



CITY OF  
**YORK**  
COUNCIL

**PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**STATEMENT OF CASE APPENDICES**

## **Appendices index**

Page 1	Appendix 1 Original orders
Page 17	Appendix 2 List of objectors, objections and representations
Page 66	Appendix 3 Notice of Advert
Page 70	Appendix 4 Certificate serving notice
Page 72	Appendix 5 Undertaking confirmation
Page 74	Appendix 6 User evidence statements and interviews
Page 125	Appendix 7 Location map
Page 128	Appendix 8 Applicant details
Page 130	Appendix 9 Confirmation of OMA neutral stance
Page 132	Appendix 10 Health and Safety questionnaire
Page 135	Appendix 11 Inspection Place
Page 137	Appendix 12 Extract of Definitive Map and Statement
Page 140	Appendix 13 Pre order consultation replies
Page 146	Appendix 14 All persons notified
Page 149	Appendix 15 OS maps
Page 160	Appendix 16 Aerials of route
Page 174	Appendix 17 Photos of route
Page 198	Appendix 18 OMA Determination report
Page 203	Appendix 19 User analysis chart
Page 205	Appendix 20 User distribution map

## **Appendix 1**

### **Copies of orders**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**THE COUNCIL OF THE CITY OF YORK**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF  
YORKSHIRE NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE  
CITY OF YORK**

**PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

Janie Berry  
Director - Legal & Governance  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA



**THE COUNCIL OF THE CITY OF YORK****WILDLIFE AND COUNTRYSIDE ACT 1981****DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF YORKSHIRE NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE CITY OF YORK****PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) because it appears to the authority that the Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i). This is due to the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 2 June 2021.
2. The Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Public Footpath Naburn 7 Modification Order 2021.

**THE COMMON SEAL** of **THE COUNCIL OF THE CITY OR YORK** was hereunto affixed

this 25 day of JUNE 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12780

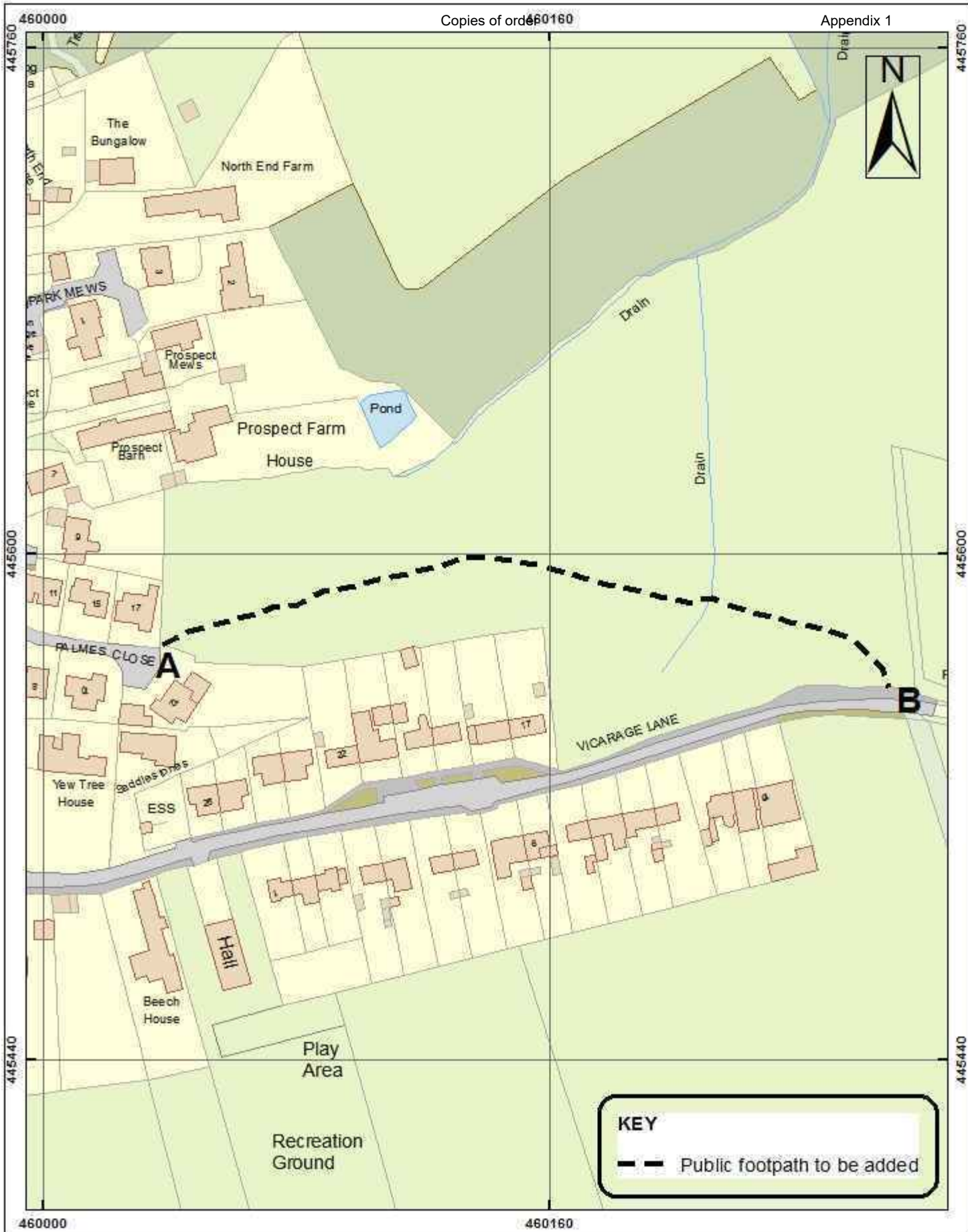
SCHEDULE  
PART I

Modification of Definitive Map  
Description of path to be added

<u>Section of Public Footpath as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A - B	Starting at grid reference (GR) SE 6003 4557 (POINT A) at its junction with the maintainable highway known as Palmes Close the 0.5 metre wide pasture surfaced public footpath crosses a stile then heads generally east for approximately 246 metres to GR SE 6026 4555 (POINT B) its junction with the maintainable highway known as Vicarage Lane.

PART IIModification of Definitive Statement  
Variation of Particulars of path or way

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
4/7	SE 6003 4557 to SE 6026 4555	Starting at grid reference (GR) SE 6003 4557 at its junction with the maintainable highway known as Palmes Close the 0.5 metre wide pasture surfaced public footpath crosses a stile then heads generally east for approximately 246 metres to GR SE 6026 4555 its junction with the maintainable highway known as Vicarage Lane.	Pasture  (SE 6003 4557 to SE 6026 4555)	0.246km  (SE 6003 4557 to SE 6026 4555)  Total: 0.246km	0.5m  (SE 6003 4557 to SE 6026 4555)	Stile  (SE 6003 4557)  Field gate  (SE 6026 4555)



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

## PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021

Scale: 1:1,600	Drawn By: LRG	Date: 11/6/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021

**THE COUNCIL OF THE CITY OF YORK**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF  
YORKSHIRE NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE  
CITY OF YORK**

**PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

Janie Berry  
Director - Legal & Governance  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

**THE COUNCIL OF THE CITY OF YORK****WILDLIFE AND COUNTRYSIDE ACT 1981****DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF YORKSHIRE NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE CITY OF YORK****PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) because it appears to the authority that the Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i). This is due to the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 2 June 2021.
2. The Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Public Footpath Naburn 7 Modification Order 2021.

**THE COMMON SEAL** of **THE COUNCIL OF THE CITY OF YORK** was hereunto affixed

this 25 day of JUNE 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12780

SCHEDULE  
PART I

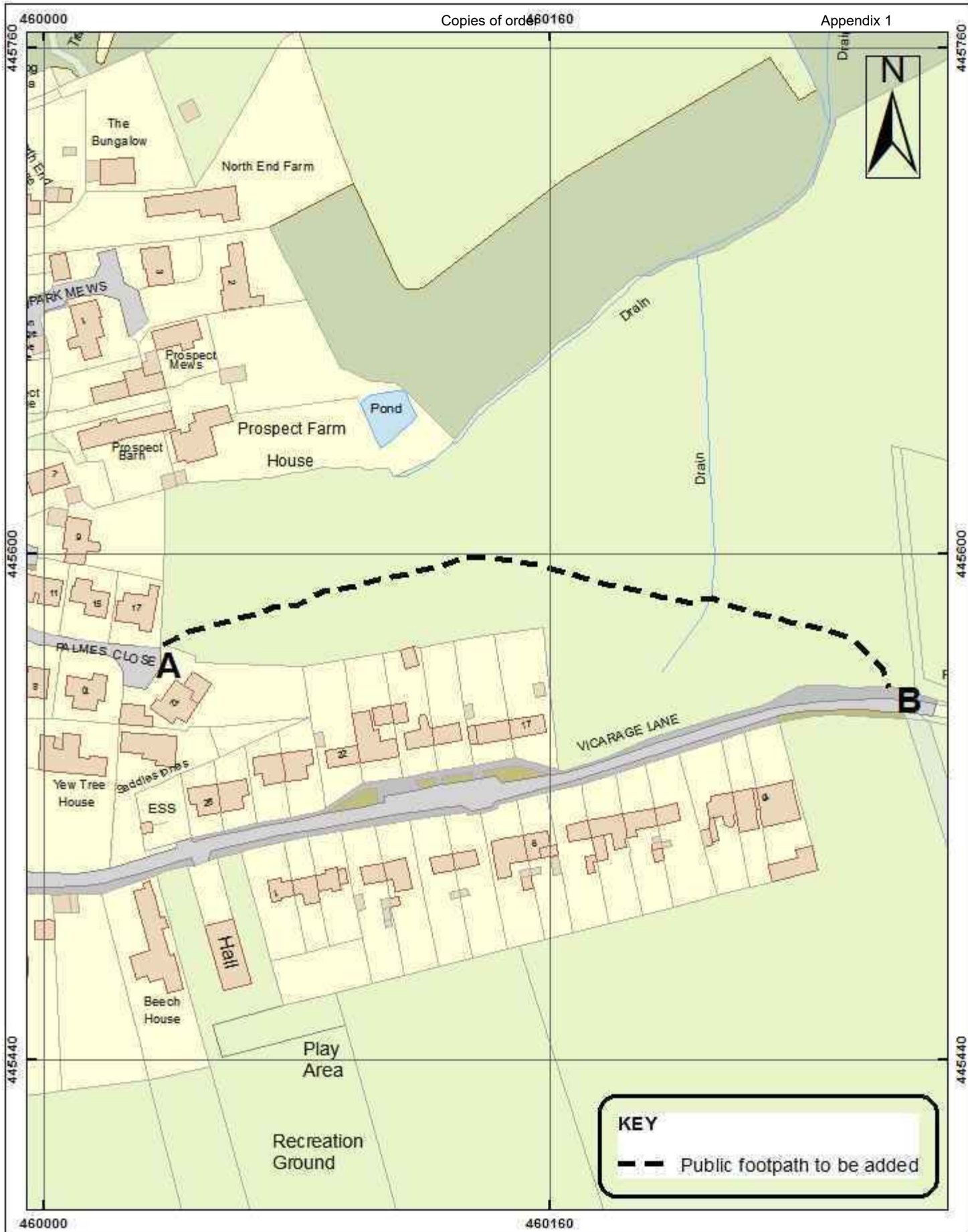
Modification of Definitive Map  
Description of path to be added

<u>Section of Public Footpath as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A - B	Starting at grid reference (GR) SE 6003 4557 (POINT A) at its junction with the maintainable highway known as Palmes Close the 0.5 metre wide pasture surfaced public footpath crosses a stile then heads generally east for approximately 246 metres to GR SE 6026 4555 (POINT B) its junction with the maintainable highway known as Vicarage Lane.

PART IIModification of Definitive Statement  
Variation of Particulars of path or way

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
4/7	SE 6003 4557 to SE 6026 4555	Starting at grid reference (GR) SE 6003 4557 at its junction with the maintainable highway known as Palmes Close the 0.5 metre wide pasture surfaced public footpath crosses a stile then heads generally east for approximately 246 metres to GR SE 6026 4555 its junction with the maintainable highway known as Vicarage Lane.	Pasture  (SE 6003 4557 to SE 6026 4555)	0.246km  (SE 6003 4557 to SE 6026 4555)  Total: 0.246km	0.5m  (SE 6003 4557 to SE 6026 4555)	Stile  (SE 6003 4557)  Field gate  (SE 6026 4555)





KEY

--- Public footpath to be added



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

# PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021

Scale: 1:1,600

Drawn By: LRG

Date: 11/6/21

Public Rights of Way

Reference:

Drawing No.

**THE COUNCIL OF THE CITY OF YORK**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF  
YORKSHIRE NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE  
CITY OF YORK**

**PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

Janie Berry  
Director - Legal & Governance  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

**THE COUNCIL OF THE CITY OF YORK****WILDLIFE AND COUNTRYSIDE ACT 1981****DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF YORKSHIRE NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE CITY OF YORK****PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) because it appears to the authority that the Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i). This is due to the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 2 June 2021.
2. The Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Public Footpath Naburn 7 Modification Order 2021.

**THE COMMON SEAL** of **THE COUNCIL OF THE CITY OF YORK** was hereunto affixed

this 25 day of JUNE 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12780

**SCHEDULE  
PART I**

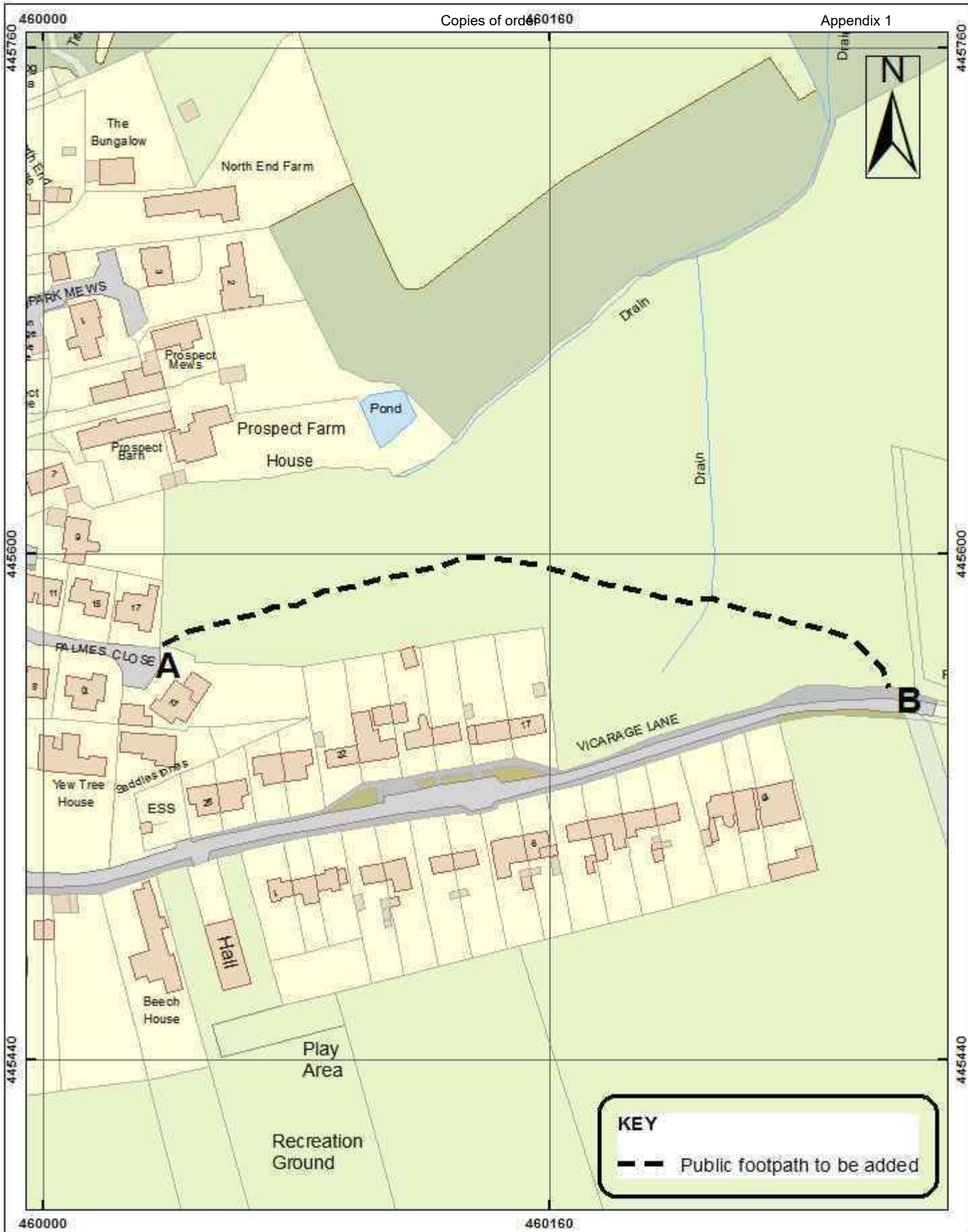
**Modification of Definitive Map  
Description of path to be added**

<u>Section of Public Footpath as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A - B	Starting at grid reference (GR) SE 6003 4557 (POINT A) at its junction with the maintainable highway known as Palmes Close the 0.5 metre wide pasture surfaced public footpath crosses a stile then heads generally east for approximately 246 metres to GR SE 6026 4555 (POINT B) its junction with the maintainable highway known as Vicarage Lane.

PART IIModification of Definitive Statement  
Variation of Particulars of path or way

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
4/7	SE 6003 4557 to SE 6026 4555	Starting at grid reference (GR) SE 6003 4557 at its junction with the maintainable highway known as Palmes Close the 0.5 metre wide pasture surfaced public footpath crosses a stile then heads generally east for approximately 246 metres to GR SE 6026 4555 its junction with the maintainable highway known as Vicarage Lane.	Pasture  (SE 6003 4557 to SE 6026 4555)	0.246km  (SE 6003 4557 to SE 6026 4555)  Total: 0.246km	0.5m  (SE 6003 4557 to SE 6026 4555)	Stile  (SE 6003 4557)  Field gate  (SE 6026 4555)





**KEY**

--- Public footpath to be added



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

## PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021

Scale: 1:1,600	Drawn By: LRG	Date: 11/6/21
Public Rights of Way	Reference:	Drawing No.

## **Appendix 2**

### **List of objectors, objections and representations**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**List of objectors, objections and representations**

1. Mr Tony Bird (supporter)
2. Mr and Mrs Cuthbert (supporter)
3. Mr and Mrs Dickinson (objector)
4. Mr Nick Eden (supporter)
5. Mr Peter Gannon (supporter)
6. Ms Jean Hedley (supporter)
7. Ms Kitty Lamb (supporter)
8. Ms Tracy Land (supporter)
9. Mr Roger Lawson (objector)
10. Mr David Moores (supporter)
11. Mr Mulvihill (supporter)
12. Ms Sue Pierson (objector)
13. Dr Sue Price (objector)
14. Ms Dawn Riley (objector)
15. Mr Robert Scruton (objector)
16. Mr Johannes Visser (supporter)
17. Ms Gerardine Whitney (objector)



## **List of Supporters**

1. Mr Tony Bird
2. Mr and Mrs Cuthbert
3. Mr Nick Eden
4. Mr Peter Gannon
5. Ms Jean Hedley
6. Ms Kitty Lamb
7. Ms Tracy Land
8. Mr David Moores
9. Mr Mulvihill
10. Mr Johannes Visser

**From:** [Tony Bird](#)  
**Mail received time:** Tue, 7 Sep 2021 11:11:18  
**Sent:** Tue, 7 Sep 2021 12:11:11  
**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk); [alsion.newbold@york.gov.uk](mailto:alsion.newbold@york.gov.uk)  
**Subject:** Application for Definitive Map Modification Order  
**Sensitivity:** Normal  
**Archived:** 19 July 2022 17:08:01

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs

Re: Claimed path from Palmes Close to Vicarage Lane, Naburn

Your Ref: AN/GE/PROW (R)/030/Palmes Close

It has come to my attention that you are now considering the above application made by myself and Roger Lawson, of Palmes Close.

The path in question was used historically for many, many years by the village prior to the land acquisition by its present owner.

Upon taking ownership the sty serving the entrance from Palmes Close was removed and the access from Vicarage Lane gated with no consultancy made to the local community.

Whilst I no longer reside at 15 Palmes Close, it is still a family owned property and I would like to continue to register my support for the approval of the application.

Over the years the pathway has been a village amenity and provided a valuable means of exit from Palmes Close during periods of flooding, allowing vehicles to be parked away from the flood perimeter and accessed on foot.

