

**Application to be determined – 200309 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
1 User evidence statement alleging use between 1962 and 2003. 1 user claimed 20 years or more use.	1 user recorded seeing signs stating the access was permissive.
	The user statement does not have a map with it so we have no indication which route over the allotments the witness 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>	
The legislation requires that for a route to become a public right of way it must be used by the public at large. A single person giving evidence does not meet this requirement. Therefore the application must be rejected.	
<b>Consultation responses</b>	
The Ramblers responded to the consultation but had not comment to make.	

Have the relevant parish councils been consulted? (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? (delete as appropriate)	<b>Not applicable</b>
Will the order route be the same as the application route? (Attach a map showing the proposed order route) (delete as appropriate)	<b>Not applicable</b>
What status will the route have? (delete as appropriate)	<b>Not applicable</b>
Officer recommended determination- (delete as appropriate)	<b>Reject the application</b>
Officer recommended stance towards confirmation- (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>
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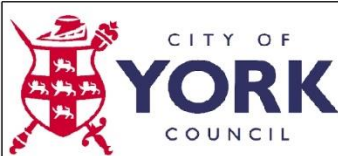
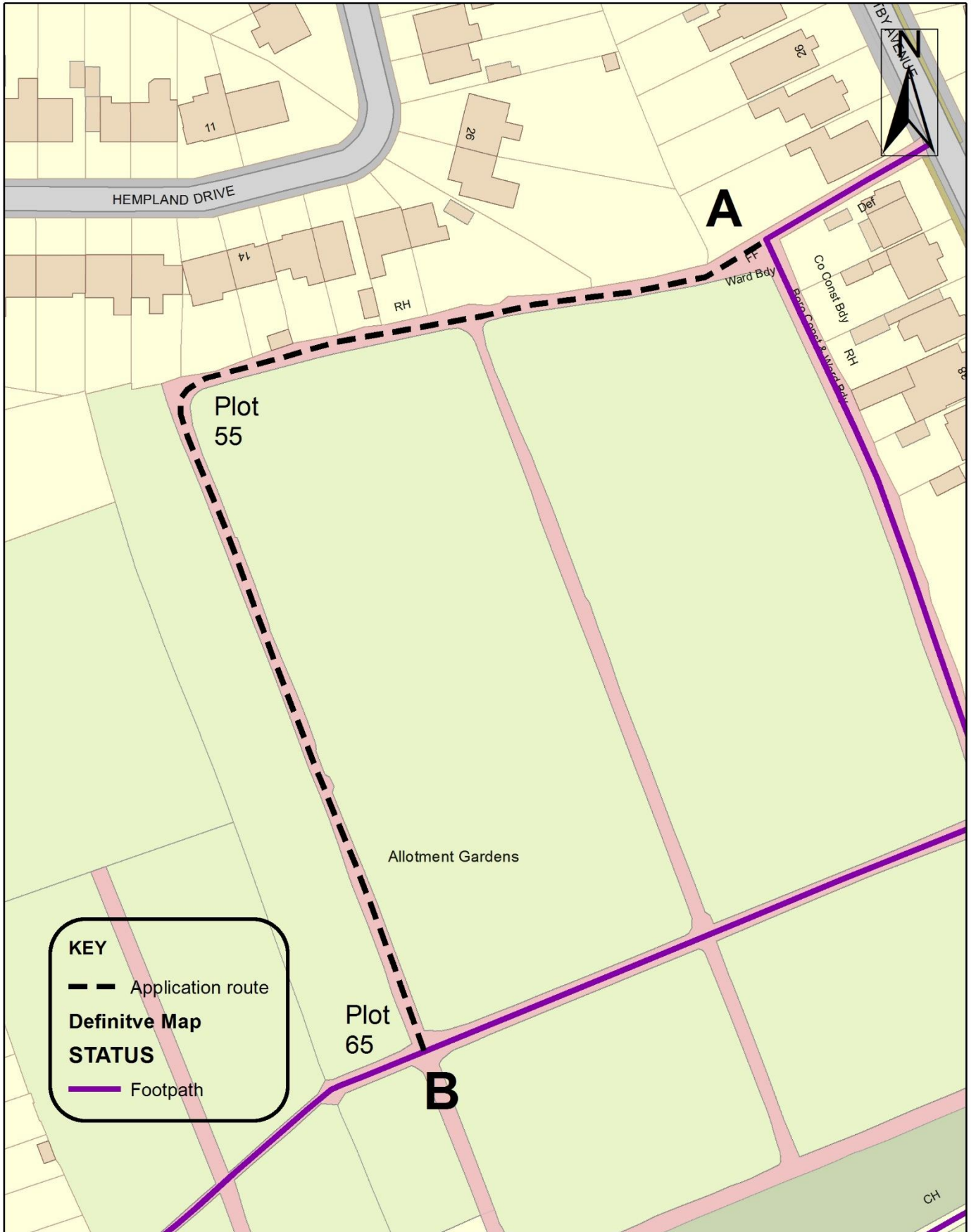
Cllr.	A. D'Agorne
I accept that the application does not meet the requirements of the legislation and needs to be rejected but I would ask that the council, in consultation with the allotment holders association, examines if there is any scope for further public access around the site.	

<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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## 200309 Heworth - Allotments

Scale 1:1,000

Drawn By:RJV

Date:6/12/19

Public Rights of Way

Reference:

Drawing No.

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