made under Public Participation and representations received;

Resolved: That Option 2 be approved.

Reason: To progress residents requests

Railway Terrace/St Paul's Terrace Area

A map was circulated to the Executive Member which showed additional streets to be consulted on residents parking, for Railway Terrace.

Regarding the extension for residents parking on to private streets in the area, it was noted that if a request was submitted that all the residents in the street would need to agree to it.

Consideration was given by the Executive Member to the following options:

Option 1: To approve the initial consultation on the adopted sections of the highway only

Option 2: To approve the initial consultation to cover the whole (area as shown in Annex B2).

Following consideration of the comments made under Public Participation and representations received;

Resolved: That the initial consultation be approved with minor amendments by Officers in the coverage of the area of consultation.

Reason: To progress residents requests.

Phoenix Boulevard

Consideration was given by the Executive Member to the following options:

Option 1: To note the petition but take no action at this time.

Option 2: Approve the initial consultation.

Following consideration of the comments made under Public Participation and the representations received;

Resolved: That Option 2 be approved.

Reason: To progress residents requests.

Further requests for residents parking

Resolved: That further requests for residents parking in the city be added to a list in date order.

Reason: To treat fairly these requests and aid future workload planning.

46. Haxby to Strensall Speed Limit Petition

Consideration was given to a report which informed the Executive Member of a report which acknowledged the receipt of a petition requesting the reduction of the speed limit on the rural roads between Haxby and Strensall and the introduction of traffic calming measures such as chicanes.

Resolved: That the petition be noted and that the issue be considered as part of the annual accident and prevention measures across the city.

Reason: To respond to residents concerns in a practical manner whilst prioritising the resources available to the reduction of injury on the highway in the authority area.

Cllr I Gillies, Executive Member
[The meeting started at 2.00 pm and finished at 2.40 pm].



Decision Session - Executive Member for
Transport and Planning

7 December 2016

Report of the Director of Economy and Place

Definitive Map Modification Order (DMMO) to add a footpath to the Definitive Map and Statement: Askham Fields Lane, Askham Bryan.

Summary

1. A definitive map modification order (DMMO) application has been received: the evidence in support of the application is 20 User Evidence Forms (UEFs), and two colour photographs of Askham Fields Lane prior to 1982. In 1982 Askham Fields Lane was subject to the North Yorkshire County Council (York Outer Ring Road) (Classified Roads) Side Roads Order which stopped up all highway rights along the Lane. The claimed route is located along the original alignment of Askham Fields Lane (Annex 1: Location Plan). The Planning Inspectorate produces guidance to assist in the interpretation of the Wildlife and Countryside Act 1981 (Annex 2: WCA 81 Definitive Map Orders: Consistency Guidelines). Evidence of user that supports a definitive map modification order application must have been by '*the public*': 'the public' for example does not include visiting a friend, visiting an acquaintance, a tenant of the college, or employee of the landowner (inclusive of wider family members).
2. In this case, the evidence of user in support of the application has proved challenging to investigate because as the claimed route lies within the boundary of Askham Bryan Agricultural College, there has not been a clear distinction between use by 'the public', students/visitors who have express permission, residents with private rights, and those who have implied permission. It is incumbent upon the authority to test the evidence that supports a DMMO application: 12 of the 20 evidence of user forms are considered to be non-qualifying because use is by licence, therefore, they are not classed as 'the public'.

The remaining 8 evidence of user forms have been completed by a very limited number of local people and the claim based on user evidence alone is finely balanced. Further information/evidence regarding use of the lane has been sporadically received which has necessitated a continuing review of the evidence and its impact on the evidence as a whole, and has led to the legislative criteria of 'reasonably alleged' being met, the report, therefore, recommends that the Authority makes the Order.

Recommendations

3. The Executive Member is asked to consider:

1) Option A – The Authority makes an Order. This option is recommended.

Reason: The supporting evidence meets the threshold criteria of 'reasonably alleged'.

2) Option B – The Authority does not make an Order. This option is not recommended.

Reason: The supporting evidence meets the legislative criteria, and the Authority has a duty to make an Order.

Background

4. A DMMO application was received in May 2014 under the provisions of section 53 of the Wildlife and Countryside Act 1981. The claimed route commences at its junction with York Road, proceeds in a southerly direction, to its junction with the A64, and is known as Askham Fields Lane. (Annex 1: Location Plan). The application relies upon 20 EUFs (Annex 3) to support the claim that a public right of way 'subsists or is reasonably alleged to subsist' (section 53(3)(c)(i)).

This user evidence must be considered against the requirements of section 31 of the Highways Act 1980 (as set out in the Legal Implications below). There will be no presumption of dedication unless the claimed route has been actually enjoyed by **'the public'** as of right and without interruption for the requisite 20 year period. The burden of proving this falls to the applicant. The period of 20 years referred to above is to be calculated retrospectively from the date when the right of the public to use the way is brought in question.

In determining the application, matters relating to suitability; condition of the route; desirability, or nuisance are irrelevant, and cannot be taken into account.

Prior to the receipt of the DMMO, Askham Bryan Agricultural College applied to the planning authority: City of York Council, to construct a new Animal Management building which will be the home to Askham Bryan Wildlife and Conservation Park. The park incorporates part of Askham Fields Lane: the southern section of the claimed route. It appears that the planning application process drew attention to the possibility that the claimed route would be affected following the construction of the new facility. A DMMO application was received in May 2014 bringing the status of the route into question for the purposes of section 31 of the Highways Act 1980. The relevant 20 year period is therefore from 1994 to 2014.

In the case of a non-determination of a DMMO application by the surveying authority, the applicant can apply to the Secretary of State for a direction requiring the surveying authority to determine a claim if it has not done so within 12 months of the date of receipt of the application: this option is detailed in the DMMO application pack covering letter dated 12th March 2014. There has been no application to the Secretary of State to direct the authority, therefore, the DMMO application would have progressed in date order with other applications which have been received but not yet determined, in accordance with the authority's Statement of Priorities.

Consultation

5. Pre-order consultation has taken place with the prescribed bodies and utility companies: no additional information has been forthcoming. Further contact with users who support the application and the landowner's representative with the request to clarify some details stated either within their evidence of use forms, or information connected to the application.

Options

6. The Authority, as the surveying authority, is required to make a decision on the definitive map modification order application received. There are two options:

Option A – To authorise the Assistant Director of Governance and ICT to make a Definitive Map Modification order to add a footpath to the Definitive Map and Statement.

This option would accord with the interpretation of relevant guidance of statutory legislation regarding the analysis of evidence of user by the public.

Option B – Not to authorise the Assistant Director of Governance and ICT to make a Definitive Map Modification order to add a footpath to the Definitive Map and Statement.

This option would not be in accord with the interpretation of relevant guidance of statutory legislation regarding the analysis of evidence of user by the public.

Analysis

7. A DMMO should be made if evidence shows that a public right of way 'subsists or is reasonably alleged to subsist'. The evidence in support of the application is of claimed public use and the application has been considered under section 31 of the Highways Act 1980.

Qualifying UEFs claim use of the route in excess of 20 years up to 32 years. Whilst it is not necessary for all claimants to demonstrate continued use throughout the relevant 20 year period, they must demonstrate that the use has been made by **'the public'** continually during that full period. The issues that arise in relation to the statutory test are: whether there is evidence of the use of the route by a sufficient number of people and with sufficient frequency to represent use by **'the public'**. If so, whether the public used the route for a full period of 20 years as of right and without interruption, and whether there is sufficient evidence that during the 20 year period, the owner of the land over which the route passes did not intend to dedicate a public right of way. The Definitive Map Officer has corresponded with the College representative to ascertain whether any rebuttal evidence is to be presented. Although information has been forthcoming, it is the Officer's opinion that the information is not sufficient to challenge the assertion that public rights 'subsist or are reasonably alleged to subsist'.

Whilst there appears to be no legal definition of the term 'the public' as used in section 31, the application criteria for a definitive map modification order application stipulates that user of the route must have been by '**the public**'. That does not mean that users must have come from all over the country, they will usually be drawn from the local community. Consequently, use wholly or largely by local people may be use by the public, as, depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local people as a whole/the local community. Whether the use is sufficient to represent '**the public**' will vary from case to case. For example if the claimed route lies in a rural, sparsely populated area, usage of public rights of way may well mainly be by a relatively low number of local people. However, as noted in Ross Crail's 2006 Rights of Way Law Review article "The Significance of User Evidence" (Annex 4), users must represent a wider cross-section of the public than just the owners or occupiers of nearby properties and their visitors:

The qualifying user evidence is limited. The Authority has conveyed its opinion on the UEFs to the joint applicants, and who continued to gather evidence in support of the application. The Authority has recently received correspondence from a past Principal of the College who affirms that during their time in post (1984-1996) and states 'there was a footpath on Askham Fields Lane down to the A64 which was used by the Public. To the best of my recollection the Public were allowed to use it and were not challenged in any way.'

It is concluded, that based on the evidence taken as a whole: 8 qualifying UEFs and statement received from a past Principal, there is just sufficient evidence to demonstrate that public rights are 'reasonably alleged' to exist on the claimed route as required by section 31 of the Highways Act 1980.

Option A – To make an Order

This option is recommended. An Order would be made and advertised on site. There will be a period of not less than 42 days for objections to be made. If no objections are forthcoming, then the authority will confirm the Order. However, if objections, are received, and not withdrawn the order must be referred to the Secretary of State.

The Secretary of State will then determine whether to confirm the Order, or not, by means of either written representations, an Informal Inquiry, or a Public Inquiry.

Option B – Not to make an Order

If the Authority decides not to make an Order this would be in contravention of its statutory duty to make an Order if the evidence satisfy's the test that public rights 'subsist or are reasonably alleged to subsist'.

Council Plan

8. This report supports the Local Plan priority:

A council that listens to residents:

'Our purpose is to be a more responsive and flexible council that puts its residents first and meet its statutory obligations'.

'We will be transparent in all we do, including being clear with communities and partners about the scale of the financial challenges we face'.

It is a statutory duty for the authority to process a duly made DMMO application. In determining the application the authority has written to those that submitted user evidence forms to clarify the details within, before final analysis, whilst being mindful of, and adhering to, existing statutory legislation.

Implications

9. **Financial**

If the decision to make an Order to add the footpath to the definitive map and statement (Option A), the authority will be required to advertise the Order in a newspaper received within the area. The cost of placing an advert will be approximately £1000. If objections to the advertised Order are received and not withdrawn, the order must be sent to the Secretary of State for determination. This will result in the Order being determined by either, written representations; an informal hearing; or a Public Inquiry being held. In each case there are financial implications on the authority with respect to staff time; processing the Order; advertising the Order; preparing the Order for the Secretary of State; preparing the Order

for written representations and facilitating a Public Inquiry. The cost to the authority for a hearing or public Inquiry would be in the region of £2000 to £6000. Notwithstanding the above, the costs to the council of making an Order or not, are not relevant are not relevant to the legislation and can therefore not be taken into account when determining an application.

Human Resources (HR)

There are no HR implications

Equalities

If the authority decides not to make an Order, the legislation enables the applicants to make an appeal to the Secretary of State.

A Community Impact Assessment has been carried out (Annex 5). The impact is considered to be positive, subject to meeting the legislative criteria: evidence of user that supports a DMMO application must have been by **'the public'**, and they must represent a wider cross-section of the public than just the owners or occupiers of nearby properties.

• Legal

The evidence needs to be tested against the criteria laid out in Section 31 of the Highways Act 1980, and a determination make an Order if it is considered that a public footpath subsists or is reasonably alleged to subsist. Section 31 states:

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right ad without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by notice such as is mentioned in subsection (3) below or otherwise.

(3) Where the owner of the land over which any such way as aforesaid passes:

- (a) Has erected in such a manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and
- (b) Has maintained the notice after the 1st January 1934, or any later date on which it was created the notice, in the absence of proof to the contrary intention, is sufficient to negate the intention to dedicate the way as a highway.

Should it be considered that the user evidence submitted in support of the application shows that the route has been used as of right for a period of 20 years or more to meet the statutory tests as set out in sections 31(1) and (2) of the Highways Act 1980, it is necessary to consider whether there is evidence of no intention to dedicate by the landowner during the relevant period in accordance with section 31(3).

If, an Order is made, and subsequently receives an objection and which remains unwithdrawn, the Order is required to be sent to the Secretary of State for determination. If an Informal Hearing or Public inquiry is convened, the authority will be required to facilitate any hearing or inquiry.

If, an Order is not made, the applicants may serve notice of appeal on the Secretary of State and the authority: this must be done within 28 days of service of notice of the decision on the applicant. If the Secretary of State allows the appeal, the authority will be directed to make an Order. Therefore, officers must inform the applicant of the authority's decision, and the appeal process and relevant timescales.

- **Crime and Disorder**

When determining a definitive map modification order application, issues such as safety and security, whilst genuine concerns are not allowed to be taken into consideration.

- **Information Technology (IT)**

There are no IT implications.

- **Property**

There are no property implications.

- **Other**

There are no other known implications.

Risk Management

10. The risk to the authority is a potential legal challenge. The basis on which a challenge could be made is that the evidence of use in support of the Order does not represent a wider cross-section of the community.

Contact Details

Author:

Joanne Coote
Definitive Map Officer
Tel: 01904 551442

Chief Officer Responsible for the report:

Tony Clarke
Head of Transport , Parking, Major
Transport Projects

**Report
Approved**

Date 21
November
2016

Specialist Implications Officer

Legal – Sandra Branigan
Tel: 01904 551040

Wards Affected: Rural West York Ward

For further information please contact the author of the report

Background Papers:

Definitive Map Modification Order file: Askham Fields Lane, Askham Bryan.

Annexes

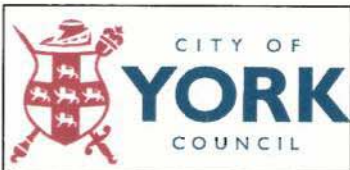
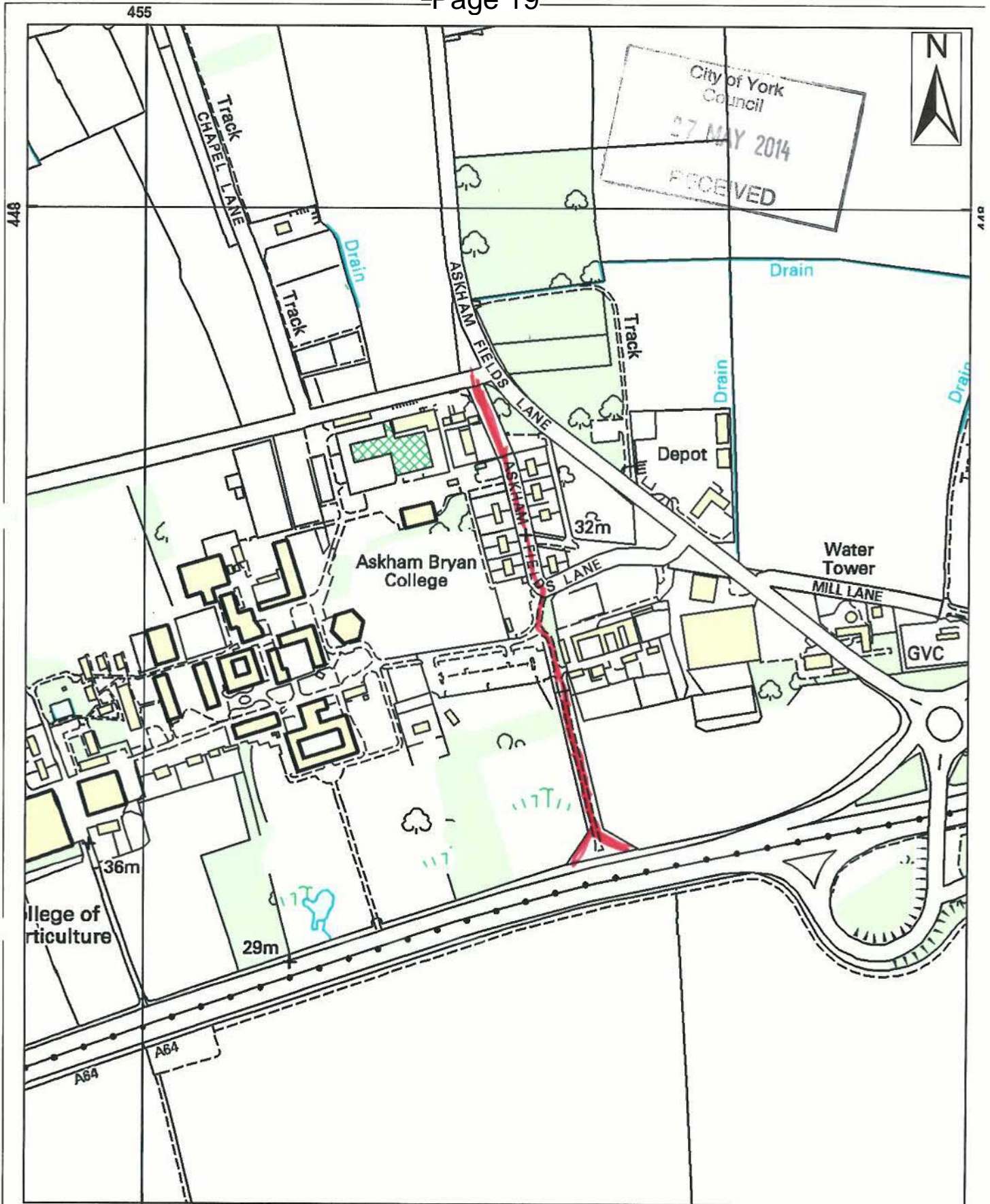
Annex 1: Location Plan and DMMO application plan

Annex 2: The Planning Inspectorate WCA 81 Definitive Map Orders: Consistency Guidelines, Section 5

Annex 3: Evidence of User forms

Annex 4: Crail, R. (2006) 'The significance of user evidence.' Rights of Way Law Review, section 9.2, pp. 1 – 5. [Available on application from Officer]

Annex 5: Community Impact Assessment



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**DMMO application to claim a public right of way
Askham Bryan parish**

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2014

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SECTION 5 DEDICATION / USER EVIDENCE

REFERENCE MATERIAL

Statutes

Law of Property Act 1925 section 193

Rights of Way Act 1932

National Trust Act 1939

Countryside Act 1968 section 30

Highways Act 1980 section 31

Wildlife and Countryside Act 1981 sections 53(3)(b), 53(3)(c) and 66(1)

Road Traffic Act 1988

Charities Act 1993 section 36

Case Law

Poole v Huskinson (1843) 11 M & W 827 - common law dedication – intention to dedicate – interruption – limited dedication

Hollins v Verney 1854 - sufficiency of user

Dawes v Hawkins [1860] 8 CB (NS) 848 - no time limit on dedication – once a highway etc

Mann v Brodie 1885 - common law dedication – sufficiency of user – presumption – Scottish law – (Lord Blackburn on the difference of English law)

R v Residents of Southampton 1887 – ‘the public’

Sherrington UDC v Holsey 1904 - physical character of a way

Thornhill v Weekes (1914) 78 JP 154 - physical character of a way

Moser v Ambleside RDC (1925) 89 JP 59 - effect of ancient maps, modern – culs-de-sac surveys, interruptions, noticeboards – pleasure user

Hue v Whiteley [1929] 1 Ch 440 - ‘as of right’

Merstham Manor v Coulsdon and Purley UDC [1937] 2 KB 77 – ROW Act 1932 – ‘as of right’ – ‘without interruptions’

Jones v Bates [1938] 2 All ER 237 - dedication at common law – meaning of as of right (ROW Act 1932) – burden of proof – bringing into question

Lewis v Thomas 1950 1 KB 438 - interruption – intention to dedicate

Fairey v Southampton County Council [1956] 2 QB 439 – whether ROW Act 1932 is retrospective – intention to dedicate – differentiation between common law/statute law dedication – burden of proof

Davis v Whitby [1974] 1 All ER 806 - 20 years user

Dyfed County Council v SSW (1989) 58 P & CR 68 – use of foreshore for recreational activities

British Transport Commission v Westmorland County Council [1957] 2 All ER 353 – dedication must be compatible with purpose of land held

R v SSE ex parte Cowell [1993] JPEL 851 - Toll – annual manifestation of non-dedication

Jaques v SSE [1995] JPEL 1031 - common law dedication – true construction of S31 HA80 – no intention to dedicate – burden of proof – effect of requisitioning

Robinson v Adair (1995) Times 2 March 1995 -illegal vehicular user post 1930 – effect in relation to s31(1) HA80

Stevens v SSETR (1998) 76 P & CR 503 - rights along RUPPs – effect of Road Traffic Act 1930 on vehicular user evidence

R v SSE ex parte Billson [1998] 2 All ER 587 - duration of no intention to dedicate - rights over common land

R v Isle of Wight CC ex parte O'Keefe 1997 unreported (QBCOF 94/1223/D) – evidence of intention – meaning of as of right

R v Wiltshire CC ex parte Nettlecombe [1998] JPEL 707 – definition of BOAT – current user

Masters v SSE [2000] 4 All ER 458 (CA) - definition of BOAT – balance of predominant user - 1929 Handover map – OS maps

R v Oxfordshire CC ex parte Sunningwell PC [1999] 3 All ER 385 – history of prescription of dedication – belief element of as of right

R v SSETR ex parte Dorset CC [1999] NPC.72 - bringing into question – no intention to dedicate

Buckland and Capel v SSETR [2000] 3 All ER 205 - meaning of BOAT – discourse on *Nettlecombe* and *Masters* judgments

Masters v SSETR [2001] QB 151 (CA) - Court of Appeal judgment on meaning of BOAT

R v Planning Inspectorate Cardiff ex parte Howell (2000) unreported – vehicular use post 1930 (see also Robinson v Adair; and Stevens v SSETR)

Rowley and Cannock Gates Ltd v SSTR [2002] EWHC (Admin) – positive actions of a tenant

R v City of Sunderland ex parte Beresford 2003 UKHL 60 – the proposition that use pursuant to permission given by the landowner is always precario is not correct. Also toleration equates with acquiescence; not permission

Bakewell Management Ltd v Brandwood [2004] UKHL 14 – presumed dedication of a public vehicular right of way

R (on the Application of Godmanchester Town Council) (Appellants) v SSEFRA and R (on the application of Drain) (Appellant) v SSEFRA [2007] UKHL 28 – lack of intention to dedicate – overt acts by the landowner to be directed at users of the way – duration of no intention to dedicate

Ramblers' Association v SSEFRA (2008) a cul-de-sac is capable of being dedicated as a highway

Planning Inspectorate Guidance

Rights of Way Advice Note No.12 – Wildlife and Countryside Act 1981 – Vehicles and Rights of Way

Other Publications

Halsbury's Laws of England Vol.21 paragraphs 65-86

'Rights of Way: A guide to law and practice' by John Riddall and John Trevelyan (published by the Open Spaces Society and the Ramblers' Association)

The following, articles which are of interest, have appeared in the RWLR

'Section 31 of the Highways Act 1980' - David Braham - Oct 1990 (Section 6.3)

'Section 31: update' - David Braham - April 1998 (Section 6.3)

'Dedication: the common law approach' - David Braham - Oct 1991 (Section 6.2)

'Public Access to Common Land' - Gerard Ryan – Jan 1995 (Section 15.4)

GUIDANCE

Introduction

- 5.1 Dedication of rights of way to the public can arise under statute law (s31 HA80) and under common law. The references above provide a good basis for understanding a subject which continues to arouse controversy. There has been frequent recourse to the Courts, which has provided a rich seam of judicial interpretations. Inevitably some of the dicta contained in earlier judgments have been superseded. The cases recommended for full reading reflect current judgments of which '*Sunningwell*' is a particularly helpful history of the prescription of dedication; *Godmanchester and Drain* [2007] provides the leading judgement on the operation of the proviso to HA80 s31 (1). These judgments will generally lead Inspectors to the other relevant case law listed (see Section 3 'Case Law').
- 5.2 These guidelines initially concentrate on issues affecting the interpretation of s31 HA80 then recommend rigorous testing of the user evidence forms, which almost invariably feature in claims for dedication under statute law. Finally, they address some aspects of deemed dedication at common law. Comment on specific topics is found later on in this section.