As the area is increasingly liable to such flooding I feel that removal of this amenity is not in the public interest and hope that you consider the application favourably.

Many thanks

Tony Bird

> This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

>

> Dear Lauren Grindley,

>

> We moved to Naburn in 1982 since that time we have seen this path used by villagers and the like all those years .

>

> The only time it not used as a path is when sheep are being grazed and there is a temporary electric fence installed .

>

> Yours faithfully

>

> W S Cuthbert.

>

> Prospect Farmhouse

> Naburn,

> York.

>

>

> \*\*\*\*\*

> Help protect the environment! - please don't print this email unless you really need to.

> \*\*\*\*\*

>

> This communication is from City of York Council.

>

> The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or part, of its contents to any other person.

>

> If you have received this communication in error, please return it immediately to the sender, then delete and destroy any copies of it.

>

> City of York Council disclaims any liability for action taken in reliance on the content of this communication.

>

> City of York Council respects your privacy. For more information on how we use your personal data, please visit <https://www.york.gov.uk/privacy>

**From:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)  
**Sent:** Fri, 21 Jan 2022 11:25:29  
**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)  
**Subject:** RE: Right of way  
**Sensitivity:** Normal  
**Archived:** 19 July 2022 18:23:54

---

Dear Mr and Mrs Cuthbert,

Thank you for replying to my letter, I would be grateful if you could answer two more follow up questions:

1. In your experience, has the path been used regularly since 1982, for example, how many people would you be likely to see in a week?
2. When you do see people using the route are they people you recognise as being residents in Naburn?

I look forward to hearing from you,

Kind regards,

Lauren Grindley

Lauren Grindley (she/her) | Definitive Map Assistant  
t: 01904 553860 | e: [lauren.grindley@york.gov.uk](mailto:lauren.grindley@york.gov.uk) | w: [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap)

City of York Council | Rights of Way/Transport Service  
Directorate of Economy and Place | West Offices, Station Rise | York YO1 6GA  
[www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

-----Original Message-----

From: William & Shirley Cuthbert <[wscuthbert@sky.com](mailto:wscuthbert@sky.com)>  
Sent: 20 January 2022 16:03  
To: [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk) <[mail\\_prow@york.gov.uk](mailto:mail_prow@york.gov.uk)>  
Subject: Right of way

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Lauren Grindley,

We moved to Naburn in 1982 since that time we have seen this path used by villagers and the like all those years .

The only time it not used as a path is when sheep are being grazed and there is a temporary electric fence installed .

Yours faithfully

W S Cuthbert.

Prospect Farmhouse  
Naburn,

**From:** [William & Shirley Cuthbert](#)  
**Mail received time:** Fri, 21 Jan 2022 11:42:32  
**Sent:** Fri, 21 Jan 2022 11:42:22  
**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)  
**Subject:** Re: Right of way  
**Sensitivity:** Normal  
**Archived:** 19 July 2022 18:23:43

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Lauren

- 1/ Yes the path has been used regularly, I could not say how many people use it at present.  
 However a few years ago there were many more.
- 2/ Most of people we see are local to the village.

Kind regards

W S Cuthbert.

> On 21 Jan 2022, at 11:25, rightsofway@york.gov.uk <mail\_prow@york.gov.uk> wrote:  
 >  
 > Dear Mr and Mrs Cuthbert,  
 > Thank you for replying to my letter, I would be grateful if you could answer two more follow up questions:  
 > 1. In your experience, has the path been used regularly since 1982, for example, how many people would you be likely to see in a week?  
 > 2. When you do see people using the route are they people you recognise as being residents in Naburn?  
 > I look forward to hearing from you,  
 > Kind regards,  
 > Lauren Grindley  
 >  
 > Lauren Grindley (she/her) | Definitive Map Assistant  
 > t: 01904 553860 | e: lauren.grindley@york.gov.uk | w: www.york.gov.uk/DefinitiveMap  
 >  
 > City of York Council | Rights of Way/Transport Service  
 > Directorate of Economy and Place | West Offices, Station Rise | York YO1 6GA  
 > www.york.gov.uk | facebook.com/cityofyork | @CityofYork  
 >  
 >  
 > -----Original Message-----  
 > From: William & Shirley Cuthbert <wscuthbert@sky.com>  
 > Sent: 20 January 2022 16:03  
 > To: rightsofway@york.gov.uk <mail\_prow@york.gov.uk>  
 > Subject: Right of way  
 >

**Archived:** 19 July 2022 18:23:28

**From:** [Nick Eden](#)

**Mail received time:** Wed, 19 Jan 2022 16:21:41

**Sent:** Wed, 19 Jan 2022 16:21:25

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Cc:** [Elli Masson](#)

**Subject:** Re: public Footpath Naburn 7 modification order 2021

**Sensitivity:** Normal

---

\f0This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

\f0Thank you for your letter regarding the (proposed? Revival?) Footpath between Palmes Close and the solar system cycle path.

\f0

\f0My partner and I only moved to Naburn in 2017, so cannot comment on the twenty years to 2007.

\f0

\f0We would however welcome such a path. I'm not sure if this is known in your office, but when the river rises more than about 3.6m the storm drains in Palmes Close back up and our section of the road is cut off from the rest of the village. This has happened at least twice since we moved here. A proper footpath (better still one that we could move pushbikes along) connecting us to the rest of the world would make a huge difference.

\f0To be fair, there is a route of escape through several people's back gardens, which they have been generous enough to allow people to use in previous floods, but that's very much at their discretion. A proper, maintained access you would be very much better on almost every level.

**From:** [Peter Gannon](#)  
**Mail received time:** Mon, 13 Sep 2021 14:16:49  
**Sent:** Mon, 13 Sep 2021 15:16:42  
**To:** [Grindley, Lauren](#)  
**Subject:** proposed Naburn Footpath  
**Sensitivity:** Normal  
**Archived:** 05 October 2022 14:58:22

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Lauren

I note the proposed return of the footpath from Palmes Close to Vicarage Lane

I have lived in Naburn since December 1986 and can confirm I used it almost daily for several years and support it's restoration.

Thanks

Peter Gannon  
The Old Orchard  
Naburn  
York

The Rights of Way Officer  
City of York Council  
West Offices  
Station Rise  
YO1 6GA  
Naburn, 08/09/2021

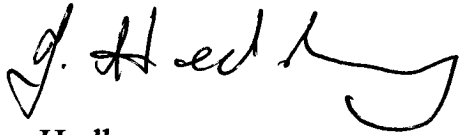
Ref.: public footpath in Naburn from Palmes Close to Vicarage Lane.  
F.A.O.: Janie Berrie (Director-Legal & Governance)

Dear Ms Berrie,

Just to inform you I have lived here since the seventies and regularly used the footpath in question.

I therefore strongly support your efforts in re-establishing this path as I feel too many public rights of way have already been lost in Naburn.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hedley', with a stylized flourish at the end.

Jean Hedley  
7 Palmes Close  
Naburn  
York YO19 4RZ



Kitty Lamb  
Cherry Cottage  
Maypole Grove  
Naburn  
YO19 4RY

11th Sept 2021

Ref : Public footpath in Naburn  
From Palmes Close (SE 6003 4557)  
To Vicarage Lane (SE 6026 4555)

I am writing to support the reinstatement of this public footpath.  
I moved to Naburn in 1996 and used to walk this footpath occasionally. The stiles disappeared in the mid 2000s, so I haven't been able to walk it since then.

I served as a Parish Councillor between 2002 and 2020 and the disappearance of local public footpaths, including this one, was raised during my tenure.

I think it is vital that such public footpaths are both kept open and maintained for all of us to be able to access and enjoy the countryside.

Regards,  
Kitty Lamb

**Archived:** 19 July 2022 17:16:07

**From:** [Tracy Land](#)

**Mail received time:** Wed, 3 Nov 2021 19:47:12

**Sent:** Wed, 3 Nov 2021 19:46:54

**To:** [Grindley, Lauren](#)

**Subject:** progress on modification order Naburn 7 2021

**Sensitivity:** Normal

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Lauren – I was talking to another Naburn resident (Jan Visser) today about the Notice of Modification Order for Public Footpath Naburn 7 (19<sup>th</sup> August 2021) that went up on Vicarage Lane and has now disappeared.

I think I misinterpreted the notice. I thought it was indicating that this route would revert to being a public footpath. However, Jan Visser said that the notice was about a consultation process, inviting views. If I had known that, I would have written in strongly supporting it becoming a public footpath.

Could you tell me what the situation is please? Whether it will become a public footpath and what the timescale is.

If there have been objections and representations, I understand these are in the public domain. Please would you send me a link to these?

I'd be grateful if you could give me a general update on the situation.

Many thanks and best wishes,

Tracy

Tracy Land, B.Ed, M.Th, Dip ION, Fd Sc.  
Registered Nutritional Therapist and Registered Nutritionist, MBANT  
Natural Chef (College of Naturopathic Medicine, London)

*Accredited Member of:*  
*The British Association of Applied Nutritional Therapists (BANT)*  
*The Nutritional Therapy Council (NTC)*  
*The Complementary and Natural Healthcare Council (CNHC)*

Landmark Nutrition  
The Old School House  
Naburn  
York  
YO19 4PP

Tel: 01904 631430  
Mobile: 07721 496405  
Skype name: tracy.land1  
Email: [tracy@landmarkhealth.co.uk](mailto:tracy@landmarkhealth.co.uk)  
[www.landmarknutrition.co.uk](http://www.landmarknutrition.co.uk)

1, Palmes Close  
Naburn,  
York  
YO19 4RZ

31.08.2021

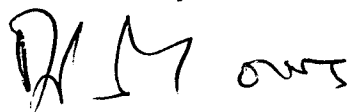
Dear Janie,

Modification Order : Public Footpath Naburn 7

I write to express my support for the addition of this footpath from Palmes Close to Vicarage Lane. As I understand, there was previously a footpath there and the proposed modification is to rectify the disappearance of the pathway. This would be a welcome alternative to walking along York Road, which is often very busy with traffic, to access the cycle track and the countryside beyond.

More importantly, it will provide an additional route out of the close in times of flooding. Our house has been flooded three times since we have lived here. At such times the water in the road is too deep for safe passage on foot to drier ground. The proposed footpath from the top of the close will be a welcome route out for many residents at such times.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DM Moores', with a stylized flourish at the end.

David Moores

**Archived:** 19 July 2022 18:24:57

**From:** [Rory Mulvihill](#)

**Mail received time:** Sat, 19 Feb 2022 12:00:55

**Sent:** Sat, 19 Feb 2022 12:00:40

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Subject:** Public Footpath Naburn 7 Modification Order 2021

**Sensitivity:** Normal

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

FAO Lauren Grindley

Dear Lauren

I am responding to a letter received in respect of the above.

I apologise for the delay.

I have lived at 3, Palmes Close, Naburn, York, YO19 4RZ since July 1988 and from that time until 2007, the public (including myself) exercised full access to the footpath identified on the plan on the back of your letter. My children regularly played on or around the tree swing which is about halfway along the path.

I recall that ownership of the field in which the footpath is located changed hands in or around 2007, and that access became prohibited, though (speaking as a retired Property Lawyer) there is no legal right to prohibit access to a public footpath.

I trust this is of assistance.

yours sincerely

*Rory Mulvihill*

**Eugene Rory Mulvihill**

LL.B., M.Sc., M.A., CELTA

Lawyer • Teacher

Postgraduate Student



The Rights of Way officer  
City of York Council  
West Offices  
Station Rise  
York YO1 6GA

Ref.: Public Footpath Naburn 7  
Modification Order 2021  
Adding public Footpath from Palmes Close to Vicarage Lane  
(Naburn SE 6003 4557 to SE 6026 4555)

Naburn, 21-08-2021

F.A.O.: Janie Berrie (Director – Legal & Governance)

Dear Ms Berrie,

As a resident in Naburn for well over 40 years I am so pleased that you have initiated steps to establish the footpath in question that I have used nearly on a daily basis. Unfortunately because of a change in ownership of the land, priorities have changed and, for whatever reason, new owners have taken steps to protect their new acquisitions. Most of them are “Newcomers” to the village without much knowledge of previous and established arrangements allowing residents to move freely in the countryside without doing any damage.

A stile giving access to the land in question has been removed and as I am 77 years old, climbing the fence has become a bit of a problem.

It would be wonderful if you could also look into re-establishing the footpath, that I also used on a daily basis that continued opposite the above footpath from Vicarage Lane to Moor Lane. Again the new owner has blocked it off although we really benefitted from a lovely walk through the country side without having to cross the old railway line creating an ideal round walk particularly for elderly people. I can assure you that the track was always available uninterruptedly for all those years until new ownership took place.

I am fully aware that most of the land was bought up either as investments (hoping for planning permissions) or for the pursuits of their own pleasures ignoring the needs and wellbeing of the original parishioners. Unfortunately many of those who could vouch for my arguments have now passed or moved out of the area but there are still some of my neighbours who share my concerns.

For your Convenience I have enclosed a map of Footpaths in the Naburn area and I have enlarged the area I am concerned about. My priority is to also re-establish the path from Vicarage Lane to Howden Lane that has now been completely blocked off by gates where there were never any gates before.

After all those years as a resident here I do recognise the footpaths shown on the maps and have used them regularly.

I have numbered the footpaths as follows:

1. The Slipway (Where the old Ferry used to cross; now used by the Sailing Club)
2. The footpath from Palmes Close to Vicarage lane.
3. The Path I always used between Vicarage Lane and Moor Lane. Recently blocked off by new owner.
4. The path leading to Deighton via Highfield.
5. Path along the river from Naburn Lock to the village. (Last part of the path always used with permission of Commander Palmes of Naburn Hall now blocked off by yet another owner). It used to run from opposite the church straight into Naburn Ings.
6. Path from the B1222 towards Naburn Locks. Previous camping owner tried to intimidate people not to use it by erecting signs "private" and locking a gate in the evenings.

Any further questions please do contact me.

Phone 01904 639508

Mobile 07553081854

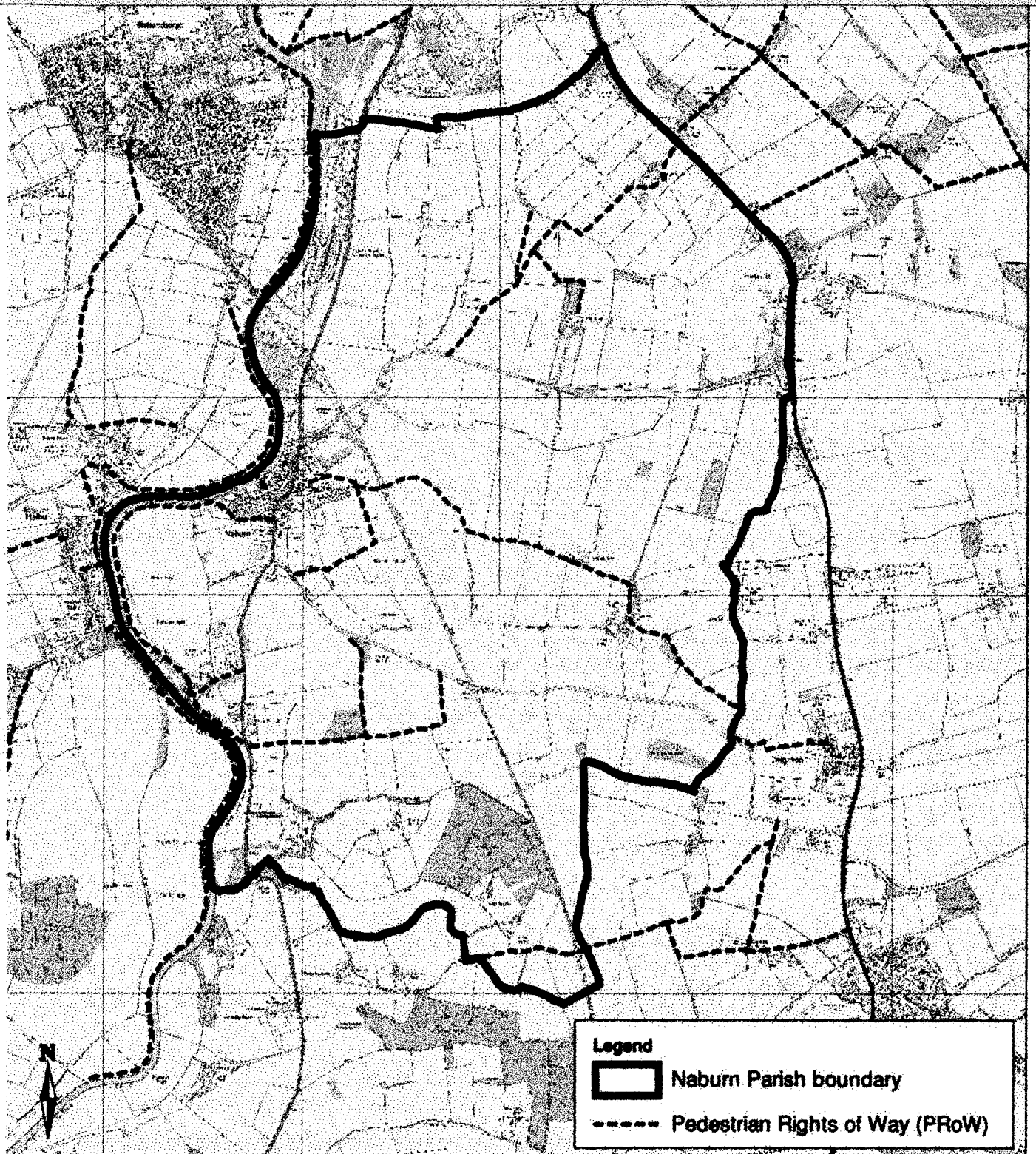
Email : [janvisser1@mac.com](mailto:janvisser1@mac.com)

Address: Johannes Visser

5 Palmes Close

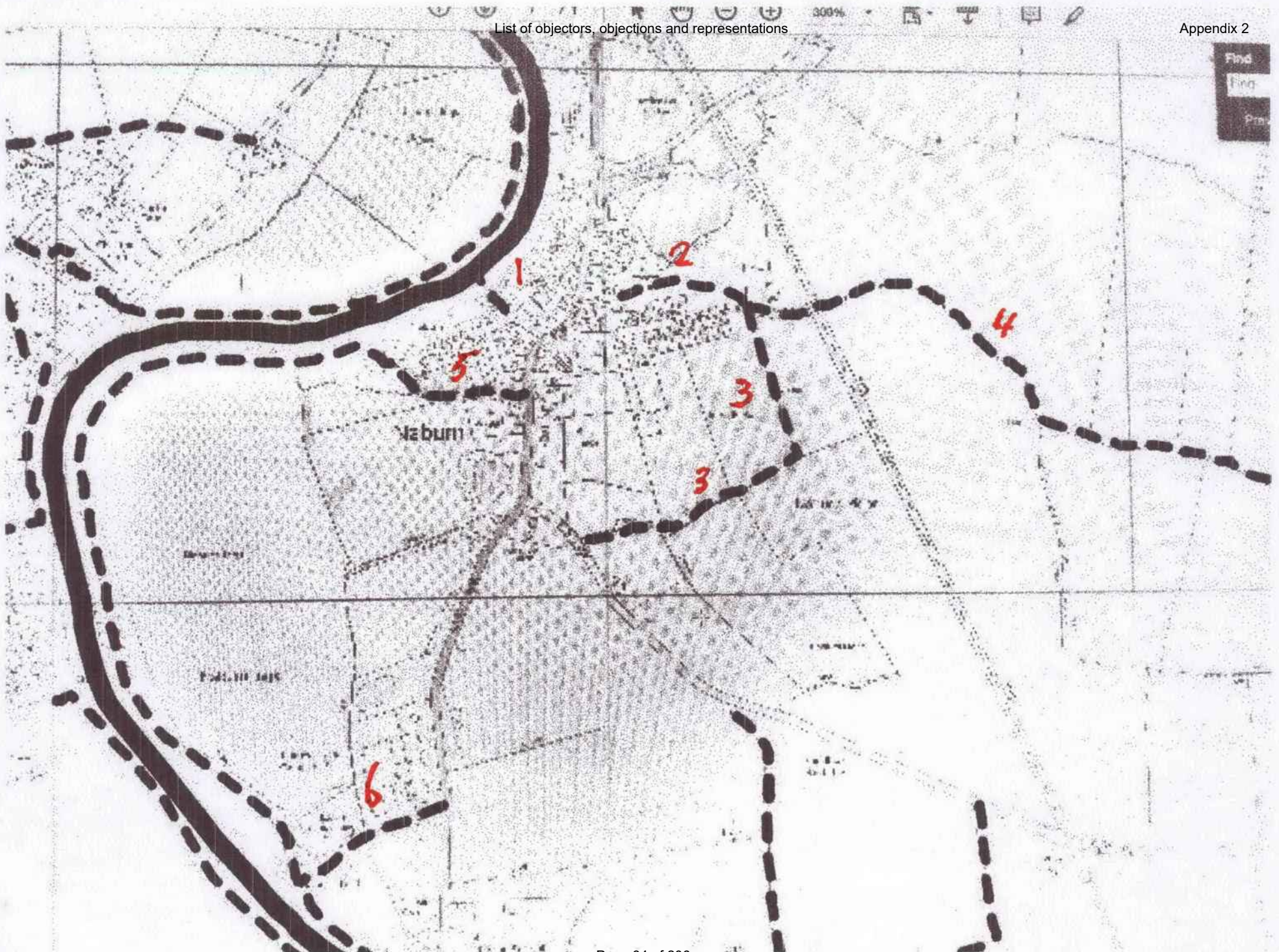
Naburn

York YO19 4RZ



Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright.  
Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of York Council, Licence No. 1000 20818







