

**Application to be determined – 200308 Heworth – Hempland Lane Allotments**

**DMMO application to record as public footpath A-B on the map below**

| Evidence supporting the application   | Evidence refuting the application  |
|---|--|
| 8 User evidence statements alleging use between 1943 and 2003. 6 users claimed 20 years or more use.  | 2 users record seeing signs stating the access was permissive.   |
|   | The user statements do not have a map with them so we have no indication which route over the allotments each person used. |
| The allotment paths first appear on Ordnance Survey maps in 1931. They are then recorded on all the maps CYC has access to.   |  |
| <b>DMO Comment on the evidence as a whole</b>   |  |
| <p>Schedule 14(1) of the Wildlife and Countryside Act 1981 states “An application shall be made in the prescribed form and shall be accompanied by-</p> <p>(a) a map drawn to the prescribed scale and showing the way or ways to which the application relates”</p> <p>This application was accompanied by a plan of the allotments showing the existing public rights of way as well as 2 ways noted as permissive path. It does not show the application route. As it does not identify the route the application applies to it has not been properly made and unfortunately needs to be rejected.</p> |  |
| <b>Consultation responses</b>   |  |
| The Ramblers responded to the consultation but had not comment to make.   |  |

|  |   |
|--|---|
| Have the relevant parish councils been consulted?<br>(delete as appropriate)   | <b>No</b> (The application is in a non parished area) |
| Does the current evidence meet the statutory test for making the order?<br>(delete as appropriate)                                       | <b>Not applicable</b>                                 |
| Will the order route be the same as the application route?<br>(Attach a map showing the proposed order route)<br>(delete as appropriate) | <b>Not applicable</b>                                 |
| What status will the route have?<br>(delete as appropriate)  | <b>Not applicable</b>                                 |
| Officer recommended determination-   | <b>Reject the application</b>                         |

|   |                       |
|---|-----------------------|
| (delete as appropriate)   |                       |
| Officer recommended stance towards confirmation-<br>(delete as appropriate) | <b>Not applicable</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            |  | Osbalwick & Derwent  |   | Rawcliffe & Clifton Without |  |
| Rural West York       |  | Strensall            |   | Westfield                   |  |
| Wheldrake             |  |                      |   |                             |  |

| <b>Heworth Ward Councillor Comments</b>   |                |
|---|----------------|
| Cllr.   | Claire Douglas |
| 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. |                |
| Cllr.   | Anna Perrett   |
| 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. |                |
| Cllr.   | Robert Webb    |
| Cllr Webb sought clarification about the process and its effect on any public rights that may exist over the site.  |                |

|  |             |
|--|-------------|
| <b>Executive Member for Transport Comments</b>   |             |
| Cllr.  | A. D'Agorne |
| I accept that the application does not meet the requirements of the legislation and needs to be rejected but I would ask that the council, in consultation with the allotment holders association, examines if there is any scope for further public access around the site. |             |

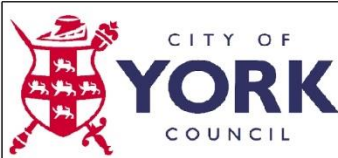
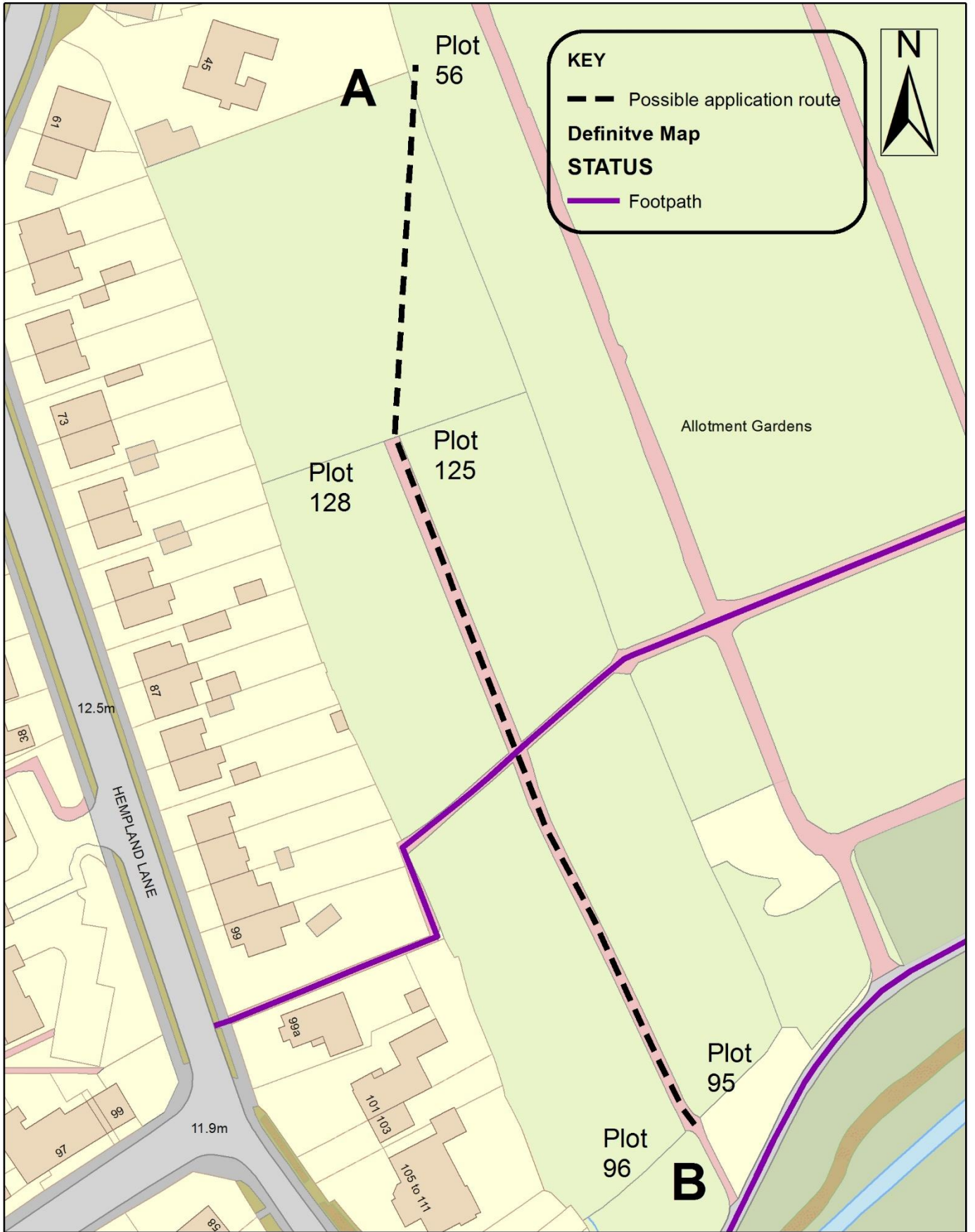
|  |                           |
|--|---------------------------|
| <b>Senior Officer Comments</b>   |                           |
| James Gilchrist  | <b>Assistant Director</b> |
| Having considered the application, I conclude that it does not meet the requirements of the legislation and must be rejected. I share the Executive Member for Transport's hope that appropriate access can be examined. |                           |

|   |  |                               |          |
|---|--|-------------------------------|----------|
| Senior Officer Decision   |  | <b>Reject the application</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      |               |                            |





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## 200803 Heworth - Allotments

Scale 1:1,000

Drawn By:RJV

Date:6/12/19

Public Rights of Way

Reference:

Drawing No.

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