'The Public'

- 5.3 There appears to be no legal interpretation of the term *the public* as used in s31. The dictionary definition of the term is *the people as a whole, or the community in general*. Hence, arguably, use should be by a number of people who together may sensibly be taken to represent the people as a whole/the community in general. However, Coleridge LJ in *R v Residents of Southampton 1887* said that *user by the public must not be taken in its widest sense ... for it is common knowledge that in many cases only the local residents ever use a particular road or bridge*. Consequently, use wholly or largely by local people may be use by the public, as, depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local people as a whole/the local community.
- 5.4 It was held in *Poole v Huskinson (1843)* that *there may be a dedication to the public for a limited purpose ... but there cannot be a dedication to a limited part of the public*.

Currency and Balance

- 5.5 Dedication of a highway of a particular status will depend, amongst other things, on the type of public user. In this matter the definitions of minor highways in s66(1) WCA 81 are particularly relevant. The definition of a BOAT has proved troublesome.

- 5.6 However, the Court of Appeal settled the matter in *Masters v SSETR* (2000). Roch LJ held: *It is in my judgment clear that Parliament did not contemplate that ways shown in definitive maps and statements as RUPPs should disappear altogether from the maps and statements simply because no current use could be shown, or that such current use of the way as could be established by evidence did not meet the literal meaning of s66(1) and that Parliament did not intend that highways, over which the public have rights for vehicular and other types of traffic, should be omitted from definitive maps and statements because they had fallen into disuse if their character made them more likely to be used by walkers and horse riders than vehicular traffic.*
- 5.7 Thus for reclassification of RUPPs to BOATs under section 54 of the WCA 81, the position seems clear: the decision depends solely on the test of whether public vehicular rights exist and does not require current vehicular (or any other) use. For orders recording BOATs under section 53, public vehicular rights must be shown to exist but to satisfy the description BOAT as defined in s66(1) of the Act, the question of its use should still be addressed but in the light of Roch LJ's interpretation in the *Masters* judgment.

Duration

- 5.8 Use of a way by different persons, each for periods of less than 20 years, will suffice if, taken together, they total a continuous period of 20 years or more (*Davis v Whitby (1974)*). However, use of a way by tradespeople, postmen, estate workers, etc., generally cannot be taken to establish public rights. Wandering at will (roaming) over an area including the foreshore (*Dyfed CC v SSW 1989*), cannot establish a public right (Halsbury's Laws of England, Vol.21, paras 2 and 4 refer), and use of an area for recreational activities cannot give rise in itself to a presumption of dedication of a public right over a specific route (see RWLR article 'Dedication – the Common Law Approach').

Sufficiency

- 5.9 There is no statutory minimum level of user required for the purpose, and the matter does not appear to have been tested in the courts. However, it is clear that Inspectors must be satisfied that there was a sufficient level of use for the landowner to have been aware of it, and have had the opportunity to resist it if he chose. In *Hollins v Verney (1884)* it was said that: *No user can be sufficient which does not raise a reasonable inference of such a continuous enjoyment and that no actual user can be sufficient to satisfy the statute ... unless the user is enough to carry to the mind of a reasonable person (owner, etc.) the fact that a continuous right of enjoyment is being asserted and ought to be resisted.....* It follows then that use of a way is less cogent evidence of dedication if the landowner is non-resident – at any rate, if the owner had no agent on the spot – than if he is resident. If the landowner did not know that the way was being used, no inference can fairly be drawn from his non-interference.

- 5.10 Use of the way should also have been by a sufficient number of people to show that it was use by the public – representative of the people as a whole, or the community in general (see ‘The Public’ above) – and this may well vary from case to case. Very often the quantity of valid user evidence (see ‘User evidence,’ below) is less important in meeting these sufficiency tests than the quality (i.e. its cogency, honesty, accuracy, credibility and consistency with other evidence, etc.).
- 5.11 It was held in *Mann v Brodie 1885* that the number of users must be such as might reasonably have been expected, if the way had been unquestionably a public highway. Watson J said: *If twenty witnesses had merely repeated the statements made by the six old men who gave evidence, that would not have strengthened the respondents’ case. On the other hand the testimony of a smaller number of witnesses each speaking to persons using and occasions of user other than those observed by these six witnesses, might have been a very material addition to the evidence.* Arguably, therefore, the evidence contained in a few forms may be as cogent - or more cogent – evidence than that in many. However, Dyson J in *Dorset 1999* did not question that the Inspector had found the evidence contained in five user statements insufficient to satisfy the statutory test, even though the truth of what was contained in them had been accepted.

Subjective Belief

- 5.12 For many years before 1999, it was held that use as of right entailed use that was open, not by force and not by permission (*‘nec vi, nec clam, nec precario’*); furthermore, users had to have an honest belief that there was a public right of passage. Hence, it was necessary to prove that users believed that they had a right to use the way.
- 5.13 However, in *Sunningwell 1999* it was held that there is no requirement to prove any such belief, but only that the use was without force, without stealth and without permission. Hoffman LJ said: *To require an enquiry into the subjective state of mind of the users would be contrary to the whole English theory of prescription, which depends upon acquiescence by the landowner giving rise to an inference or presumption of a prior grant or dedication. For this purpose the actual state of mind of the road user is plainly irrelevant in my opinion the casual and, in its context, perfectly understandable aside of Tomlin J in Hue and Whiteley (1929) has led the courts into imposing upon the time-honoured expression ‘as of right’ a new and additional requirement of subjective belief for which there is no previous authority and which I consider to be contrary to the principles of English prescription ... user which is apparently as of right cannot be discounted merely because, as will often be the case, many of the users over a long period were subjectively indifferent as to whether a right existed, or even had private knowledge that it did not.*
- 5.14 However, if a user admits to private knowledge that no right exists, it could be that the explanation may have an important bearing on the second limb of the statutory test, the intention of the owner not to dedicate. Inspectors should investigate where appropriate.

Landowner's Toleration

- 5.15 In the same judgment, and in the context of a call not to be too ready to allow tolerated trespasses to ripen into rights, Hoffman LJ also held that toleration by the landowner of use of a way is not inconsistent with user as of right. In effect it is not fatal to a finding that use had been as of right. In *R (Beresford) v Sunderland CC [2003]*, Lord Bingham stated that a licence to use land could not be implied from mere inaction of a landowner with knowledge of the use to which his land was being put. Although the *Sunningwell* judgment is silent on the relationship between claimed toleration and acquiescence, Lord Scott stated in the *Beresford* case *I believe this rigid distinction between express permission and implied permission to be unacceptable. It is clear enough that merely standing by, with knowledge of the use, and doing nothing about it, i.e. toleration or acquiescence, is consistent with the use being "as of right".*
- 5.16 However, it is clear that permission may be implied from the conduct of a landowner in the absence of express words. Lord Bingham, in the same judgment stated that *a landowner may so conduct himself as to make clear, even in the absence of any express statement, notice, record, that the inhabitants' use of the land is pursuant to his permission.* But encouragement to use a way may not equate with permission: As Lord Rodgers put it in *Beresford*, *the mere fact that a landowner encourages an activity on his land does not indicate ... that it takes place only by virtue of his revocable permission.* In the same case, Lords Bingham and Walker gave some examples of conduct that might amount to permission, but the correct inference to be drawn will depend on any evidence of overt and contemporaneous acts that is presented. (see also 'No Intention to Dedicate' below).

'Bringing into Question'

- 5.17 *R v SSETR ex parte Dorset County Council 1999* is the most recent case addressing the meaning of s31(2) HA80; specifically what act or acts constitute 'bringing into question.'
- 5.18 Dyson J was not satisfied that the unusual circumstances pertaining, a landowner's letter to DoE subsequently passed to the OMA but not communicated to the users, satisfied the spirit of s31(2). Inspectors may be perplexed at the fine line drawn between these circumstances and those instanced in s31(6), but the principle emanating from the judgment is clear. The test to be applied is that enunciated by Denning LJ in *Fairey v Southampton County Council 1956*. Dyson J's interpretation of that judgment is that: *Whatever means are employed to bring a claimed right into question they must be sufficient at least to make it likely that some of the users are made aware that the owner has challenged their right to use the way as a highway.*
- 5.19 However, an action which of itself is insufficient to bring a right into question may well be sufficient to demonstrate an intention not to dedicate (see later paragraphs).

- 5.20 There is no rule of law that the “bringing into question” has to result from the action of the owner of the land or on their behalf. This issue was considered in *Applegarth v Secretary of State for Environment, Transport and the Regions [2001] EWHC Admin 487* (28 June 2001). The owner of a property whose means of access was via a track claimed to be a public bridleway, challenged the public use of the track even though he was not the owner of it. In this case, Munby J stated: “Whether someone or something has “brought into question” the “right of the public to use the way” is, as it seems to me, a question of fact and degree in every case.” Thus any action which raises the issue would seem to be sufficient. In this context the application for or making of a modification order under WCA81 s53 would not normally by itself constitute a “bringing into question” for the purposes of s31. However, where there is no identifiable event which has brought into question the use of a path or way, s31 ss (7A) and (7B) of HA80 (as amended by s69 of NERC06) provides that the date of an application for a modification order under WCA81 s53 can be used as the date at which use was brought into question.
- 5.21 The Inspectorate considers that the non-existence or disappearance of the landowner is not sufficient to defeat a presumption of dedication. Once use is established as of right and without interruption, the presumption arises. If there is no contradictory evidence in accordance with the proviso to s31(1) deemed dedication is made out and the Order should be confirmed. This is so whether there is an owner who cannot provide sufficient evidence of lack of intention or whether there is no owner available to produce such evidence.

‘No Intention to Dedicate’

- 5.22 Section 31 expressly provides for methods by which to show that during the period over which the presumption has arisen there was in fact no intention on the landowner’s part to dedicate the land as a highway. For instance, under section 31(3) a landowner may erect a notice inconsistent with the dedication of a highway, and if that notice is defaced or torn down, can give notice to the appropriate council under section 31(5). Under section 31(6), an owner of land may deposit a map and statement of admitted rights of way with “the appropriate council”. Provided the necessary declaration is made at ten yearly intervals thereafter, the documents are (in the absence of evidence to the contrary) “sufficient evidence to negative the intention of the owner or his successors in title to dedicate any additional ways as highways”. This is for the period between declarations, or between first deposit of the map and first declaration.
- 5.23 The interpretation of the phrase “intention to dedicate” was considered by the House of Lords in *R (on the application of Godmanchester and Drain) v SSEFRA [2007]* and is the authoritative case which deals with the proviso to HA80 s31. The House of Lords reversed the earlier judgement of the Court of Appeal and rejected the judgements of Sullivan J in *R v SSE ex parte Billson [1999]* and Dyson J in *R v SSETR ex parte Dorset CC [1999]* which had held that a landowner did not need to publicise his lack

of intention to dedicate to users of the way. In his leading judgement, Hoffmann LJ approved the obiter dicta of Denning LJ (as he then was) in *Fairey v Southampton County Council* [1956] who held "in order for there to be 'sufficient evidence there was no intention' to dedicate the way, there must be evidence of some overt acts on the part of the landowner such as to show the public at large – the people who use the path...that he had no intention to dedicate".

- 5.24 Hoffmann LJ held that "upon the true construction of section 31(1), 'intention' means what the relevant audience, namely the users of the way, would reasonably have understood the owner's intention to be. The test is ... objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed, but whether a reasonable user would have understood that the owner was intending, as Lord Blackburn put it in *Mann v Brodie* (1885), to 'disabuse' [him] of the notion that the way was a public highway".
- 5.25 In both *Godmanchester* and *Drain*, evidence in the form of letters between the landowner and the planning authority, and the terms of a tenancy agreement were held by the House of Lords to be insufficient evidence of a lack of intention to dedicate. As these documents had not been brought to the attention of the public the users could not have understood what the owner's intention had been.
- 5.26 For a landowner to be able to benefit from the proviso to s31(1) there must be 'sufficient evidence' that there was no such intention to dedicate. The evidence must be inconsistent with an intention to dedicate, it must be contemporaneous and it must have been brought to the attention of those people concerned with using the way. Although s31 ss (3), (5) and (6) specify actions which will be regarded as "sufficient evidence", they are not exhaustive; s31 (2) speaks of the right being brought into question by notice "or otherwise".
- 5.27 *Godmanchester and Drain* upheld the earlier decision of Sullivan J in *Billson* that the phrase "*during that period*" found in s31 (1) did not mean that a lack of intention had to be demonstrated "*during the whole of that period*". The House of Lords did not specify the period of time that the lack of intention had to be demonstrated for it to be considered sufficient; what would be considered sufficient would depend upon the facts of a particular case.
- 5.28 However, if the evidence shows that the period is very short, questions of whether it is sufficiently long (*'de minimis'*) may well arise, and would have to be resolved on the facts.
- 5.29 In the Court of Appeal case *Lewis v Thomas* 1949, Cohen LJ quoted with approval the judgment of MacKinnon J in *Moser v Ambleside UDC* 1925:

It was said, very truly, in the passage of Parke, B in Poole v Huskinson (1843) that a single act of interruption by the owner was of much more weight upon the question of intention than many acts of enjoyment. If you bear quite clearly in mind what is meant by an act of interruption by the owner, if it is an effective act of

interruption by the owner – I mean the owner himself – and is effective in the sense that it is acquiesced in, then I agree that a single act is of very much greater weight than a quantity of evidence of user by one or other members of the public who may use the path when the owner is not there and without his knowledge.

The fact that the owner, as is so constantly done, locks the gates once a year and that sort of thing is, or may be, a periodic intimation by the owner that he is not intending to dedicate a highway, but it must be an effective interruption; it must be by the owner himself, because if you have evidence of an interruption which is not effective in the sense that members of the public resent the interruption and break down the gate, or whatever it is, and that defiance of his supposed rights is then acquiesced in by the owner, or again, if it is an attempted interruption by a tenant without the assent or authority of the owner and is also an interruption that is ineffective and a failure because the public refuse to acquiesce in it, then, as it seems to me such an ineffective interruption, either by the owner or by the tenant, so far from being proof that there is no dedication, rather works the other way as showing that there has been an effective dedication.

This judgment established a number of principles that still endure.

- 5.30 However, in the subsequent case *Rowley v SSTLR & Shropshire County Council May 2002*, Elias J held that the acquiescence of a tenant may bind the landowner on the issue of dedication of a public right of way (for example in the case of long public user), but also that in the absence of evidence to the contrary, there is no automatic distinction to be drawn between the actions of a tenant acting in accordance with his/her rights over the property and that of the landowner in determining matters under s31HA80.

...seemed acquiescence of the tenant was the basis of the case for the assertion that there was user as of right...it would surely be implied that the tenant would have the right to decide who should be entitled to go on to his land and whom he may forbid. I find it difficult to see why the tenant's acquiescence should bind the landlord, but not positive acts taken by the tenant in accordance with the exercise of his rights over the property, to exclude strangers.

Elias J continued:

*the conclusion...that there was no evidence that any turning back had in any event been authorised by the freeholder involved an error of law. A similar argument was advanced in *Lewis v Thomas* [[1950] 1 K.B 438] and rejected, the court apparently taking the view that if it is alleged that the freeholder has a different intention to the tenant, there should at least be evidence establishing that.*

No intention to dedicate

In cases where a claimed right of way is in more than one ownership and only one of the owners has demonstrated a lack of intention to dedicate it for public use, the Inspector should explicitly consider whether it is possible that public rights have been acquired over sections of the way in other ownerships, even if this would result in cul de sac ways being recorded in the Definitive Map and Statement.

User Evidence

- 5.31 Claims for dedication having occurred under s31 HA80 will usually be supported by a number of user evidence forms.
- 5.32 The Inspector's own analysis of the forms is vital, so that omissions, lack of clarity, serious inconsistencies, possible collusion between witnesses and other anomalies may be identified. The analysis also allows the Inspector to reject invalid claims (e.g. no signature, no clear description of the way or of how it was being used) and to note the questions to raise at the inquiry. A similar analysis should be made of other types of user evidence that may be tendered, such as sworn statements, letters and the landowner's evidence. It should also be noted that user evidence forms are not standardised, and pose differing questions of varying pertinence and precision. Some are better than others in terms of specifying the evidence required.
- 5.33 If the potential value of user evidence forms is to be realised in full they must be completed with due diligence. All questions should be answered as accurately and as fully as possible. If questions which, from the claimed duration and extent of use, appear capable of being answered yet are not, it is open to the Inspector to assume that the respondent's recall was insufficient to provide this information. The Inspector may then question whether the claimed use is accurately recalled and the evidential weight of the form may well be reduced.
- 5.34 Similarly if an overall picture emerges from a variety of sources which differs significantly from the respondents' recollections, or if a particular difficulty which must have been encountered during claimed user is not mentioned, the Inspector may well wonder whether the claimed use is accurately and honestly recalled.
- 5.35 It is sometimes the case that objectors do not seek to challenge user evidence in cross-examination. If so, the Inspector needs to do so, in order to be in a position to decide what evidential weight to place on the witnesses' claims. If few, or none, of the users attends the inquiry, the Inspector should pose questions to the party presenting the evidence, so that the evidential weight can be determined. As with other evidence, user evidence tested in cross-examination generally carries significantly more weight than untested evidence. While questioning of witnesses needs to be incisive and thorough, Inspectors should be aware that members of the public giving evidence may be nervous or anxious and should deal with them accordingly.

Dedication at Common Law

- 5.36 'Rights of Way: A guide to law and practice' is a useful source of information. The referenced RWLR article 'Dedication: the common law approach' discusses the relevant principles, and shows how they were applied in practice by giving detailed consideration to the salient facts in reported cases.
- 5.37 The common law position was described by Farwell J, and Slessor and Scott LJ in *Jones v Bates 1938*, both quoted with approval by Laws J in *Jaques v SSE 1994*, who described the former's summary as *a full and convenient description of the common law*. Other leading cases that speak to dedication at common law are *Fairey v Southampton CC 1956*, *Mann v Brodie 1885* and *Poole v Huskinson 1843*. *Jaques* is a particularly helpful exposition on the differences between dedication at common law and under statute.
- 5.38 Halsbury states – "*Both dedication by the owner and user by the public must occur to create a highway otherwise than by statute. User by the public is a sufficient acceptance. And - An intention to dedicate land as a highway may only be inferred against a person who was at the material time in a position to make an effective dedication, that is, as a rule, a person who is absolute owner in fee simple; and At common law, the question of dedication is one of fact to be determined from the evidence. User by the public is no more than evidence, and is not conclusive evidence ... any presumption raised by that user may be rebutted. Where there is satisfactory evidence of user by the public, dedication may be inferred even though there is no evidence to show who was the owner at the time or that he had the capacity to dedicate. The onus of proving that there was no one who could have dedicated the way lies on the person who denies the alleged dedication*".
- 5.39 Sometimes dedication at common law will be argued as an alternative, in case the s31 claim fails. In any event, the Inspector should consider common law dedication where a s31 claim fails. Whilst the above principles affecting dedication by landowners and acceptance by user will normally apply in both situations (even though there is no defined minimum period of continuous user in common law), there is an important difference in the burden of proof. As Denning LJ made clear in *Fairey v Southampton County Council 1956* *The Rights of Way Act 1932 has introduced a new means by which the public may acquire a right of way, in addition to the old means of dedication, which, be it noted, is still preserved...* In later describing the effect of the 1932 Act he said: *It reverses the burden of proof; for whereas previously the legal burden of proving dedication was on the public who asserted the right... now after 20 years user the legal burden is on the landowner to refute it.*
- 5.40 From these comments it follows that, in a claim for dedication at common law, the burden of proving the owner's intentions remains with the claimant. For the reasons given by Scott LJ in *Jones v Bates 1938*, this is a heavy burden and, in practice, even quite a formidable body of evidence may not suffice. However, should it be asserted in rebuttal that

there was no one who could have dedicated the way, the burden of proof on this issue would rest with the asserting party (Halsbury, above, refers).

- 5.41 The principles established in *Rowley* (see paragraph 5.24) may, arguably, apply to equivalent issues arising under common law.

Land Held in Trust or Mortgaged

- 5.42 Halsbury gives useful guidance; Volume 21 para 73 states: *Where a mortgagor (borrower) is still in possession of the mortgaged land it would seem that the mortgagee's (lender's) assent to a dedication is necessary, and that a dedication cannot be inferred from user unless the mortgagee can be shown or presumed to have had knowledge of it.* Trustees of land held on trust for sale generally have power to dedicate on their own provided that no incompatibility is introduced (Halsbury Vol.21 para 74 refers). For leaseholds and copyholds the consent of both landlord and lessee or copyholder would usually be required for dedication. However, Inspectors should always check the detailed wording and provisions of the trust or mortgage document pertaining to the case before them, in case there are specific requirements for enabling powers. A public body can in general create a right of way, provided that the public use would not be incompatible with the purpose of the body. (See also 'Legal capacity to dedicate' in the referenced RWLR articles 'Section 31 of the Highways Act 1980' and 'Section 31: update' and note the provisions of HA80 s31(8)).

Vehicular use post 1930

- 5.43 Use without lawful authority of mechanically propelled vehicles adapted or intended for use on the roads on footpaths, bridleways and elsewhere than on roads became a criminal offence in 1930. The Countryside and Rights of Way Act 2000 extended this provision to all mechanically propelled vehicles.
- 5.44 However, lawful authority may be granted by a landowner, and Lord Scott, in *Bakewell Management Ltd v Brandwood* [2004] (in the context of the acquisition of an easement to drive over common land) held that if such a grant could have been lawfully made, the grant should be presumed so that long de facto enjoyment should not be disturbed. In overruling *Robinson v Adair* (1995), in which it had been held that no presumption of dedication could arise following long illegal user by motor vehicles, Lord Scott stated that

However, it was, so I assume for there is nothing to suggest the contrary, open to Mr Adair or his predecessors in title to have dedicated the road as a public highway. Such a dedication would have constituted 'lawful authority' for section 24(1) [of the Road Traffic Act 1988] purposes. The dedication would have been effective. That being so, I can see no reason why public policy would prevent a presumption of dedication arising from long use.

- 5.45 A grant would not be lawful if, for example, it gave rise to a public nuisance. The granting of vehicular rights over an existing footpath might constitute a public nuisance to pedestrians using that path.
- 5.46 Whilst it is therefore possible for long use of bicycles on a footpath or bridleway (subject to paragraph 5.43 below) to give rise to a claim for a BOAT, Inspectors will need to consider whether vehicular use of the way in question has given rise to or is likely to give rise to, a public nuisance i.e. if the use of bicycles has given rise to, or the use in the future of bicycles and/or any other vehicles on the way is likely to give rise to, a public nuisance, the claim for a BOAT must fail. The public nuisance issue is one to be determined by Inspectors by reference to the particular facts before them.
- 5.47 Use of bicycles on a public bridleway after 3rd August 1968 (the date on which section 30 of the Countryside Act 1968 came into force) cannot give rise to a claim, or be used to support a claim for vehicular rights.

Crown Land

- 5.48 The Highways Act 1980 does not apply to land belonging to (or held in trust for) the Crown, except under a special agreement as described in HA80 s327. Consequently, there cannot be a presumption of dedication of such land under s31.
- 5.49 It seems likely that s31 does not apply to land leased to the Crown, because the existence of the lease would take the land outside its scope. Furthermore, the creation of a right of way would adversely affect the Crown's leasehold interest. These arguments do not appear to have been tested in the courts, but, even if they were accepted, they would not prevent an effective presumption of dedication under s31 for a period before or after the Crown's ownership or leasehold of land.
- 5.50 Under common law, there can be a presumption of dedication of a way over Crown Land. However, there cannot be such a presumption over land requisitioned by the Crown, as there would be no one with power to dedicate (*Jaques 1994*).

Common Land

- 5.51 Public rights of way over defined routes can and do exist on common land and can be established by deemed dedication through user over a number of years. However, the effect of s193 of the Law of Property Act 1925, which creates (often restricted or conditional) public *rights of access for air and exercise*, may sometimes have to be considered, since it is believed to apply to a substantial number of commons. This issue is addressed in detail in *R v SSE ex parte Billson 1998*, and useful background information can be found in the RWLR article 'Public Access to Commons' (particularly pages 5,6).

The National Trust

- 5.52 The Trust has power to dedicate highways by virtue of s12 of the National Trust Act 1939. However, Trust bylaws may be in place and operate as a conditional permission to use the land. Such bylaws prevent a presumed dedication under s31, whether users were aware of them or not. Useful reference can be made to *National Trust v SSE* [1999] JPL 697, holding that the permissive nature of the use of NT land precluded user as of right.