## **List of Objectors**

1. Mr and Mrs Dickinson
2. Mr Roger Lawson
3. Ms Sue Pierson
4. Dr Sue Price
5. Ms Dawn Riley
6. Mr Robert Scruton
7. Ms Gerardine Whitney

[rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

Janie Berry

Director-Legal & Governance  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

29<sup>th</sup> September 2021

Public Footpath Naburn 7 – Modification Order 2021

Dear Sir

**Objection to modification order from Residents of 12 Palmes Close, Naburn, YO19 4RZ**

I write as a resident of Palmes Close to object to the above order that was made on June 2<sup>nd</sup> 2021 to modify the definitive map and statement for the area by adding a proposed footpath from Palmes Close to Vicarage Lane, Naburn (SE6003 4557 to SE 6026 4555) for the following reasons

- The original application to introduce the footpath was a joint application by Mr Roger Lawson and Mr Tony Bird who were at the time of original submission in October 2007 residents of Palmes Close, Naburn. Mr Roger Lawson who is still a resident of Palmes Close, Naburn has now withdrawn his support to the footpath application and has written to you to confirm his position. Mr Lawson has also objected. As the original application was joint – this makes the original application null and void. Mr Tony Bird left Palmes Close in 2008 to relocate to the South West of England and has not left any forwarding address to make direct contact – however as the original application was joint and not individual – the application should be rejected
- The building of a stile to access the field – was built in 2000 to aid residents of Palmes Close who needed support to climb the fence and access the field to leave Naburn during the floods of 2000. The style was removed when new ownership of the field took place in 2007 – along with the erection of fencing and signage confirming the land to be private and that livestock were to reside into the field. A seven-year period of use does not constitute a sufficient period of time for a right of way. The current field owners – Mr R and Mrs E Arundel have confirmed that in the event of future flooding problems – the field can again be used as an escape route for residents. (without the need for a public footpath).
- This field is a natural habitat for wildlife (including protected species) and a breeding ground which the proposed footpath would destroy. Game Birds, Barn Owls, Kingfishers, Badgers & Hedgehogs to name but a few– introducing a footpath directly across their habitat would prevent further breeding and reduce biodiversity within our environment
- There is no public benefit to the introduction of the footpath – as access to the Cycle Track has been established via Vicarage Lane – which is well lit, signed and has the ability to cater for all abilities & cyclists. The proposed footpath is not stable and is a Health & Safety concern for less able to walk.
- Sheep graze in the field – introducing a footpath would threaten their safety
- Access to and from the field would involve the public walking over a strip of land to the left of my house. This land has been maintained by me since 2001.
- The footpath will create further nuisance issues for residents some of which are elderly– such as security risk (increase in burglaries, noise, privacy invasion & litter). Young children

play in Palmes Close the approval of a further footpath would lead to an increase in traffic (cars/bikes) – which could cause potential accidents and would no longer be a safe place for a child to play.

Please acknowledge safe receipt of this objection and we look forward to hearing from you in due course.

Yours Sincerely

Mr & Mrs R Dickinson

Mr & Mrs R Dickinson  
12 Palmes Close  
Naburn  
York  
YO19 4RZ  
Tel 01904 627897/07966580921

Archived: 19 July 2022 17:14:42

From: Ruth Dickinson

Mail received time: Wed, 29 Sep 2021 17:58:10

Sent: Wed, 29 Sep 2021 17:51:05

To: [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

Subject: Objection to Public Footpath Naburn 7 – Modification Order 2021

Sensitivity: Normal

Attachments:

Document1 - AutoRecovered - Compatibility Mode.docx

## List of objectors, objections and representations

Appendix 2

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

\f0

\f0

To [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

Janie Berry

Director-Legal & Governance

City of York Council

West Offices

Station Rise

York

YO1 6GA

Public Footpath Naburn 7 – Modification Order 2021

Dear Sir

### Objection to modification order from Residents of 12 Palmes Close, Naburn, YO19 4RZ

I write as a resident of Palmes Close to object to the above order that was made on June 2<sup>nd</sup> 2021 to modify the definitive map and statement for the area by adding a proposed footpath from Palmes Close to Vicarage Lane, Naburn (SE6003 4557 to SE 6026 4555) for the following reasons

- The original application to introduce the footpath was a joint application by Mr Roger Lawson and Mr Tony Bird who were at the time of original submission in October 2007 residents of Palmes Close, Naburn. Mr Roger Lawson who is still a resident of Palmes Close, Naburn has now withdrawn his support to the footpath application and has written to you to confirm his position. Mr Lawson has also objected. As the original application was joint – this makes the original application null and void. Mr Tony Bird left Palmes Close in 2008 to relocate to the South West of England and has not left any forwarding address to make direct contact – however as the original application was joint and not individual – the application should be rejected
- The building of a stile to access the field – was built in 2000 to aid residents of Palmes Close who needed support to climb the fence and access the field to leave Naburn during the floods of 2000. The stile was removed when new ownership of the field took place in 2007 – along with the erection of fencing and signage confirming the land to be private and that livestock were to reside into the field. A seven-year period of use does not constitute a sufficient period of time for a right of way. The current field owners – Mr R and Mrs E Arundel have confirmed that in the event of future flooding problems – the field can again be used as an escape route for residents. (without the need for a public footpath).
- This field is a natural habitat for wildlife (including protected species) and a breeding ground which the proposed footpath would destroy. Game Birds, Barn Owls, Kingfishers, Badgers & Hedgehogs to name but a few – introducing a footpath directly across their habitat would prevent further breeding and reduce biodiversity within our environment
- There is no public benefit to the introduction of the footpath – as access to the Cycle Track has been established via Vicarage Lane – which is well lit, signed and has the ability to cater for all abilities & cyclists. The proposed footpath is not stable and is a Health & Safety concern for less able to walk.
- Sheep graze in the field – introducing a footpath would threaten their safety
- Access to and from the field would involve the public walking over a strip of land to the left of my house. This land has been maintained by me since 2001.
- The footpath will create further nuisance issues for residents some of which are elderly – such as security risk (increase in burglaries, noise, privacy invasion & litter). Young children play in Palmes close the approval of a further footpath would lead to an increase in traffic (cars/bikes) – which could cause potential accidents and would no longer be a safe place for a child to play.

Please acknowledge safe receipt of this objection and we look forward to hearing from you in due course.

Yours Sincerely

Mr & Mrs R Dickinson

Mr & Mrs R Dickinson

12 Palmes Close

Naburn

York

YO19 4RZ

Tel 01904 627897/07966580921

\*\*\*\*\*

This e-mail is private and is intended only for the addressee and any copy recipients. Its unauthorised use, disclosure, storage or copying is not permitted.

If you are not an intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Activity and use of departmental systems and the Criminal Justice Extranet is monitored to secure their effective operation and for other lawful business purposes. Communications using these systems will also be monitored and may be recorded to secure effective operation.

**Objector interview with Mr and Mrs Dickinson via Microsoft Teams 18/1/22**

Please could you confirm your full name and address? Please could you tell me, in relation to the order route, where your property is situated?

Ruth and Richard Dickinson of 12 Palmes Close, lived there since 2006.

Please could you confirm that you do not own the field crossed by the order route and that you have never owned this same field?

Don't own and have never owned the field

Can you tell me about your experience of using the order route? Who is using the path today?

No one has been using it at the moment but it has been used for dog walking by Palmes Close and Vicarage Lane residents. Named Roger Lawson and Tracy Land.

Can you tell me about any person you saw using the order route?

Did you know the land owner before Mr & Mrs Arundel? Were they a local resident?

Arundels bought land, put signs up and graze sheep in the field and mow the grass twice a year. Previously owned by Palmes Trust from Isle of Man, they weren't aware that the Trust had taken any steps to prevent usage of the path/field.

Are you in the process of claiming the small piece of land where the stile was?

Yes, by adverse possession as part of their garden, pending registration on Land Registry.

Objection point 2

1. Was there any use across the field that you were aware of prior to the installation of the stile?
2. What sort of fence was present before the stile was installed?
3. Do you know who built the stile?
4. If it wasn't the land owner ask – Do you know if the land owner was aware the stile had been constructed?

Stile built by Mr Lawson because of 2000 floods for a pregnant woman (Sue?) to exit the close.

Then next steps of the process explained, further opportunities to give evidence in before case goes to Secretary of State to be determined by public inquiry, hearing or written representations.

10 Palmes Close  
Naburn  
YORK  
YO19 4RZ

Tel. 01904 655416  
Email [rogerlawson01@aol.com](mailto:rogerlawson01@aol.com)

The Rights of Way Officer  
City of York Council  
West Offices  
Station Rise  
YORK  
YO1 6GA

### Public Footpath Naburn 7: Palmes Close to Vicarage Lane

Dear Sir or madam,

I refer to the above proposal for a footpath from Palmes Close to the top of Vicarage Lane, Naburn:

May I make the point that I was one of the original applicants along with Mr Tony Bird of 15 Palmes Close who has relocated to Cornwall and has left no forwarding address so I am unable to make contact with him. Our application was submitted in October 2007; I now wish to **withdraw the application** for the following reasons:

The proposed path offers no real benefit to the public since it runs parallel with Vicarage Lane and access from Naburn to the Sustrans Cycle Path and beyond is already well established, well lit and safe for walkers and cyclist.

More importantly, the field along which the proposed footpath is intended is used for sheep grazing and I am concerned that dog walkers using the path may well cause problems with livestock.

Yours sincerely



Roger Lawson

18TH SEPT. 2021

**Archived:** 19 July 2022 18:24:21

**From:** [susan.pierson](mailto:susan.pierson)

**Mail received time:** Tue, 25 Jan 2022 13:06:29

**Sent:** Tue, 25 Jan 2022 13:06:13

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Subject:** RE: Public footpath Naburn 7Modification order 2021

**Sensitivity:** Normal

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

Think the stile was built in around 2004 by a Palmes Close resident and the people who walked their dogs in the field were also residents of the Close. They built the stile for their own use to get over the fence.

Hope this is helpful Sue

[Sent from the all-new AOL app for Android](#)

On Tue, 25 Jan 2022 at 10:42, [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

<[mail\\_prow@york.gov.uk](mailto:mail_prow@york.gov.uk)> wrote:

Dear Ms Pierson,

Thank you for your email replying to my letter, I would be grateful if you could answer two follow up questions:

1. Can you remember roughly when/what year the stile was built?

2. When you saw people using the path were they people you recognised as being residents in Naburn?

I look forward to hearing from you about this case,

Kind regards,

Lauren Grindley

Lauren Grindley (she/her) | Definitive Map Assistant

t: 01904 553860 | e: [lauren.grindley@york.gov.uk](mailto:lauren.grindley@york.gov.uk) | w: [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap)

City of York Council | Rights of Way/Transport Service

**From:** susan pierson <sue.pierson@aol.com>  
**Sent:** 22 January 2022 10:05  
**To:** rightsofway@york.gov.uk <mail\_prow@york.gov.uk>  
**Subject:** Public footpath Naburn 7 Modification order 2021

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Lauren

With regards to your recent letter about the footpath Naburn 7 modification.

We have lived in Palmes Close since 1997. Prior to the Arundel family purchasing this land a few of our neighbours in the Close walked their dogs around this field and between them even built a stile over the fence one Sunday to make access easier. When the land changed ownership and signs went up saying you could no longer walk around the field these neighbours became unhappy and they could no longer walk their dogs there. Without any discussion with anyone else in Palmes Close they requested a footpath. It was never a footpath , just a path around the field that they had made by walking in. They also have put their garden green waste and thrown dog poo in the field!

One neighbour has since moved to Cornwall and the other no longer has a dog.

I don't feel we require a path across the field as can gain access to the cycletrack via Vicarage Lane. Also across the route shown on your map is a large drainage ditch which would have to be navigated. Palmes Close Also has no footpath within it so would be dangerous for extra pedestrians and no parking. We feel this path is of no benefit to us and would cause safety issues as mentioned.

Hope this is of some help to your inquiries and if you require anymore information please get in touch.

Many thanks Sue Pierson

[Sent from the all-new AOL app for Android](#)

\*\*\*\*\*  
Help protect the environment! - please don't print this email unless you really need to.  
\*\*\*\*\*

This communication is from City of York Council.

The information contained within, and in any attachment(s), is confidential and legally privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please note that any form of distribution, copying or use of this communication, or the information within, is strictly prohibited and may be unlawful. Equally, you must not disclose all, or



**Archived:** 19 July 2022 18:24:40

**From:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Sent:** Tue, 25 Jan 2022 10:42:37

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Subject:** RE: Public footpath Naburn 7Modification order 2021

**Sensitivity:** Normal

---

Dear Ms Pierson,

Thank you for your email replying to my letter, I would be grateful if you could answer two follow up questions:

Can you remember roughly when/what year the stile was built?

When you saw people using the path were they people you recognised as being residents in Naburn?

I look forward to hearing from you about this case,

Kind regards,

Lauren Grindley

Lauren Grindley (she/her) | Definitive Map Assistant

t: 01904 553860 | e: [lauren.grindley@york.gov.uk](mailto:lauren.grindley@york.gov.uk) | w: [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap)

City of York Council | Rights of Way/Transport Service

Directorate of Economy and Place | West Offices, Station Rise | York YO1 6GA

[www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

---

**From:** susan pierson <[sue.pierson@aol.com](mailto:sue.pierson@aol.com)>

**Sent:** 22 January 2022 10:05

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk) <[mail\\_prow@york.gov.uk](mailto:mail_prow@york.gov.uk)>

**Subject:** Public footpath Naburn 7Modification order 2021

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Lauren

With regards to your recent letter about the footpath Naburn 7 modification.

We have lived in Palmes Close since 1997. Prior to the Arundel family purchasing this land a few of our neighbours in the Close

walked their dogs around this field and between them even built a stile over the fence one Sunday to make access easier. When the land changed ownership and signs went up saying you could no longer walk around the field these neighbours became unhappy and they could no longer walk their dogs there. Without any discussion with anyone else in Palmes Close they requested a footpath. It was never a footpath , just a path around the field that they had made by walking in. They also have put their garden green waste and thrown dog poo in the field!

One neighbour has since moved to Cornwall and the other no longer has a dog.

I don't feel we require a path across the field as can gain access to the cycletrack via Vicarage Lane. Also across the route shown on your map is a large drainage ditch which would have to be navigated. Palmes Close Also has no footpath within it so would be dangerous for extra pedestrians and no parking. We feel this path is of no benefit to us and would cause safety issues as mentioned.

Hope this is of some help to your inquiries and if you require anymore information please get in touch.

Many thanks Sue Pierson

[Sent from the all-new AOL app for Android](#)

**Archived:** 19 July 2022 17:14:21

**From:** [Sue Price](#)

**Mail received time:** Thu, 23 Sep 2021 09:37:16

**Sent:** Thu, 23 Sep 2021 09:36:49

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Subject:** Public Footpath Modification Naburn, Palmes. Close to Vicarage Lane

**Sensitivity:** Normal

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

\f0

\f0I wish to submit the following objections to the proposed footpath between Palmes Close Naburn and Vicarage Lane Naburn.

\f0

\f0

\f0I have lived at 17 Palmes Close, Naburn since November 1996. This is the only house in the village that has an unobstructed view of where the proposed footpath would be.

\f0

\f0I object to the proposal to add this footpath to the definitive map for a number of reasons.

\f0

- The application has lain dormant for 13 years and neither of the original applicants or York City council has taken the time to follow this up. This indicates a lack of interest in such a path.
- One of the original applicants left the village less a year after submitting the application.
- Of the original group of people who provided “supporting evidence” three are no longer resident in Palmes Close which is the area of the village that would be most affected by the extra footfall and traffic that would result from this proposal.
- The village has a very well equipped children’s play area by the village hall which is Vicarage Lane it is also accessible to ALL the village children, therefore, historical statements relating to a small group children playing in the field are no longer relevant.
- The majority of Naburn residents live nearer to the Vicarage Lane route to the cycle track so there would appear to be little benefit to be gained from the proposed footpath as it is not a direct route from most of the village to the cycle track.
- The proposed path does not provide a direct route from the cycle track to the village amenities of a public house, the school or post office.
- The couple of people who occasionally access the field do not use the proposed path and one only uses the field for his dog to use as a toilet. Neither bother to pick up their dogs excrement causing fouling of agricultural land.
- Palmes Close has limited on street parking for its residents. Should the beginning of the proposed path in Palmes Close become a “popular” starting point for those accessing the path and wishing to park there, there is the possibility that vehicles, such as fire engines, ambulances would not be able to access the properties

closest to the start of the path. There would also be inconvenience to the residents of Palmes Close.

