

**Application to be determined – 200401 Dunnington – Common Road to footpath 7  
DMMO application to record as public footpath A-B on the map below**

| <b>Evidence supporting the application</b>   | <b>Evidence refuting the application</b>   |
|--|--|
| 25 user evidence statements alleging use between 1936 and 2003. 9 users claimed 20 years use or more.  | One of the affected land owners claims that a gate on the route has always carried a sign stating “private road no public right of way”.                   |
|  | One of the affected land owners claims that the gate mentioned above was closed several times a year to prevent public rights being acquired of the route. |
| The route first appears on Ordnance Survey maps in 1971.   |  |
| <b>DMO Comment on the evidence as a whole</b>  |  |
| There is sufficient evidence to meet the statutory test to make an order.  |  |
| <b>Consultation responses</b>  |  |
| The Ramblers responded to the consultation supporting the making of the order. The parish council also replied stating that the route had been in constant use since they made the application 2004. |  |

|  |                             |
|--|-----------------------------|
| Have the relevant parish councils been consulted?<br>(delete as appropriate)   | <b>Yes</b>                  |
| Does the current evidence meet the statutory test for making the order?<br>(delete as appropriate)                                       | <b>Yes</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>Yes</b>                  |
| What status will the route have?<br>(delete as appropriate)  | <b>Footpath</b>             |
| Officer recommended determination-<br>(delete as appropriate)  | <b>Make the order</b>       |
| Officer recommended stance towards confirmation-<br>(delete as appropriate)  | <b>Support confirmation</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>Osbalwick and Derwent Ward Councillor Comments</b>   |               |
|---|---------------|
| Cllr.   | Martin Rowley |
| I have objection to this request.   |               |
| 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> |               |

| <b>Executive Member for Transport Comments</b> |             |
|--|-------------|
| 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](mailto: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.

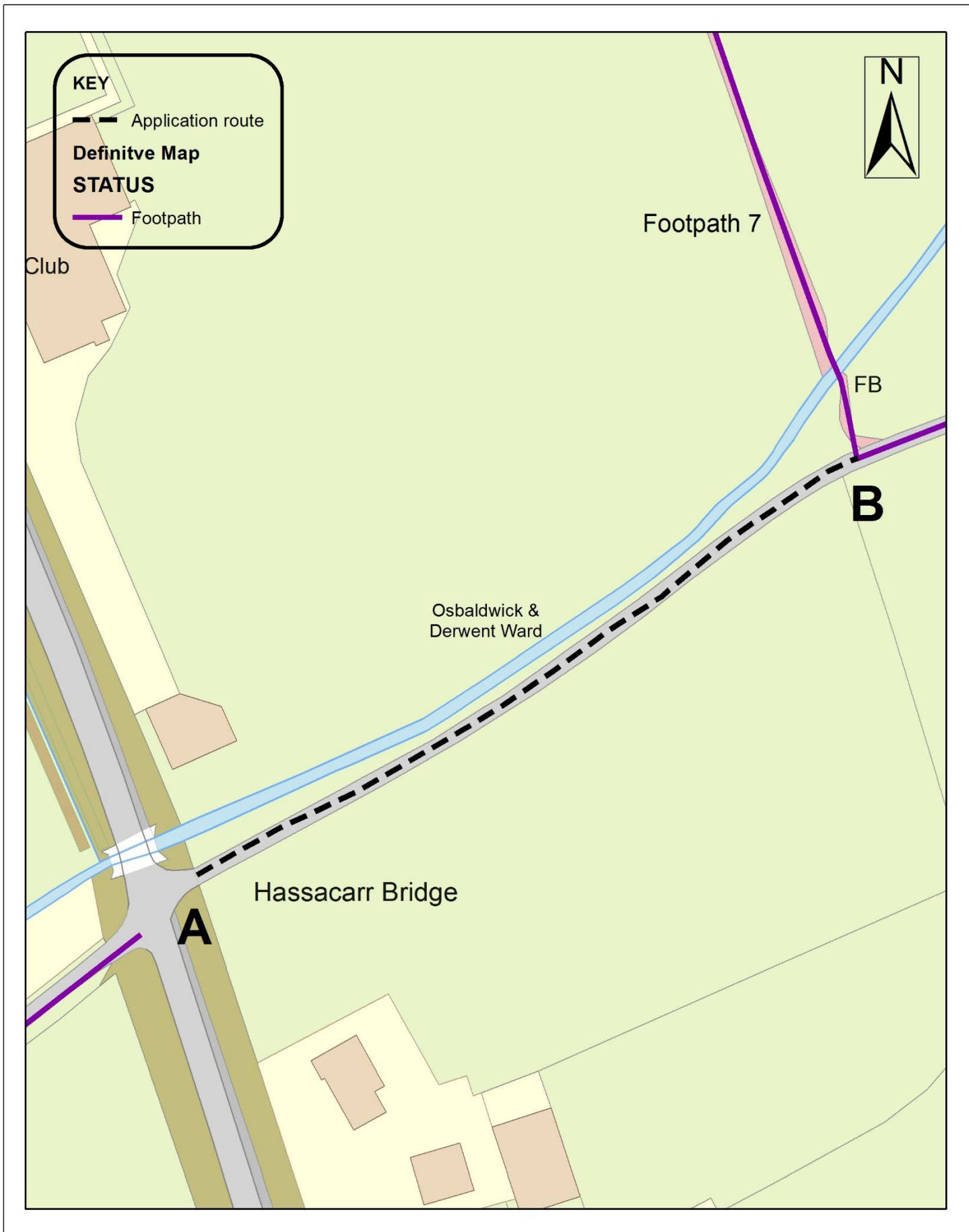
01904 553691

Position: Definitive Map Officer

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Team: Transport Service



**CITY OF YORK COUNCIL**

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|  |              |              |
|--|--------------|--------------|
| <b>200401 Dunnington - Common Road to footpath 7</b>                           |              |              |
| Scale 1:1,000  | Drawn By:RJV | Date:6/12/19 |
| Public Rights of Way   | Reference:   | Drawing No.  |
| <b>Contains Ordnance Survey data © Crown copyright and database right 2019</b> |              |              |