Charities

- 5.53 Dedication requires the consent of the Charity Commissioners under s36 of the Charities Act 1993, unless the charity is within an exemption granted by or under that section.

Physical Characteristics of a Claimed Way

- 5.54 In some circumstances the physical characteristics of a way can prevent a highway coming into existence through deemed or inferred dedication. In *Sheringham UDC v Holsey 1904* it was held that use by wheeled traffic of a public footway appointed by an Inclosure Award at 6 feet wide had always been an illegal public nuisance in view of the obstruction and danger to pedestrians, and no length of time could legalise it. Furthermore, there was no one with power to dedicate. Hence there could not have been any dedication of the way as a vehicular highway. In *Thornhill v Weeks 1914*, Astbury J observed that: *it seems impossible that a lady who resided there would at once start dedicating a way through her stable yard ... In trying to form an opinion whether an intention to dedicate has existed, one must have some regard to the locality through which the alleged path goes. The fact that it goes through the stable yard [close to the house] is strong enough to raise a presumption against an intention to dedicate.*
- 5.55 Where physical suitability of a route is argued by parties, referring to gradient, width, surface, drainage, etc., Inspectors should be aware that what may now be regarded as extremely difficult conditions may well have been relatively commonplace and frequently met by stagecoaches, hauliers and drovers in times past, and that special arrangements were often in place to negotiate them.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:

.....

.....

Tel:

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : Jerk Road

Grid Ref (if known):

To : A64

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: Askham Fields Lane
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES NO

a) If yes, please give details as to why?

[Redacted]

b) What year do you believe the way has been public from?

[Redacted]

2. Have you used the above route?

YES NO

a If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

[Redacted]

3. Do you use the route?

YES NO

a If no, when did you stop using the route?

.....

b Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/ On horseback/ On a bicycle/ With a vehicle/ Other

..... 1990 to date

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... Recreation

c Approximately, how wide was the way?

..... 1 metre

d Describe the way eg surface

..... Tarmac

5. When using the route where were you going to and from?

To:

From: ... ASKHAM BRYAN to BILBROUGH & BACK

6. Have you seen other people using the way?

YES/ NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... WALKING REGULARLY

7. Has the way always been on the same route?

YES/ NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES NO

If yes, please give details of these. If gates, were they locked or unlocked?

..... *End of old village fields way*

b) Any signs or notices?

YES NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public?

YES NO

If yes, please give particulars and dates

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES NO

d) Do you believe the owner/occupier was aware the public was using the way? If yes, why?

YES NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed by this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were

[Redacted]

12. When you used the way, were you working for the owner/occupier of the land crossed by the way?

YES/NO

If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? If so, from whom?

YES/NO

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? (if yes please give details)

YES/NO

.....

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*~~I~~ am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date.....7/4/14

Signature of Person Taking Statement .......

Date.....
(if different)

Guidance Notes

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You should complete this form **personally** in your own words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

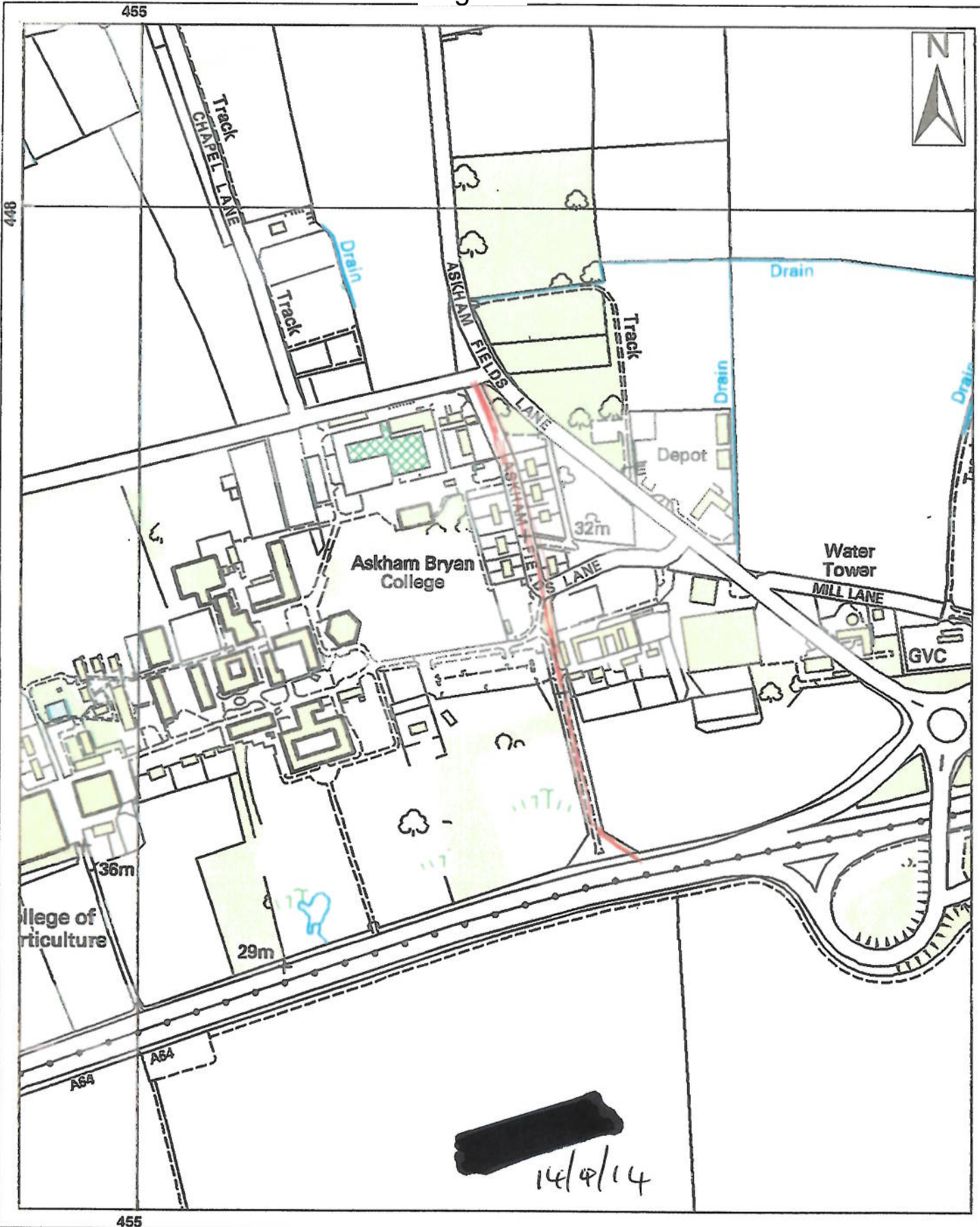
You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name:
Tel No:
(day)
Tel No:
(eve)
Email:
Occupation:
Date of birth:



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish		
Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.
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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
..... [REDACTED]
..... [REDACTED]

Tel: [REDACTED] [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : AG4.....

Grid Ref (if known):

To : YORK ROAD.....

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: ASKHAM FIELDS LANE.....
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

ALWAYS BEEN THERE.....

b) What year do you believe the way has been public from?

ALWAYS.....

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

19 YEARS 1995 to date.....

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

On foot/On horseback/On a bicycle/With a vehicle/Other

..... 1995 to date

b For what purpose did you use the route e.g. recreation/ specific journey etc?

..... e dog walking also to visit friends on camp

c Approximately, how wide was the way?

..... 1 metre

d Describe the way eg surface

..... Tarmac

5. When using the route where were you going to and from?

To: To friends at Askham Bryan

From: Home

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... 1995 onwards - walking or cycling

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/NO

If yes, please give details of these. If gates, were they locked or unlocked?

.....
STILE AT YORK RD END.....

b) Any signs or notices?

YES/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public?

YES/NO

If yes, please give particulars and dates

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way? If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed by this way?

.....
ASKHAM BRYAN COLLEGE.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? **YES/NO**

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions to the use of the way by the public and, if so, what the instructions were.

) 12. When you used the way for the owner/occupier of the land crossed by the way? **YES/NO**
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? **YES/NO**
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? **YES/NO**
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? **YES/NO**


Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

~~I am~~ am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date... 9/14/14.

Signature of Person Taking Statement.....

Date.....
(if different)

Guidance Notes

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Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form. If you do not provide this information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

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Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [redacted] [redacted]

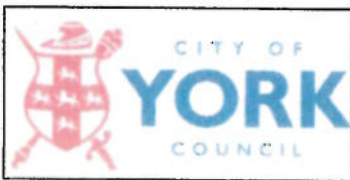
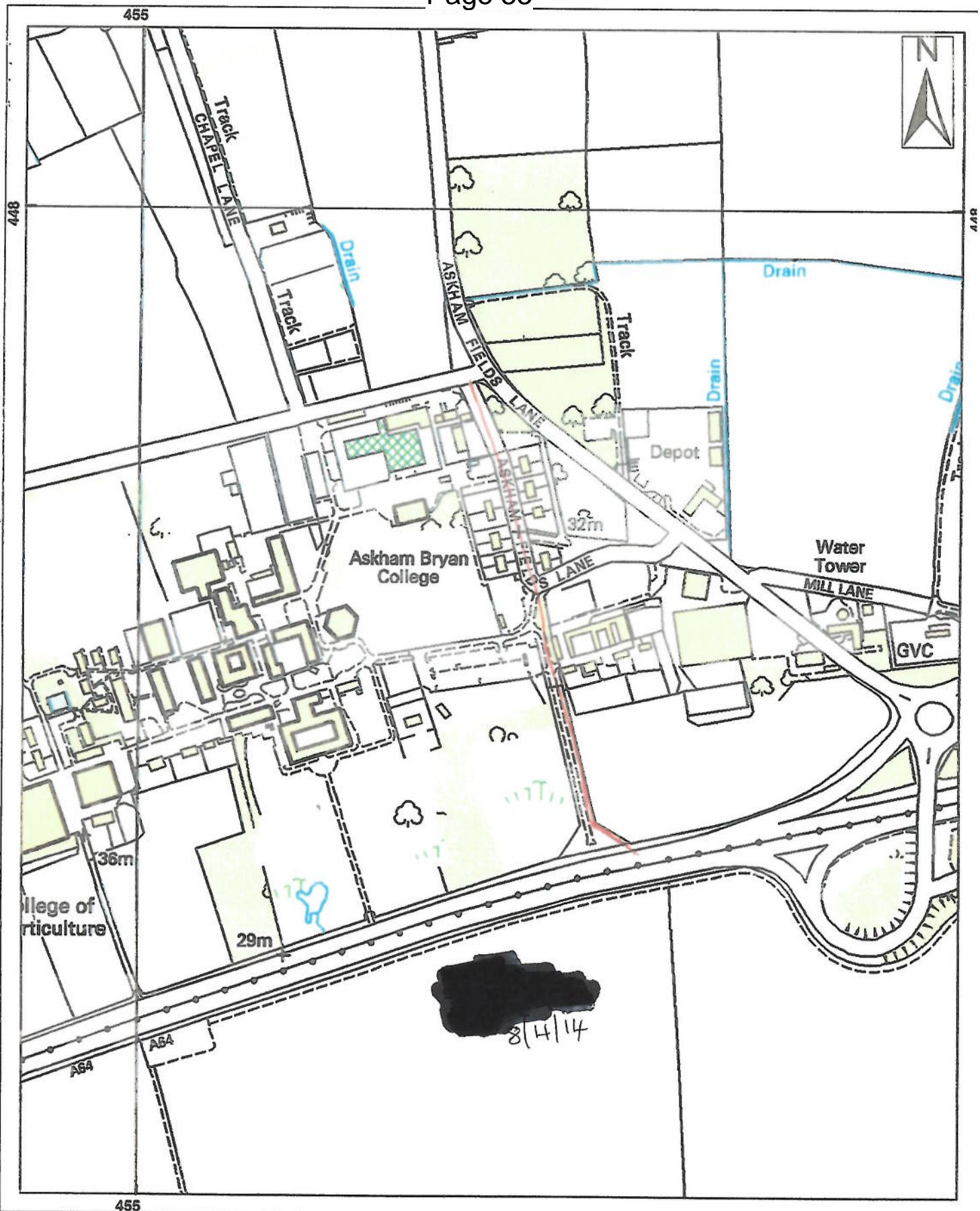
Tel No: [redacted] [redacted]
(day)

Tel No:
(eve)

Email:

Occupation: [redacted]

Date of birth: [redacted]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish		
Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

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Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
..... [REDACTED]
..... [REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : A64.....

Grid Ref (if known):

To : York Road.....

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: ASHHAM FIELDS CASE.....
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES NO

a) If yes, please give details as to why?

..... BEEN IN CONTINUOUS USE FOR 80 YEARS.....

b) What year do you believe the way has been public from?

..... START.....

2. Have you used the above route?

YES NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

..... 30 years.....

3. Do you use the route?

YES NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

..... Now FENCED OFF.....

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

On Foot

b For what purpose did you use the route e.g. recreation, specific journey etc?

c Approximately, how wide was the way?

1 meter

d Describe the way eg surface

Tarmac

5. When using the route where were you going to and from?

To: Friends House

From: My House Cambridge

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle)

It is in regular use.

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/NO

If yes, please give details of these. If gates, were they locked or unlocked?

Anti Cycling Barrier AT ARESD (York Road).....

b) Any signs or notices?

YES/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public?

YES/NO

If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way? If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed by this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were

12. When you used the [redacted] for the owner/occupier of the land crossed by the way? YES/NO
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? YES/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? YES/NO
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? YES/NO


Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary

Signature.......... Date.....25-3-14.....

Signature of Person Taking Statement:.....

Date.....
(if different)

Guidance Notes

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Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [redacted] [redacted]

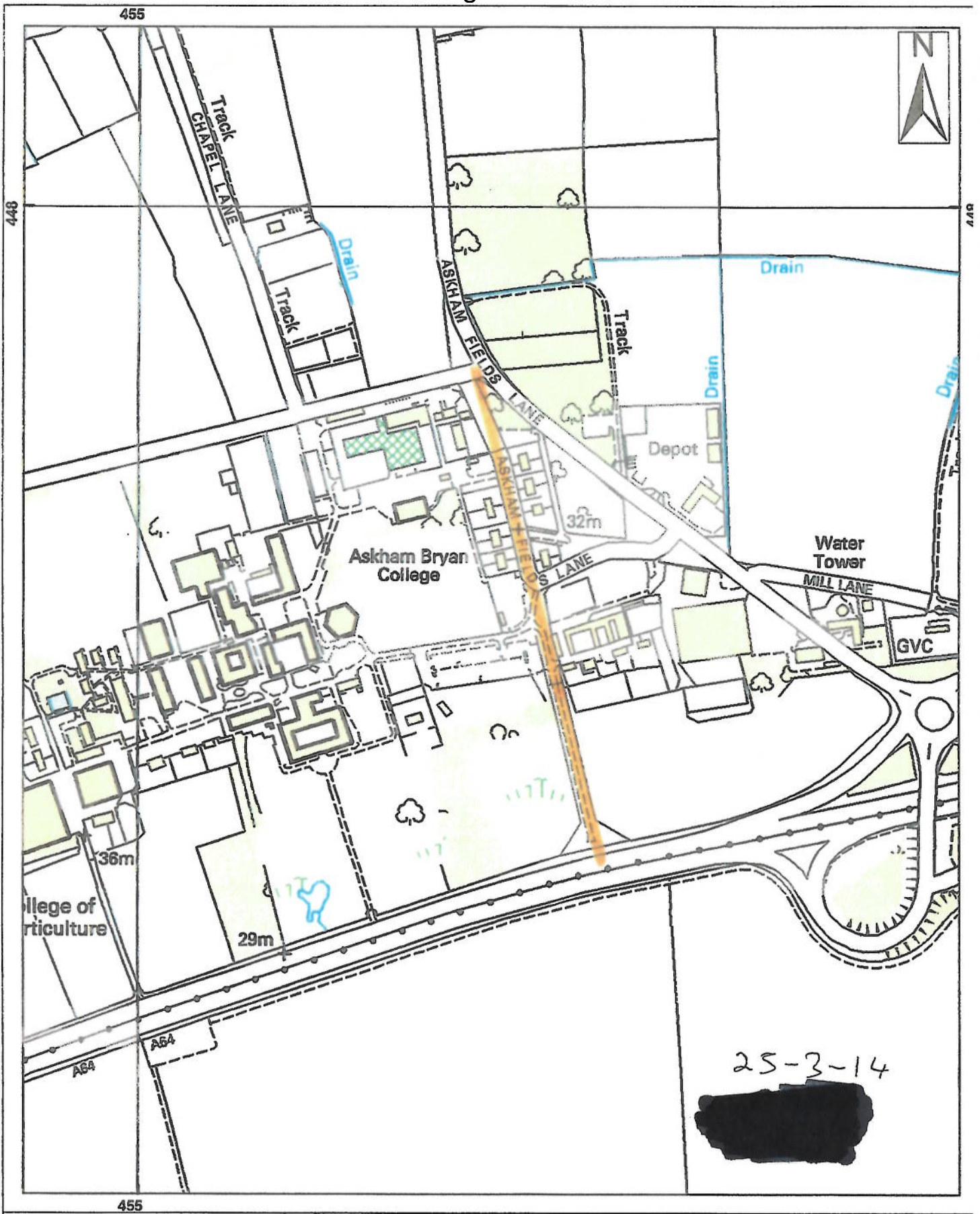
Tel No: [redacted] [redacted]
(day)


Tel No:
(eve)

Email:

Occupation: [redacted]

Date of birth:



25-3-14




West Offices, Station Rise, York,
 YO1 6GA
 Telephone: 01904 551550

DMMO application to claim a public right of way
 Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
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Public Rights of Way	Reference:	Drawing No.
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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
..... [REDACTED]
..... [REDACTED]

Tel:

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

1982 records

Description of Path

From : ASKHAM BRYAN

Grid Ref (if known):

To : COLLEGE/AL4

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route:
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

Regularly used

b) What year do you believe the way has been public from?

1965 onwards to 1965

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

41 years 1965 - present day

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/~~On a bicycle~~/~~With a vehicle~~/~~Other~~

..... *and in my pram!*

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... *Recreation*

c Approximately, how wide was the way?

..... *1 metre*

d Describe the way eg surface

..... *Tarmac*

5. When using the route where were you going to and from?

To: *Home? - and Copmanthorpe*

From: *Home*

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... *Walking, bicycle 1965 - 2014*

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/NO

If yes, please give details of these. If gates, were they locked or unlocked?

..... *Stile now at A Richard Road end*

b) Any signs or notices?

YES/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public?

YES/NO

If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way? If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed by this way?

..... *College*

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? ~~YES~~/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were

12. When you used the way were you working for the owner/occupier of the land crossed by the way? ~~YES~~/NO
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? ~~YES~~/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? ~~YES~~/NO
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? ~~YES~~/NO


Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date..... 10-4-14

Signature of Person Taking Statement.....

Date.....
(if different)

Guidance Notes

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You should complete this form **personally** in your own words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form. Without this information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [redacted] [redacted]

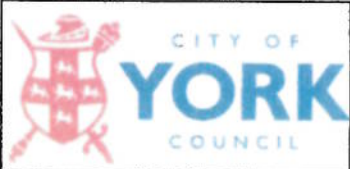
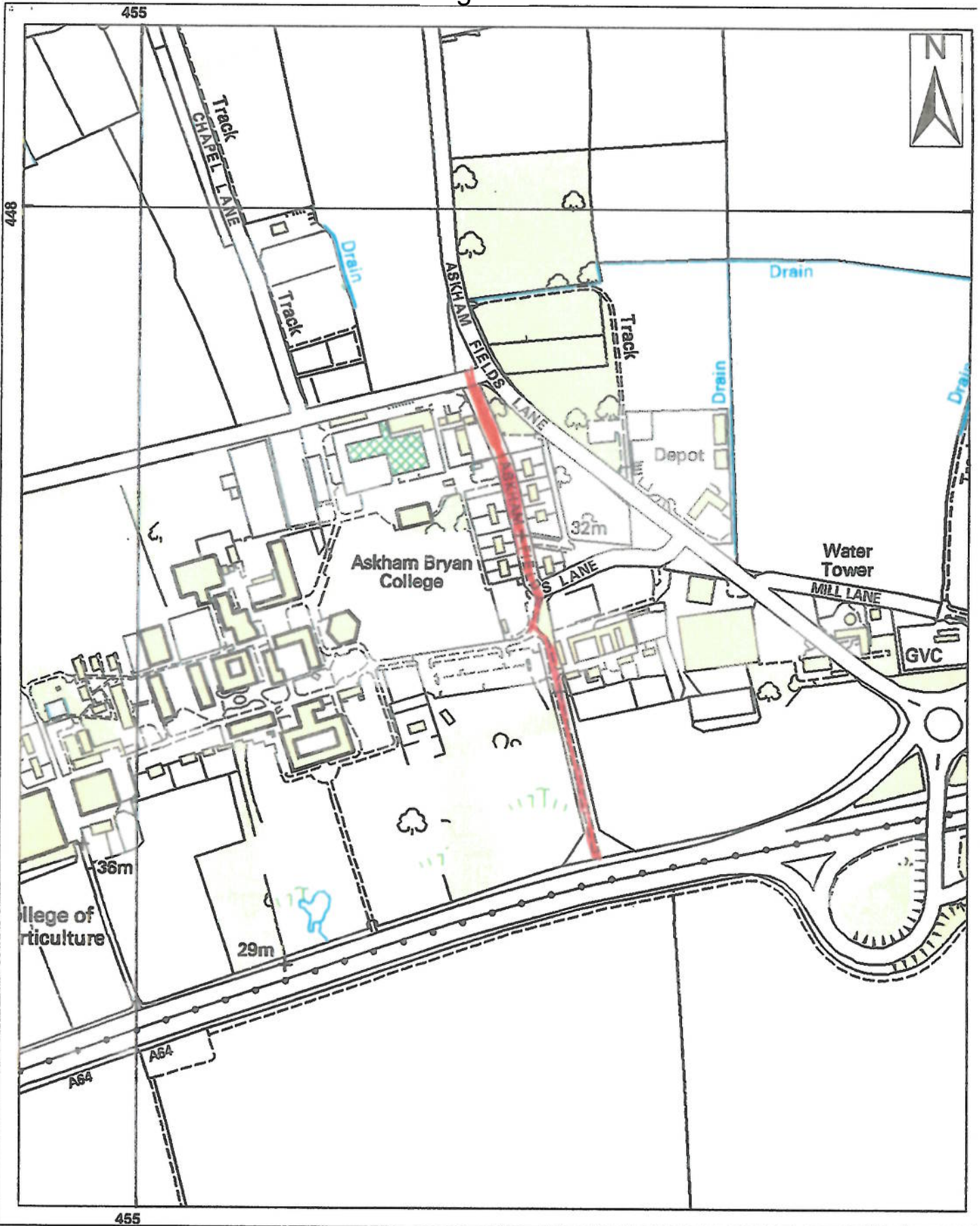
Tel No:
(day)

Tel No:
(eve)

Email:

Occupation: [redacted]

Date of birth: [redacted]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way
Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
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Public Rights of Way	Reference:	Drawing No.
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14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:

Tel:

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : ASKHAM FIELDS LANE

Grid Ref (if known):

To : A64

Grid Ref (if known):

Parish (es):

Claimed Status of Route: *footpath/ bridleway / restricted byway / Byway open to all traffic

Name of Route: (if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

PRESCRIPTIVE RIGHT - USED TO BE MAIN ROAD ACCESS TO ASKHAM BRYAN

b) What year do you believe the way has been public from?

MORE THAN 30 YEARS

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

SINCE 1986

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

.....

b For what purpose did you use the route e.g. recreation, specific journey etc?

.....

c Approximately, how wide was the way?

..... 1m

d Describe the way eg surface

..... TARMAC

5. When using the route where were you going to and from?

To: ... ASKHAM BRYAN

From: ... A64

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... WALKING, CYCLING

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/NO

If yes, please give details of these. If gates, were they locked or unlocked?

UNLOCKED GATE

b) Any signs or notices?

YES/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public?
If yes, please give particulars and dates

YES/NO

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way?
If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were

.....

12. When you were working for the owner/occupier of the land crossed by the way, did you ever work for the owner/occupier of the land crossed by the way? If yes:

YES/NO

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? If so, from whom?