List of objectors, objections and representations

Appendix 2

\f0Yours faithfully

\f0

\f0PS Price (Dr)

\f017 Palmes Close

\f0Naburn

\f0YORK

\f0YO19 4RZ

\f0

**Archived:** 05 October 2022 15:36:41

**From:** [Sue Price](#)

**Mail received time:** Mon, 17 Jan 2022 11:50:10

**Sent:** Mon, 17 Jan 2022 11:50:04

**To:** [Grindley, Lauren](#)

**Subject:** RE: PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021 interviews

**Sensitivity:** Normal

---

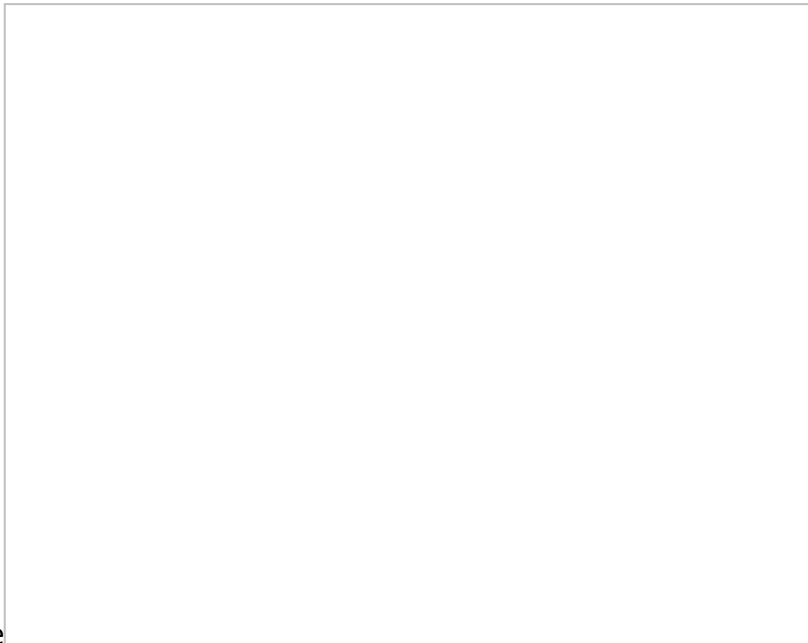
This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Lauren

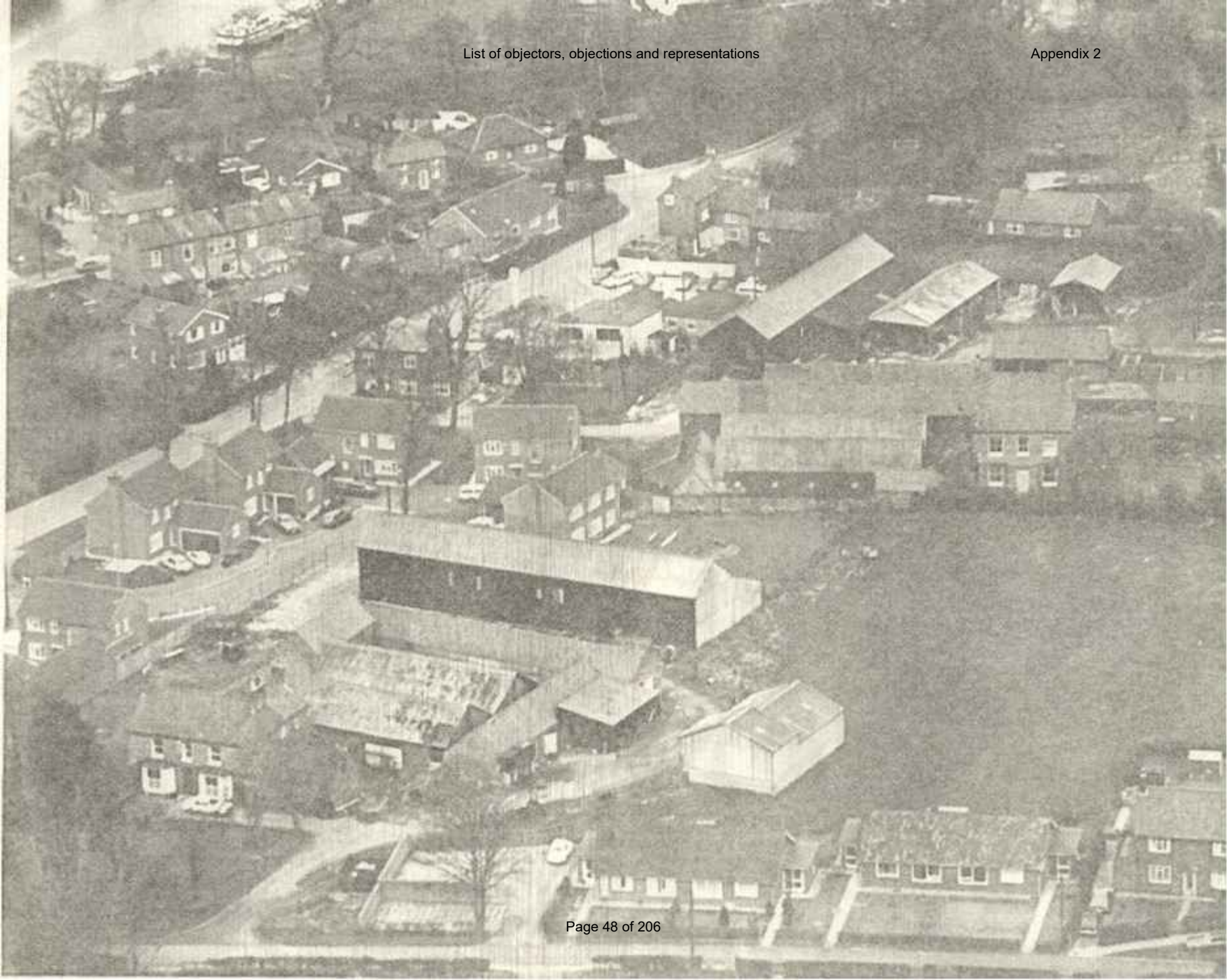
It was good to meet you in “person” today.

Please find attached the photographs. I have found, hopefully, better copies of the aerial photographs and on two of them the position of the barn that was here before our part of Palmes Close was built is ringed in red. I have also added an aerial photograph from the Naburn Village Web page from 1980, which shows the barn in a slightly better state.

Regards



Dr PS Price



List of objectors, objections and representations











List of objectors, objections and representations Appendix 2



**From:** [Dawn Riley](#)  
**Mail received time:** Tue, 14 Sep 2021 18:10:07  
**Sent:** Tue, 14 Sep 2021 19:10:01  
**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)  
**Subject:** Modificatin Notice Naburn 7 2021  
**Sensitivity:** Normal  
**Archived:** 19 July 2022 17:12:15

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Although i don't live near Palmes Close, i do regularly walk long vicarage lane to the cycle track.

My main concern is for the residents of vicarage lane, some of whom are elderly and their back gardens back on to the field where this proposed footpath will be.

I can only imagine how this will be for these people that strangers will now walk past their back gardens, probably could have access to their back gardens and would in fact make these residents very vulnerable indeed. the path will have no lighting at all and will be a perfect access out of the village for anyone committing crimes etc.

This insignificant proposed footpath leads only to vicarage lane ending up in the same place to get to the track where everyone walks anyway

Also the parking on the main street and in Naburn already causes problems for deliveries/buses and probably emergency vehicles , anyone seeing a "public footpath" sign will automatically think this will lead somewhere different to that of Vicarage Lane .

We already have Howden Lane, Vicarage Lane Moor Lane and the main road leading to the cycle path , therefore this proposed path will not be of and benefit whatsoever

Regards

Dawn Riley  
Resident of Naburn

**Microsoft Teams interview Dawn Riley 18/1/22**

Please could you confirm your full name and address? Please could you tell me, in relation to the order route, where your property is situated?

Mrs Dawn Riley, Woodland Cottage, Maypole Grove, Naburn, about a 5 minute walk from the order route

Please could you confirm that you do not own the field crossed by the order route and that you have never owned this same field?

Do not own and never have owned field

Can you tell me about your experience of using the order route? Can you tell me about any person you saw using the order route?

Path was probably used before Palmes Close built but since 2009 when she has lived in Naburn she has never used the route nor seen anyone using the path. Seen a man in the top right of the field near to Howden Lane, believes this person live on the Main Street of Naburn

You state in your objection that you walk along Vicarage Lane. When did you start doing that?

Since moving to the village in 2009

Did you notice the signs on the gates where the order route meet Vicarage Lane?

Do you remember when they were erected?

Have seen signs, described white sign with black writing and text to say 'animals grazing' that have been there since she moved to the village.

**9 PALMES CLOSE  
NABURN  
YORK**

[robertscruton19332@btinternet.com](mailto:robertscruton19332@btinternet.com)

Lauren Grindley  
Definitive Map Assistant  
Rights of Way Team at City of York York Council

21 January 2022

Public footpath Naburn7 Modification Order 2021

Thank you for your letter of the 14 January.

I bought No. 9 Palmes close in 1985 and have lived here since. The back of my house looks down the length of the field on which the propose footpath lies. During the time I have lived here I have observed that the field is used for growing grass for use as silage and for keeping sheep in in the spring time.

I have see that during the time that sheep are not in the field then sometimes people will take their dogs into the field for exercise but this is not restricted to the area that the propose footpath lies.

I have never seen people cross the field where the proposed footpath is shown on the map.

I have seen one gentleman take his dog for a walk sometimes from point A on your map to the top end of the field turn left and walk along the top of the field to my lefthand side and then go out of sight.

I have never seen anyone take the proposed footpath route as shown on your map.

Myself when I wish to go from my house to the top end of Vicarage Lane I go round by the B122 and then up Vicarage lane as the most convenient route.

I see no reason for a footpath on the field to go from point A to point B as shown on your map.

Kind regards



R S Scruton

**Archived:** 19 July 2022 17:10:46

**From:** [Gerardine Whitney](#)

**Mail received time:** Wed, 8 Sep 2021 15:27:53

**Sent:** Wed, 8 Sep 2021 15:27:36

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk); [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Cc:** [gerr whitney@hotmail.com](mailto:gerr whitney@hotmail.com)

**Subject:** Public Footpath Naburn 7, modification order 2021 Adding a public footpath from Palmes close to Vicarage Lane Naburn SE 60003 4557 to SE 6026 4555

**Sensitivity:** Normal

---

\f0This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

\f0

\f0Dear Lauren Grindley

\f0

\f0Thank you for your help in this matter.

\f0

\f0Please find below my objection to Public Footpath Naburn 7, modification order 2021

Adding a public footpath from Palmes Close, Naburn, SE60003 4557 to Vicarage Lane, Naburn SE6026 4555

\f0

\f0I hope I have done the right thing sending it to you. If it is not the correct way, can you let me know to whom I need to send it.

\f0

\f0Also, can you confirm you have received this email please.

\f0

\f0Once again thank you for help.

\f0

\f0With best wishes

\f0

\f0Gerardine Whitney

\f0

\f0

\f0

\f0

## **\f0To Whom it May Concern**

\f0

### **\f0Public Footpath Naburn 7, modification order 2021**

**Adding a public footpath from Palmes Close, Naburn, SE60003 4557 to Vicarage Lane, Naburn SE6026 4555.**

\f0

I object to the addition of this public footpath on the following grounds:

\f0

1. This proposed addition has not been used by the public at large constantly and without interruption either from Vicarage Lane or Palmes Close. In fact it has been used by fewer than 4 people, not regularly, and then with periods of interruption, over the course of the past 26 years that I have resided at 17 Palmes Close adjacent to SE 60003 4557.

\f0

2. There was no stile at SE 60003 4557 which I took up residence at 17 Palmes Close, the property adjacent to SE 60003 4557 in 1996.

\f0

3. During the Floods of 2000 the residents of 11, 8, 10,15, with the permission of the residents of 17 Palmes Close, egressed Palmes Close via the front garden of 17 Palmes Close into the field. The top bar of the fence was removed, and later replaced. For that short period of time the route taken across the field was a diagonal route leading to the York -Selby Cycle Path.

\f0

\f04 During a later flood, in 2001 / 2002 a temporary stile was erected by a resident of Palmes Close at SE60003 4557, to enable a pregnant woman to exit a flooded Palmes Close safely. It was used as a temporary means of egress from house numbers 8, 10, 12, 11, 15 and 17 Palmes Close during floods.

\f0

5. The use of the egress from Palmes Close during its flooding does not constitute grounds for the establishment of a public footpath rather draws attention to Environment Agency failure to rectify the drainage.

\f0

6. There has been a locked gate at SE6026 4555 for at least 26 years.

\f0

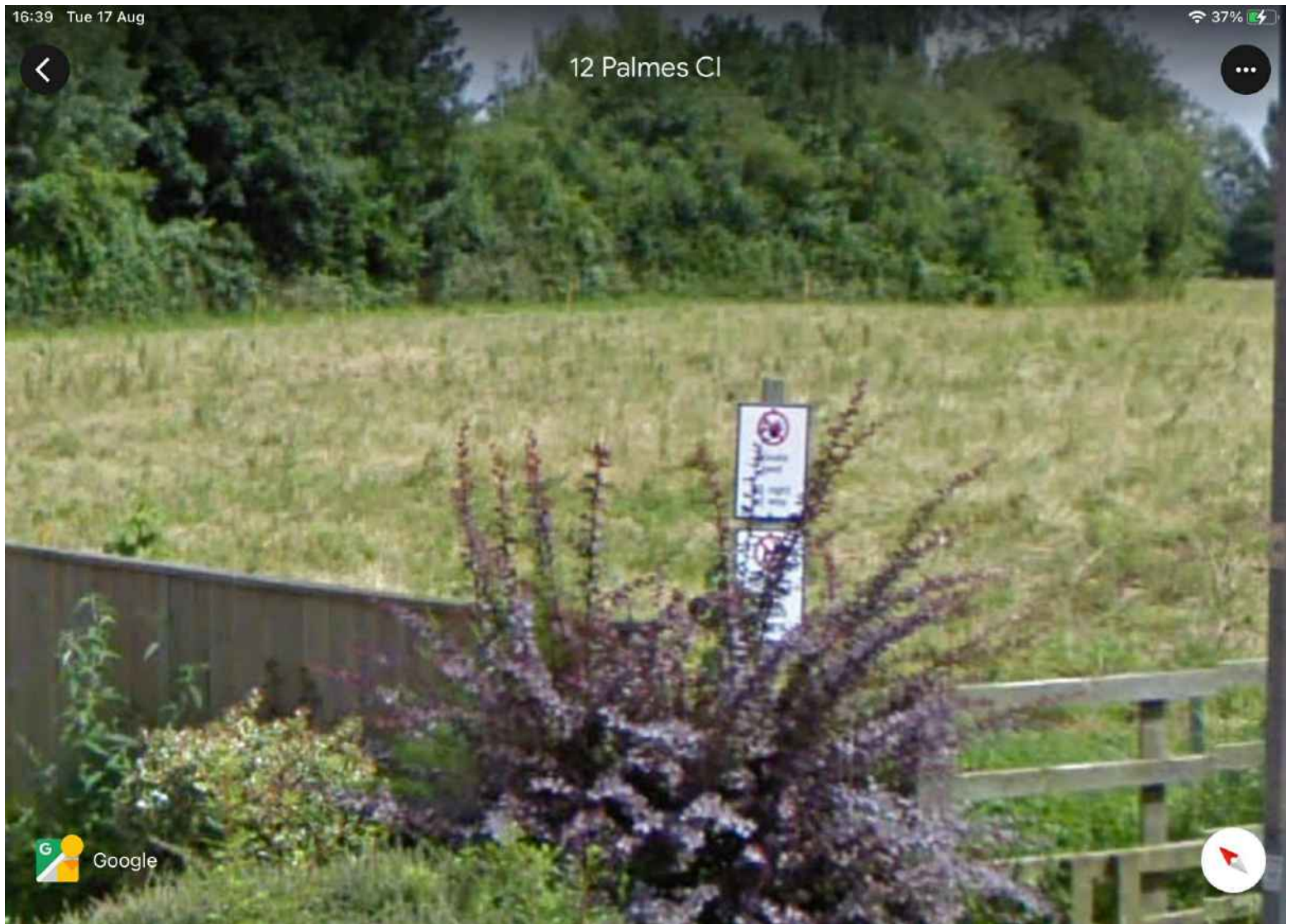
7. Since at least 2007 there has been a sign at SE 6026 4555 that the site is Private Property.

\f0

\f08. There was a notice indicating that the property was Privately owned at SE60003 4557 since at least 2007. This was removed at an unknown time by an individual or individuals unknown to the landowner and without the landowner's permission. (see photograph 1)



\f0



\f0

\f0

\f0

9. Points 2, 3, and 4 demonstrate clearly that there has been no intention by the landowner to dedicate the land as a public right of way.

\f0

10. Cattle and sheep with their lambs have been grazing in the field since at least 2007 periodically each year.

\f0

11. The original application to add the public footpath to the Definitive Map was submitted on 2 March 2008. A period in excess of 11 years passed before City of York Council took action in the matter on 17 December 2019.

\f0

12. Naburn Parish Council, recorded in its minutes dated 4 November 2019, that it had no documentation or record of the application. It is recorded in the said minutes that the Councillors did not know who had requested the "Palmes Close Right of



\f0

13. Neither of the original applicants followed up the 11 year delay in their application. Indicating that the application was of no great importance.

\f0

14. An amount of the supporting evidence submitted by the applicants is:

\f0a) concerned with children accessing the field to play which is not grounds for the establishment of a public footpath.

\f0b) does not demonstrate continuous use as during the period of the early 1980's around 1985 to 1987 the area of Plames Close which leads to SE60003 4557 would not have been accessible as the houses, nos 8, 10, 12, 11, 15 and 17 Plames Close were being built.

\f0c) prior to the 1985 SE60003 4557 would not have been accessible as there was a hedge in the vicinity of (see photograph 2, the field with the circle, and farm buildings where nos 8, 10, 12, 11, 15 and 17 Plames Close now stand)



\f0

\f0

15. The interpretation of the evidence of the applicants and those supporting the application cannot reasonably state a path was used constantly and without interruptions by the public at large for a period of 20 years at the time of the application in 2008. Rather the path is walked by a few residents of Palmes Close. At least 7 supporting statements were submitted by people who lived 10 or less years in Naburn or Palmes Close.

\f0

16. The Notice of the Making of a Definitive Map Modification Order, dated 19 August 2021, (see attached photo) at SE 60003 4557 directs interested parties to “[www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap) to view a copy the Order is incorrect.(see photograph 3)



**NOTICE OF THE MAKING OF A DEFINITIVE MAP MODIFICATION ORDER**

**THE COUNCIL OF THE CITY OF YORK**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF YORKSHIRE  
NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE CITY OF YORK**

**PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

The above Order, made on 2 June 2021, if confirmed as made, will modify the definitive map and statement for the area by adding a public footpath from Palmes Close to Vicarage Lane, Naburn (SE 6003 4557 to SE 6026 4555).

A copy of the Order as made and the Order Map may be seen free of charge on our website [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap) until 1 October 2021. Alternatively you may write to the Rights of Way Officer at City of York Council, West Offices, Station Rise, York, YO1 6GA requesting a copy of the Order. There is no charge for this service.

Any representation or objection relating to the Order must be sent in writing either to "the Rights of Way Officer, City of York Council, West Offices, Station Rise, York, YO1 6GA", or by emailing [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk) no later than 1 October 2021, stating the grounds on which it is made. It must reach the council no later than 1 October 2021.

Please note that objections/representations cannot be treated as confidential and will come into the public domain. Copies of any objections or representations received will be disclosed to interested parties, including the Planning Inspectorate where the case is referred to it for determination.

If no representations or objections are duly made to the Order, or to any part of it, or if any so made are withdrawn, the Council of the City of York, instead of submitting the Order to the Secretary of State or part of it if the Authority has by Notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981 may itself confirm the Order or that part of the Order. If the Order is submitted to the Secretary of State for the Environment, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 19 August 2021

Janie Berry  
Director - Legal & Governance  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

\f0

\f0 It should have included the following web address and information: <https://www.york.gov.uk/public-rights-way/public-rights-way-notices-registers> and guided persons to then click on 'current PRoW order consultation notice ' 200802 Naburn Palmes Close combined order and notice' which is not the information provided.

\f0

17. The addition of this footpath to the definitive map will not add to the enjoyment of a substantive section of the public or the

local residents. There are in existence 4 ways to access the York Cycle Route safely in Naburn, a) Naburn Station, b) Howden Lane, c) Vicarage Lane, and d) Moor Lane. These routes are enjoyed and used constantly and without interruption by the general public at large and local residents.

\f0

18. The addition of this footpath will be hazardous for residence of Palmes Close, and their families. Children have since I took up residence in Palmes Close in 1996 played and continue to play in Palmes Close near SE 60003 4557, the Palmes Close, entrance to the footpath. Members of the public at large accessing Palmes Close on foot or parking raise Child Safeguarding issues.

\f0

19. Palmes Close has limited parking for its residents and their guests. An increase in traffic in the close will be detrimental to the environment and the convenience of its residents.

\f0

\f0

\f0 In conclusion

\f0

A) This additional path has not been used constantly and without interruption by the general public at large over a period of twenty years.

\f0

B) The previous or current landowners have never dedicated the land as a public right of way.

\f0

C) The addition of this footpath to the definitive map will not add to the enjoyment of a substantive section of the public or the local residents.

\f0

D) It is detrimental to the residents of Palmes Close and their families.

\f0

E) Due process has not been followed.

\f0

Therefore there is no reasonable case for the addition of the path to the Definite Map.

\f0

\f0

\f0 Your sincerely

\f0

\f0 Gerardine M Whitney

\f0 Meadowside

\f0 17 Palmes Close

**Microsoft Teams interview 17/1/22**

Please could you confirm your full name and address? Please could you tell me, in relation to the order route, where your property is situated?

Dr Price and Ms Whitney live at Meadowside, 17 Palmes Close and have done since 1996. Can see most of order route from side of house.

Please could you confirm that you do not own the field crossed by the order route and that you have never owned this same field?

Do not and have never owned this field

## Objection point 1

1. You mention that the path has not been used constantly and without interruption. Please can you tell me if your comment stems from information you have heard from another party or from your own direct experience?

If her experience is direct ask these:

2. Please can you tell me what you mean by “the public at large”?
3. You state that the route has not been used constantly. Does this mean you have never seen anyone using it or is the use of the route limited in some other way?
4. You mention that there have been interruptions in the use of the way. How were these interruptions caused? How long, in your experience did the interruptions last?

Ms Whitney had direct experience of the route and said it had not been used constantly and without interruption and believes the main users were from 8, 10, 12, 11 and 15 Palmes Close therefore not the ‘public at large’ just a specific group. Use is limited, not even daily or weekly and isn’t a useful path (connecting to Vicarage Lane).

## Objection point 2

1. You state there was no stile when you moved to Palmes Close in 1996. Is 1996 when you moved to the Close or when you moved to No. 17?
2. What was in this location 1996?
3. If fence ask – what sort of fence was it?
4. Can you say when a stile first appeared?
5. On the fence, even today, there are two short vertical pieces of wood linking the bottom rail to the next rail up. Could you tell me what you believe them to be?

