

**Application to be determined – 201805 Skelton – Hurns Bridge to Moorlands Wood
DMMO application to record as public bridleway A-B on the map below**

Evidence supporting the application	Evidence refuting the application
The application route appears on all the Ordnance Survey maps available to the council (1854 onwards)	1910 Finance Act for the affected land makes no reference to the presence of a public right of way
1630 map of the Forest of Galtres	The route appears to be a cul-de-sac for equestrians as it is noted as a footpath only east of Hall Moor Farm (South)
1807 Skelton Inclosure Award refers to the route in connection with the maintenance of hedges	1807 Skelton Inclosure Award does not set the route out as a highway of any description (neither public nor private)
	1977 NYCC diversion of the recorded public footpath through Hall Moor Farm (South) shows the application route but makes no reference to it. It does refer to other unaffected rights of way.
	The application route was not referred to during the creation of the definitive map.
DMO Comment on the evidence as a whole	
The only positive evidence supporting this application is the presence of the route as a bridle road on all the Ordnance Survey maps from 1854. All the evidence refuting the application is based on absence ie there is nothing positive refuting the application. Therefore there is enough evidence to reasonably allege a route exists but only just. As the evidence stands CYC should take a neutral stance towards the confirmation of the order.	
Consultation responses	
Both the parish council and the Ramblers support the application. Two of the affected land owners oppose the application and have submitted detailed arguments based on the application evidence.	

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?	Yes

(Attach a map showing the proposed order route) (delete as appropriate)	
What status will the route have? (delete as appropriate)	Bridleway
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					

Rural West York Ward Councillor Comments	
Cllr.	James Barker
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.	Anne Hook
Cllr Hook 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		