YES/NO

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? (if yes please give details)

YES/NO

.....

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~ am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date *3 April '14*

Signature of Person Taking Statement

Date.....
(if different)

Guidance Notes

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A map will be attached to the evidence form showing the route that you have used. It is important that the route follows a specific line and cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form. Without this information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

Tel No: [REDACTED]

(day)

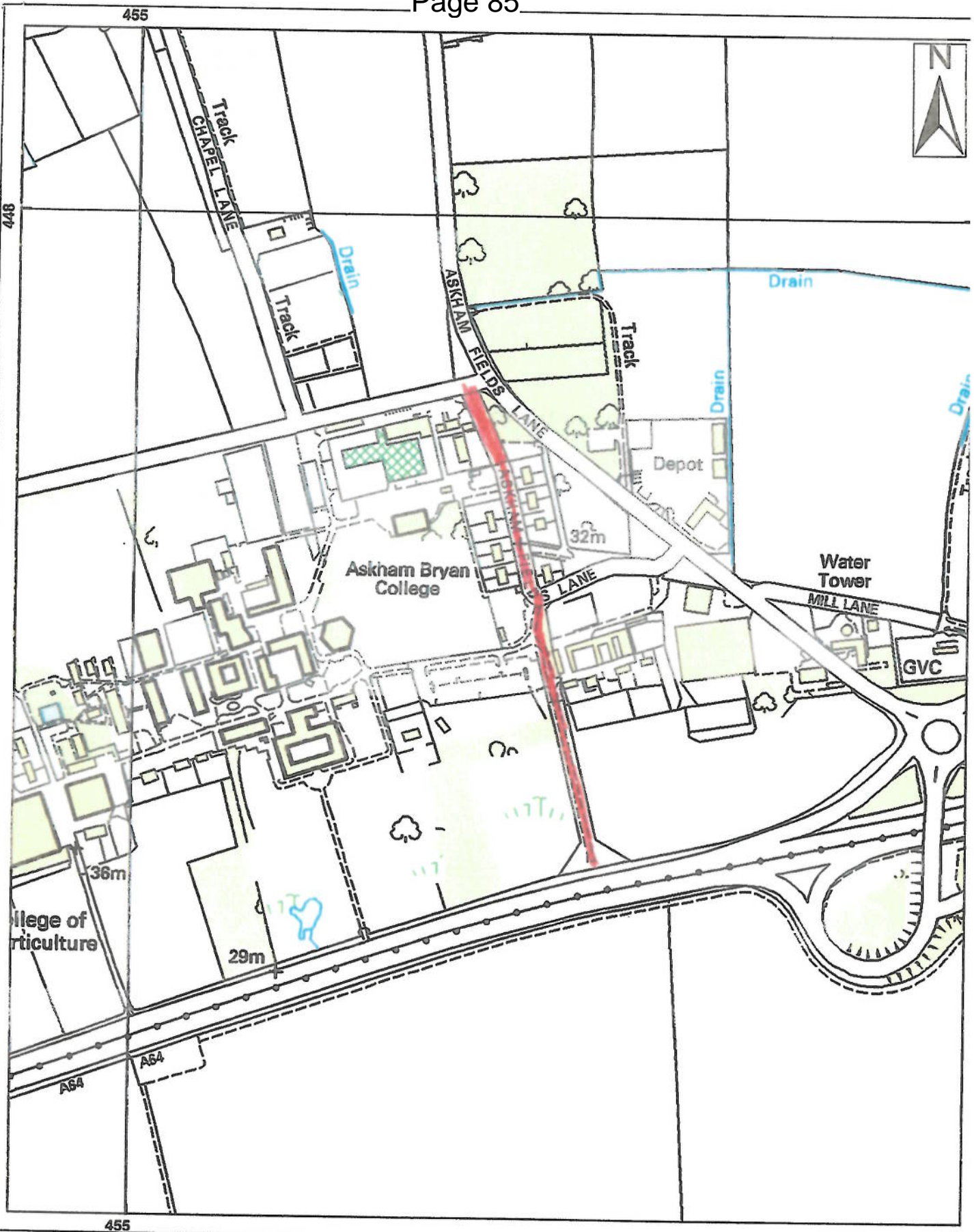
Tel No: [REDACTED]

(eve)

Email: [REDACTED]

Occupation: [REDACTED]

Date of birth: [REDACTED]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
..... [REDACTED]
..... [REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : ...ASKHAM BRYAN...
CIRCULAR ROUTE
To : ...ASKHAM BRYAN...
Parish (es):

Grid Ref (if known):

Grid Ref (if known):

Claimed Status of Route: * ~~footpath~~ / ~~bridleway~~ / restricted byway / Byway open to all traffic

Name of Route: N/A
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

..... PART OF THE ROUTE WAS ORIGINALLY A DESIGNATED PUBLIC ROAD FROM THE A64

b) What year do you believe the way has been public from?

..... AT LEAST FROM 1975

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

..... 1986 TO DATE

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

..... /

b) Why did you stop using the route?

..... /

4. By what means and between which years did you use the route?

a On foot/~~On horseback/On a bicycle/With a vehicle/Other~~

.....

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... RECREATION

c Approximately, how wide was the way?

..... VARIABLE BUT SOME PARTS PUBLIC ROAD WIDTH

d Describe the way eg surface

..... MAINLY TARMAC

5. When using the route where were you going to and from?

To: ON A CIRCULAR WALK TO AND FROM ASKHAM

From: BRYAN VILLAGE

6. Have you seen other people using the way?

YES/~~NO~~

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle WALKERS FROM TIME TO TIME

..... IN YEARS PREVIOUSLY MENTIONED.

7. Has the way always been on the same route?

YES/~~NO~~

If no, why did it change? /

Can you state why and where it was before it was moved (please show route on map)

..... /

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/NO

If yes, please give details of these. If gates, were they locked or unlocked?

..... A STILE (now an opening in a fence)

b) Any signs or notices?

YES/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public?

YES/NO

If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way? If yes, why?

YES/NO

..... MOST OF THE ROUTE WAS A PUBLIC ACCESS WAY

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....


Who now owns the land crossed by this way?

..... ASKHAM BRYAN COLLEGE

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? ~~YES~~/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were: 

12. When you use  the owner/occupier of the land crossed by the way? ~~YES~~/NO
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? ~~YES~~/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? ~~YES~~/NO
(if yes please give details)

.....


15. Have you ever enjoyed a private right along the route in question? ~~YES~~/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~ am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date... 6 April 2014

Signature of Person Taking Statement.....

Date.....
(if different)

Guidance Notes

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A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

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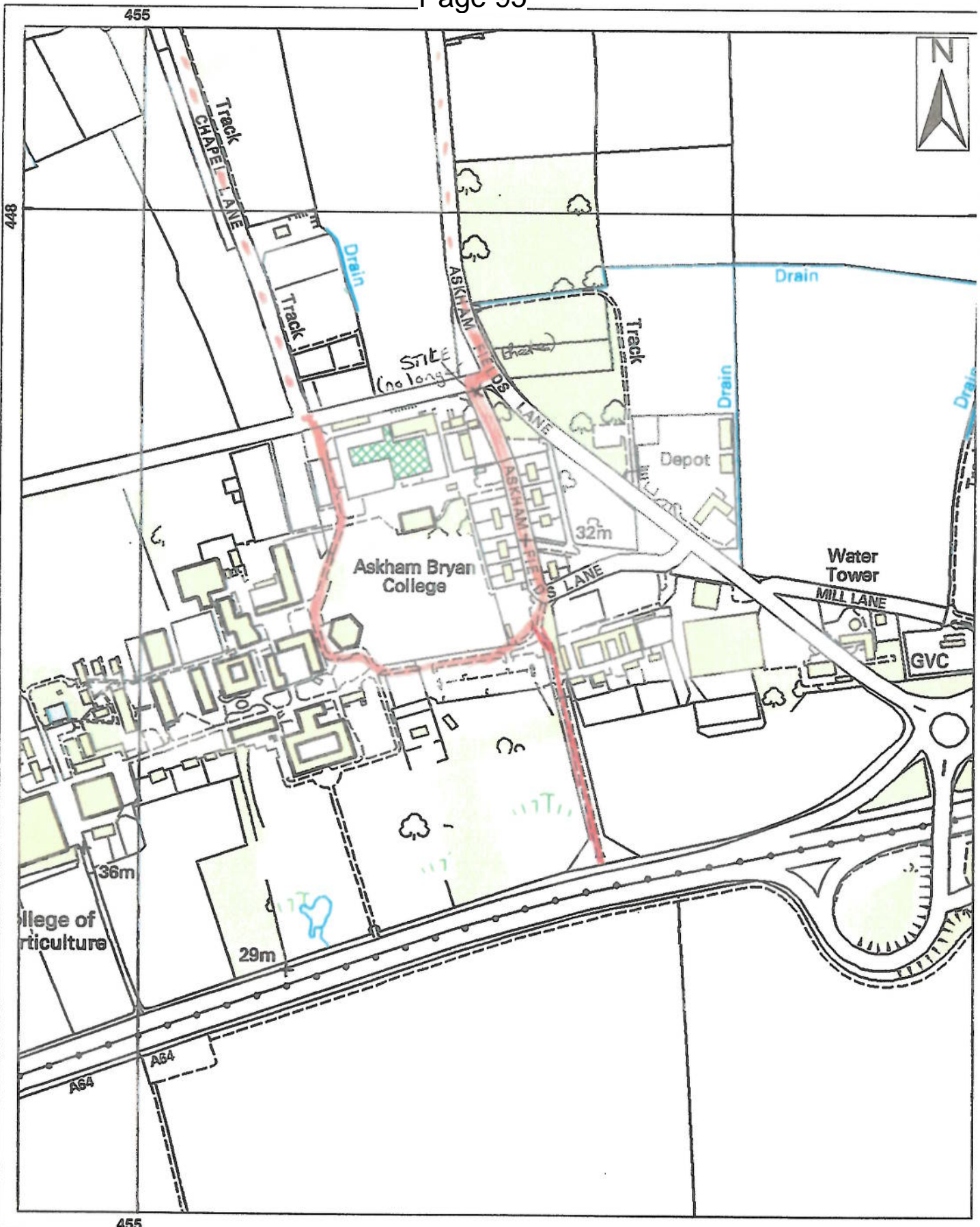
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Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name:
Tel No:
(day)
Tel No:
(eve)
Email:
Occupation:
Date of birth:



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish		
Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.
Contains Ordnance Survey data © Crown copyright and database right 2014		



14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
..... [REDACTED]
..... [REDACTED]
..... [REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From :

Grid Ref (if known):

To :

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: OLD ASKHAM FIELDS LANE
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

ALWAYS USED

b) What year do you believe the way has been public from?

2

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

14 yrs 2007-2014

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/~~On a bicycle~~/~~With a vehicle~~/Other

..... 2001 →

b For what purpose did you use the route e.g. recreation, specific journey etc?

.....

c Approximately, how wide was the way?

..... 1 metre

d Describe the way eg surface

..... GOOD ROAD & PATH

5. When using the route where were you going to and from?

To: RECREATIONAL USE OF

From: FOOTPATHS

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... VARIOUS SINCE 2001 WALKING

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? **YES/NO**
If yes, please give details of these. If gates, were they locked or unlocked?

.....

b) Any signs or notices? **YES/NO**
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? **YES/NO**

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public? **YES/NO**
If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? **YES/NO**

d) Do you believe the owner/occupier was aware the public was using the way? **YES/NO**
If yes, why?

.....

10. Have you ever owned/tenanted/rented the land crossed by this way? **YES/NO**
If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

.....
ASKANI BRYAN COLLEGE

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave instructions for use of the way by the public and, if so, what the instructions were

12. When you use the way, were you working for the owner/occupier of the land crossed by the way? YES/NO
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? YES/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? YES/NO
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

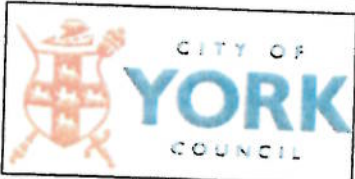
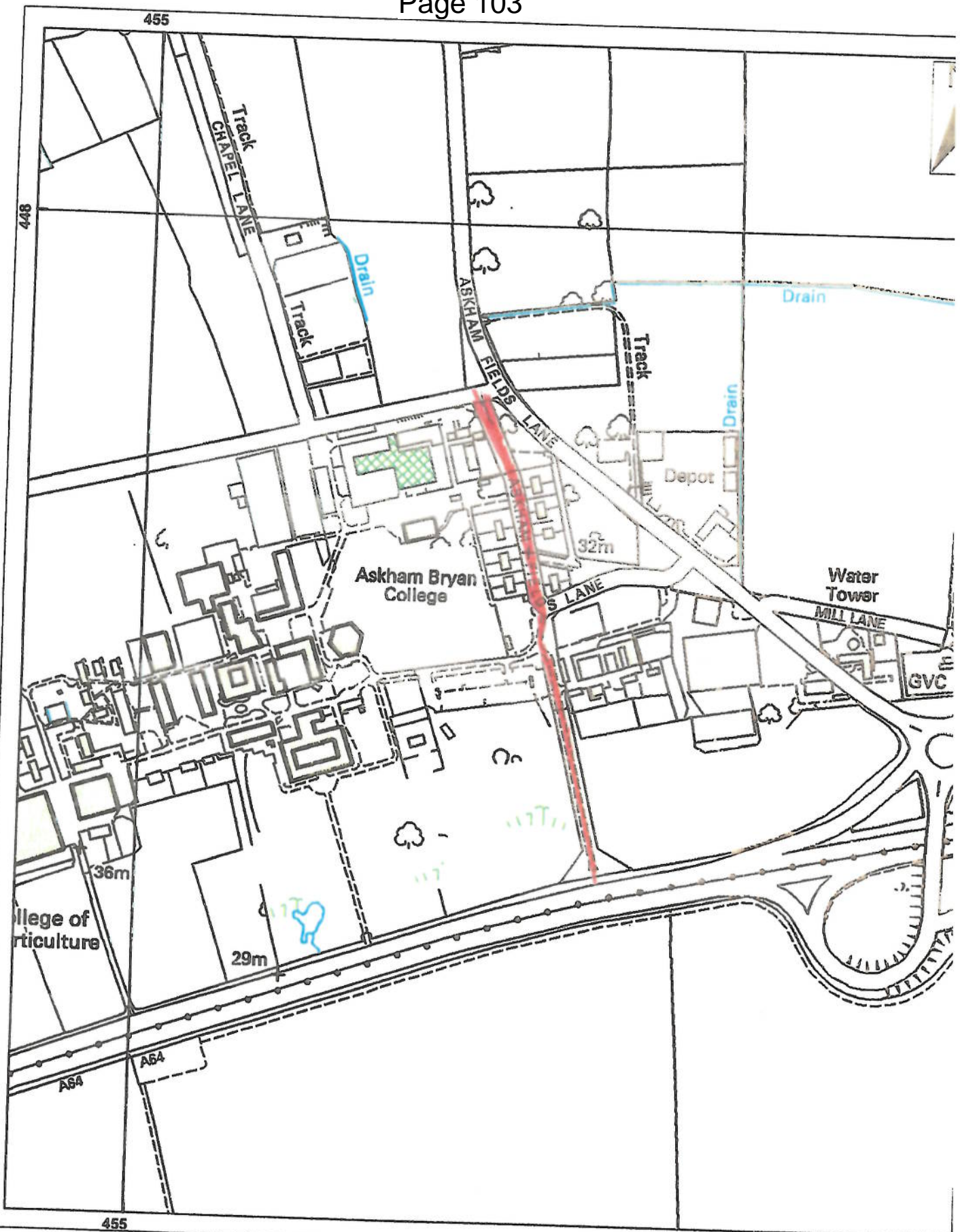
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date...2-4-14

Signature of Person Taking Statement.....

Date.....
(if different)



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**DMMO application to claim a public right of way
Askham Bryan parish**

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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14-11-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

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Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:
.....
.....

Tel:

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From :

Grid Ref (if known):

To :

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: old Heston fields lane
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public? [redacted]

YES/NO

a) If yes, please give details as to why? [redacted]

.....

b) What year do you believe the way has been public from? [redacted]

.....

2. Have you used the above route? [redacted]

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1990)

[redacted]
.....

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/On a bicycle/With a vehicle/~~Car~~

1944 1944 pre 1990

b For what purpose did you use the route e.g. recreation, specific journey etc?

walking - recreation; to shop in Copmanthorpe

c Approximately, how wide was the way?

1 metre

d Describe the way eg surface

TARMAC

5. When using the route where were you going to and from?

To: COPMAN THORPE or JUST WALKING
From: ASKHAM BRYAN

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

ALL THE TIME FOR RECREATION

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? ~~YES~~/NO
If yes, please give details of these. If gates, were they locked or unlocked?

.....

b) Any signs or notices? ~~YES~~/NO
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? ~~YES~~/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public? ~~YES~~/NO
If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? ~~YES~~/NO

d) Do you believe the owner/occupier was aware the public was using the way? ~~YES~~/NO
If yes, why?

..... NEVER STOPPED

10. Have you ever owned/tenanted/rented the land crossed by this way? ~~YES~~/NO
If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed by this way?

..... ASKHAM BRYAN COLLEGE

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? **YES/NO**

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were.

12. When you used the way, were you working for the owner/occupier of the land crossed by the way? **YES/NO**
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? **YES/NO**
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? **YES/NO**
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? **YES/NO**

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

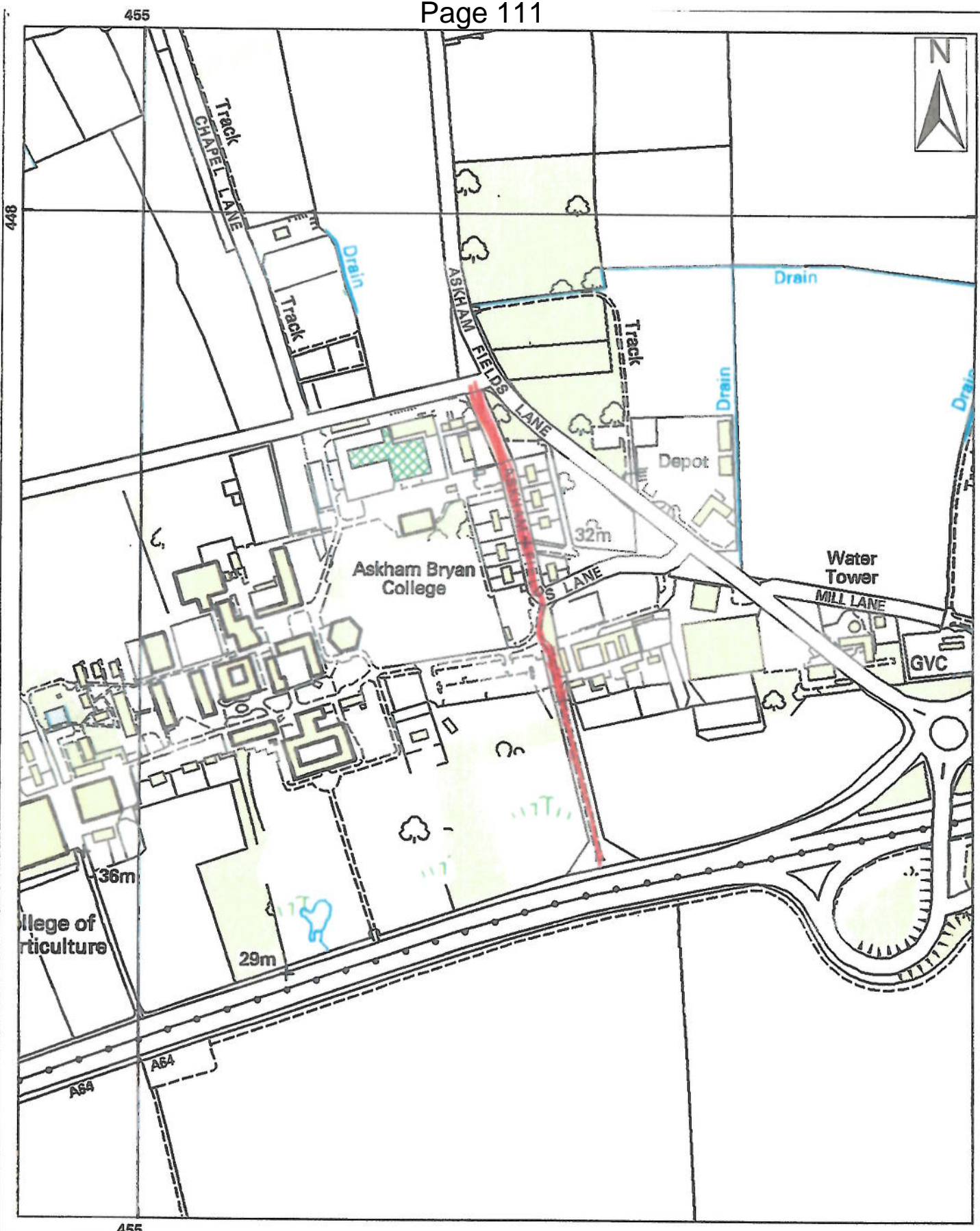
I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date 2-4-2014

Signature of Person Taking Statement

Date.....
(if different)



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish		
Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:
.....
.....
.....

Tel:

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : ASKHAM BRYAN

Grid Ref (if known):

To : A64

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / ~~bridleway~~ / ~~restricted byway~~ / ~~Byway open to all traffic~~

Name of Route:
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

b) What year do you believe it has been public?

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

35 years

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

b) Why did you stop using the route?

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/~~On a bicycle~~/~~With a vehicle~~/~~Other~~

..... Foot Bicycle

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... Pleasure

c Approximately, how wide was the way?

..... 1m

d Describe the way eg surface

..... Tarmac

5. When using the route where were you going to and from?

To: ASKHAM BEYAN

From: A B Co Clege

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... Regularly used - Recreation + shopping

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? **YES/NO.**
If yes, please give details of these. If gates, were they locked or unlocked?

..... Used to be open - now a stile

b) Any signs or notices? **YES/NO**
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? **YES/NO**

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public? **YES/NO**
If yes, please give particulars and dates

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? **YES/NO**

d) Do you believe the owner/occupier was aware the public was using the way? **YES/NO**
If yes, why?

.....

10. Have you ever owned/tenanted/rented the land crossed by this way? **YES/NO**
If yes, please give further details (including dates). You may prefer to use a Form F.

.....


Who now owns the land crossed by this way?

..... ASKHAM BRYAN COLLEGE

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? **YES/NO**

a) Give particulars and dates

.....

b) Say whether the owner or occupier  gave you permission as to the use of the way by the public and, if so, what the instructions were.

.....

12. When you used the way, were you working for the owner/occupier of the land crossed by the way? **YES/NO**
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? **YES/NO**
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? **YES/NO**
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? **YES/NO**

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date 9-4-14

Signature of Person Taking Statement.....

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for those who use the route. It should only be completed by the person.