Lived in 17 Palmes Close since 1996 and planted a sapling in the corner of the front garden to mark their boundary. Fence has been the same style of fence since 1996 and there was never barbed wire across the fence. Photos sent of the construction of their house and same style fence can be seen.

## Objection point 3

1. Please could you explain the impact of the floods in 2000 & 2001/2 had on your ability to get out of Palmes Close?
2. Please can you clarify that the permission to cross the front garden for the other residents of the Close was granted by you?

3. Again for clarity, people crossed into the field from your front garden, not the small piece of land in front of where the stile was? So you must have had the fence rebuilt because in the StreetView image from 2009 your fence is clearly of the panel type?
4. A final point of clarification on this, is the York to Selby cycle route you refer to Vicarage Lane where the order route goes from Palmes Close?
5. Please could you explain why you included this detail?

David Southworth who lived at no. 12 built the stile at start of order route in the floods of 2001/02, remnants of stile can still be seen. When it was flooded water was 2-3 feet deep so permission was given by the landowners of the field to use the path/field as an emergency exit when the Close floods (without the need for a public footpath). They also took the top bar off their garden fence for people to exit Palmes Close.

In 2000 when flooding people also crossed the field diagonally to the North East of the field to Howden Lane.

#### Objection point 4

1. Was this the first time a constructed stile had appeared at this location?
2. Please could you name the person you believe built the stile?
3. To the best of your knowledge this person was not the owner of the fence at the time the stile was built, is that correct? Have they ever owned the fence or land enclosed by the fence to your knowledge.
4. If fence ask - Had people climbed over the fence before the stile was built?

#### Objection point 5

1. Was the order route used at other times when there was no flooding?

Path was also used outside of flooding but only by several users, named Frances Smith from Front Street as a user from outside of the Close.

#### Objection point 6

1. You state that the gate on Vicarage Lane has been locked for 26 years. Please can you tell me if your statement stems from information you have heard from another party or from your own direct experience?
2. If direct experience ask – Please can you tell me about any different ways this gate has been locked over the last 26 years such as the kinds of locks used, the style of gate installed?
3. Today, beside the locked gate there is a short section of post and rail fencing. Has this been there for the 26 years you have known about the locked gate?

Remember seeing a child sitting on the top of the locked gate which has been there at least since they have lived there (1996). Gate and locks have changed at Vicarage Lane, newer bits of fencing have been renewed over time.

#### Objection point 7

1. Please can you tell me about the circumstances you were aware of leading up to the erection of the sign?
2. Can you remember the exact wording on the sign?

The sign was put up when the land changed ownership, Arundels bought the field and other parcels of land in Naburn from the Palmes Trust in 2007. The Arundels were/are aware of use of the path but haven't challenged or stopped people from using it.

#### Objection point 8

1. Do you remember the sign shown in the Google StreetView image you supplied being installed? When did this happen?
2. Who installed the sign?
3. Please can you confirm that you have no idea who removed the sign?

Similar signs put up in the other fields owners by Arundels, not known who removed the signs.

#### Objection point 14b

1. You state that access to the field from what is now Palmes Close would not have been possible due to the construction works. Is this statement an assumption on your part or is it made as a consequence of direct personal experience of the site?
2. Please could you tell me when your house was constructed?

Their house was built in 1985, derelict barn there before then a building site. Old photos from Naburn Village website and picture of their house being constructed sent. Probably only Jan Visser and Frances Smith using the route at this point.

#### Objection point 14c

1. Please could you send us as high a quality scan of the aerial photograph in your objection as possible?
2. Do you know when this aerial photo was taken?

#### Conclusion point A

1. How long do you think the route has been used?

#### Conclusion point B

1. Ask if they have never owned field - How do you know this?

Know that the route hasn't been dedicated as a footpath as there isn't a fingerpost.

We then explained to the interviewees the next steps of the process and that the order was made because the lower burden of proof test was satisfied.

**Appendix 3**

**Notice of Advert**

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF  
YORK  
PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**



**NOTICE OF THE MAKING OF A DEFINITIVE MAP MODIFICATION ORDER****THE COUNCIL OF THE CITY OF YORK****WILDLIFE AND COUNTRYSIDE ACT 1981****DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF YORKSHIRE  
NOW SITUATED INSIDE THE AREA OF THE COUNCIL OF THE CITY OF YORK****PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

The above Order, made on 2 June 2021, if confirmed as made, will modify the definitive map and statement for the area by adding a public footpath from Palmes Close to Vicarage Lane, Naburn (SE 6003 4557 to SE 6026 4555).

A copy of the Order as made and the Order Map may be seen free of charge on our website [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap) until 1 October 2021. Alternatively you may write to the Rights of Way Officer at City of York Council, West Offices, Station Rise, York, YO1 6GA requesting a copy of the Order. There is no charge for this service.

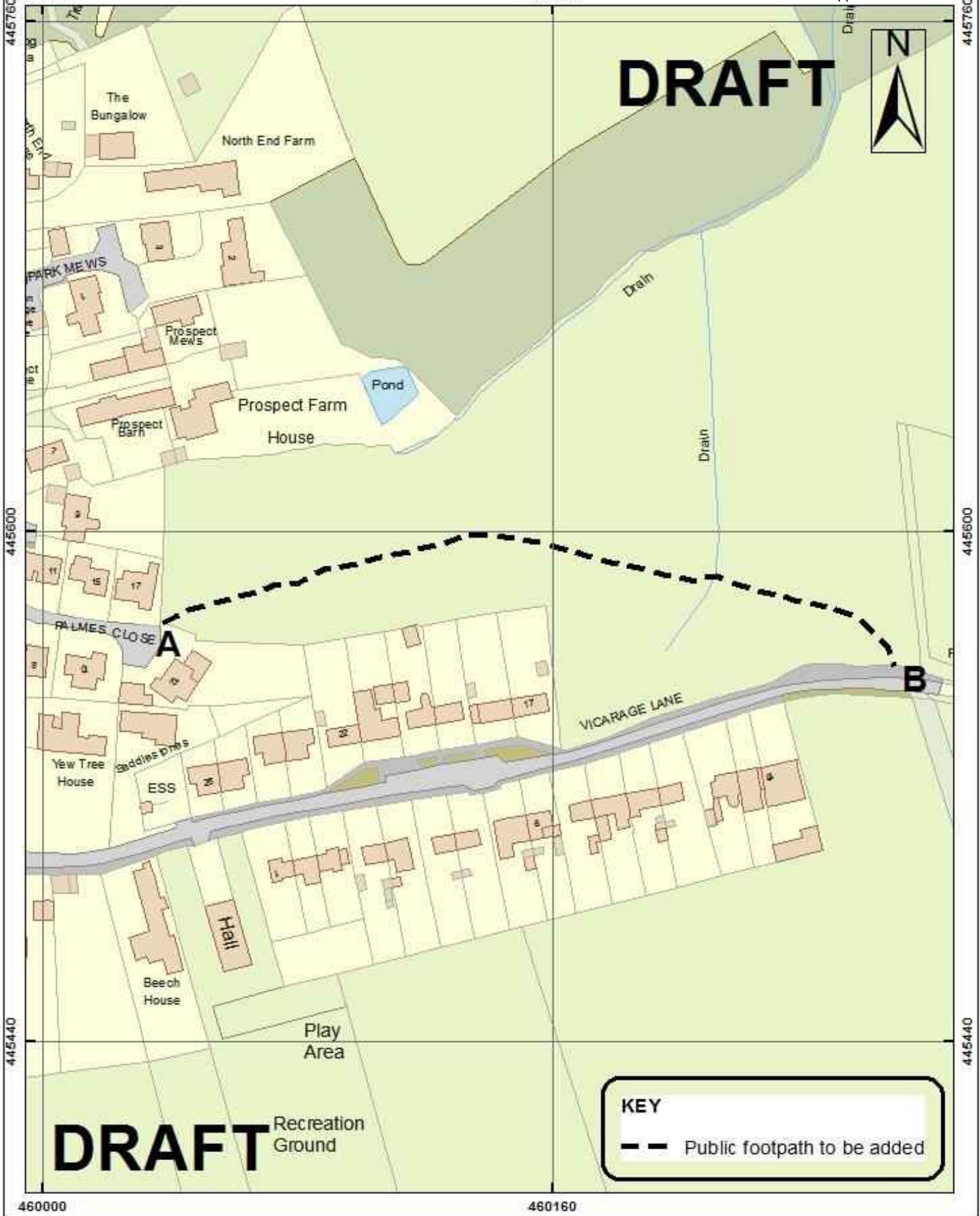
Any representation or objection relating to the Order must be sent in writing either to “the Rights of Way Officer, City of York Council, West Offices, Station Rise, York, YO1 6GA”, or by emailing [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk) no later than 1 October 2021, stating the grounds on which it is made. It must reach the council no later than 1 October 2021.

Please note that objections/representations cannot be treated as confidential and will come into the public domain. Copies of any objections or representations received will be disclosed to interested parties, including the Planning Inspectorate where the case is referred to it for determination.

If no representations or objections are duly made to the Order, or to any part of it, or if any so made are withdrawn, the Council of the City of York, instead of submitting the Order to the Secretary of State or part of it if the Authority has by Notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981 may itself confirm the Order or that part of the Order. If the Order is submitted to the Secretary of State for the Environment, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 19 August 2021

Janie Berry  
Director - Legal & Governance  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA



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

**PUBLIC FOOTPATH NABURN 7  
 MODIFICATION ORDER 2021**

Scale 1:1,600 | Drawn By: LRG | Date: 11/6/21

Public Rights of Way | Reference: | Drawing No.

**Notice of the making of a Definitive Map  
Modification Order**

**The Council of the City of York**

**Wildlife & Countryside Act 1981**

**Definitive Map and Statement for the Former  
East Riding of Yorkshire now situated inside  
the area of the Council of the City of York  
Public Footpath Naburn 7 Modification  
Order 2021**

The above Order, made on 2 June 2021 if confirmed as made, will modify the definitive map and statement for the area by adding a public footpath from Palmes Close to Vicarage Lane, Naburn (SE 6003 4557 to SE 6026 4555).

A copy of the Order as made and the Order Map may be seen free of charge on our website [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap) until 1 October 2021. Alternatively you may write to the Rights of Way Officer at City of York Council, West Offices, Station Rise, York, YO1 6GA requesting a copy of the Order. There is no charge for this service.

Any representation or objection relating to the Order must be made in writing to "the Rights of Way Officer, City of York Council, West Offices, Station Rise, York, YO1 6GA", or by emailing [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk) and state the grounds on which it is made. It must reach the council no later than 1 October 2021.

Please note that objections/representations cannot be treated as confidential and will come into the public domain. Copies of any objections or representations received will be disclosed to interested parties, including the Planning Inspectorate where the case is referred to for determination.

If no representations or objections are duly made to the Order, or to any part of it, or if any made are withdrawn, the Council of the City of York, instead of submitting the Order to the Secretary of State or part of it if the Authority has by Notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981 may itself confirm the Order or that part of the Order. If the Order is submitted to the Secretary of State for the Environment, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 19 August 2021

Janie Berry

Director - Legal & Governance

**Appendix 4**

**Certificate of notice**

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF  
YORK  
PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**

**STATEMENT**

I am an employee of City of York Council. I certify that, in accordance with the requirements of the Wildlife and Countryside Act 1981 notices have been published, served, posted on site, and made available at a local office.

I also certify that the necessary consultations with other local authorities and statutory undertakers have been carried out.

Signed



Date: 26 July 2022  
Russell Varley  
Definitive Map Officer

Rights of Way  
City of York Council  
West Offices  
YORK  
YO1 6GA

## **Appendix 5**

### **Undertaking confirmation of notice**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**CONFIRMED/NOT CONFIRMED PROCEDURE**

The OMA undertakes that in the event the enclosed order is confirmed a notice to that effect will be duly published and served on the relevant prescribed bodies, statutory undertakers and all previously notified parties.

In the event that the enclosed order is not confirmed the OMA undertakes to serve notice of this on the relevant prescribed bodies, statutory undertakers and all previously notified parties.

## **Appendix 6**

### **User evidence statements and interview notes**

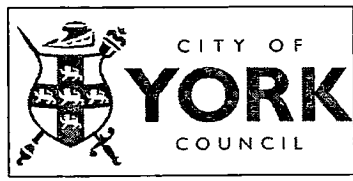
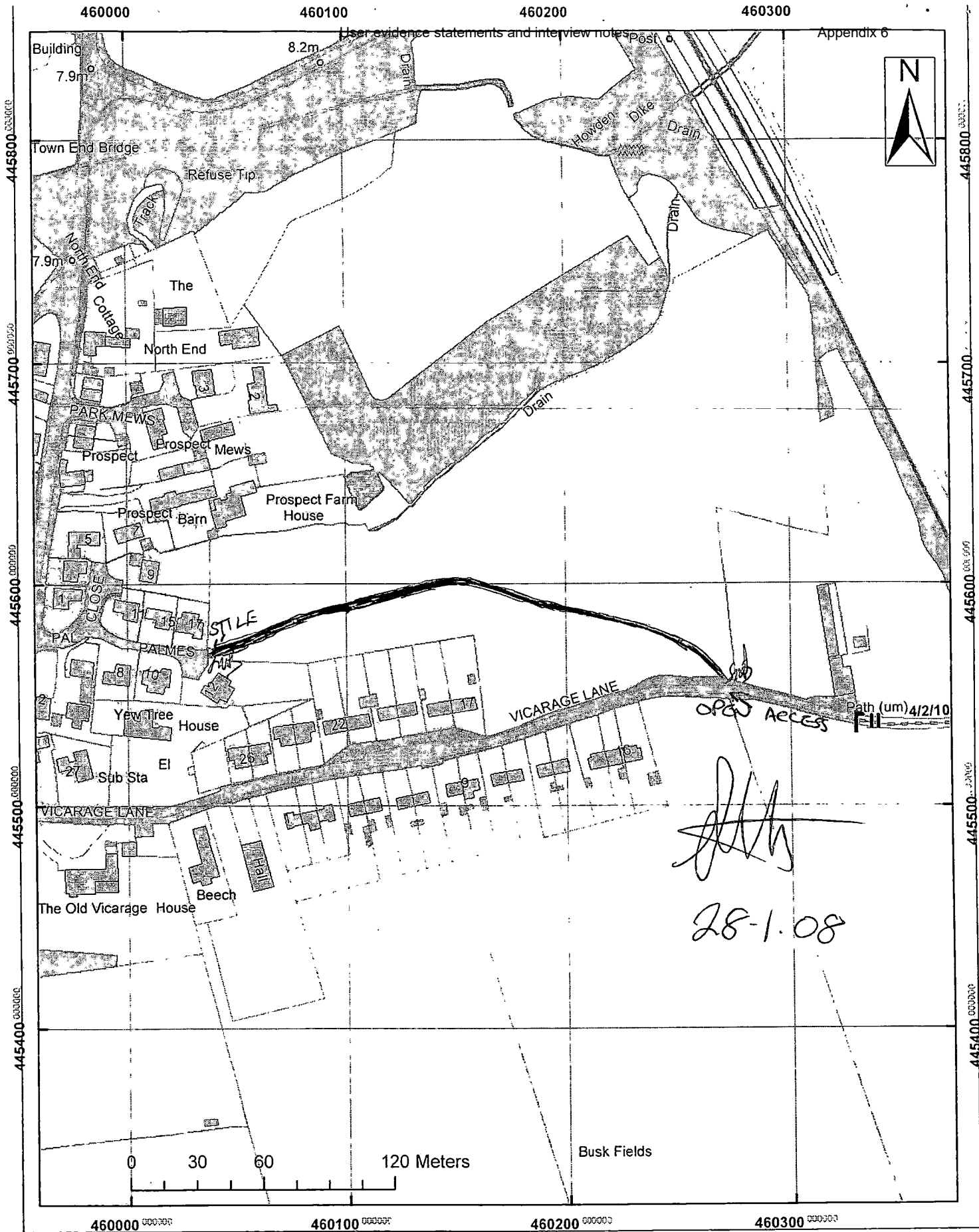
# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**





## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss <del>Ms</del> BIRD (* delete as appropriate)	
First Name (s): STELLA	
Age (if over 21 you may insert 'over 21'): OVER 21	
Address:	15 PALMES CLOSE NABURN YORK YO19 4RZ
TEL:	01904 622909
Occupation :	Housewife
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path	
From : 460136 / 445570	Grid Ref (if known):
To : 460277 / 445555	Grid Ref (if known):
Parish (es): NABURN	
Believed Status of Route: * footpath / bridleway / Byway open to all traffic	
Name of Route: (if applicable) UNKNOWN	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)	
NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route : *YES / <del>NO</del>	
If so:	
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	MARCH 2001 – OCTOBER 2007
How often do you / did you use the route? (e.g. weekly monthly occasionally)	DAILY
By what means do you / did you use the route?(e.g. on foot /on horseback) (please specify)	ON FOOT
Approximately how wide is the route?	0.5 METRE
Why do you believe the route to be public?	WELL ESTABLISHED PATH IN DAILY USE BY OTHERS
When using the route where were you going to and from?	To: CYCLE AND FOOTPATH From: PALMES CLOSE
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	RECREATION / EXERCISE



9 St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

# DMMO Application Plan Palmer Close to Vicarage Lane, Naburn

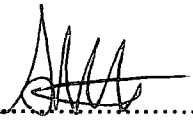
Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of York Council 100019086 2007

<p><b>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route:</b> (Please mark on accompanying map if appropriate)</p> <p>STILE ACCESS FROM PALMS CLOSE AND OPEN ACCESS FROM VICARAGE LANE</p>
<p><b>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?</b> *<del>YES</del> / NO (if yes please give details)</p>
<p><b>Have you ever known there to be any obstructions blocking the route?</b> *<del>YES</del> / NO (if yes please give details and mark location on the map)</p>
<p><b>Have you ever been employed by, or a tenant of the landowner over which the route runs?</b> *<del>YES</del> / NO (if yes please give dates and particulars)</p>
<p><b>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route?</b> *<del>YES</del> / NO (if yes please give details and mark location on map)</p>
<p><b>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent?</b> *<del>YES</del> / NO (if yes please give details)</p>
<p><b>Have you ever asked permission to use the route?</b> *<del>YES</del> / NO (if yes please give details)</p>
<p><b>Any other information you consider to be relevant:</b></p> <p>THE FOOTPATH HAS BEEN USED BY MYSELF AND LOCAL PEOPLE FOR MANY YEARS WITHOUT HINDERANCE UNTIL IN OCTOBER 2004 THE STILE WAS REMOVED AND REPLACED WITH BARBED WIRE AND "NO PUBLIC RIGHT OF WAY" SIGNS WERE ERECTED</p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....

