

**Application to be determined – 200803 Heworth – Bad Bargain Ln to Burnholme Ave
DMMO application to record as public footpath A-B on the map below**

Evidence supporting the application	Evidence refuting the application
5 user evidence statements alleging use between 1958 and 2008. 4 users claim 20 or more years use	
The route appears on all the Ordnance Survey maps available to the council from 1961 on.	
The route has street lighting	
DMO Comment on the evidence as a whole	
There is sufficient evidence to reasonably allege a public right of way exists but 5 user evidence statements are not sufficient to show the route has been used by the public at large on the balance of probabilities.	
Consultation responses	
Cllr Ayre provided information about the presence of street lighting, the parish council responded and said that the route was still in frequent use today. Finally the Ramblers also support the making of an order and commented that they have a member who uses the path today.	

Have the relevant parish councils been consulted? (delete as appropriate)	Yes
Does the current evidence meet the statutory test for making the order? (delete as appropriate)	Yes
Will the order route be the same as the application route? (Attach a map showing the proposed order route) (delete as appropriate)	Yes
What status will the route have? (delete as appropriate)	Footpath
Officer recommended determination- (delete as appropriate)	Make the order
Officer recommended stance towards confirmation- (delete as appropriate)	Take a neutral stance

Implications					
Crime & Disorder		Equalities		Other	
Human Resources		Legal		Highways	✓
Financial		ICT		Property	


Affected Wards					
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					

Heworth Without Ward Councillor Comments	
Cllr.	Nigel Ayre
Cllr Ayre sought clarification about the process and the area affected by the application.	

Executive Member for Transport Comments	
Cllr.	A. D'Agorne
Having considered the available evidence and the comments of ward councillors I am happy to support the making of the order.	

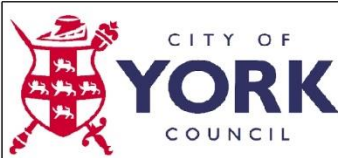
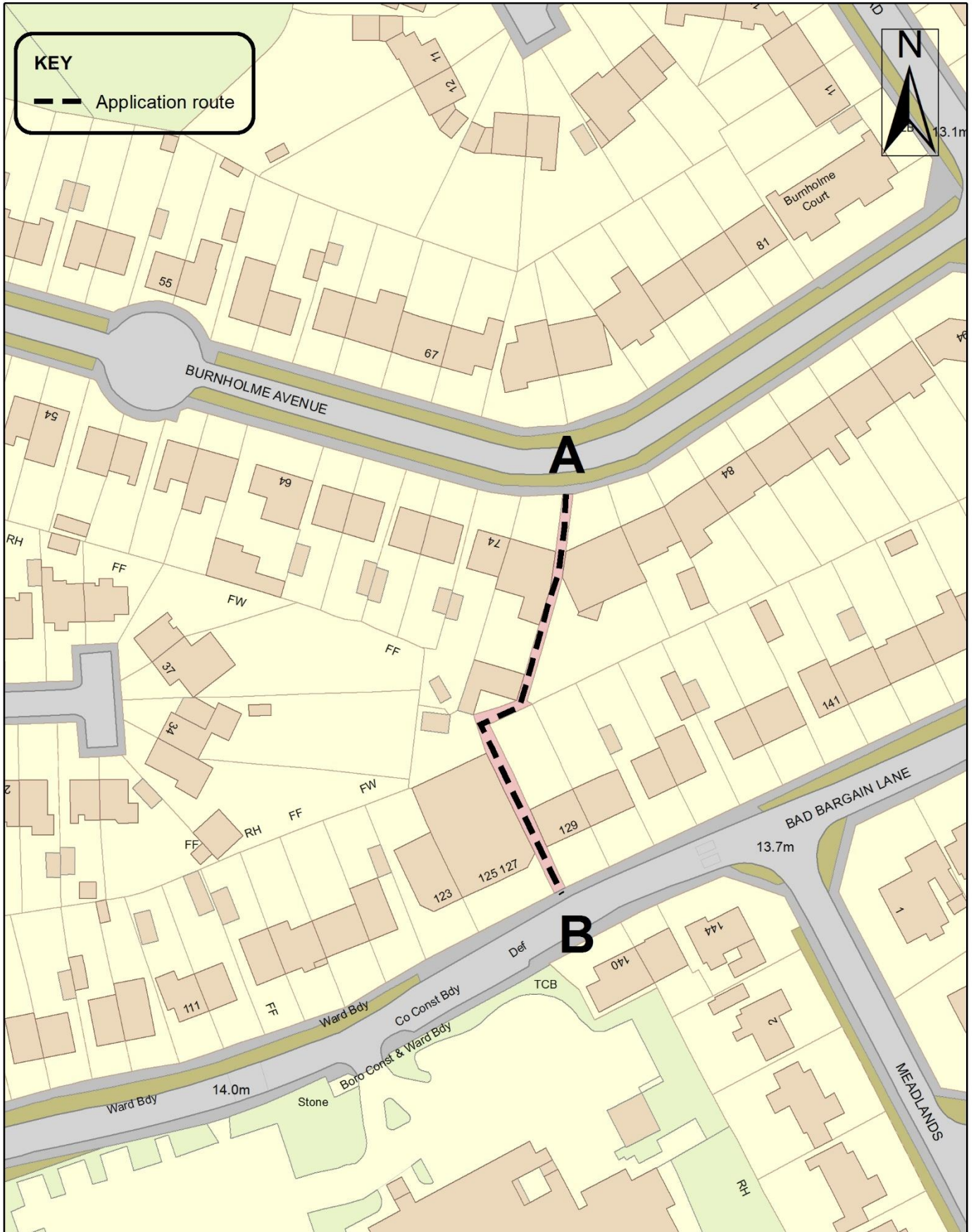
Senior Officer Comments	
James Gilchrist	Assistant Director

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.

Senior Officer Decision		Make the order	
Decision Date:		17 December 2019	
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 - Bad Bargain Lne to Burnholme Ave

Scale 1:1,000

Drawn By:RJV

Date:9/12/19

Public Rights of Way

Reference:

Drawing No.

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