You should complete this form personally. If you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible. It is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

Tel No: .. 01904 [REDACTED]

(day)

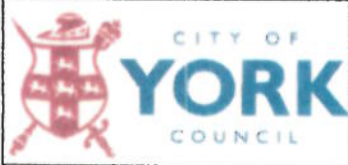
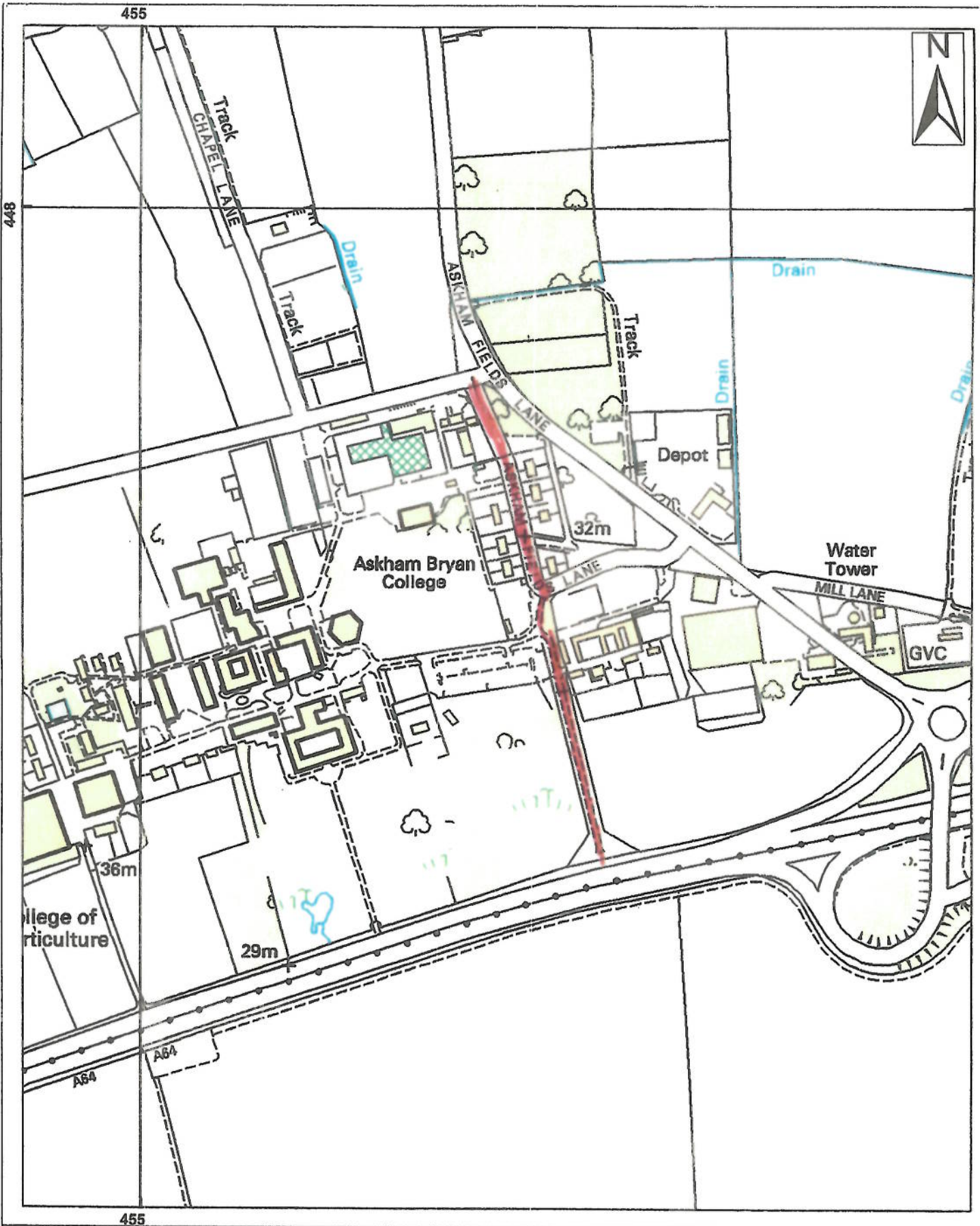
Tel No: .. 01904 [REDACTED]

(eve)

Email: [REDACTED]

Occupation: .. Retired

Date of birth: [REDACTED]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way
Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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[Redacted] 14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Misc/As)

First Name (s) :

Year of birth :

Address:
.....
.....

Tel:

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : ASKHAM BRYAN

Grid Ref (if known):

To : A64

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: (if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

Yes

b) What year do you believe the way was made public on?

A LONG TIME

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

50 years

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

b) Why did you stop using the route?

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/~~On a bicycle~~/~~With a vehicle~~/~~Other~~

..... 1963 - present

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... Recreation

c Approximately, how wide was the way?

..... One metre approx.

d Describe the way eg surface

..... Tarmac - good

5. When using the route where were you going to and from?

To: Askham Fields Lane

From: Askham Fields Lane

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... Mainly walking but on bicycle too

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? **YES/NO**
If yes, please give details of these. If gates, were they locked or unlocked?

.....

b) Any signs or notices? **YES/NO**
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? **YES/NO**

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public? **YES/NO**
If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? **YES/NO**

d) Do you believe the owner/occupier was aware the public was using the way? **YES/NO**
If yes, why?

.....

10. Have you ever owned/tenanted/rented the land crossed by this way? **YES/NO**
If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

.....
A B College

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? **YES/NO**

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions of the way by the public and, if so, what the instructions were: [redacted]

.....

12. When you used the route, did you have the permission of the owner/occupier of the land crossed by the way? **YES/NO**
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? **YES/NO**
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? **YES/NO**
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? **YES/NO**

Any other information you consider to be relevant:

Well used by walkers

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date..14-4-14

Signature of Person Taking Statement ........

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for those who use the [redacted] [redacted] by one person.

You should complete this form **personally** in your own words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the [redacted] [redacted] be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [redacted] [redacted]

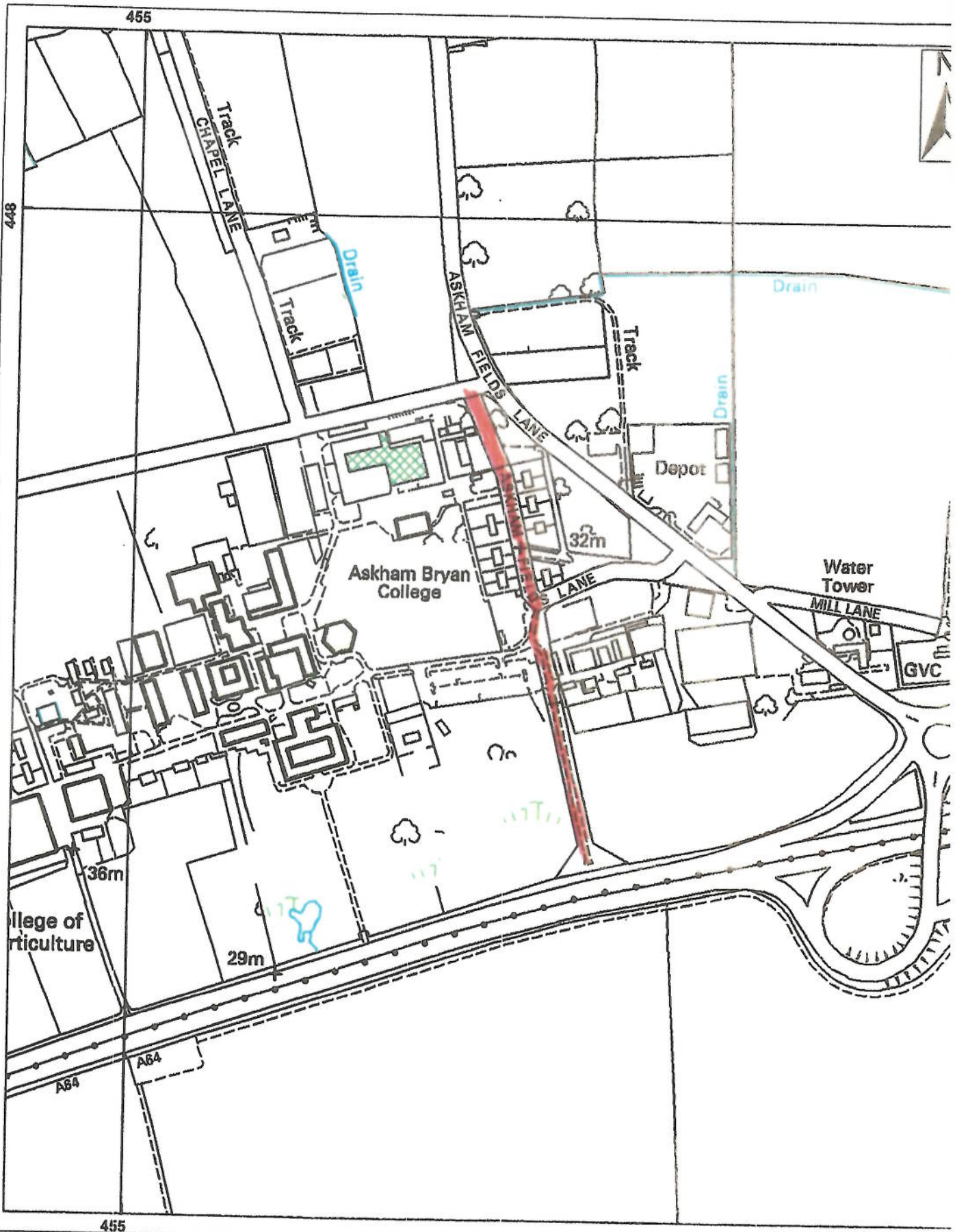
Tel No:
(day)

Tel No:
(eve)

Email:

Occupation: [redacted] [redacted]

Date of birth: [redacted]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**DMMO application to claim a public right of way
Askham Bryan parish**

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]

[REDACTED]

[REDACTED] YORK [REDACTED]

Tel: [REDACTED] [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : A64

Grid Ref (if known):

To : York Road

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: Askham Fields Lane
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES

a) If yes, please give details as to why?

yes because there's nothing saying otherwise

b) What year do you believe the way has been public?

? 1950

2. Have you used the above route?

YES

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

2004 – 2014

3. Do you use the route?

YES

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/~~On a bicycle~~/~~Motor vehicle~~/~~Other~~

..... 2004 - 2014

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... to get to work and the shops etc

c Approximately, how wide was the way?

..... 2m

d Describe the way eg surface

..... Compact Small Stone

5. When using the route where were you going to and from?

To: Colton - York, Tadcaster, Copmanthorpe

From: Home

6. Have you seen other people using the way?

YES ~~NO~~

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... on and off all the time walking dogs etc

7. Has the way always been on the same route?

YES ~~NO~~

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? ~~YES~~/NO
If yes, please give details of these. If gates, were they locked or unlocked?

.....

b) Any signs or notices? ~~YES~~/NO
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? ~~YES~~/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public? ~~YES~~/NO
If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? ~~YES~~/NO

d) Do you believe the owner/occupier was aware the public was using the way? ~~YES~~/NO
If yes, why?

.....
Because it's hard to miss people walking down here.

10. Have you ever owned/tenanted/rented the land crossed by this way? ~~YES~~/NO
If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? ~~YES~~/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were:

.....

12. When you used the way, were you working for the owner/occupier of the land crossed by the way? ~~YES~~/NO
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? ~~YES~~/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? ~~YES~~/NO
(if yes please give details)

.....


15. Have you ever enjoyed a private right along the route in question? ~~YES~~/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/ ~~am~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..  Date. 26.3.2014

Signature of Person Taking Statement .. 

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for those who use the route. A form should be completed by one person.

You should complete this form **personally** in your own words. If you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a path that can be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

Tel No: 01904 [REDACTED]

(day)

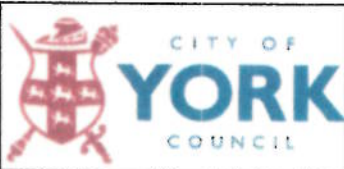
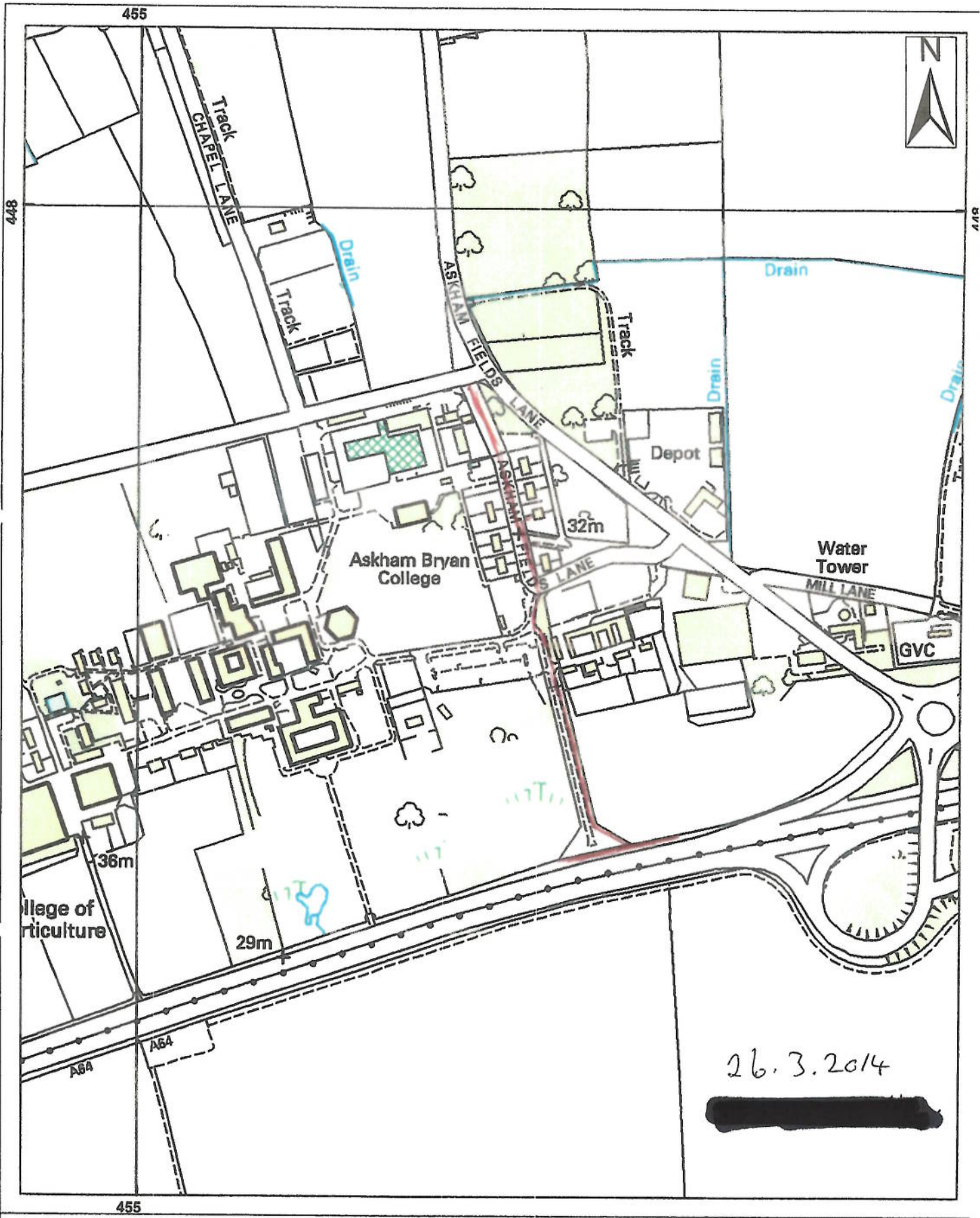
Tel No: // //

(eve)

Email: [REDACTED]

Occupation: [REDACTED]

Date of birth: [REDACTED]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**DMMO application to claim a public right of way
Askham Bryan parish**

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
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Public Rights of Way	Reference:	Drawing No.
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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED] and [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
[REDACTED]
[REDACTED] YORK [REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED] RETIRED [REDACTED] RETIRED

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : ... A64

Grid Ref (if known):

To : YORIK ROAD

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: ASKHAM FIELDS LANE
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

..... constant use since it was built

b) What year do you believe it was built?

..... Always

2. Have you used the route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

..... Since 1968 46 years

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

1968 and still use it.

b For what purpose did you use the route e.g. recreation, specific journey etc?

recreation and as a safe route to A64 and Billborough

c Approximately, how wide was the way?

1 metre.

d Describe the way eg surface

Tarmac and grass by A64 end.

5. When using the route where were you going to and from?

To: Home to A64 and also to Askham Bryan village

From:

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle)

Frequently used by local people since 1968 to date.

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/NO

If yes, please give details of these. If gates, were they locked or unlocked?

At York Road end a wooden walk through.....

b) Any signs or notices?

YES/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public?

YES/NO

If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way?

YES/NO

If yes, why?

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

ASKHAM BRYAN COLLEGE.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

b) Say whether the owner or occupier gave you any instructions of the way by the public and, if so, what the instructions were

12. When you used the way, were you acting for the owner/occupier of the land crossed by the way?

YES/NO

a) Give particulars and dates

See Question 11.

13. Have you ever obtained permission to use the route? If so, from whom?

YES/NO

No need.

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? (if yes please give details)

YES/NO

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

We are

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this

[Redacted]

Signature.....

[Redacted]

Date.....

7th April 2014.

Signature of Person Taking Statement

[Redacted]

Date.....

(if different)

[Redacted]

[Redacted]

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

[REDACTED] who [REDACTED] the person.

You should complete this form personally [REDACTED] but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

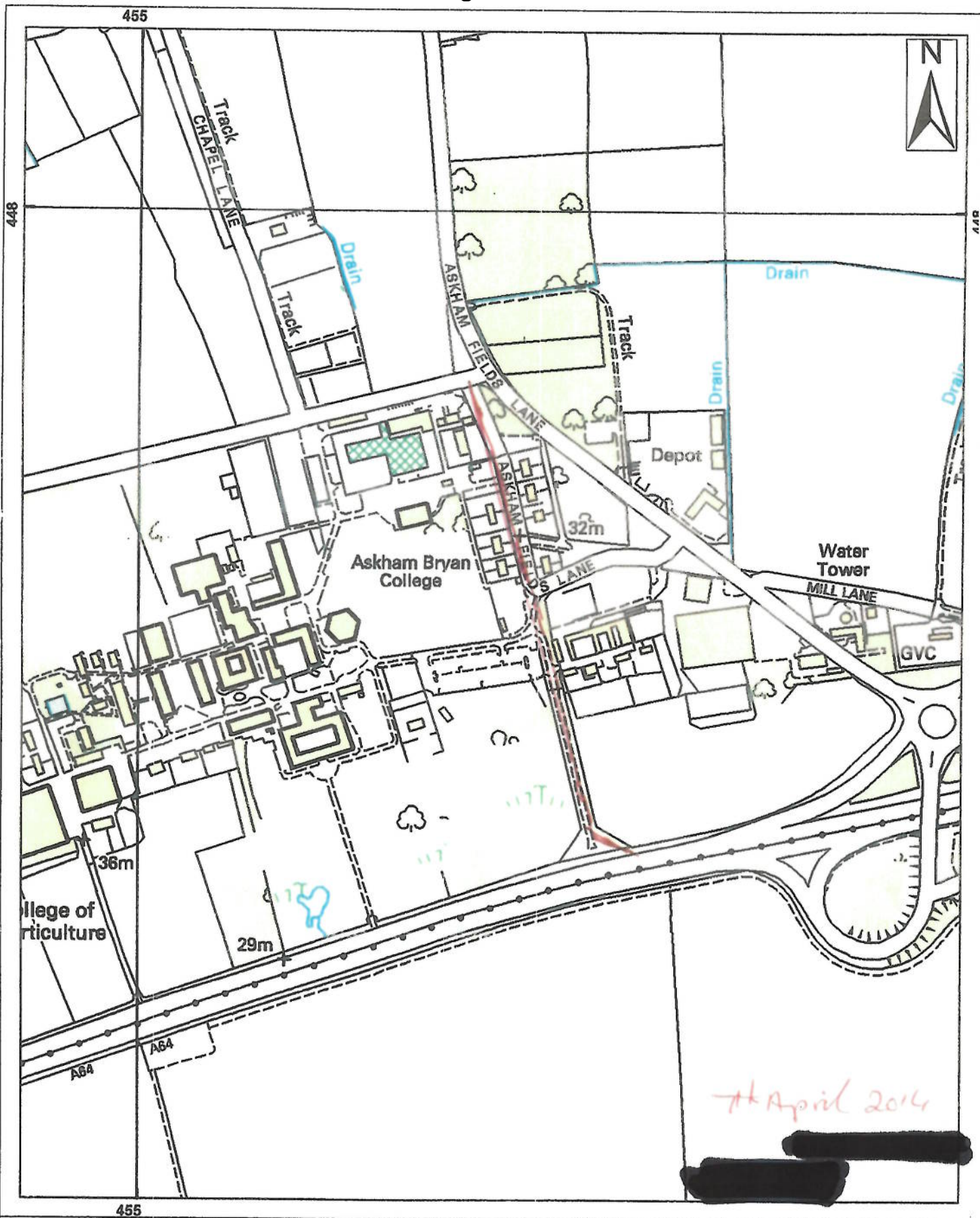
Tel No: (day) 01904 [REDACTED]

Tel No: (eve)

Email:

Occupation: RETIRED RETIRED

Date of birth: [REDACTED]



14 April 2014

[Redacted signature area]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**DMMO application to claim a public right of way
Askham Bryan parish**

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s): [REDACTED] [REDACTED]

Year of birth : [REDACTED] < [REDACTED]

Address: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : *VIA FORMER ASKHAM FIELDS LANE* ^{*WORK RD. TO A64*}

Grid Ref (if known):

To : *A64*
Parish (es):

Grid Ref (if known):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: *FOOTPATH ASKHAM FIELDS LANE*
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public? *[REDACTED]* YES/~~NO~~

a) If yes, please give details as to why?

FOOTWAY TO ORIGINAL ASKHAM FIELDS LANE

b) What year do you believe the route was created?

SINCE ASKHAM FIELDS LANE CAME INTO BEING

2. Have you used the above route? *[REDACTED]* YES/~~NO~~

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

46 YEARS

3. Do you use the route? ~~YES~~/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

..... BICYCLE, FOOT

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... RECREATION ACCESS TO VILLAGE + A64

c Approximately, how wide was the way?

..... 1 METRE

d Describe the way eg surface

..... TERRACE

5. When using the route where were you going to and from?

To: VILLAGE + COPRANTHOIX

From: HOME

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... CONSTANTLY ON FOOT + BICYCLE

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....



8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? YES/NO
If yes, please give details of these. If gates, were they locked or unlocked?

..... WALK THROUGH - NORTH END NO GATE

b) Any signs or notices? YES/NO
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? YES/NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public? YES/NO
If yes, please give particulars and dates

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? YES/NO

d) Do you believe the owner/occupier was aware the public was using the way? YES/NO
If yes, why?

.....

10. Have you ever owned/tenanted/rented the land crossed by this way? YES/NO
If yes, please give further details (including dates). You may prefer to use a Form F.

.....
.....

Who now owns the land crossed buy this way?
..... ASKHAM BRYAN COLLEGE ?

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? YES/~~NO~~

a) Give particulars and dates

..... [REDACTED]

b) Say whether the owner or occupier ever gave you instructions of the way by the public and, if so, what the instructions were

..... NO [REDACTED]

12. When you used the way, were you working for the owner/occupier of the land crossed by the way? YES/~~NO~~
If yes:

a) Give particulars and dates

..... AND SINCE

13. Have you ever obtained permission to use the route? YES/~~NO~~
If so, from whom?

..... WAS A PUBLIC ROAD/PAVEMENT - NO PERMISSION REQUIRED

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? YES/~~NO~~
(if yes please give details)

..... [REDACTED]

15. Have you ever enjoyed a private right along the route in question? YES/~~NO~~

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..... Date 3/04/2014

Signature of Person Taking Statement

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is [REDACTED] only be [REDACTED] a person.

