

Application to be determined – 199712 Kexby – Hagg Farm to FP11

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

Evidence supporting the application	Evidence refuting the application
<p>26 user evidence statements giving evidence for use between 1947 and 1997. A substantial number of users claim over 20 years use.</p>	<p>The section of path from Intake Lane to the edge of the wood is not depicted on a map until 1984.</p>
<p>The section of path from the edge of the wood south to centre is shown on every old map we have access to (1856 to present)</p>	<p>The Forestry Commission’s lease deals with private rights of access not public.</p>
<p>During the preparation of the definitive map by East Riding County Council in the early 1950s the route between Intake Lane and the edge of the wood was claimed by the parish surveyor as a public footpath (noted as path 13 on the parish survey map and A-B on the map below). Path 13 then continued around the edge of the wood towards Hagg Lane (shown in red on the map below). Path 13 did not appear on the ERCC definitive map because the Forestry Commission objected to the inclusion of the section of path 13 within the wood. No objection was received from the owner of the land between Intake Lane and the wood. I presume that ERCC removed the whole of path 13 to avoid creating a public footpath that was a cul-de-sac.</p>	
<p>The route of Intake Lane was designated as one of the accesses for the Forestry Commission when they leased the wood from the church in the early 1950s.</p>	
<p>DMO Comment on the evidence as a whole</p>	
<p>The user evidence taken in isolation is sufficient to raise an allegation that a public right of way exists over the route shown as A-B-C on the map below. The old map evidence and the Forestry Commission’s lease give no guidance to whether public rights exist. That being said the physical depiction of part of the route on all the old maps and the designation of the route as one of the access ways into the wood means that use dating back to 1947 is at least plausible. That the route was claimed as part of the original definitive map process is also a strong indication that public rights were thought to exist at that time.</p>	
<p>Consultation responses</p>	
<p>Kexby PC did not reply directly, Cllr Warters reported that the PC were content with the applications. The Ramblers support the application.</p> <p>Objections have been received from each of the three owners of land affected by the claim. Owing to the delay in them receiving details of the consultation because they very recently</p>	

purchased the land from the previous land owner (with whom we consulted) it has not been possible for the new owners to assemble evidence to support their objections. Under such circumstances CYC need to acknowledge the objections in its determination process but as no evidence has been submitted it cannot be taken into account when reaching a decision.

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)	Support confirmation

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	
Holgate		Hull Road		Huntington & New Earswick	
Micklegate		Osbalwick & Derwent	✓	Rawcliffe & Clifton Without	
Rural West York		Strensall		Westfield	


Westfield	
-----------	--

Insert Ward Name Ward Councillor Comments	
Cllr.	Martin Rowley
<p>It is my opinion following consultation with the owners of the land, residents in the village, and the group Friends of Hagg Wood, that public right of way should be granted for pedestrians only. I do not support any future request for vehicular access through this lane. The Forestry Commission do have permitted vehicle access for essential work within the Wood.</p>	
Cllr.	Mark Warters
<p>I have no objections providing all legal processes with regard to proposers and land owners have been followed and all parties have had the opportunity to fully present their cases, which to date does not appear to be the case.</p> <p>Please indicate if this is CYCs final position regarding these PROWs and that PROW officers will be available early in the new year to explain the position to members of the public in Dunnington and Kexby.</p>	

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

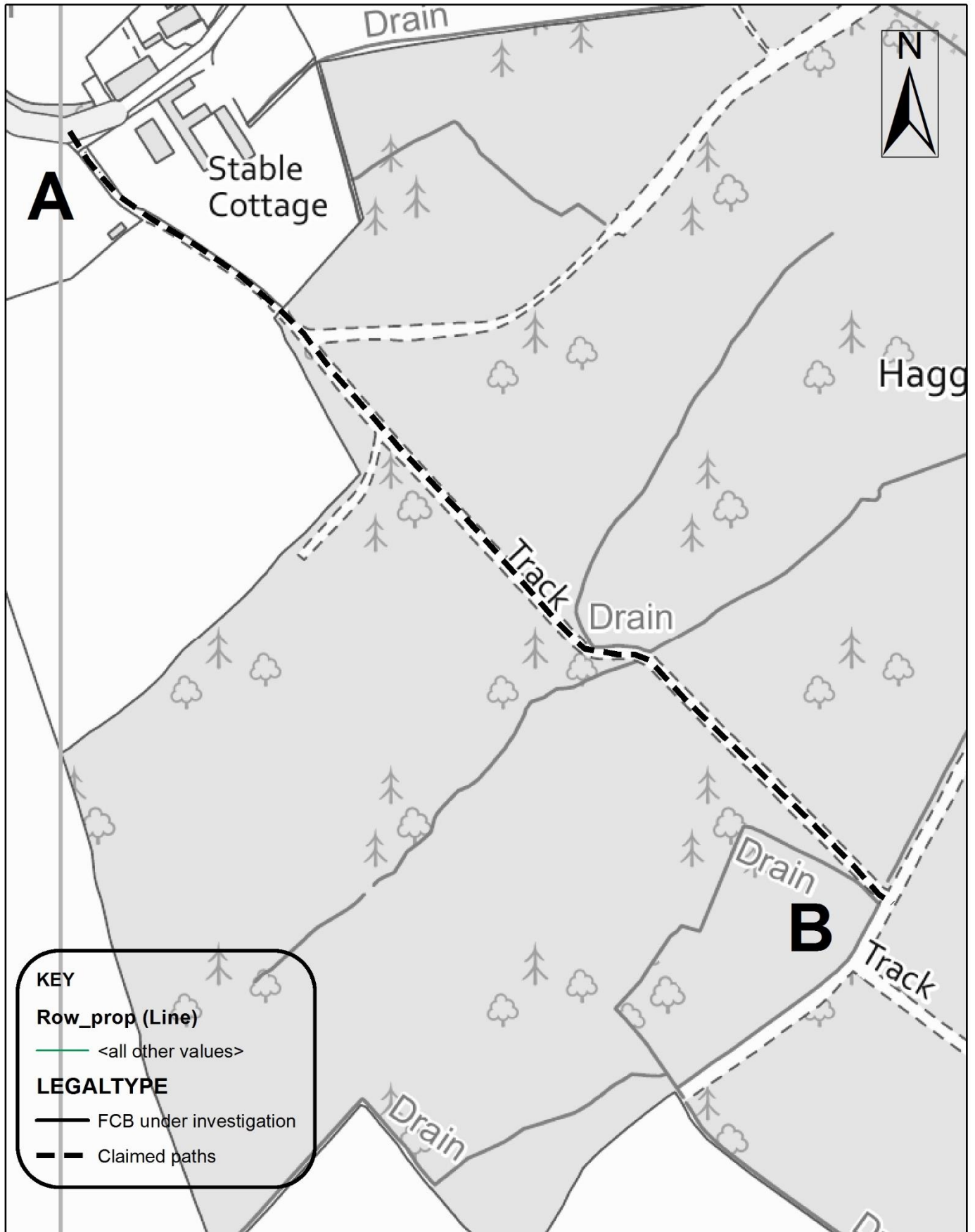
Senior Officer Comments	
James Gilchrist	Assistant Director
<p>Having considered the available evidence and the comments of the Executive Member for Transport I am happy for the order to be made, moving the process on to the next stage.</p>	

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		



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

199712 Kexby - BW8 to FP11 (Hagg Wood)

Scale 1:2,500

Drawn By:RJV

Date:25/9/19

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2019