

**Application to be determined – 199810 Naburn – Landing Lane to Acaster Malbis  
DMMO application to record as public bridleway A-B on the map below**

Evidence supporting the application	Evidence refuting the application
<p>Old route shown on Jeffery’s map 1770, Cary’s map 1805, Greenwood’s map 1817 (new route to river in Naburn also shown)</p> <p>Route not shown on Teesdale’s map 1828 but ferry is in the old location</p>	
<p>East Riding Quarter Session diversion 1824 moved the road on to the alignment shown as A-B on the map below</p>	
<p>All the old Ordnance Survey maps available to CYC show the route applied for with the pre-war maps showing the existence of the ferry at Naburn.</p>	
<p>Photographs from the Naburn village website clearly show the ferry was still operating in 1951 and that it was capable of carrying horses across the river.</p>	
<b>DMO Comment on the evidence as a whole</b>	
<p>The application route was diverted by the Justices of the East Riding Quarter Sessions (forerunners of today’s Magistrate’s Court) as a road. Any mechanically propelled vehicle rights that may have existed over the route will have been stopped up by the Natural Environment and Rural Communities Act 2006. No evidence has been found to suggest that public rights on foot, horseback, or cycle have been stopped up. Consequently, the most appropriate status of route, if an order is made, would be restricted byway. The legislation does not permit CYC to create public rights of way over water. If the order is made and confirmed, two cul-de-sac restricted byways will be recorded on the definitive map (A to the river and the river to B).</p>	
<b>Consultation responses</b>	
<p>Acaster Malbis Parish Council and Elizabeth Smith replied to the consultation seeking clarification but did not make any representations. Cllr Galvin replied seeking clarification over the part of the application that crosses the river. Finally the Ramblers replied supporting the application.</p>	

<p>Have the relevant parish councils been consulted? (delete as appropriate)</p>	<b>Yes</b>
<p>Does the current evidence meet the statutory test for making the order? (delete as appropriate)</p>	<b>Yes</b>

Will the order route be the same as the application route? (Attach a map showing the proposed order route) (delete as appropriate)	<b>Yes</b>
What status will the route have? (delete as appropriate)	<b>Restricted byway</b>
Officer recommended determination- (delete as appropriate)	<b>Make the order</b>
Officer recommended stance towards confirmation- (delete as appropriate)	<b>Support confirmation</b>

<b>Implications</b>					
Crime & Disorder		Equalities		Other	
Human Resources		Legal		Highways	✓
Financial		ICT		Property	

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

<b>Bishopthorpe Ward &amp; Wheldrake Ward Councillor Comments</b>	
Cllr.	John Galvin
No additional comments received at this stage but Ward Councillors will have a further opportunity to comment during the statutory 6 week consultation period that follows the making of an order.	
Cllr.	Christian Vassie

No comments received at this stage but Ward Councillors will have a further opportunity to comment during the statutory 6 week consultation period that follows the making of an order.

### Executive Member for Transport Comments

Cllr. A. D'Agorne

Having considered the available evidence I am happy to support the making of the order. I do have concerns about creating a cul-de-sac restricted byway and the effect that would have on the rest of the footpath. Consequently would ask that the council examines if the whole route (from A to Ferry Lane, Bishopthorpe) could be made the same status.