You should complete this form personally [REDACTED] but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

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Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

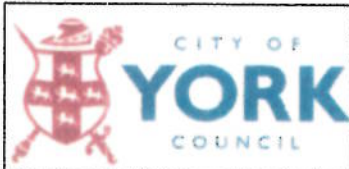
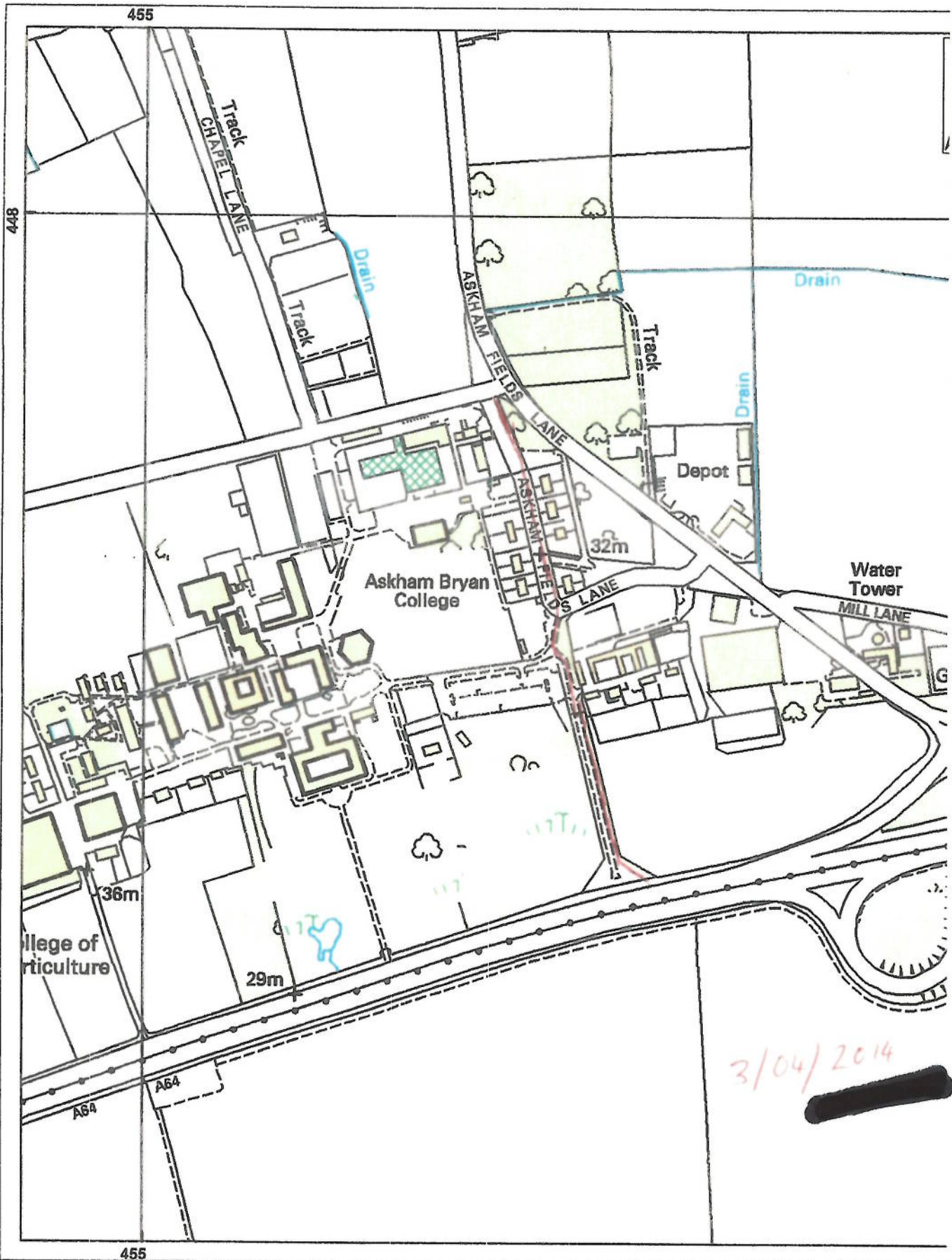
Tel No: (day) 01904 [REDACTED]

Tel No: (eve)

Email:

Occupation: RETIRED

Date of birth: [REDACTED] and [REDACTED]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way
Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Ma
Public Rights of Way	Reference:	Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:
.....
.....
.....

Tel:

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : YORK ROAD.....

Grid Ref (if known):

To : AbH.....

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route:
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

b) What year do you believe it was.....

2. Have you used the above route?

IT WAS A PUBLIC ROAD THEN, IT CONTINUED TO BE A PUBLIC ROUTE WHEN THE ROADS CHANGED

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

b) Why did you stop using the route?

N/A

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

..... 1981 - STILL USING

b For what purpose did you use the route e.g. recreation, specific journey etc?

..... TO WALK TO THE BUS STOP, TO WALK TO ASKHAM BRYAN VILLAGE, CHURCH AND PUB

c Approximately, how wide was the way?

..... ROAD WIDTH

d Describe the way eg surface

..... TARMAC

5. When using the route where were you going to and from?

To: ~~MY HOUSE~~ ASKHAM BRYAN CHURCH, BUS STOP, WALKING THE DOG

From: MY HOUSE

6. Have you seen other people using the way?

YES NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... DONT REMEMBER DATES AS PEOPLE ARE OFTEN SEEN USING THIS ROUTE ESPECIALLY AT WEEKENDS

7. Has the way always been on the same route?

YES NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES NO

If yes, please give details of these. If gates, were they locked or unlocked?

USED TO BE A STILE AT THE ASKHAM BRYAN END BUT IT HAS GONE NOW.

b) Any signs or notices?

YES NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public?

YES NO

If yes, please give particulars and dates

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES NO

d) Do you believe the owner/occupier was aware the public was using the way?

YES NO

If yes, why?

IT USED TO BE THE MAIN ROAD INTO AND OUT OF THE VILLAGE

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....
.....

Who now owns the land crossed buy this way?

.....
.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

..... [REDACTED]

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were

..... NO INSTRUCTIONS WERE EVER GIVEN

12. When you were acting for the owner/occupier of the land crossed by the way?
If yes:

YES/NO

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route?
If so, from whom?

YES/NO

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent?
(if yes please give details)

YES/NO

.....

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~ am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary

Signature [redacted] Date. 12.4.14

Signature of Person Taking Statement [redacted]

Date.....
(if different)

Guidance Notes

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This form is for those who use the route. A form should only be completed by one person.

You should complete this form **entirely in your own words** but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form. **Without** information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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Name: [redacted] [redacted]

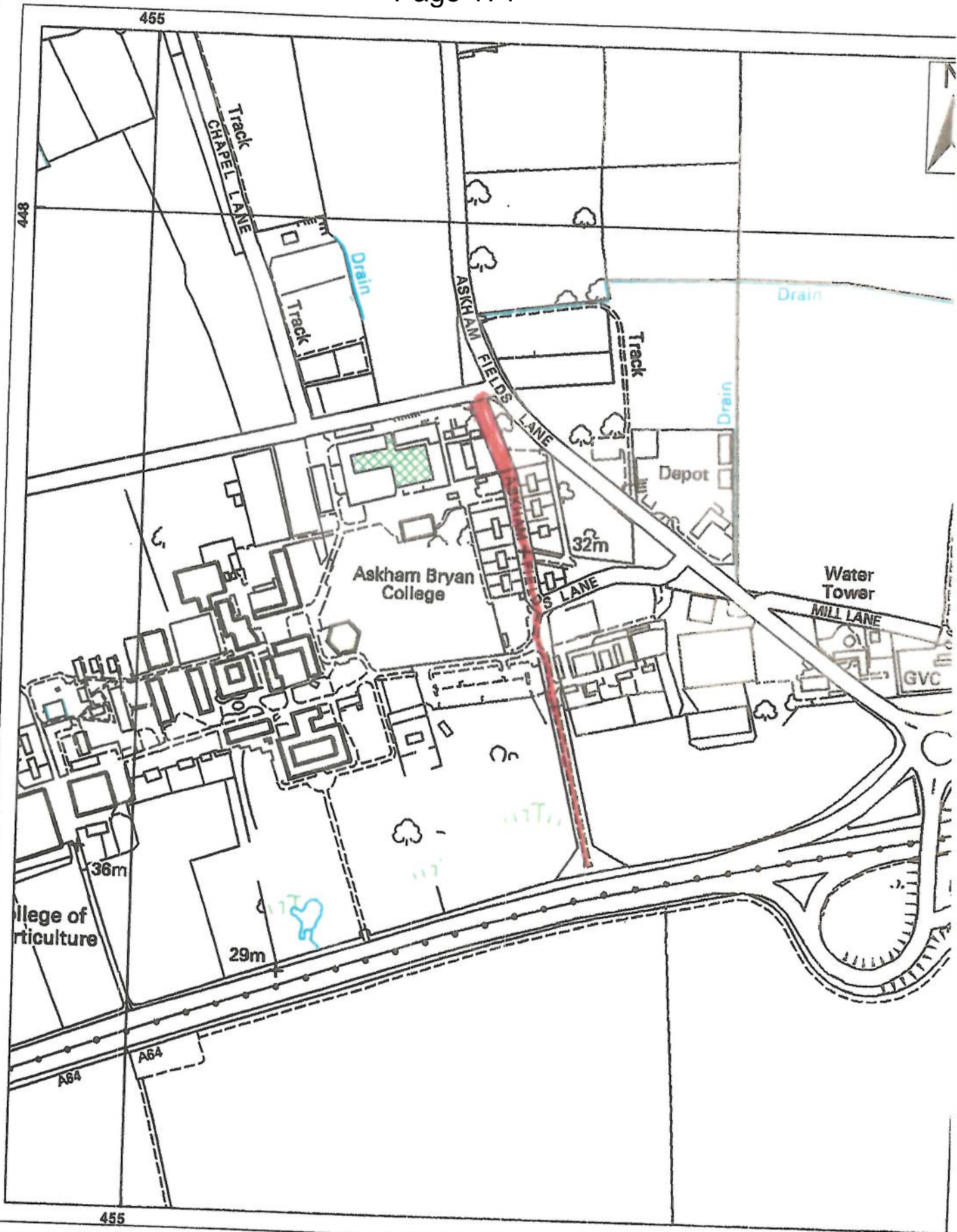
Tel No: 01904 [redacted]
(day)

Tel No:
(eve)

Email:

Occupation: [redacted]

Date of birth: [redacted]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish

Scale 1:5,000

Drawn By: JHC

Date: Mar 2014

Public Rights of Way

Reference:

Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s)

Year of birth :

Address:

.....

..... YORK

Tel: 01904

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : YORK RD

Grid Ref (if known):

To : AG4

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / ~~bridleway~~ / ~~restricted byway~~ / ~~Byway open to all traffic~~

Name of Route:
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

b) What year do you believe the way

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1980 – 2000)

12 YEARS 2002 - 2014

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

b) Why did you stop using the route?

4. By what means and between which years did you use the route?

a On foot/~~On horseback~~/~~On a bicycle~~/~~With a vehicle~~/~~Other~~

b For what purpose did you use the route e.g. recreation, specific journey etc?

RECREATION AND ACCESS TO BUCKLES INN AND BILBOROUGH AND ASKHAM BRYAN.

c Approximately, how wide was the way?

d Describe the way eg surface

MAINLY TARMAC

5. When using the route where were you going to and from?

To: ASKHAM BRYAN VILLAGE & BILBOROUGH

From: HOME

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

BETWEEN 2002-2014 ON FOOT

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?

YES/~~NO~~

If yes, please give details of these. If gates, were they locked or unlocked?

STILE AT YORK RD END OF ROUTE.....

b) Any signs or notices?

~~YES~~/NO

If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

~~YES~~/NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public?

~~YES~~/NO

If yes, please give particulars and dates

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

~~YES~~/NO

d) Do you believe the owner/occupier was aware the public was using the way? If yes, why?

YES/~~NO~~

MY USE OF THE WAY WAS WITNESSED BY COLLEGE STAFF.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

~~YES~~/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

ASKHAM BRYAN COLLEGE.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? ~~YES~~/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions of the way by the public and, if so, what the instructions were: [REDACTED]

12. When you used the way, were you working for the owner/occupier of the land crossed by the way? ~~YES~~/NO

If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? ~~YES~~/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? ~~YES~~/NO
(if yes please give details)

.....

15. Have you ever enjoyed a private right along the route in question? ~~YES~~/NO

HAVE LEGAL RIGHT TO ACCESS MY PROPERTY (HOME) ALONG PART OF THE ROUTE KNOWN AS ASKHAM FIELDS LANE.
Any other information you consider to be relevant:


YES

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature  Date 9/4/14

Signature of Person Taking Statement 

Date.....
(if different)

Guidance Notes

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This form is for those who use the route. A form [REDACTED] one person.

You should complete this form **personally** in your own time. If this is difficult you can ask a friend to assist you.

Please answer all questions as fully as possible. It is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows the map. It cannot be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name:

[REDACTED]

Tel No:
(day)

[REDACTED]

Tel No:
(eve)

01904 [REDACTED]

Email:

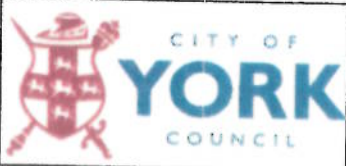
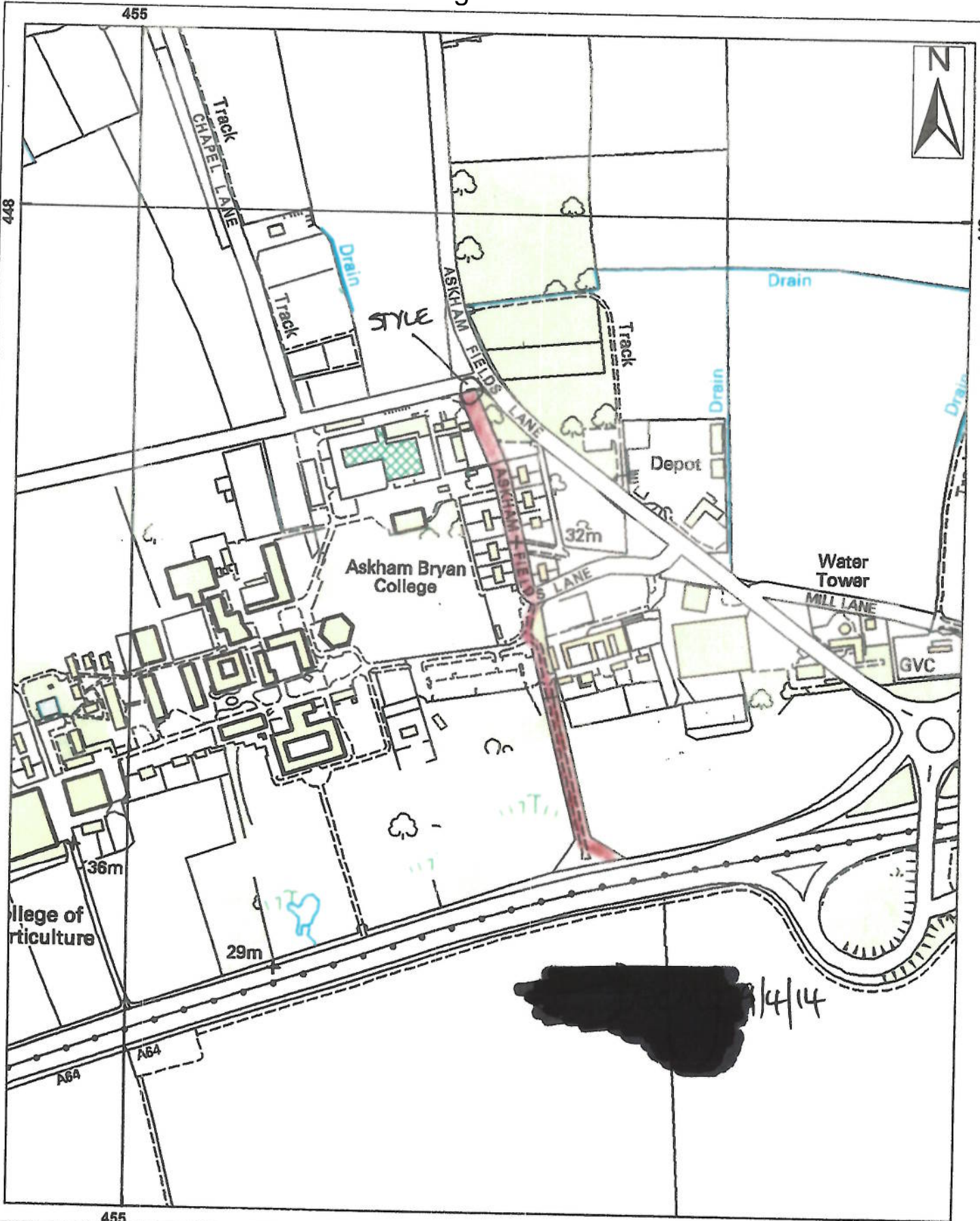
[REDACTED]

Occupation:

[REDACTED]

Date of birth:

11/10/67



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way
Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:
.....
.....
York

Tel:
21904

Occupation:

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : YORK ROAD

Grid Ref (if known):

To : A64

Grid Ref (if known):

Parish (es):

Claimed Status of Route: footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: Ashton fields lane
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

in constant use by me and other residents + local village

b) What year do you believe the route was first used?

Always

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

from 2000 -

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route? *from 2000 - DATE*

a On foot/ On horseback/ On a bicycle/ With a vehicle/ Other

b For what purpose did you use the route e.g. recreation, specific journey etc?

recreation, visiting other villages, joining cycle path

c Approximately, how wide was the way?

appx 1 metre

d Describe the way eg surface

Tarmac

5. When using the route where were you going to and from?

To: *various villages and cycle path, recreational walks/Rides*

From: *Home*

6. Have you seen other people using the way?

YES/ NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle)

from 2000 to date, constant walking/cycling

7. Has the way always been on the same route?

YES/ NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?
If yes, please give details of these. If gates, were they locked or unlocked?

YES/NO

.....

b) Any signs or notices?
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

YES/NO

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public?
If yes, please give particulars and dates

YES/NO

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way?
If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?
If yes, please give further details (including dates). You may prefer to use a Form F.

YES/NO

.....

Who now owns the land crossed buy this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you of the way by the public and, if so, what the instructions were.

12. When you used the way, were you working for the owner/occupier of the land crossed by the way?
If yes:

YES/NO

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route?
If so, from whom?

YES/NO

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent?
(if yes please give details)

YES/NO

.....

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature:  Date: 14/4/14

Signature of Person Taking Statement 

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for those who use the route [REDACTED] the person.

You should complete this form personally in your own words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows [REDACTED] be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

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Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

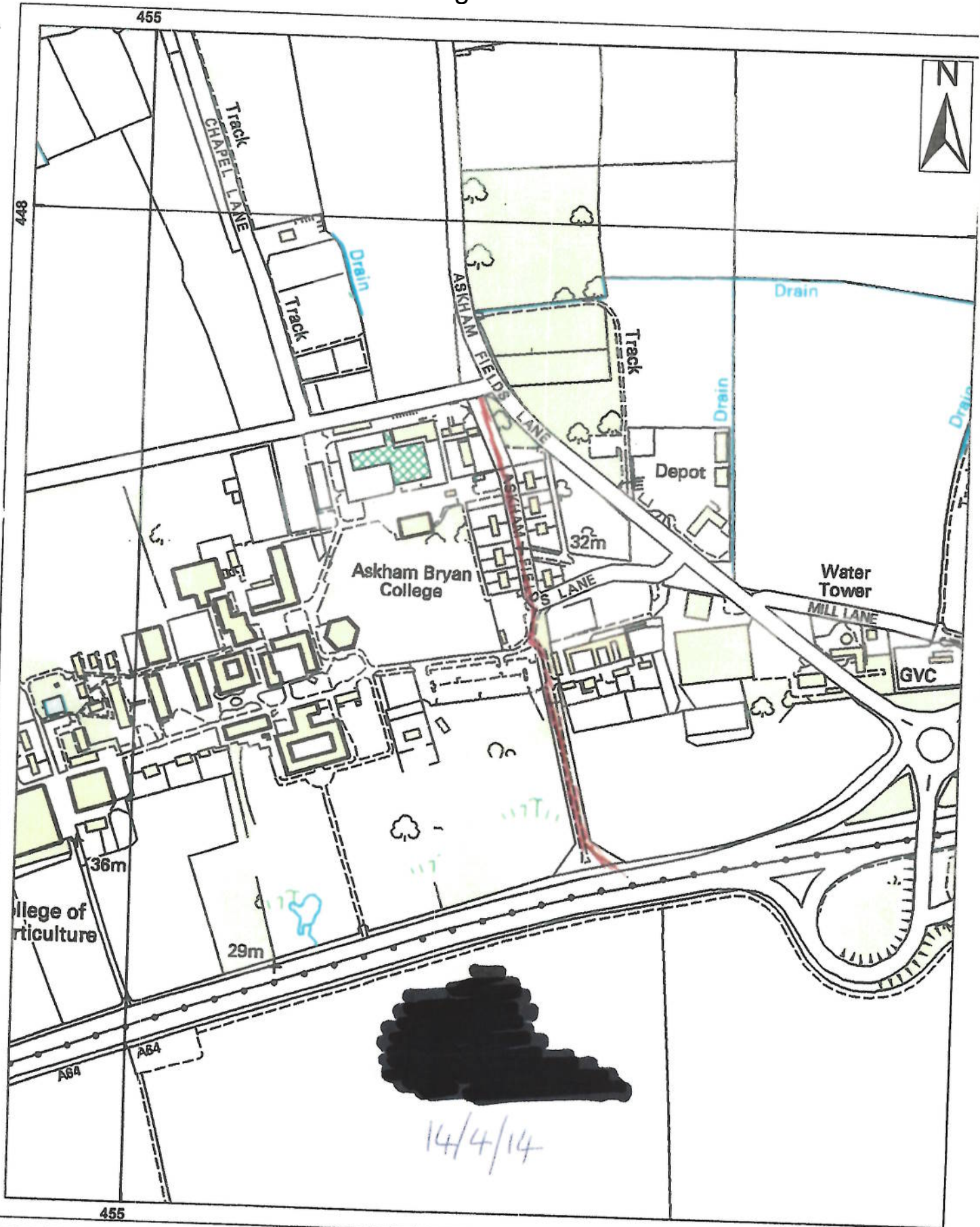
Tel No: (day) C.1904 [REDACTED]

Tel No: (eve) AS ABOVE

Email: [REDACTED]

Occupation: [REDACTED]

Date of birth: [REDACTED]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way
Askham Bryan parish

Scale 1:5,000

Drawn By: JHC

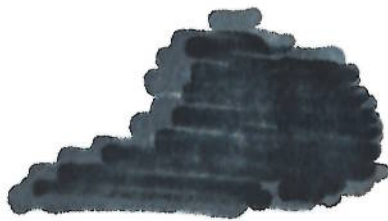
Date: Mar 2014

Public Rights of Way

Reference:

Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s): [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]

[REDACTED]

[REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : Askham Bryan

Grid Ref (if known):

To : A24

Grid Ref (if known):

Parish (es):

Claimed Status of Route: *footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: Askham Fields Lane (if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

Because it is a continuation of Askham Fields

b) What year do you believe

can only comment used here, since 2008

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

.....

b For what purpose did you use the route e.g. recreation, specific journey etc?

.....

c Approximately, how wide was the way?

..... 1 metre

d Describe the way eg surface

..... Tarmac

5. When using the route where were you going to and from?

To: Home

From: A64 and Village

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

..... Foot and bryde since 2008

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?
If yes, please give details of these. If gates, were they locked or unlocked?

YES/NO

.....

b) Any signs or notices?
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

YES/NO

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public?
If yes, please give particulars and dates

YES/NO

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way?
If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?
If yes, please give further details (including dates). You may prefer to use a Form F.

YES/NO

.....

Who now owns the land crossed buy this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave [redacted] of the way by the public and, if so, what the instructions were.

12. When you used the way, were you [redacted] for the owner/occupier of the land crossed by the way?
If yes:

YES/NO

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route?
If so, from whom?

YES/NO

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent?
(if yes please give details)

YES/NO

.....

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.  Date... 13/4/2014 .

Signature of Person Taking Statement 

Date.....
(if different)

Guidance Notes

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This form is for those who [REDACTED] one person.

You should complete this form personally [REDACTED] but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route for [REDACTED] claimed based on evidence of wandering over open land.

