

OFFICER DECISION

Decision: To reject the 202304 Haxby Crooklands Lane DMMO application.			
Decision Date: 14 March 2024			
Type of Decision: Director	Key		Non-Key ✓
Portfolio Area that decision relates to:			
Leader (inc Corporate Services, Policy, Strategy & Partnerships)		Environment and Climate Emergency	
Economy & Transport	✓	Finance, Performance, Major Projects & Equalities	
Children, Young People and Education		Children, Young People & Education	
Health, Wellbeing and Adults Social Care		Housing, Planning & Safer Communities	
Background / Decision Summary:			
There is insufficient evidence to meet the statutory test under s53 (3) of the Wildlife and Countryside Act 1981 to make an order to record upgrade the public footpath shown on the map (see separate attached document) to a public restricted byway.			
Options Considered:			
Option A – make the order Option B – decline to make the order			
Options Rejected:			
Option A was rejected because the available evidence does not show that the existing public footpath should be more properly recorded as a restricted byway.			
Consultation Process:			
<ul style="list-style-type: none"> • An executor of a trust that owns land over which the route runs responded to the consultation supporting a restricted byway on the basis of improving safe access and creating a wildlife corridor. • The Ramblers Association supported the application on the basis of Crookland Lane being considered historically a privately maintained public highway (RT) and support the BHS application. • The British Horse Society and Byways and Bridleways Trust also responded supporting the application. • Several adjacent landowners to Crookland Lane have objected to the application on the basis of the lane surface being unsuitable, traffic disruption and conflicting uses and safety concerns. • A directly affected landowner has submitted an objection stating that the inclosure awarded route did not cover the whole application route and that the evidence provided does not meet the higher legal test needed to change the definitive status of the route. The objection was supplied with Haxby Manorial records and a conveyance which shows land described in the Inclosure Award. • Haxby Town Council has also objected to the application on the basis of a lack of established use or supporting evidence and the impacts to farms on Crossmoor Lane. 			

Implications

Crime & Disorder		Equalities		Highways	✓
Human Resources		Legal		ICT	
Financial		Affordability		Property	
Climate Change		Health		Other	
Environment		Human Rights			

Implications Contact:

Level of Risk: Acceptable

Wards Affected:

All Wards		Fishergate		Holgate		Rural West York	
Acomb		Fulford & Heslington		Hull Road		Strensall	
Bishopthorpe		Guildhall		Huntington & New Earswick		Westfield	
Clifton		Haxby & Wigginton	✓	Micklegate		Wheldrake	
Copmanthorpe		Heworth		Osbalwick & Derwent			
Dringhouses & Woodthorpe		Heworth Without		Rawcliffe & Clifton			

Comments/Observations: See attached document for full details.

Decision: To decline to make an order in response to the application and advise the applicant of their right to appeal this decision to the Secretary of State.

Decision Made by: James Gilchrist, Director of Environment, Transport and Planning in consultation with the Executive Member for Economy and Transport.

Contact Details: email: james.gilchrist@york.gov.uk, tel no. 01904 552547

On behalf of: Neil Ferris, Corporate Director of Place

To be implemented by: Russell Varley, Definitive Map Officer

On Completion – Signed off by:

Date:

14.3.24



James Gilchrist

Director of Transport, Environment and Planning