Date.....28-1-08

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss. Ms <del>Ms</del> <b>BIRD</b> (* delete as appropriate)	
First Name (s): <b>TONY</b>	
Age (if over 21 you may insert 'over 21'): <b>OVER 21</b>	
Address:	<b>15 PALMES CLOSE NABURN 1019422</b>
TEL:	<b>01904 622909</b>
Occupation:	<b>COMMUNICATIONS CONSULTANT</b>
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path From: <b>460136   445570</b> Grid Ref (if known): To: <b>460277   445555</b> Grid Ref (if known):	
Parish (es): <b>NABURN</b>	
Believed Status of Route: * footpath / <del>bridleway</del> / <del>Byway open to all traffic</del>	
Name of Route: (if applicable) <b>UNKNOWN</b>	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.) NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route: *YES / <del>NO</del>	
If so:	
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	<b>MARCH 2001 to 20<sup>th</sup> Oct 2007</b>
How often do you / did you use the route? (e.g. weekly monthly occasionally)	<b>Twice A DAY</b>
By what means do you / did you use the route? (e.g. on foot / on horseback) (please specify)	<b>ON FOOT</b>
Approximately how wide is the route?	<b>0.5m</b>
Why do you believe the route to be public?	<b>In constant use by others and stile to access</b>
When using the route where were you going to and from?	To: <b>PALMES CLOSE</b> From: <b>GILLE + FOOTPATH</b>
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	<b>Recreation</b>

460000

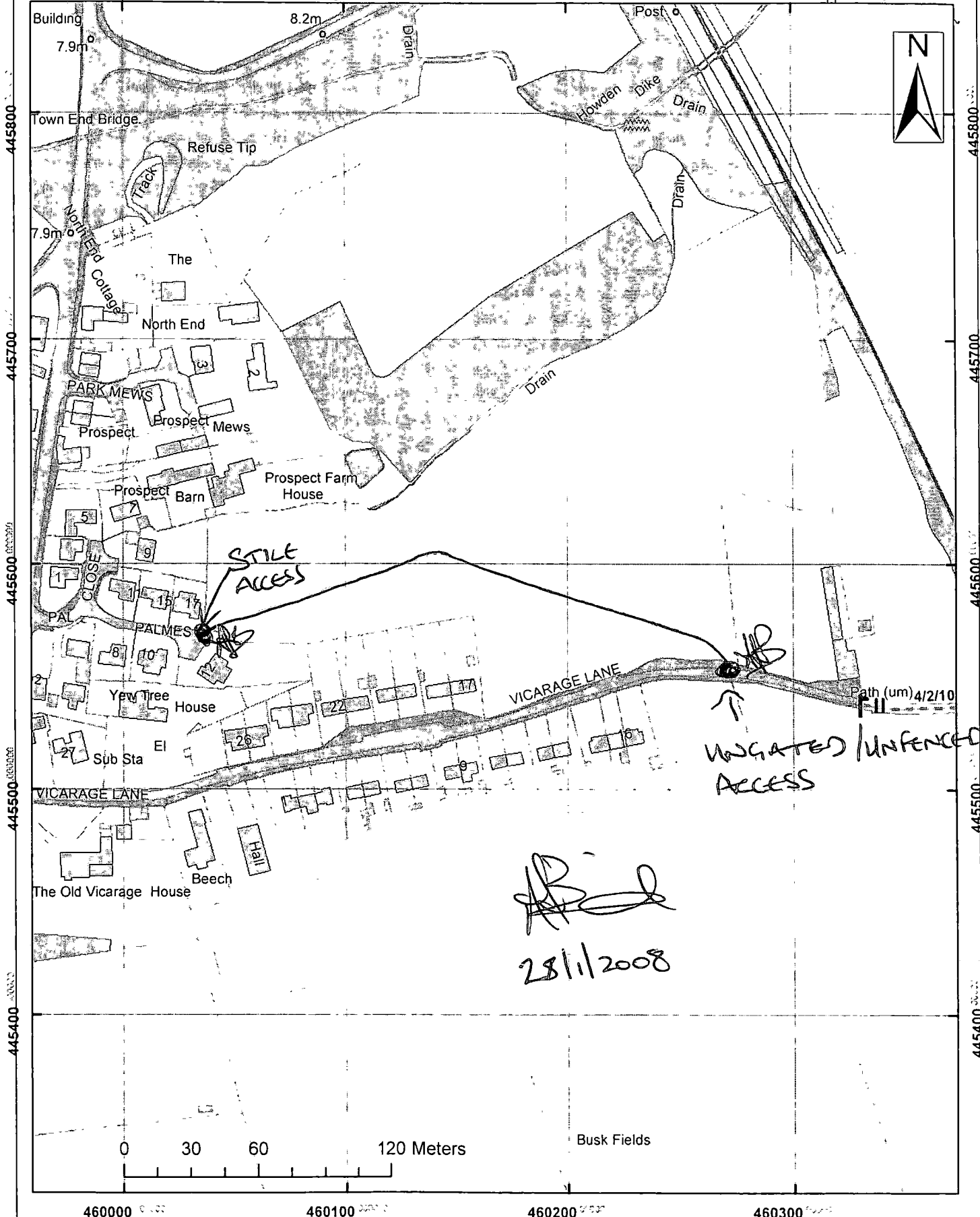
460100

460200

460300

User evidence statements and interview notes

Appendix 6



*[Handwritten Signature]*  
28/1/2008



9 St. Leonards Place, York, YO1 2ET  
Telephone 01904 613161

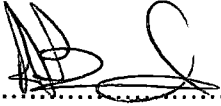
# DMMO Application Plan Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By.	Date:
Public Rights of Way	Reference	Drawing No.

<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route: (Please mark on accompanying map if appropriate)</p> <p>STILE giving access from Parnes Close (that has now been removed) and open access from VICARAGE LANE.</p>
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? <input checked="" type="checkbox"/> YES / NO (if yes please give details)</p>
<p>Have you ever known there to be any obstructions blocking the route? <input checked="" type="checkbox"/> YES / NO (if yes please give details and mark location on the map)</p> <p>NO obstructions were on the route until a locked gate was erected in Oct 2007. (See Photo)</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs? <input checked="" type="checkbox"/> YES / NO (if yes please give dates and particulars)</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? <input checked="" type="checkbox"/> YES / NO (if yes please give details and mark location on map)</p> <p>NO signage until stile removed and barbed wire placed on 20<sup>th</sup> October 2007. (See Photo)</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent? <input checked="" type="checkbox"/> YES / NO (if yes please give details)</p>
<p>Have you ever asked permission to use the route? <input checked="" type="checkbox"/> YES / NO (if yes please give details)</p>
<p>Any other information you consider to be relevant:</p> <p>Many houses surrounding the field containing the route have gated access to the field that have existed for many years. Furthermore, Naburn has a history of flooding and the route provided the only access to my house when severe flooding occurs.</p>
<p>This caused severe problems during the recent flood in Jan 2008</p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....

Date.....28/1/08

Signature of Person Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET





## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. <u>Miss.</u> Ms <u>BROWN</u> (* delete as appropriate)	
First Name (s): <u>PATRICIA</u>	
Age (if over 21 you may insert 'over 21'): <u>OVER 21</u>	
Address:	<u>VICARAGE LANE</u> <u>NABURN</u>
TEL:	<u>01904 652683</u>
Occupation :	<u>SOCIAL WORKER</u>
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path From : <u>460136/445570</u> Grid Ref (if known): To : <u>460277/445555</u> Grid Ref (if known): Parish (es): <u>NABURN</u>	
Believed Status of Route: * <u>footpath</u> / bridleway / Byway open to all traffic	
Name of Route: (if applicable) <u>UNKNOWN</u>	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.) NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route : * <u>YES</u> / NO	
If so:	
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	<u>FROM 2003 TO 2006</u>
How often do you / did you use the route? (e.g. weekly monthly occasionally)	<u>SIX TIMES</u> <u><del>EVER</del> A WEEK -</u>
By what means do you / did you use the route? (e.g. on foot / on horseback) (please specify)	<u>ON FOOT</u>
Approximately how wide is the route?	<u>0.5 METRES (APPROX)</u>
Why do you believe the route to be public?	<u>COMMONLY USED BY OTHERS.</u>
When using the route where were you going to and from?	To: <u>YORK / SELBY CYCLE PATH</u> From: <u>VICARAGE LANE</u>
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	<u>RECREATION -</u>

460000

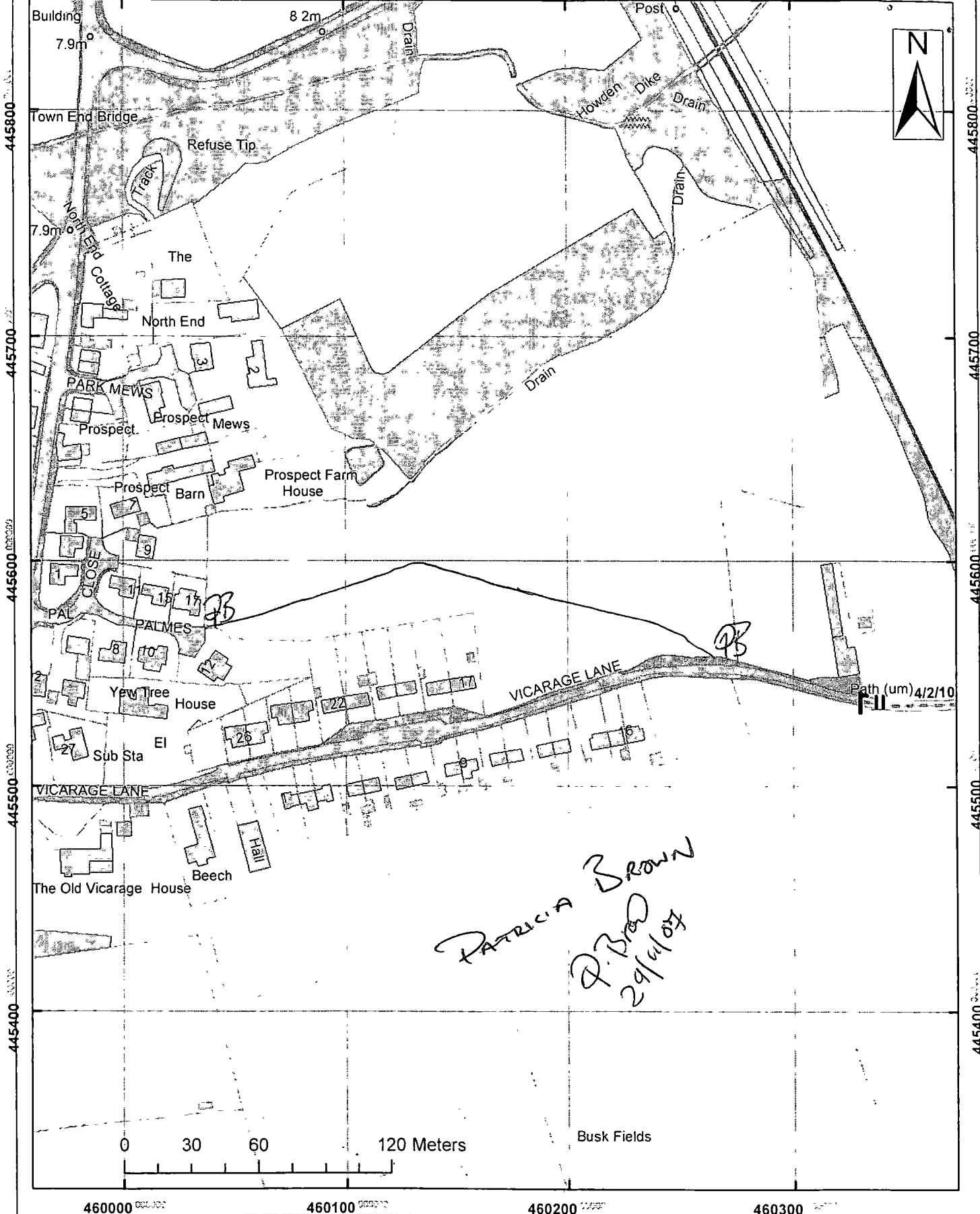
460100

460200

460300

User evidence statements and interview notes

Appendix 6



460000

460100

460200

460300



9 St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# DMMO Application Plan Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route:          (Please mark on accompanying map if appropriate) <b>STY<del>E</del> AT HEAD OF PALMS CLOSE          (NOW REMOVED)</b></p>	
<p><b>STY<del>E</del> From CYCLE Track to Field</b></p>	
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?          (if yes please give details)</p>	<p>*YES / NO  <u>          </u></p>
<p>Have you ever known there to be any obstructions blocking the route?          (if yes please give details and mark location on the map)</p>	<p>*YES / NO  <u>          </u></p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs?          (if yes please give dates and particulars)</p>	<p>*YES / NO  <u>          </u></p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route?          (if yes please give details and mark location on map)</p>	<p>*YES / NO  <u>          </u>  <b>ONLY SINCE OCTOBER 20<sup>TH</sup> 07</b></p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent?          (if yes please give details)</p>	<p>*YES / NO  <u>          </u></p>
<p>Have you ever asked permission to use the route?          (if yes please give details)</p>	<p>*YES / NO  <u>          </u></p>
<p>Any other information you consider to be relevant:</p> <p><b>I began to let my daughter who is now eight play on the back field with her friends - It gave her some independance at a safe distance where I could see her play. It is very dis-heartening for all the children that this space has now been taken away from them.          (I have direct access from my back garden)</b></p>	

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am~~ not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....*P Brown*.....

Date.....*29/11/07*.....

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

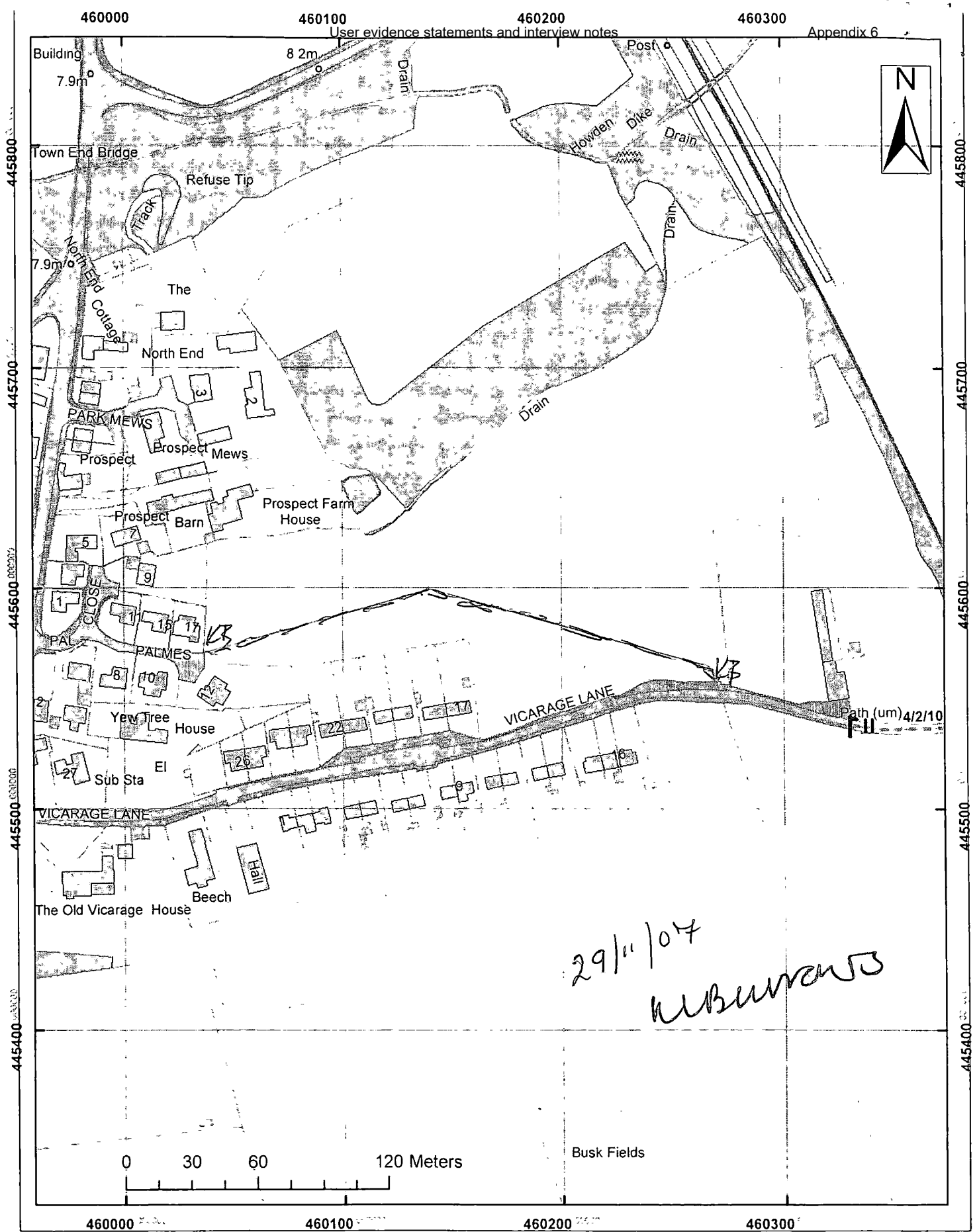
1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss <u>(Ms)</u> (* delete as appropriate)	
First Name (s): <u>Karen Burroughs</u>	
Age (if over 21 you may insert 'over 21'): <u>over 21</u>	
Address:	<u>19 vicarage lane naburn</u>
TEL:	<u>01904 - 670780</u>
Occupation:	<u>Carer</u>
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path	
From:	Grid Ref (if known):
To : <u>460136/445570</u>	Grid Ref (if known):
<u>460277/445555</u>	
Parish (es): <u>Naburn</u>	
Believed Status of Route: * <u>footpath</u> / bridleway / Byway open to all traffic	
Name of Route: (if applicable)	<u>UNKNOWN</u>
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)	
NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route : * <u>YES</u> / NO	
If so:	
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	<u>2 YRS</u>
How often do you / did you use the route? (e.g. weekly monthly occasionally)	<u>Twice a day</u>
By what means do you / did you use the route?(e.g. on foot /on horseback) (please specify)	<u>ON FOOT</u>
Approximately how wide is the route?	<u>0.5 metres APPROX</u>
Why do you believe the route to be public?	<u>Lots of people use it</u>
When using the route where were you going to and from?	To: <u>York / Selby cycle path</u> From: <u>vicarage lane</u>
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	<u>Recreation</u>



9 St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

# DMMO Application Plan Palmer Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By.	Date:
Public Rights of Way	Reference	Drawing No

Please give any details of stiles, gates, bridges, notices, direction signs etc on the route:

(Please mark on accompanying map if appropriate)

STVE from cycle track to field  
STVE AT TOP OF PAIMES close

Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? \*YES/NO

(if yes please give details)

Have you ever known there to be any obstructions blocking the route? \*YES/NO

(if yes please give details and mark location on the map)

Have you ever been employed by, or a tenant of the landowner over which the route runs?

(if yes please give dates and particulars)

Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? \*YES/NO

(if yes please give details and mark location on map)

Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent? \*YES/NO

(if yes please give details)

Have you ever asked permission to use the route? \*YES/NO

(if yes please give details)

Any other information you consider to be relevant:

Usually use field twice a day, its a place that's safe for children to play, what a shame that this has <sup>to be</sup> taken away from the numerous village people.

I have personally used the field for my A level geography projects and research. The fields are a valuable source of geographical representation of a rural settlement.

H. Maud

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....*W. B. M. W. V. O. S.*.....

Date.....*29/11/07*.....