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Name: [REDACTED]

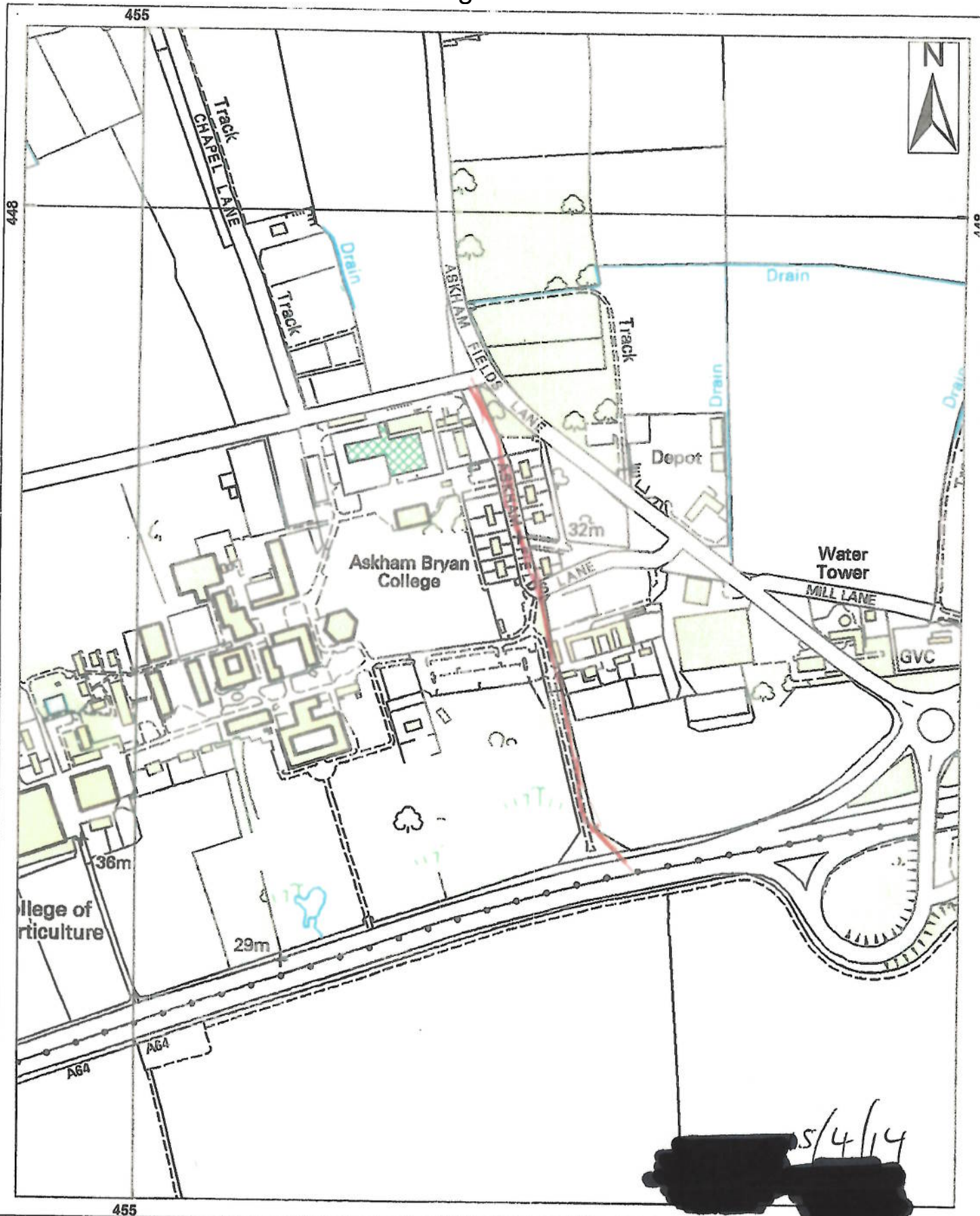
Tel No: 01904 [REDACTED]

Tel No:
(eve)

Email:

Occupation: [REDACTED]

Date of birth:



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish		
Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname: [REDACTED]
(Mr/Mrs/Miss/Ms)

First Name (s) : [REDACTED]

Year of birth : [REDACTED]

Address: [REDACTED]
..... [REDACTED]
..... [REDACTED]

Tel: [REDACTED]

Occupation: [REDACTED]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

Description of Path

From : ASKHAM DEAN

Grid Ref (if known):

To : ASKHAM DEAN

Grid Ref (if known):

Parish (es): CIRENCESTER

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route:
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public?

YES/NO

a) If yes, please give details as to why?

THE ORIGINAL WAY TO THE CHURCH

b) What year do you believe the way has been 1757

2. Have you used the above route?

YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years – 1970 – 1990)

1957 to 1970

3. Do you use the route?

YES/NO

a) If no, when did you stop using the route?

.....

b) Why did you stop using the route?

.....

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

1957 1966 On foot 1957 to date

b For what purpose did you use the route e.g. recreation, specific journey etc?

Spf.

c Approximately, how wide was the way?

Public road width

d Describe the way eg surface

Tarmac

5. When using the route where were you going to and from?

To: York CIRCULAR ROUTE from

From: ASKHAM BRYAN A. Bryan recreation

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

WALKERS 1957 up to present day
bicycle 1957 1966

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?
If yes, please give details of these. If gates, were they locked or unlocked?

YES/NO

.....
Railings onto A14 on street

b) Any signs or notices?
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

YES/NO

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?

YES/NO

a) If yes, give particulars and dates

.....
.....

b) Has anyone ever told you the route was not public?
If yes, please give particulars and dates

YES/NO

.....
.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way?
If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?

YES/NO

If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

.....
AUKHAM DC/ALL

11. Have you ever been employed by, or a tenant of the landowner over which the route runs?

YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you [redacted] the use of the way by the public and, if so, what the instructions were:

12. When you [redacted] the way, were you [redacted] the owner/occupier of the land crossed by the way?
If yes:

YES/NO

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route?
If so, from whom?

YES/NO

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent?
(if yes please give details)

YES/NO

.....

15. Have you ever enjoyed a private right along the route in question?

YES/NO

Any other information you consider to be relevant:

From previous principals I understand we could walk on College roads and paths

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I ~~am~~/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.......... Date..... 7.9.2014

Signature of Person Taking Statement ......

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for those who use [REDACTED] by one person.

You should complete this form **personally** [REDACTED] words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land. [REDACTED]

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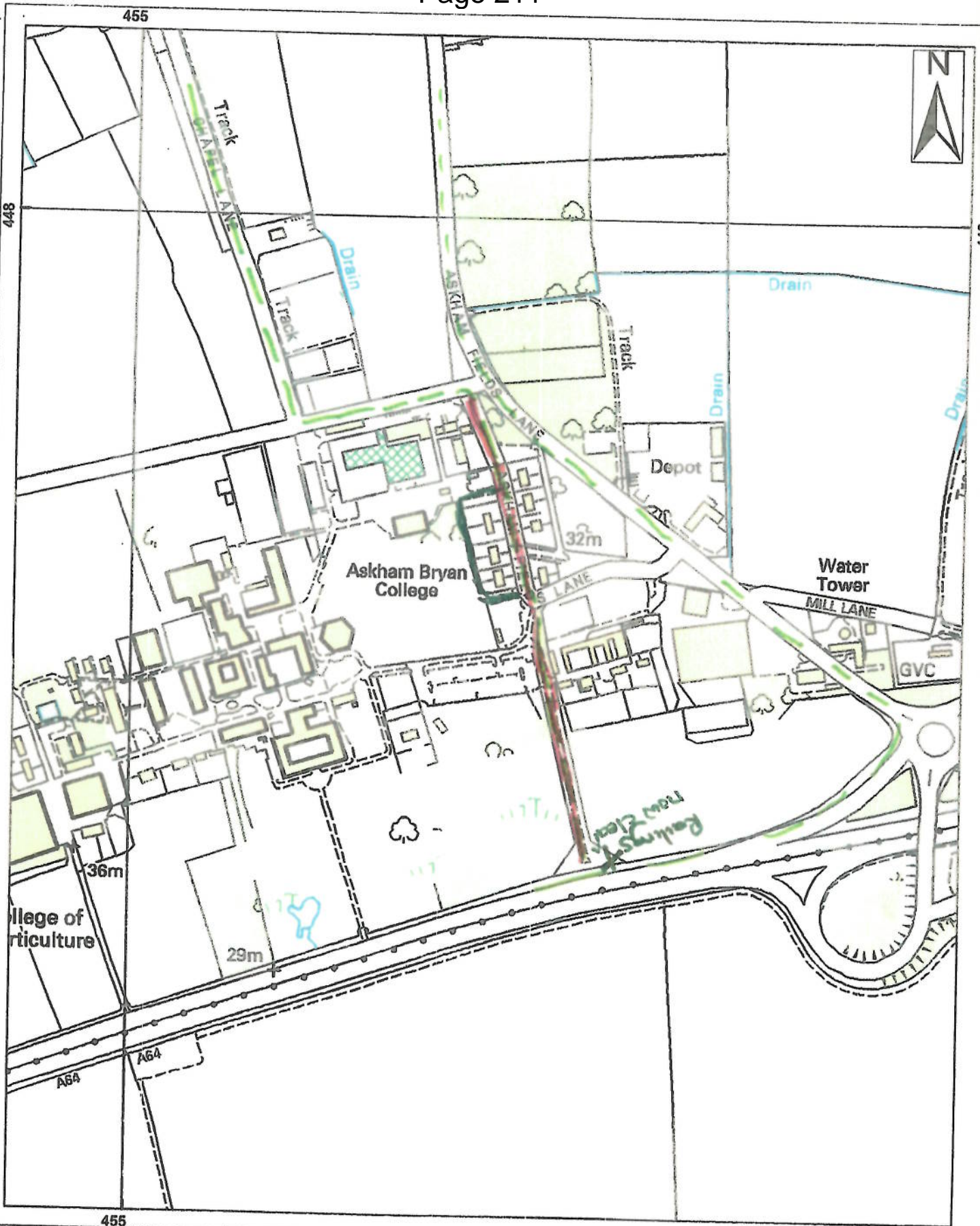
You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

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Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name:
Tel No:
(day)
Tel No:
(eve)
Email:
Occupation:
Date of birth:



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

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14-4-14





PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

Surname:
(Mr/Mrs/Miss/Ms)

First Name (s) :

Year of birth :

Address:
.....
.....
.....

Tel:

Occupation: ... RETIRED

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL



Description of Path

From YORK ROAD.....

Grid Ref (if known):

To A.64.....

Grid Ref (if known):

Parish (es):

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: FOOTPATH.....
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)

NOTE - If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public? YES/NO

a) If yes, please give details as to why?

Pre-dates AB College.....

b) What year do you believe the way has been public?

Very long time.....

2. Have you used the above route? YES/NO

a) If yes, over how many years?

(please specify years and dates e.g. 20 years - 1970 - 1990)

30 years 1965 - 1995.....

3. Do you use the route? YES/NO

a) If no, when did you stop using the route?

1995.....

b) Why did you stop using the route?

No longer at ABC & stopped using the area for walking

4. By what means and between which years did you use the route?

a On foot/On horseback/On a bicycle/With a vehicle/Other

On foot / occasional bicycle

b For what purpose did you use the route e.g. recreation, specific journey etc?

Recreation and specific journeys

c Approximately, how wide was the way?

1 metre

d Describe the way eg surface

TARMAc

5. When using the route where were you going to and from?

To: The A64

From: A.B. College

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle

YES, 1965 / 1995 / WALKING

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

Can you state why and where it was before it was moved (please show route on map)

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions? ~~YES/NO~~
If yes, please give details of these. If gates, were they locked or unlocked?

.....

b) Any signs or notices? ~~YES/NO~~
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? ~~YES/NO~~

a) If yes, give particulars and dates

.....

.....

b) Has anyone ever told you the route was not public? ~~YES/NO~~
If yes, please give particulars and dates

.....

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public? ~~YES/NO~~

d) Do you believe the owner/occupier was aware the public was using the way? ~~YES/NO~~
If yes, why?

.....
Still open for use

10. Have you ever owned/tenanted/rented the land crossed by this way? ~~YES/NO~~
If yes, please give further details (including dates). You may prefer to use a Form F.

.....

Who now owns the land crossed buy this way?

.....
AB Colledge

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? YES/~~NO~~

a) Give particulars and dates

BYNLYCC.....

b) Say whether the owner or occupier ever gave you instructions of the way by the public and, if so, what the instructions were: [REDACTED]

12. When you used the way, were you working for the owner/occupier of the land crossed by the way? YES/~~NO~~
If yes:

a) Give particulars and dates

[REDACTED] 1965-1990.....

13. Have you ever obtained permission to use the route? YES/NO
If so, from whom?

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? YES/~~NO~~
(if yes please give details)


15. Have you ever enjoyed a private right along the route in question? YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature...  Date. 26 3 2014 .

Signature of Person Taking Statement ... 

Date.....
(if different)



Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for [REDACTED] one person.

You should complete this form **personally** in your own words but if you find this difficult you can ask a friend to assist you. [REDACTED]

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line as a route cannot be claimed based on evidence of wandering over open land. [REDACTED]

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

Tel No: 01904 [REDACTED]

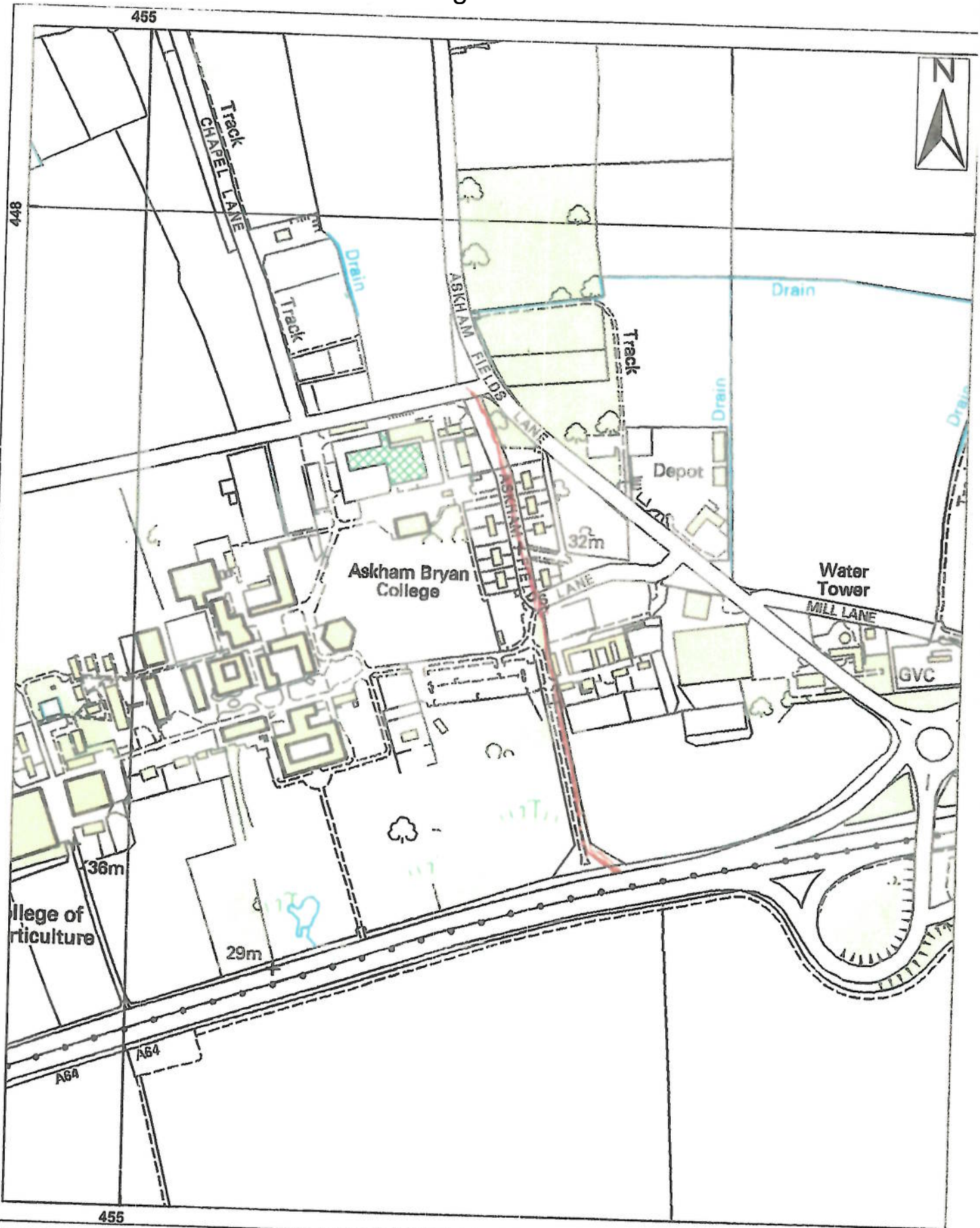
(day)

Tel No:
(eve)

Email:

Occupation: [REDACTED]

Date of birth: [REDACTED]



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**DMMO application to claim a public right of way
Askham Bryan parish**

Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2014

26.3.2014



PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

This form is part of the process in establishing whether a public right of way exists. Please answer all questions as fully as possible, whether you believe it to be either for or against the claim, so that the correct status of the route may be determined. The information given in this form along with any accompanying documents or drawings will be made publicly available and may be used at a public inquiry.

This form can be used if you are unlikely to be available or willing to attend a public enquiry and should be signed by a solicitor/Justice of the Peace or commissioner for Oaths.

Surname: [redacted] (Mr/Mrs/Miss/Ms) —

First Name (s) [redacted]

Year of birth : [redacted]

Address: [redacted]

[redacted]

[redacted]

Tel: [redacted]

Occupation: [redacted]

NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL

*1982 construction of A1237
original doc closed after that date
Prior to 1982 pathway available as indicated*

Description of Path

From : ...A. 64..... Grid Ref (if known):

To ASKHAM RICHARDS ROAD :..... Grid Ref (if known):

Parish (es): ...ASKHAM BRYAN.....

Claimed Status of Route: * footpath / bridleway / restricted byway / Byway open to all traffic

Name of Route: ...ASKHAM FIELDS LANE.....
(if applicable)

(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form)

NOTE – If you are claiming more than one way use separate forms and maps

1. Do you believe the route to be public? [redacted] YES/NO

a) If yes, please give details as to why? [redacted]
..... ALWAYS USED [redacted]

b) What year do you believe the way has been public from? ALWAYS

2. Have you used the above route: [redacted] YES/NO

a) If yes, over how many years?
(please specify years and dates e.g. 20 years – 1970 – 1990)
..... 38 YEARS [redacted]

3. Do you use the route? [redacted] YES/NO

a) If no, when did you stop using the route? [redacted]

b) Why did you stop using the route?

4. By what means and between which years did you use the route?

- a On foot ✓
- On horseback
- On a bicycle ✓
- With a vehicle
- Other

b For what purpose did you use the route e.g. recreation, specific journey etc?

.....

c Approximately, how wide was the way?

..... 1 YARD

d Describe the way eg surface.

..... TARMAC

5. When using the route where were you going to and from?

To: A64 and ASKHAM BRYAN VILLAGE

From: HOME

6. Have you seen other people using the way?

YES/NO

If yes, please give further details (including which years, how often, what they were doing eg on a bicycle.

..... WALKING FOR MORE THAN 30 YEARS

7. Has the way always been on the same route?

YES/NO

If no, why did it change?

.....

Can you state why and where it was before it was moved (please show route on map).

.....

8. To your knowledge has there been any of the following on the way:
(Please mark on accompanying map if appropriate)

a) Any stiles, gates or other obstructions?
If yes, please give details of these. If gates, were they locked or unlocked?

YES/NO

.....

b) Any signs or notices?
If yes, please give details e.g. 'Private Road', 'Trespassers will be prosecuted' etc

YES/NO

.....

9. Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?
(if yes please give details)

YES/NO

.....

a) If yes, give particulars and dates

.....

b) Has anyone ever told you the route was not public?
If yes, please give particulars and dates

YES/NO

.....

c) Were you ever told by an owner or tenant of the land crossed by the way, or by anyone, in their employment, that it was not public?

YES/NO

d) Do you believe the owner/occupier was aware the public was using the way?
If yes, why?

YES/NO

.....

10. Have you ever owned/tenanted/rented the land crossed by this way?
If yes, please give further details (including dates).

YES/NO

.....

a) Who now owns the land crossed by this way?

.....

11. Have you ever been employed by, or a tenant of the landowner over which the route runs? YES/NO

a) Give particulars and dates

.....

b) Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were: YES/NO

.....

12. When you used the way, were you acting for the owner/occupier of the land crossed by the way? YES/NO
If yes:

a) Give particulars and dates

.....

13. Have you ever obtained permission to use the route? YES/NO
If so, from whom?

.....

14. Are you or have you been a friend/ acquaintance of any of the landowners/occupiers and thus have used the route with implied consent? YES/NO
(if yes please give details)

.....


15. Have you ever enjoyed a private right along the route in question? YES/NO

Any other information you consider to be relevant:

I acknowledge that this form will be made publicly available.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature:  Date: 15-04-2014

Signature of Person Taking Statement ... 

Date.....
(if different)

Guidance Notes

This form has been given to you to record your use of a route that is not recorded on the Definitive Map of Public Rights of Way. Your evidence may help in the recording of this route as a public right of way can be proven to exist by regular uninterrupted use without being challenged.

This form is for those who use the [redacted] by one person.

You should complete this form **personally** [redacted] words but if you find this difficult you can ask a friend to assist you.

Please answer all questions as fully as possible as it is important to establish the number of years, how regularly and for what purpose you have used the route. Additional sheets may be attached if required.

A map will be attached to the form, please mark clearly on the map the route that you have used. It is important that the route follows a specific line [redacted] be claimed based on evidence of wandering over open land.

A name and address is required on the evidence form to validate the information, any forms submitted without a name and address (on page 1) will be disregarded. However you should be aware that if the evidence is used to support the making of an order these forms will enter the public domain.

Please note that you may be contacted by a Council Officer in connection with the information given on your form. A separate contact sheet for telephone numbers and email addresses is required for the use of the City of York Council. This is not part of the form that will enter the public domain.

You need to indicate on the evidence form whether, if required, you are prepared to attend a local Public Inquiry to support your evidence. If you are likely to be unable to attend a public inquiry you may wish to consider using Annex 16 which includes Statutory Declaration. The Statutory Declaration will need to be witnessed by either a Commissioner for Oaths, Solicitor or Magistrate and needs to be arranged by the witness or applicant. Inspectors at Public Inquiries will generally place greater weight on Evidence Forms with Statutory Declarations.

Further information on this process can be found in the Natural England booklet 'A guide to definitive maps and changes to public rights of way' which can be downloaded free of charge from www.naturalengland.org.uk

Your form should be returned to the person co-ordinating this application process.

The following information will be kept separate by the Council to avoid it entering the public domain:

Name: [REDACTED]

Tel No: [REDACTED] [REDACTED]

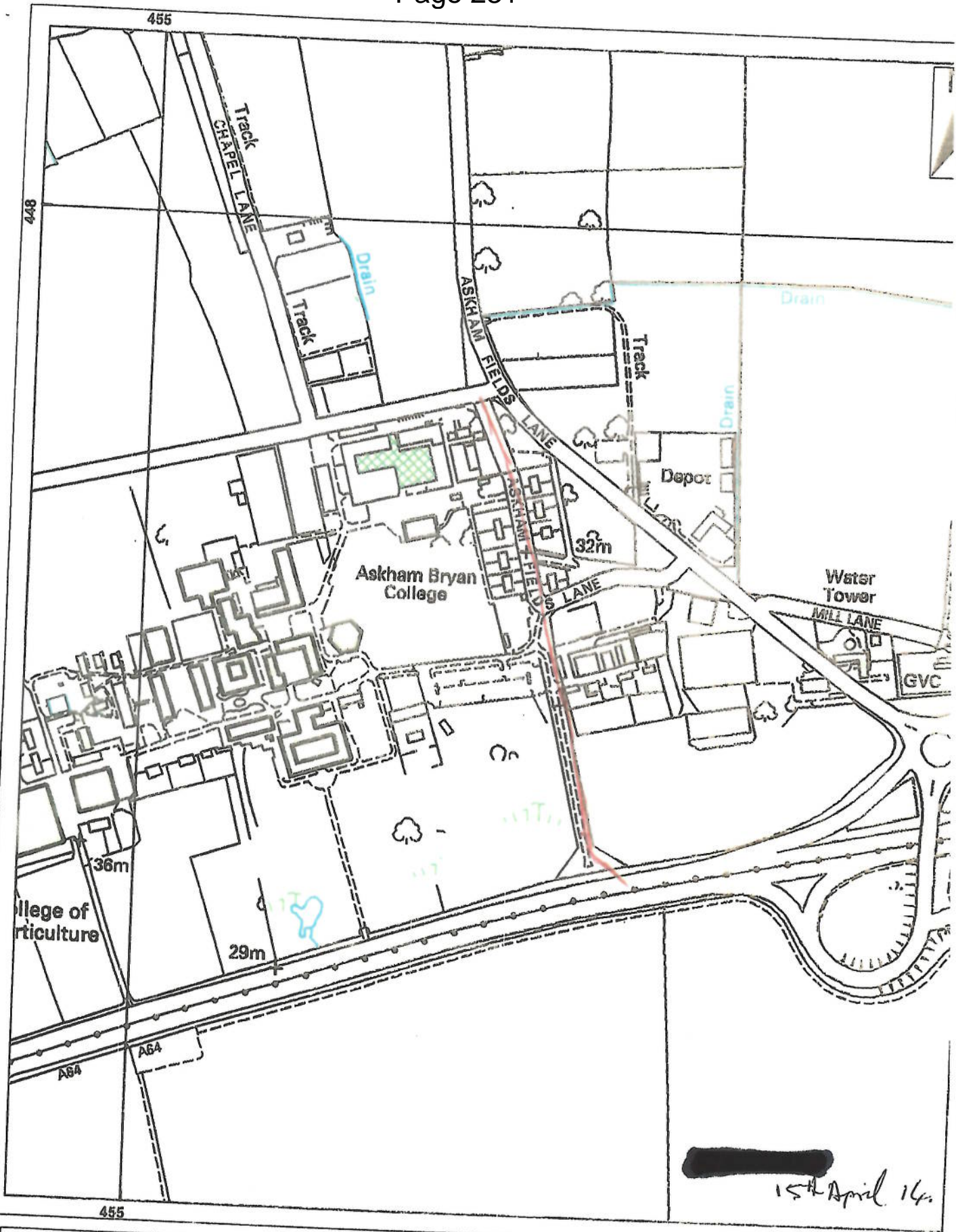
(day)

Tel No:
(eve)

Email:

Occupation: [REDACTED]

Date of birth: ...16-04-1976.....



