

Application to be determined – 199712 Kexby – BW8 to FP11 (Hagg Wood)

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

Evidence supporting the application	Evidence refuting the application
25 user evidence forms showing use from 1936 to 2003	There is only a small amount of evidence of use for over 20 years. Most users claim to have used it for 5 to 15 years and use appears to have largely ceased during the 1980s.
The route is depicted on some old maps from the mid-19th century and the mid-20th century indicating a path existed on the ground at that time.	The route is not depicted on maps from the late 19th century or the early 20th century which suggests the path fell out of use.
DMO Comment on the evidence as a whole	
The available user evidence is enough to raise an allegation that a public footpath subsists but not on the balance of probabilities. Old maps show physical features not public rights but the application route is not shown on all maps. The route was not claimed during the process that created the definitive map for Kexby (this took place in the early 1950s).	
Consultation responses	
Kexby PC did not reply directly, Cllr Warters reported that the PC were content with the applications. The Ramblers support the application.	

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

Osbalwick and Derwent Ward Councillor Comments	
Cllr.	Martin Rowley
I do not support this application for a public right of way. This path has not been in regular use, and it's access into Hagg Wood is not very obvious.	
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>	

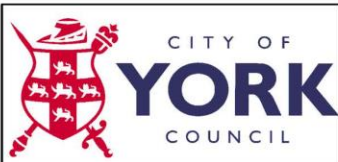
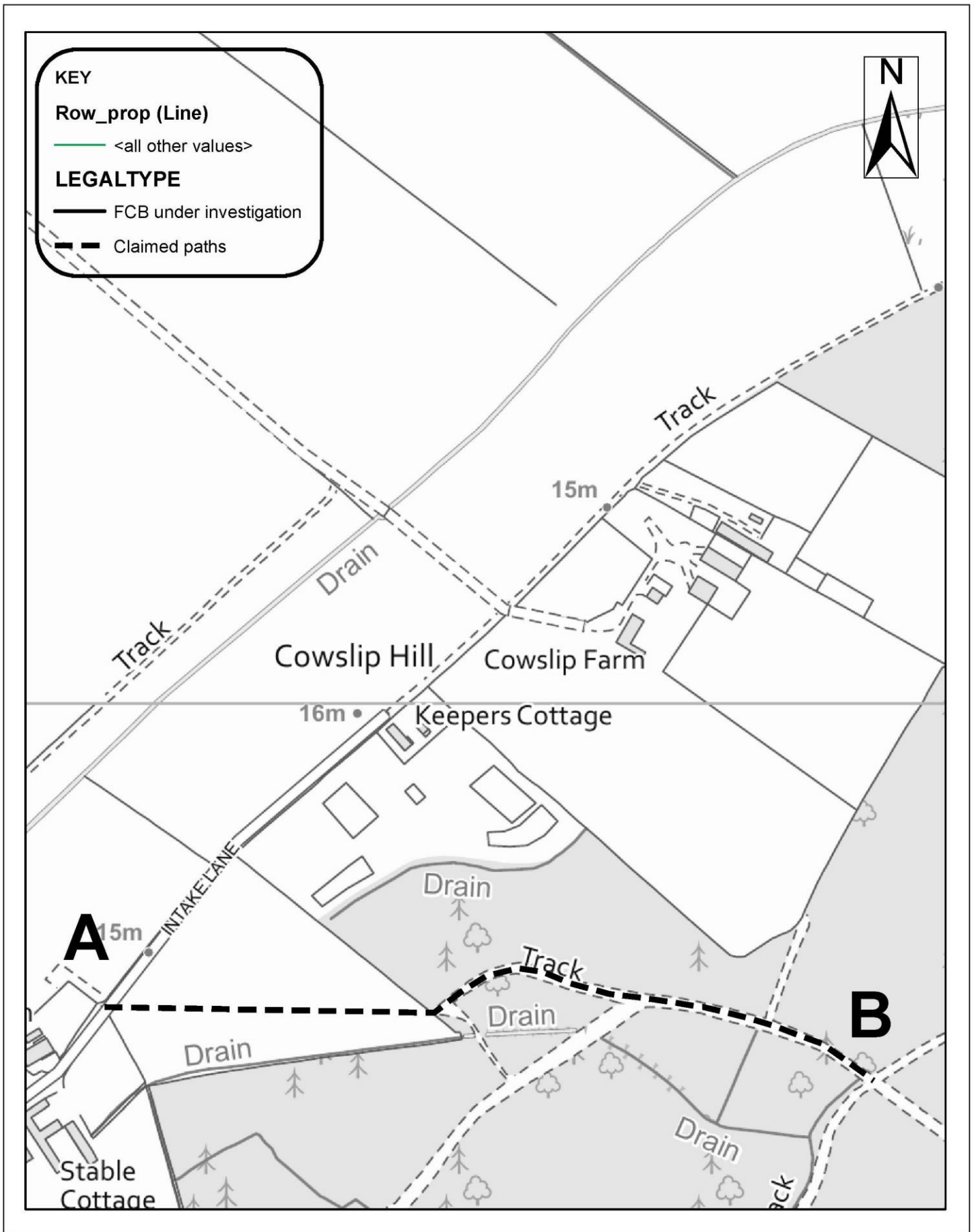
Executive Member for Transport Comments	
Cllr.	A. D'Agorne
Having considered the available evidence and the comments of ward councillors I am happy to support the making of the order.	

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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199712 Kexby - Hagg Farm to FP11 (Hagg Wood)

Scale 1:3,000

Drawn By:RJV

Date:25/9/19

Public Rights of Way

Reference:

Drawing No.

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