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

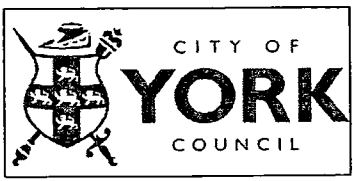
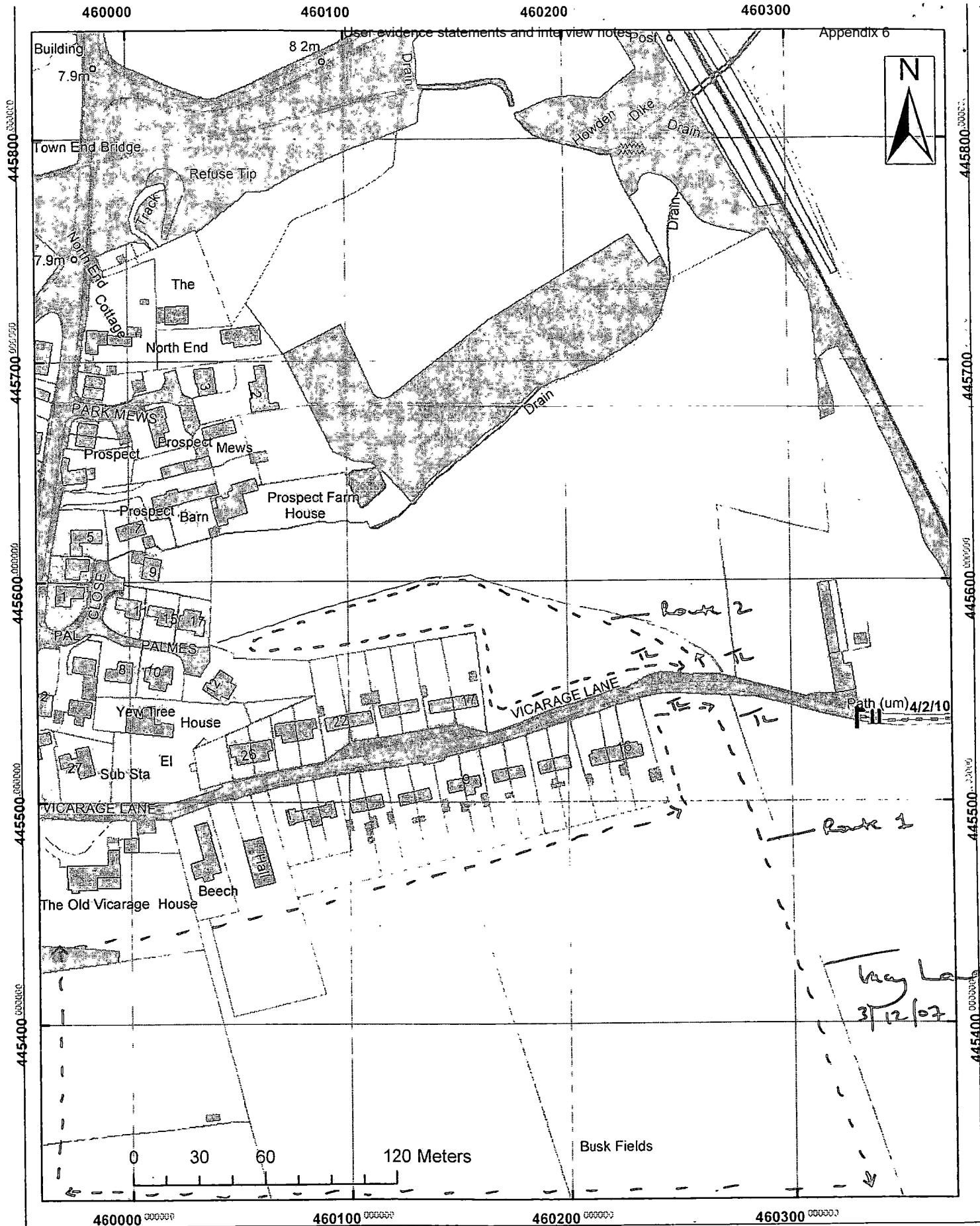
Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET





## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: *Mr (Mrs) Miss- Ms (* delete as appropriate)		LAND
First Name (s): Tracy		
Age (if over 21 you may insert 'over 21') :		
Address:	The Old School House, NABURN, York. YO19 4PP	
TEL:	01904 - 655111	
Occupation :	NUTRITION THERAPIST	
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL		
Description of Path		
From :	See map	Grid Ref (if known):
To :		Grid Ref (if known):
Parish (es): NABURN		
Believed Status of Route: <u>footpath</u> / bridleway / Byway open to all traffic		
Name of Route: "Back fields" BEHIND VICARAGE LANE (if applicable)		
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)		
NOTE – If you are claiming more than one way use separate forms and maps		
Have you used the above route : <u>*YES</u> / NO		
If so:		
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	9 years 1998 – 2007	
How often do you / did you use the route? (e.g. weekly monthly occasionally)	SOMETIMES DAILY, SOMETIMES WEEKLY	
By what means do you / did you use the route?(e.g. on foot /on horseback) (please specify)	ON FOOT (TO WALK DOGS)	
Approximately how wide is the route?		
Why do you believe the route to be public?	HAS TRADITIONALLY BEEN OPEN ACCESS & WELL USED BY VILLAGERS (PARTICULARLY DOG WALKERS)	
When using the route where were you going to and from?	To: BACK FIELDS BEHIND VICARAGE LANE From: HOME	
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	DOG WALKING	



9 St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

# DMMO Application Plan Palmer Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings City of York Council 100019086 2007

<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route: (Please mark on accompanying map if appropriate)</p> <p>BOTH ROUTES WERE 'OPEN' (NO GATES) UNTIL LATE SUMMER OF WHEN GATES &amp; BARBED WIRE WERE ERCTED ACROSS &amp; AROUND FIELDS</p>
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? <input checked="" type="radio"/> YES <input type="radio"/> NO (if yes please give details)</p>
<p>Have you ever known there to be any obstructions blocking the route? <input checked="" type="radio"/> YES <input type="radio"/> NO (if yes please give details and mark location on the map)</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs? <input checked="" type="radio"/> YES <input type="radio"/> NO (if yes please give dates and particulars)</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? <input checked="" type="radio"/> YES <input type="radio"/> NO (if yes please give details and mark location on map)</p> <p>NOT UNTIL LATE SUMMER WHEN NOTICES ERCTED</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent? <input checked="" type="radio"/> YES <input type="radio"/> NO (if yes please give details)</p>
<p>Have you ever asked permission to use the route? <input checked="" type="radio"/> YES <input type="radio"/> NO (if yes please give details)</p>
<p>Any other information you consider to be relevant:</p> <p>The routes have traditionally been used by residents - &amp; Nelson mainly either children playing or dog walkers for as long as we have lived in the village (9 yrs) &amp; probably longer. Long access (together with long access to Nelson Hall as a route to the lsg!) considerably reduce local options for dog walking. Main route now is just the Cycle Track - &amp; dogs &amp; cyclists done always mix well!</p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

~~\*I am/am not willing~~ to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..... Tracy Lead .....

Date.. 31.12.15 .....

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET

**Microsoft Teams interview with Tracy Land 18/1/22**

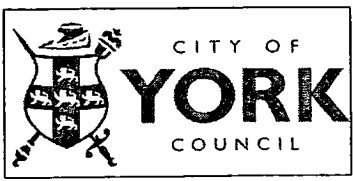
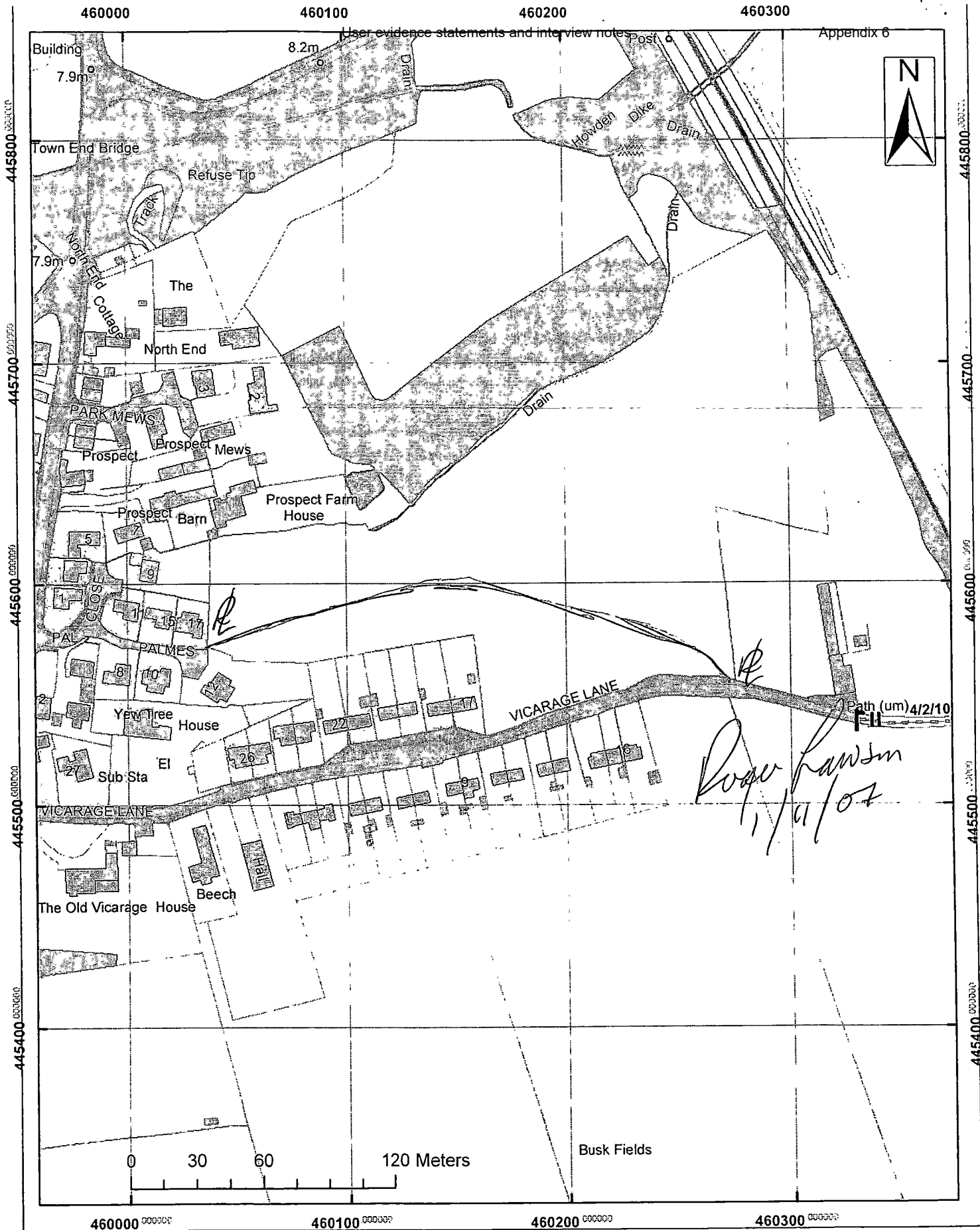
Tracy Land, user and supporter interview, The Old School House, Naburn

- Moved to village in 1998 and used as a dog walking circuit
- Village very upset when these routes blocked off (2007)
- Could access field easily from Vicarage Lane, potentially through a gap between the gate and boundary hedge walked with greyhound
- Thinks there was a little gap at Palmes Close end, let dog off lead in the field
- Talked to local residents to find about dog walking routes, recognised most people seen using the route
- Wasn't a very busy route 'wasn't widely known about'
- Jan Visser still uses
- Knew that the distant landowner before Arundels ownership didn't live York
- Was tradition and acceptance that it was used by villagers
- Didn't personally use during the floods of 2000



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. <del>Miss</del> <del>Ms</del> (* delete as appropriate)		LAWSON	
First Name (s) :		ROGER	
Age (if over 21 you may insert 'over 21') :		OVER	
Address:	10 PALMES CLOSE NABURN YORK YO19 4RZ		
TEL:	01904 655416		
Occupation :			
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL			
Description of Path			
From : PALMES CLOSE		Grid Ref (if known): 460136 - 445570	
To : VICARAGE LANE		Grid Ref (if known): 460277 - 445555	
Parish (es): NABURN			
Believed Status of Route: * <u>footpath</u> / bridleway / Byway open to all traffic			
Name of Route: (if applicable) NO KNOWN NAME			
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)			
NOTE – If you are claiming more than one way use separate forms and maps			
Have you used the above route : *YES / NO			
If so:			
Over how many years? (please specify years and dates e.g 20 years – 1970 – 1990)		FROM 1997 TO OCT 2007 10 YEARS	
How often do you / did you use the route? (e.g. weekly monthly occasionally)		TWICE DAILY	
By what means do you / did you use the route?(e.g. on foot /on horseback) (please specify)			ON FOOT
Approximately how wide is the route?		1/2 METRE APPROX	
Why do you believe the route to be public?		USED BY MANY PEOPLE ON A REGULAR BASIS	
When using the route where were you going to and from?		To: PALMES CLOSE From: VICARAGE LANE	
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)		RECREATION / DOG WALKING	



9 St Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

# DMMO Application Plan

## Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of York Council 100019086 2007

<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route:          (Please mark on accompanying map if appropriate)</p> <p>THERE WAS A STILE AT PALMES CLOSE BUT TAKEN DOWN BY NEW LANDOWNER ON 20TH OCTOBER 2007</p>	
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?          (if yes please give details)</p>	<p>*YES / NO  <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO</p>
<p>Have you ever known there to be any obstructions blocking the route?          (if yes please give details and mark location on the map)</p>	<p>*YES / NO  <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs?          (if yes please give dates and particulars)</p>	<p>*YES / NO  <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route?          (if yes please give details and mark location on map)</p>	<p>*YES / NO  <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO</p> <p>SIGN PLACED ON 20TH OCT 2007 STATING          " NO PUBLIC RIGHT OF WAY "</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent?          (if yes please give details)</p>	<p>*YES / NO  <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO</p>
<p>Have you ever asked permission to use the route?          (if yes please give details)</p>	<p>*YES/ NO  <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO</p>
<p>Any other information you consider to be relevant:</p> <p>THIS IS THE ONLY WAY OUT OF PALMES CLOSE DURING TIMES OF FLOODING.</p> <p>THIS IS A SAFE FOOTPATH FOR CHILDREN TO USE. IT AVOIDS RISKS FROM TRAFFIC.</p>	



I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..... *Roger Lawson* .....

Date..... *1/11/07* .....

Signature of Person Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss. Ms (* delete as appropriate)		PERSON	
First Name (s):		JEREMY.	
Age (if over 21 you may insert 'over 21') :		OVER 21.	
Address:	11, PALMES CLOSE NABURN YORK YO19 4RZ.		
TEL:	01904 621156		
Occupation :	JOINER.		
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL			
Description of Path			
From : PALMES CLOSE		Grid Ref (if known):	
To : VICARAGE LANE		Grid Ref (if known):	
Parish (es):			
Believed Status of Route: * footpath / <del>bridleway</del> / <del>Byway open to all traffic</del>			
Name of Route: (if applicable)			
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)			
NOTE – If you are claiming more than one way use separate forms and maps			
Have you used the above route : *YES / <del>NO</del>			
If so:			
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	10 YEARS 1997 – 2007.		
How often do you / did you use the route? (e.g. weekly monthly occasionally)	WEEKLY		
By what means do you / did you use the route?(e.g. on foot / on horseback) (please specify)	ON FOOT.		
Approximately how wide is the route?	0.5m → 1m.		
Why do you believe the route to be public?	ALWAYS USED BY OTHER RESIDENTS OF THE VILLAGE.		
When using the route where were you going to and from?	To: VICARAGE LANE / CYCLE TRACK.		
	From: PALME CLOSE		
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	Dog WALKING + ACCESS TO CYCLE TRACK		

460000

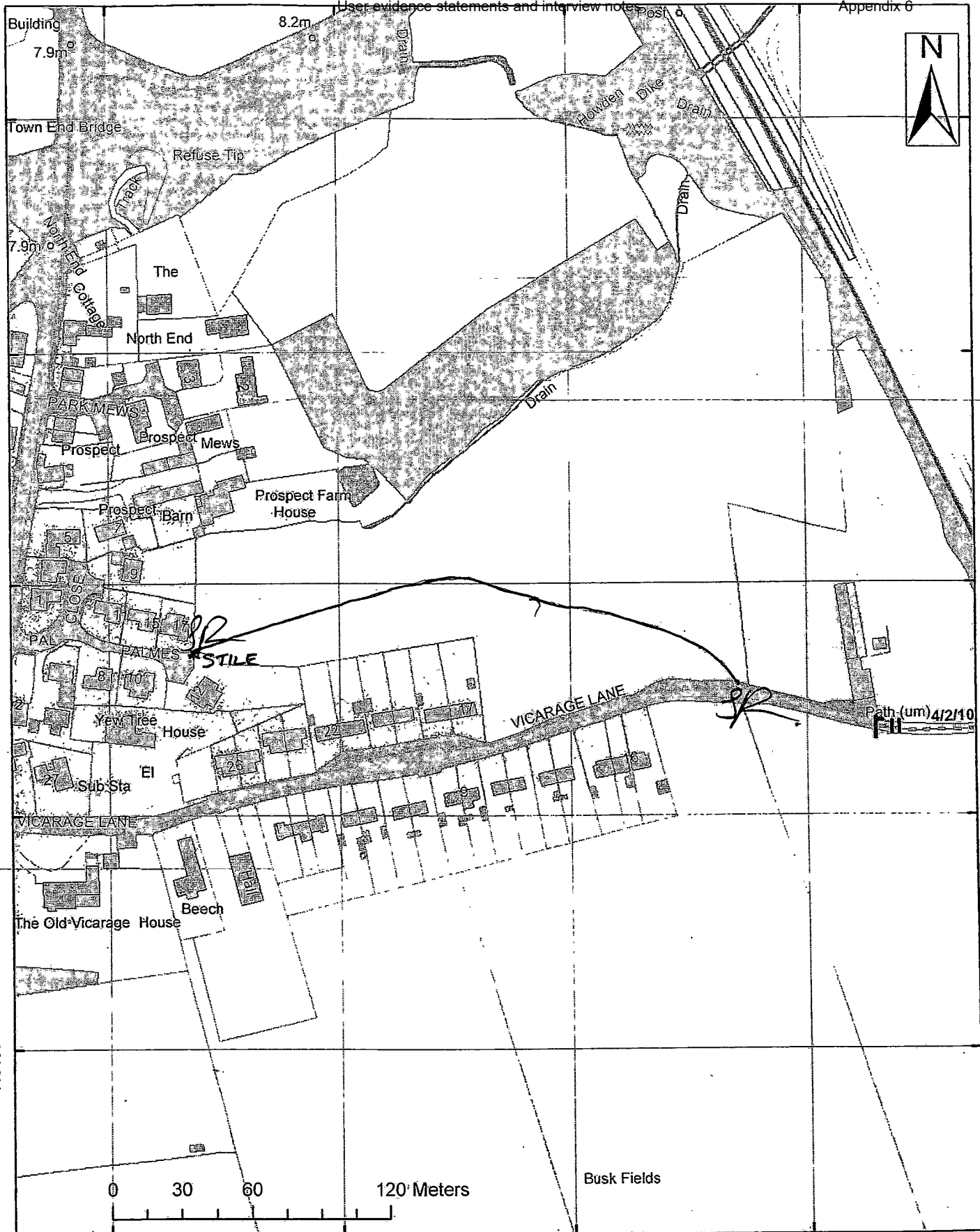
460100

460200

460300

User evidence statements and interview notes

Appendix 6



460000

460100

460200

460300



9 St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# DMMO Application Plan

## Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271

Drawn By:

Date:

Public Rights of Way

Reference:

Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings City of York Council 100019086 2007

<p><b>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route:</b> (Please mark on accompanying map if appropriate)</p> <p>STILE AT PALMES CLOSE .</p>
<p><b>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?</b> *YES / NO (if yes please give details)</p>
<p><b>Have you ever known there to be any obstructions blocking the route?</b> *YES / NO (if yes please give details and mark location on the map)</p>
<p><b>Have you ever been employed by, or a tenant of the landowner over which the route runs?</b> *YES / NO (if yes please give dates and particulars)</p>
<p><b>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route?</b> *YES / NO (if yes please give details and mark location on map)</p>
<p><b>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent?</b> *YES / NO (if yes please give details)</p>
<p><b>Have you ever asked permission to use the route?</b> *YES / NO (if yes please give details)</p>
<p><b>Any other information you consider to be relevant:</b></p> <p>I HAVE ALSO USED THIS ROUTE TO EXIT PALMES CLOSE DURING FLOODS .</p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..........

Date. 17.01.2008 .