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

DMMO application to claim a public right of way Askham Bryan parish		
Scale 1:5,000	Drawn By: JHC	Date: Mar 2014
Public Rights of Way	Reference:	Drawing No.
Contains Ordnance Survey data © Crown copyright and database right 2014		





SECTION 1: CIA SUMMARY

Community Impact Assessment: Summary

1. Name of service, policy, function or criteria being assessed:

Definitive Map Modification Order application – Askham Fields Lane, Askham Bryan

2. What are the main objectives or aims of the service/policy/function/criteria?

Definitive Map Modification Orders (DMMO) are legal orders that amend the definitive map and statement: conclusive legal record of public rights. Any person(s) may apply to modify the definitive map and statement: in this case, the definitive map modification order application is to amend the definitive map and statement by adding an alleged public footpath located at Askham Fields Lane, Askham Bryan. A DMMO application must be supported by evidence, and this can take the form of archival or user evidence, or a mixture of both. A definitive map modification order does not create public rights of way, it reflects the existing situation, by formally recording the footpath on the definitive map and statement.

The application must meet the application criteria. The analysis of the application’s supporting evidence would suggest that with regard to use by ‘the public’, the criteria has been met.

3. Name and Job Title of person completing assessment:

Joanne Coote – Definitive Map Officer

4. Have any impacts been Identified?

Yes

Community of Identity affected:

Summary of impact:

The footpath is not added to the definitive map and statement, and permission for future use would therefore be required to be sought from the landowner

5. Date CIA completed: 27/10/16

6. Signed off by:

7. I am satisfied that this service/policy/function has been successfully impact assessed.

Name:

Position:

Date:		
8. Decision-making body: Executive Member Decision Committee	Date: 8th December 2016	Decision Details:
<p>Send the completed signed off document to ciasubmission@york.gov.uk It will be published on the intranet, as well as on the council website.</p> <p>Actions arising from the Assessments will be logged on Verto and progress updates will be required</p>		

Community Impact Assessment (CIA)

Community Impact Assessment Title: Definitive Map Modification Order application –Askham Fields Lane

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

Community of Identity: Age

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
<p>Definitive Map officers, as part of their work, are required to process applications received to modify the definitive map and statement. Definitive Map officers must offer an interpretation of the guidance available on the legislative criteria.</p> <p>A confirmed order would add the public right to use of the footpath to the Definitive Map and Statement.</p>	<p>Access to the public rights of way network for mental health, and physical well-being.</p>	None	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>Positive: If the process is successful, a public footpath would be formally recorded on the definitive map and statement, and made available for public use.</p> <p>Negative: If the application criteria, has not been met, the definitive map modification order application cannot progress.</p>	Yes	The application criteria has been met.	JH Coote	

Community of Identity: Carers of Older or Disabled People

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)	
As above	As above	None	None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>Positive: As above</p> <p>Negative: As above</p>	Yes	As above	JH Coote	

--	--	--	--	--

Community of Identity: Disability

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
As above		As above	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Positive: As above Negative: As above	Yes	As above	JH Coote	

Community of Identity: Gender

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

It is expected there will be no adverse affects on this Community of Identity.	Yes	N/A	JH Coote	
--	-----	-----	----------	--

Community of Identity: Gender Reassignment

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
It is expected there will be no adverse affects on this Community of Identity group.	Yes	N/A	JH Coote	

Community of Identity: Marriage & Civil Partnership

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
It is expected there will be no adverse affects	Yes	N/A	JH Coote	

on this Community of Identity group.				
--------------------------------------	--	--	--	--

Community of Identity: Pregnancy / Maternity

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
As above		As above	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Positive: As above Negative: As above	Yes	As above	JH Coote	

Community of Identity: Race

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
It is expected, there will be no adverse affects	Yes	N/A	JH Coote	

on this Community of Identity group.				
--------------------------------------	--	--	--	--

Community of Identity: Religion / Spirituality / Belief				
--	--	--	--	--

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
It is expected, there will be no adverse affects on this Community of Identity.	Yes	N/A	JH Coote	

Community of Identity: Sexual Orientation				
--	--	--	--	--

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
It is expected there will be no adverse affects	Yes	N/A	JH Coote	

on this community of identity group.

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Decision Session - Executive Member for
Transport and Planning

7 December 2016

Report of the Corporate Director of Economy and Place

BT Public Payphone Removal Consultation

Summary

1. This report is to inform the Executive Member for Transport and Planning of a formal consultation by British Telecom (BT) to the Council and the wider local community on its intentions to remove 26no public payphones at various locations throughout the City of York Council area. These are listed, together with any comments received, at Annex A of this report.
2. The purpose of this report is to seek a resolution on each payphone with the further option to delegate the final decision to the Assistant Director of Planning and Public Protection to consider any further objections received as part of the 2nd notification process which informs the local community of the draft decision, and as detailed in point iii in paragraph 3 below. This forms part of the time restrictive Office of Communications (Ofcom) process for the removal of payphones.

Recommendations

3. It is recommended that the Executive Member for Transport and Planning approve a resolution in accordance with points i and ii below as a notification to BT in relation to the Council's position on each individual payphone and that delegated authority be given to the Assistant Director of Planning and Public Protection in accordance with point iii.
 - i) To object or not object to the removal of each individual payphone as listed in Annex A.
 - ii) If the local Consultation has identified a desire from the relevant Parish Council or other body to adopt a PCB (Public Call Box) for other uses, to notify BT of this desire to adopt.

- iii) If new objections are received during the 2nd stage of the notification/consultation process to the removal of a PCB (Public Call Box) where the resolution was for there to be No objections, the Assistant Director of Planning and Public Protection be delegated to formally object to B.T in order to comply with the agreed timescale of the formal consultation process. These new objections then be considered by the Executive Member for Transport and Planning at the next available Executive Member Decision session.

Reason: To comply with Ofcom procedural and timescale guidelines on such applications.

Background

- 4. The Council have been notified by BT of their intention to remove 26 public PCB's (Public Call Boxes) and/or payphones in various locations throughout the City of York Council area. These are all identified in Annex A appended to this report, including information from BT on the number of calls made from that box in the 12 months preceding the submission of this consultation.
- 5. In accordance with BT timeframes and Ofcom guidelines, the Council is required to provide a final decision on each payphone. These should be notified to BT no later than 16th January 2017.
- 6. According to BT correspondence received with the application, the overall use of payphones has declined by 90% in the last decade and the need to provide payphones for use in emergency situations is diminishing all the time. If a payphone or PCB is only being used for a low number of calls, this may support the case to remove it. As long as there is network coverage, it is now possible to call the emergency services, even where there is no credit on that phone or no coverage in that area from your own mobile phone provider.
- 7. Set out below are some of the important factors which might be assessed when considering a proposal for the complete removal of a public payphone as identified in the document titled 'Guidance on procedures for the removal of public call boxes' which supports the 2005 Ofcom review. Points which may be relevant to the decision include:

Housing type in the area – Consideration should be given to whether the area within the same postcode as the payphone to be removed is predominantly owner-occupied, privately rented or Council housing. The more owner occupied housing in the area the more likely it is that people living in the area would have access to mobile and fixed telephones. If there is predominantly private rented or council housing in the area, this may suggest people on a lower income without access to mobile and fixed telephones and support the view that a payphone should be retained.

Number of households in the area - There may be concerns about alternative access to telephone services for low population densities. The Council may determine the number of households within the same postcode as a payphone. The number of households within 400 metres of a payphone could be seen as the catchment area for that payphone. The number of households in the area would not however include any passing traffic or reflect that a payphone might be situated on a main road or busy terminus.

Payphone revenue - This can help measure payphone usage and could be an indicator of its value to the community. The lower the annual revenue that a payphone generates could be grounds for its removal.

Emergency calls - Many people feel reassured that phone boxes are available if there's an emergency. This can range from 999 calls to being able to call for help if your car breaks down. The local organisation needs to think about whether a particular phone box is more likely to be used for emergency calls than another. If, for example, the call box is near a known accident blackspot, it may strengthen the argument for it to be kept.

Mobile phone coverage - While a large proportion of adults now personally use a mobile phone, people often cite poor, sporadic or the lack of mobile network coverage at a location as being an important factor for retaining a payphone.

8. The guidance goes onto say that the 'Relevant Public Body (in this case, the Council) should consider the responses to the consultation, if any, received within the stipulated period, and

including responses from members of the public received by them within the 42 days period after the payphone notice was first displayed on the PCB. In deciding whether to consent or object to the proposal, the Relevant Public Body must be satisfied that its decision is:

- Objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- Not such as to discriminate unduly against particular persons or against a particular description of persons;
- Proportionate to what it is intended to achieve; and
- In relation to what it is intended to achieve, transparent.

Consultation

9. Correspondence was initially received from BT on the 9th August which began a 90 day consultation process. The closing date for this consultation process is now the 16th January 2017 after BT agreed to extend this period to account for this decision session and the 2nd stage of the notification process which follows this initial draft decision and first notification stage, in accordance with Ofcom guidance.
10. BT placed consultation notices on all the relevant payphones. These invited anybody who had any comments to contact the Local Planning Authority.
11. BT also asked the Council to initiate a consultation exercise to seek the views of the local community. The Council have consulted all the relevant local Parish Councils and/or planning panels and invited them to comment accordingly. The options are to either object or agree to the removal of the payphone, or potentially agree to the removal of the payphone inside, but adopt the box. The consultation process provides the local community the opportunity to adopt a traditional red 'heritage' phone box and make them an asset that local people can enjoy. It costs just £1. More details are available at <http://business.bt.com/phone-services/payphone-services/adopt-a-kiosk>. All responses received to the consultation are included in the table at Appendix A.
12. In accordance with BT's timeframe and Ofcom guidelines, the Council is required to publish a draft decision for each payphone/PCB.

A recommendation is therefore submitted to the Executive Member to take a view on a draft decision for each payphone. This is included in the table as part of Annex A. The Council must then allow a minimum of one month for further feedback from local communities before publishing final decisions on each payphone, which must be notified to BT no later than 16th January 2017. If another formal Executive meeting was to be held to make a final decision, then this would delay the decision making timeframe outside of the Ofcom guidelines and this final date has already been extended by BT to allow for the 2nd notification stage. Therefore it is recommended that the Council's final decision be made as suggested in paragraph 3 above.

13. If the local organisation (the Council) writes to BT within 90 days to object (or the extended deadline of the 16th January as agreed with BT in this case), setting out their reasons, BT cannot remove the call box. This is known as the 'local veto'. The case would then be considered by the Competition Appeals Tribunal.

Options

14. Options for the Executive Member are to either agree or disagree with the officer recommendation on each individual payphone, taking into account the consultation responses received and the main factors which can form the final notification as outlined in paragraphs 7 and 8 above.

Analysis

15. It is considered that providing the decision has considered the relevant factors identified, there is not thought to be any specific advantages or disadvantages to either option. If the Council object to the removal of a payphone within the stated timescale, then the payphone cannot be removed except following the appeal process referred to in paragraph 13 above. If the Council do not object to the removal of the payphone following the consultation process, it will be down to BT to decide if and when the payphone is then removed.

Council Plan

16. The consideration of the removal of payphones contributes to the following priorities and objectives;

- Residents are protected from harm and vulnerable people feel safe.
- That we always consider the implications of our decisions, including in relation to health, communities and equalities.
- Use of evidenced based decision making.
- Engage with communities, listening to their views and taking them into account.
- Focus on the delivery of frontline services for residents and the protection of frontline services.

Implications.

17. **Financial** – There are no financial implications.
 - **Human Resources (HR)** – There are no Human Resource implications.
 - **Equalities** – As covered within Executive Report at Section 3.4 with particular regard to Housing type within particular areas.
 - **Legal** – There are no legal implications.
 - **Crime and Disorder** – The removal of PCB's may reduce incidents of disorder or anti-social behaviour within and around the boxes.
 - **Information Technology (IT)** – There are no Information Technology implications.
 - **Property** – There are no Property implications.
 - **Other** – None.

Risk Management

18. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report. The Council are part of a wider Community Consultation scheme.

Contact Details

Author's name:

Matthew Parkinson.
Principal
Development Management
Officer.

Chief Officer's name:

Michael Slater
Assistant Director Planning and Public
Protection.

Tel No.01904 551657

**Report
Approved**

Date 25.11.16

Neil Ferris
Corporate Director – Economy & Place

**Report
Approved**

Date 25.11.16

Wards Affected: Acomb, Bishopthorpe, Derwent,
Dringhouses and Woodthorpe, Fulford, Haxby and
Wigginton, Heslington, Heworth, Holgate, Hull Road,
Huntington and New Earswick, Micklegate, Osbaldwick,
Rural West York, Rawcliffe and Clifton Without, Strensall,
Westfield, Wheldrake.

All

For further information please contact the author of the report

Background Papers:

‘Guidance on procedures for the removal of public call boxes’ – Ofcom.

‘Removing Public Call Boxes – Plain English Summary – Ofcom’.

‘Adopt a Kiosk’ – <http://business.bt.com/phone-services/payphone-services/adopt-a-kiosk>

Annexes

Annex A - Table of Proposed Payphones to be removed including
Comments received and Recommendation.

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Reference	Phone Number	Address	Postcode	No. of calls made in last 12 months	Site Notice Posted.	Recommendation	Consultation Comments received.
1. 16/02125/TCN OT	400311	Outside the Fox Public House, Sandy Lane, Stockton on the Forest	YO32 9UR	29	03/08/16	Object.	<p>Urban Design and Conservation - This box is one of the more historic K6 phone boxes but would not meet the listing criteria set out in Historic England's "Designation Listing Selection Criteria: Street furniture" (page 8 telephone boxes). Given its position by the pub car park it does not contribute as much to the character of the area. If not maintained it would become dilapidated and would be a negative factor in the area. No objection to its removal from an historic standpoint but subject to comments received locally.</p> <p>Stockton-on-the-Forest Parish Council object as the mobile signal is very poor in the village and the telephone box is an option available to everyone should the need arise to contact the emergency services.</p>
2. 16/02126/TCN OT	412211	Junction Osbaldwick Lane and Tang Hall Lane	YO10 3RA	154	03/08/16	No objections.	No comments received.

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3. 16/02127/TCN OT	415897	Opposite Late Shopper, Bad Bargain Lane	YO31 0PF	9	03/08/16	No objections.	Heworth Planning Panel – No objection.
4. 16/02128/TCN OT	424679	Corner of Whitby Avenue and Stockton Lane.	YO31 1ET	0	03/08/16	No objections	Heworth Without Planning Panel - No comments received.
5. 16/02129/TCN OT	489246	Lay by A1079 eastbound at Dunnington	YO19 5LP	0	03/08/16	No objections	Dunnington Parish Council - No objections
6. 16/02130/TCN OT	622900	Outside Post Office Holgate Road	YO24 4DQ	85	03/08/16	No Objections.	<p>Holgate Planning Panel object on planning grounds stating that it would cause a loss of amenity of a vital public asset and loss of local heritage near a conservation area.</p> <p>Urban Design and Conservation - the phone box at the junction of Holgate Road and Wilton Rise does not meet any of the criteria set out in the Historic England guidance (ref below) for listing. This is the guidance observed by BT unless a body can be identified. Even though it is just off a major route into York and close to the conservation area, the immediate setting is very mixed in building type, extent of tarmac. Its setting is not such that it is worthy of retention on historic environment grounds.</p>

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7. 16/02131/TCN OT	624145	Junction Mount Vale Drive and Tadcaster Road	YO24 1UD	13	03/08/16	No objections.	No response received.
8. 16/02132/TCN OT	624853	Outside cemetery Fordlands Road	YO19 4QG	0	03/08/16	No Objections. The records show that no calls have been made from this payphone in the 12 months prior to this application, this covers a period when this area suffered a serious flooding event in December 2015.	Fulford Parish Council does not object as it recognises that the payphone has not had significant use but seeks safeguards as it could be the only method for emergency communication as the Fordlands Road community is often completely cut off during severe flood events, especially if other phone lines are out of order as during the last serious flooding event. The Fulford Ward Councillor objects on emergency grounds as the area is at risk of flooding and it would be reassuring for residents to know a payphone is available if required.
9. 16/02133/TCN OT	632293	Junction Balmoral Terrace and South Bank Avenue.	YO23 1DP	82	03/08/16	No objections.	No comments received.
10. 16/02134/TCN OT	691385	Junction James Nicholson Link and Kettlestring Lane.	YO30 4XF	7	03/08/16	No objections.	No comments received.
11. 16/02135/TCN OT	706211	Adjacent to 99 Main Street. Askham Bryan.	YO23 3FR	0	03/08/16	No objections.	Askham Bryan Parish Council - Support removal. No objections.

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12 16/02136/TCN OT	707014	Telephone Box Adjacent Mill Cottage, Mill Lane, Acaster Malbis.	YO23 2PY	0	03/08/16	No objections but BT to be informed that the Parish Council wish to adopt the box.	Acaster Malbis Parish Council wish to adopt the telephone box to house emergency AED defibrillator equipment.
13. 16/02137/TCN OT	707024	Outside Wain House, Wains Grove.	YO24 2TU	648	03/08/16	Object on the grounds of the amount of usage in the made in 12 months.	Dringhouses & Woodthorpe Planning Panel - Neither object or support the application. They do not offer a particular comment.
14. 16/02138/TCN OT	707028	Telephone Box adjacent Old Joiners Cottage Main Street, Askham Richard.	YO23 3NY	25	03/08/16	No objection.	No comments received at time of writing report.
15. 16/02139/TCN OT	728220	Outside Telephone Exchange York Road Escrick	YO19 6EY	16	03/08/16	No objection.	No comments received from local Parish Councils at time of writing report. Urban Design and Conservation. This box is one of the more historic K6 phone boxes but would not meet the listing criteria set out in Historic England's "Designation Listing Selection Criteria: Street furniture" (page 8 telephone boxes).

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							<p>Given its position does not contribute as much to the overall character of the area.</p> <p>If not maintained it would become dilapidated and could be a negative factor in the area. No objection to its removal from an historic standpoint but subject to comments received locally.</p>
16. 16/02140/TCN OT	738211	Wetherby Road, Rufforth	YO23 3QB	2	03/08/16	<p>Object.</p> <p>No objections to the removal of the payphone equipment but object to the loss of the call box itself on Conservation and historic environment grounds. BT to be notified that the Parish Council wish to adopt the box.</p>	<p>Urban Design and Conservation – Object. The K6 phone boxes designed by the eminent architect Giles Gilbert Scott were introduced to celebrate the jubilee of King George V. Whilst it is argued that all the boxes have intrinsic value in their English village settings, it is understand that the K6 is the most common surviving type of historic phone box and as such the listing selection criteria are based on their contribution to group value with other listed buildings and/or special places as opposed to it just being a K6 type box.</p> <p>The Rufforth K6 phone box is a much valued artefact within the Rufforth Conservation Area. It is adjacent to the village pump and trough and is at the entrance to the village garden facing the chapel. The village pump and trough are listed at grade 11.</p>

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							<p>The church tower of All Saint Church, listed at grade 11 is within the view as it forms the focal point of the street where it bends on leaving the village. The Parish Council are urged to put forward this phone box for listing.</p> <p>Noted that the combination of garden, village pump and trough and K6 phone box is depicted in the photographic collage on the front cover of the Rufforth Village Design Statement (accepted as supplementary planning guidance to the draft local plan on 23rd September 2004). In the guidance it also features in a photo on page 4. Design Guideline 2 on page 3 of the VDS states “Retain and maintain historic features (including the sandpit, pond, phone box, village pond and pinfold)”. The descriptive text on page 4 says “The village garden, facing the Chapel, has paths depicting the runway layout at Rufforth Airfield.</p> <p>This was a Millenium project. The old village pump and trough (listed) are also situated here. The red GPO telephone box is a feature of the village which should be preserved”.</p> <p>Rufforth with Knapton Parish Council have no objection to the removal of the phone equipment but object to the</p>
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							removal of the box as it is very much part of the character of the village. However they wish to adopt the box.
17. 16/02141/TCN OT	738333	Main Street, Hessay.	YO26 8JR	5	03/08/16	No objections.	Urban Design and Conservation. This box is one of the more historic K6 phone boxes but it would not meet the listing criteria set out in Historic England's "Designation Listing Selection Criteria: Street furniture" (page 8 telephone boxes). Given its position it does not contribute as much to the character of the area in historic environment terms. If not maintained it could become dilapidated and would be a negative factor in the area. No objection to its removal from an historic standpoint but subject to comments received locally. No comments received locally.
18. 16/02142/TCN OT	760324	The Black Horse, The Village, Wigginton.	YO32 2PJ	35	03/08/16	No objections but BT to be notified as the Parish Council wish to adopt the box.	Urban Design and Conservation. This box is one of the more historic K6 phone boxes but would not meet the listing criteria set out in Historic England's "Designation Listing Selection Criteria: Street furniture" (page 8 telephone boxes). Given its position, it does not contribute much to the overall historic character of the area. If not maintained it would become dilapidated and would be a negative factor in the area.

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							<p>No objection to its removal from an historic standpoint but subject to comments received locally.</p> <p>Wigginton Parish Council commented to say that they would wish to adopt the box subject to being able to put in defibrillator equipment.</p>
19. 16/02143/TCN OT	768111	Junction Brecks Land and New lane Huntington.	YO32 9NR	310	03/08/16	Object.	Huntington Parish Council objects. The amount of usage justifies keeping it as a local amenity.
20. 16/02144/TCN OT	768426	Junction Strensall Road and The Village, Earswick.	YO32 2QW	2	03/08/16	No objections subject to any consultation responses received.	Originally given the wrong address. BT emailed 14/10/16 to clarify address. New address given as junction of Strensall Road and The Village, Earswick. Consultation in process.
21. 16/02145/TCN OT	769192	Outside Ryedale Court, The Village, Haxby.	YO32 3SA	186	03/08/16	No objections but subject to any consultation responses received.	Haxby Town Council were unsure of the position of this PCB. This has been clarified. Comments awaited.
22. 16/02146/TCN OT	769614	Outside Post Office 43 North Moor Road Huntington.	YO32 9ON	3	03/08/16	No objections but BT to be informed of the Parish Council's desire to adopt the box.	Do not object due to the low usage of the phone but Huntington Parish Council would like to have the option of adopting the telephone box for the purpose of siting a defibrillator.

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23. 16/02147/TCN OT	785487	Opposite Quaker Wood shops, Acomb Wood Drive	YO24 3XN	4	03/08/16	No objection.	No Parish Council or local Planning Panel covers this area. No local comments received.
24. 16/02148/TCN OT	791111	Junction Beckfield Lane and Fellbrook Avenue, Acomb.	YO26 5PS	274	03/08/16	Object given the high usage and the proposed loss of other PCB's in the area.	No Parish Council or local Planning Panel covers this area. No local comments received.
25. 16/02149/TCN OT	793211	Outside 149 Beckfield Lane, Acomb.	YO26 5PJ	155	03/08/16	No objection.	No Parish Council or local Planning Panel covers this area. No local comments received.
26. 16/02150/TCN OT	798791	Viking Road, Acomb.	YO26 5EL	138	03/08/16	No objection.	No Parish Council or local Planning Panel covers this area. No local comments received.

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