### Senior Officer Comments

James Gilchrist

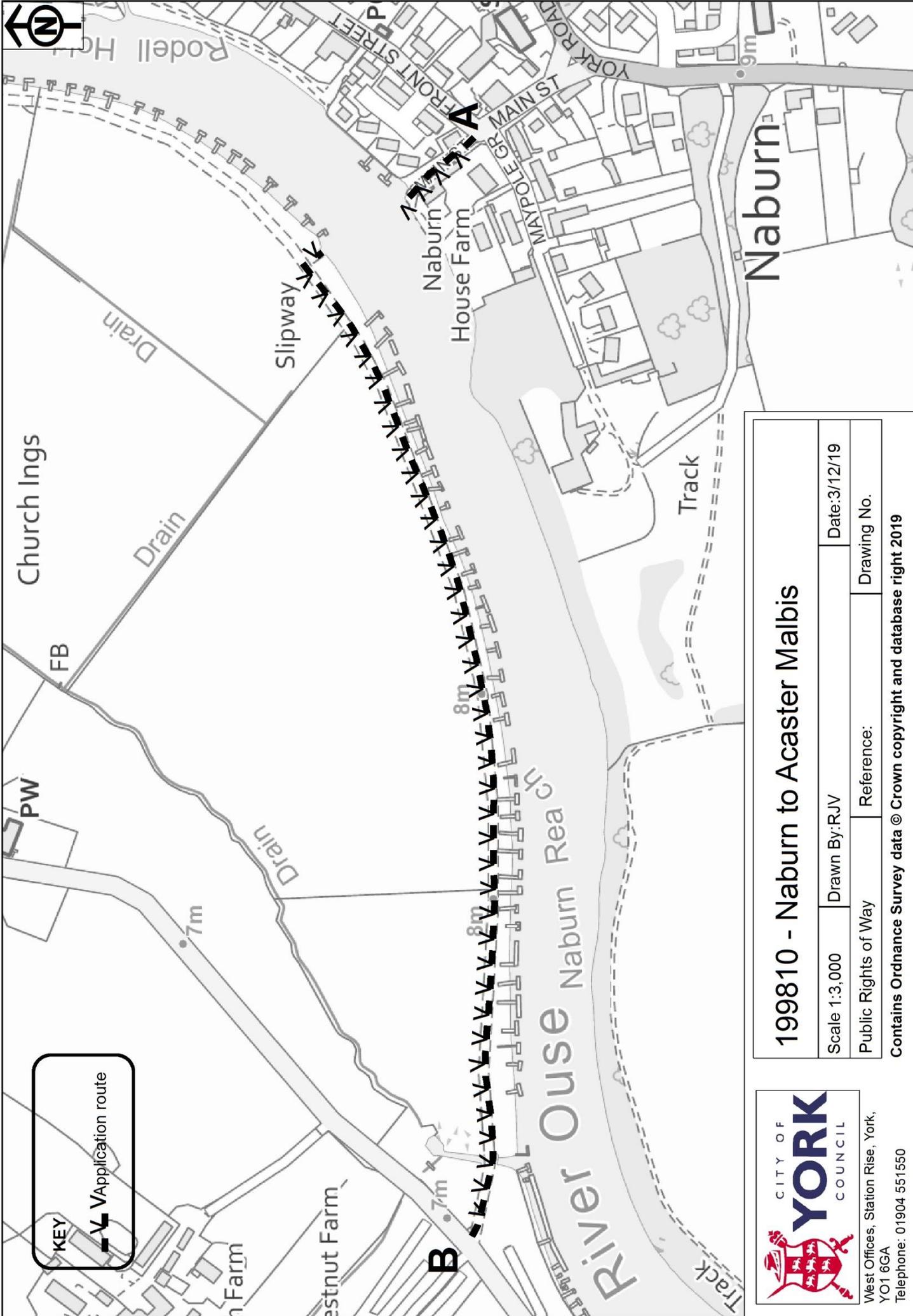
**Assistant Director**

Having considered the available evidence and the comments of the Executive Member for Transport I am happy for the order to be made, moving the process on to the next stage. I am also happy to support the Executive Member for Transport's comments about the impact on the rest of the footpath.

Senior Officer Decision	<b>Make the order</b>		
Decision Date:	<b>17 December 2019</b>		
Decision made by:	James Gilchrist, Assistant Director Transport Highways and Environment		
Contact details:	01904 551550 rightsofway@york.gov.uk		
On behalf of:	Neil Ferris, Corporate Director of Economy and Place		
To be implemented by:	Russell Varley, Definitive Map Officer		
On completion- signed off by:	Date:	17.12.19	
			
James Gilchrist			
Assistant Director Transport, Highways and Environment			

**Officer responsible for the report:**

Name: Russell Varley	Telephone No. 01904 553691
Position: Definitive Map Officer	e-mail russell.varley@york.gov.uk
Team: Transport Service	



**KEY**  
 V Application route



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<b>199810 - Naburn to Acaster Malbis</b>			
Scale 1:3,000	Drawn By:RJV	Date:3/12/19	
Public Rights of Way	Reference:	Drawing No.	

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