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

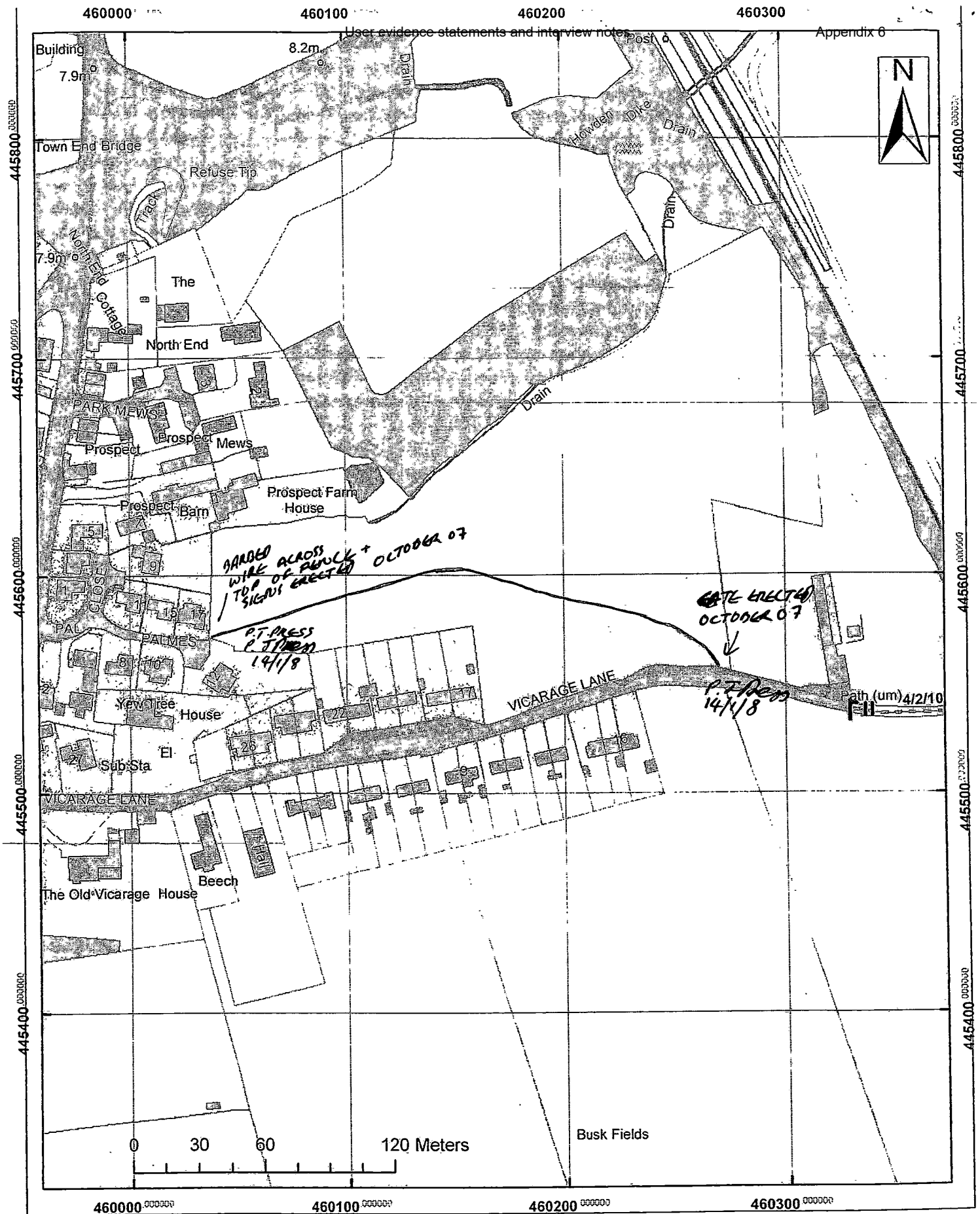
1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss. Ms PRESS (* delete as appropriate)	
First Name (s): PHILIP JOHN	
Age (if over 21 you may insert 'over 21') : 40	
Address:	8 PALMES CLOSE NABURN YORK YO19 4RZ
TEL:	01904 610629
Occupation :	CHARTERED ENGINEER
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path <span style="float: right;">AS PER ATTACHED PLAN</span>	
From : PALMES CLOSE	Grid Ref (if known):
To : VICARAGE LANE	Grid Ref (if known):
Parish (es): NABURN	
Believed Status of Route: * footpath / <del>bridleway</del> / <del>Byway open to all traffic</del>	
Name of Route: (if applicable)	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)	
NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route : *YES / <del>NO</del>	
If so:	
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	9 1/2 Yr FEB 1998 OCT 2007
How often do you / did you use the route? (e.g. weekly monthly occasionally)	WEEKLY AT TIMES AT LEAST MONTHLY
By what means do you / did you use the route?(e.g. on foot / on horseback) (please specify)	FOOT
Approximately how wide is the route?	NOMINAL WIDTH – APPROX <del>1M</del> 1M ESSENTIALLY 1-2 PEOPLE COULD WALK SIDE BY SIDE
Why do you believe the route to be public?	DUE TO THE REGULAR USE MADE BY NUMEROUS RESIDENTS OF THE VILLAGE
When using the route where were you going to and from?	To: PALMES CLOSE VICARAGE LANE & THE CYCLE TRACK & OTHER PUBLIC FOOTPATHS From: PALMES CLOSE
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	RECREATION <del>NO</del>



9 St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

## DMMO Application Plan Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of York Council 100019086 2007



<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route: (Please mark on accompanying map if appropriate)</p> <p>NO FORMAL SIGNS WERE ERECTED WHEN ACCESS WAS AVAILABLE</p>
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? <del>YES</del> / NO (if yes please give details)</p>
<p>Have you ever known there to be any obstructions blocking the route? <del>YES/NO</del> YES (if yes please give details and mark location on the map)</p> <p>BALDEN WIRE PUT ACROSS THE PALMES CLOSE FENCE IN OCTOBER 2007 AND A GATE ERECTED AT THE VICARAGE LANE ENTRANCE. SIGNS ERECTED AT BOTH ENDS. PART OF THE FIELD SECURED BY ELECTRIFIED FENCE</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs? <del>YES</del> / NO (if yes please give dates and particulars)</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? <del>YES</del> / NO (if yes please give details and mark location on map)</p> <p>SIGNS WERE ERECTED OCTOBER 2007</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent? <del>YES</del> / NO (if yes please give details)</p>
<p>Have you ever asked permission to use the route? <del>YES</del> / NO (if yes please give details)</p>
<p>Any other information you consider to be relevant:</p> <p>THE ROUTE SERVES SEVERAL KEY PURPOSES:</p> <ol style="list-style-type: none"> <li>1) IT WAS THE ONLY SAFE ROUTE OUT OF THE CUL-DE-SAC DURING THE FLOODS OF NOVEMBER 2000. THE DEPTH OF THE FLOW AT THE JUNCTION WITH THE REST OF PALMES CLOSE WAS WAIST HIGH.</li> <li>2) THE ROUTE PROVIDES A COMPLETELY SAFE ROUTE TO THE TRANSPENNINE TRAIL (YORK SELBY CYCLE ROUTE) AND THE ASSOCIATED <del>RESI</del> DESIGNATED PUBLIC FOOTPATHS IN THE AREA. THIS IS PARTICULARLY IMPORTANT FOR THE CHILDREN LIVING IN THE STREET. THERE IS NO DESIGNATED FOOTPATH TO VICARAGE LANE WITHOUT THEM HAVING TO CROSS THE BUSY B1222</li> </ol>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am~~ not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..... *P. Press* .....

Date..... *14/1/8* .....

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

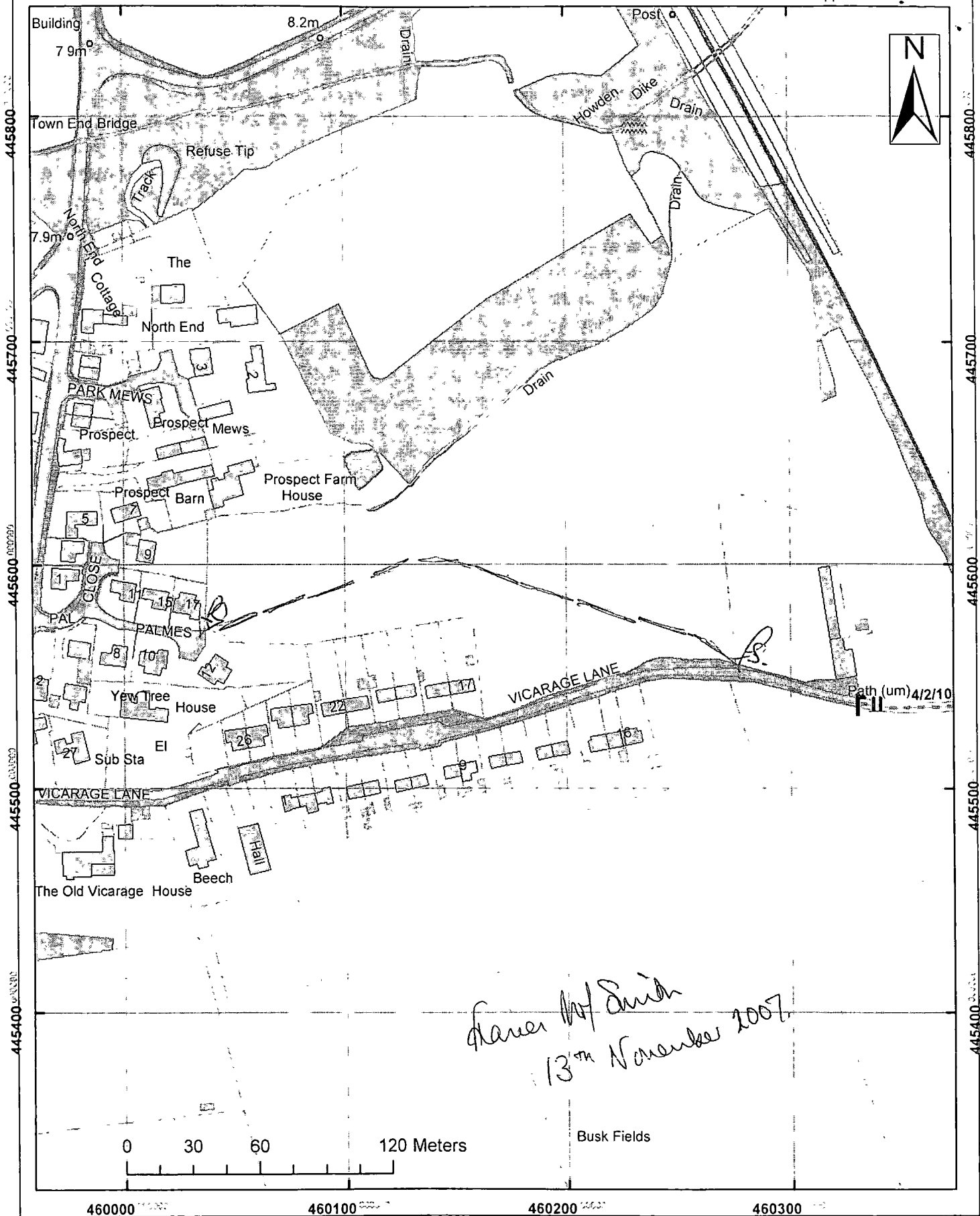
1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss. Ms (* delete as appropriate) SMITH	
First Name (s): FRANCES	
Age (if over 21 you may insert 'over 21') : OVER 21	
Address:	THE OLD STABLES FRONT STREET MABURN YORK YO19 4ER
TEL:	01904 625123
Occupation :	RETIRED CARER
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path	
From : 460136/445570	Grid Ref (if known):
To : 460277/445555	Grid Ref (if known):
Parish (es): MABURN	
Believed Status of Route: <u>* footpath</u> / bridleway / Byway open to all traffic	
Name of Route: UNKNOWN (if applicable)	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)	
NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route : *YES / <del>NO</del>	
If so:	
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	FROM 1995 TO 2007
How often do you / did you use the route? (e.g. weekly monthly occasionally)	AT LEAST TWICE A WEEK
By what means do you / did you use the route?(e.g. on foot / on horseback) (please specify)	ON FOOT
Approximately how wide is the route?	0.5 METERS (APPROX)
Why do you believe the route to be public?	COMMONLY USED BY OTHERS
When using the route where were you going to and from?	To: YORK/SSELBY CYCLE ROUTE From: PALMES CLOSE
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	RECREATION / EXERCISE



*James M Smith  
13<sup>th</sup> November 2007*



9 St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

# DMMO Application Plan Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By.	Date:
Public Rights of Way	Reference.	Drawing No

<p><b>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route:</b> (Please mark on accompanying map if appropriate)</p> <p>STILE AT HEAD OF PALMES CLOSE (NOW REMOVED)</p>	
<p><b>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public?</b> (if yes please give details)</p>	<p>*<del>YES</del> / NO</p>
<p><b>Have you ever known there to be any obstructions blocking the route?</b> (if yes please give details and mark location on the map)</p>	<p>*<del>YES</del> / NO</p>
<p><b>Have you ever been employed by, or a tenant of the landowner over which the route runs?</b> (if yes please give dates and particulars)</p>	<p>*<del>YES</del> / NO</p>
<p><b>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route?</b> (if yes please give details and mark location on map)</p>	<p>*YES / NO ONLY SINCE 20<sup>TH</sup> OCTOBER 2007</p>
<p><b>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent?</b> (if yes please give details)</p>	<p>*<del>YES</del> / NO</p>
<p><b>Have you ever asked permission to use the route?</b> (if yes please give details)</p>	<p>*<del>YES</del> / NO</p>
<p><b>Any other information you consider to be relevant:</b> ESSENTIAL THIS FOOTPATH CAN BE USED IF THE LOWER PART OF PALMES CLOSE IS AFFECTED BY FLOODING (SUCH AS NOVEMBER 2000) IT IS THE ONLY MEANS OF ACCESS INTO PALMES CLOSE WHEN FLOODING OCCURS</p>	

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....*Frances M/S Smith*.....

Date...*7/14/07*.....

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

- 1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
- 2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
- 3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET

*PLEASE NOTE THAT  
FRANCES SMITH IS DEAF  
BUT SHE CAN USE THE  
TELEPHONE IF ONE SPEAKS  
LOUD AND CLEARLY*



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss. Ms (* delete as appropriate)		SOUTHWORTH	
First Name (s):		DAVID BRIAN	
Age (if over 21 you may insert 'over 21'):		OVER 21	
Address:	SKIPWITH STATION, NORTH DUFFIELD, SELBY, NORTH YORKS, YO8 5PE		
TEL:	01757 282288		
Occupation:	BUSINESS DEVELOPMENT MANAGER.		
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL			
Description of Path			
From:	PALMES CLOSE	Grid Ref (if known):	4600 – 4455
To:	VICARAGE LANE & CYCLE TRACK.	Grid Ref (if known):	
Parish (es):	NABURN		
Believed Status of Route:	* footpath / <del>bridleway / Byway open to all traffic</del>		
Name of Route: (if applicable)			
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)			
NOTE – If you are claiming more than one way use separate forms and maps			
Have you used the above route:	(*YES) / NO		
if so:			
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)	BETWEEN OCT 1992 & FEB 2004.		
How often do you / did you use the route? (e.g. weekly monthly occasionally)	WEEKLY		
By what means do you / did you use the route?(e.g. on foot / on horseback) (please specify)	ON FOOT		
Approximately how wide is the route?	FOOTPATH – APPROX 2 FT.		
Why do you believe the route to be public?	IT WAS IN REGULAR USE ALREADY.		
When using the route where were you going to and from?	To: CYCLE TRACK	From: PALMES CLOSE.	
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	DOG WALKING		

460000

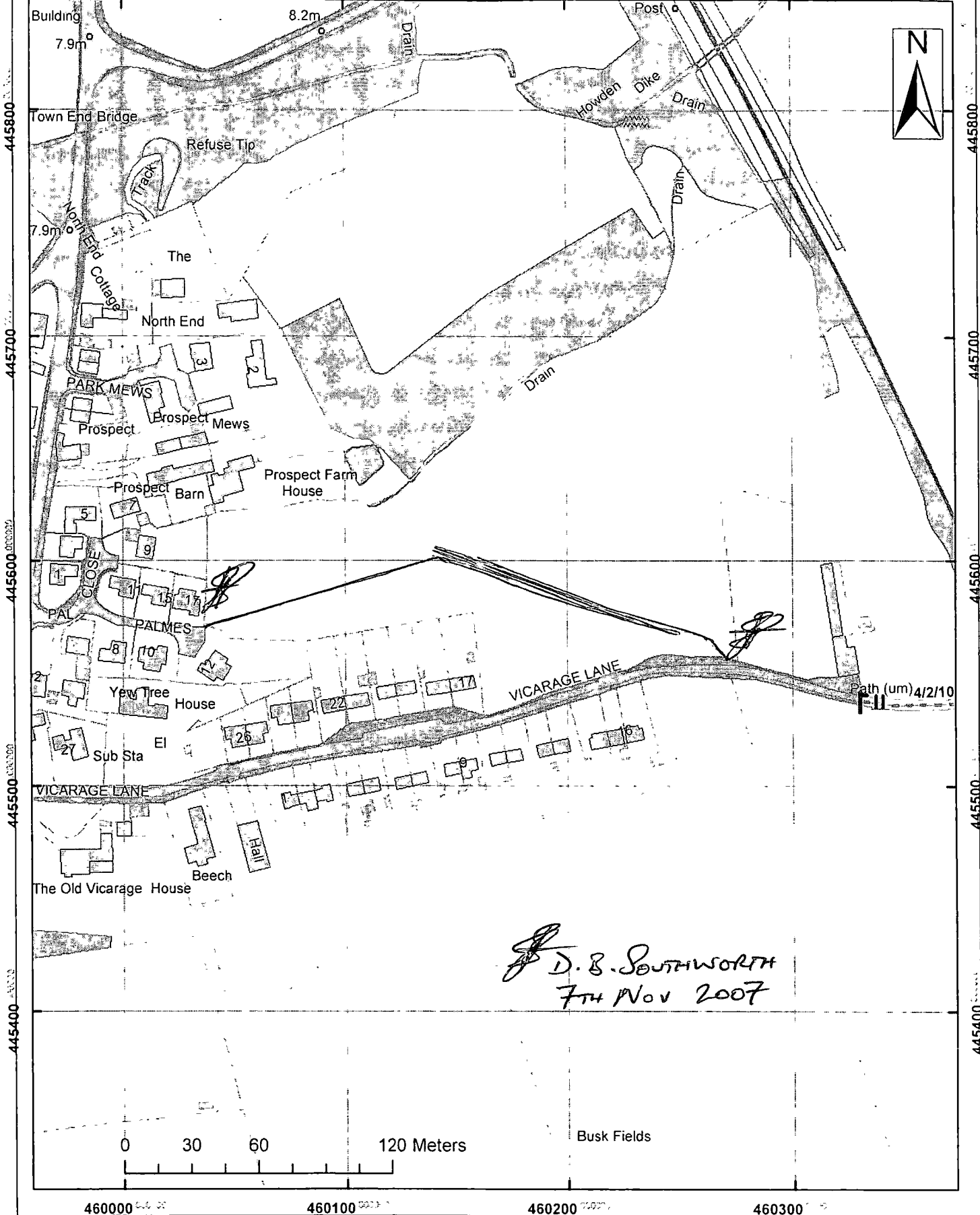
460100

460200

460300

User evidence statements and interview notes

Appendix 6



*D. B. Southworth*  
 7th Nov 2007



9 St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# DMMO Application Plan Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No

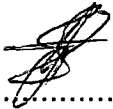
Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings City of York Council 100019086 2007  
 Page 113 of 206



<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route: (Please mark on accompanying map if appropriate)</p> <p>A STILE AT PAULIES CLOSE. OPEN ACCESS ONTO VICKARAGE LANE.</p>
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route or by anyone in their employment or been informed that it was not public? (if yes please give details)</p> <p><del>*YES</del> <input checked="" type="radio"/> NO</p>
<p>Have you ever known there to be any obstructions blocking the route? (if yes please give details and mark location on the map)</p> <p><del>*YES</del> <input checked="" type="radio"/> NO</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs? (if yes please give dates and particulars)</p> <p><del>*YES</del> <input checked="" type="radio"/> NO</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? (if yes please give details and mark location on map)</p> <p><del>*YES</del> <input checked="" type="radio"/> NO</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/her implied consent? (if yes please give details)</p> <p><del>*YES</del> <input checked="" type="radio"/> NO</p>
<p>Have you ever asked permission to use the route? (if yes please give details)</p> <p><del>*YES</del> <input checked="" type="radio"/> NO</p>
<p>Any other information you consider to be relevant:</p> <p>DURING THE FLOODS IN 2000, THE PATHWAY WAS THE ONLY ROUTE OUT OF THE VILLAGE - TO GIVE ACCESS TO MY CAR WHICH I PARKED ON HOWDEN LANE.</p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....  D. B. SOUTHWORTH.....

Date..... 7-11-07.....

Signature of Person Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



**PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM**

Surname: * Mr. <u>Mrs.</u> Miss. Ms <u>SOUTHWOOD</u> (* delete as appropriate)	
First Name (s): <u>LIZANNE</u>	
Age (if over 21 you may insert 'over 21') : <u>OVER 21</u>	
Address:	<u>SOUTHWOOD STATION</u> <u>NORTH DUFFIELD</u> <u>SELBY</u> <u>YO8 5DE</u>
TEL:	<u>01757 - 282288</u>
Occupation :	<u>GARDEN DESIGNER</u>
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL	
Description of Path	
From : <u>PALMES CLOSE</u>	Grid Ref (if known): <u>4600 4455</u>
To : <u>VICARAGE LANE /</u>	Grid Ref (if known):
Parish (es): <u>CYCLE TRACK</u>	
	<u>NARBURN</u>
Believed Status of Route: * <u>footpath</u> / <del>bridleway</del> / <del>Byway open to all traffic</del>	
Name of Route: (if applicable) <u>-</u>	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)	
NOTE – If you are claiming more than one way use separate forms and maps	
Have you used the above route : <u>YES</u> NO	
If so:	
Over how many years? (please specify years and dates e.g 20 years – 1970 – 1990)	<u>OCT 1992 – FEB 2006</u>
How often do you / did you use the route? (e.g. weekly monthly occasionally)	<u>DAILY</u>
By what means do you / did you use the route?(e.g. on foot /on horseback) (please specify)	<u>ON FOOT</u>
Approximately how wide is the route?	<u>2' A FOOTPATH</u>
Why do you believe the route to be public?	<u>MANYS USED IT – REGULARLY</u>
When using the route where were you going to and from?	To: <u>CYCLE TRACK</u> From: <u>HOME (12 PALMESCL.)</u>
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)	<u>DOG WALKING /</u> <u>RECREATION</u>

460000

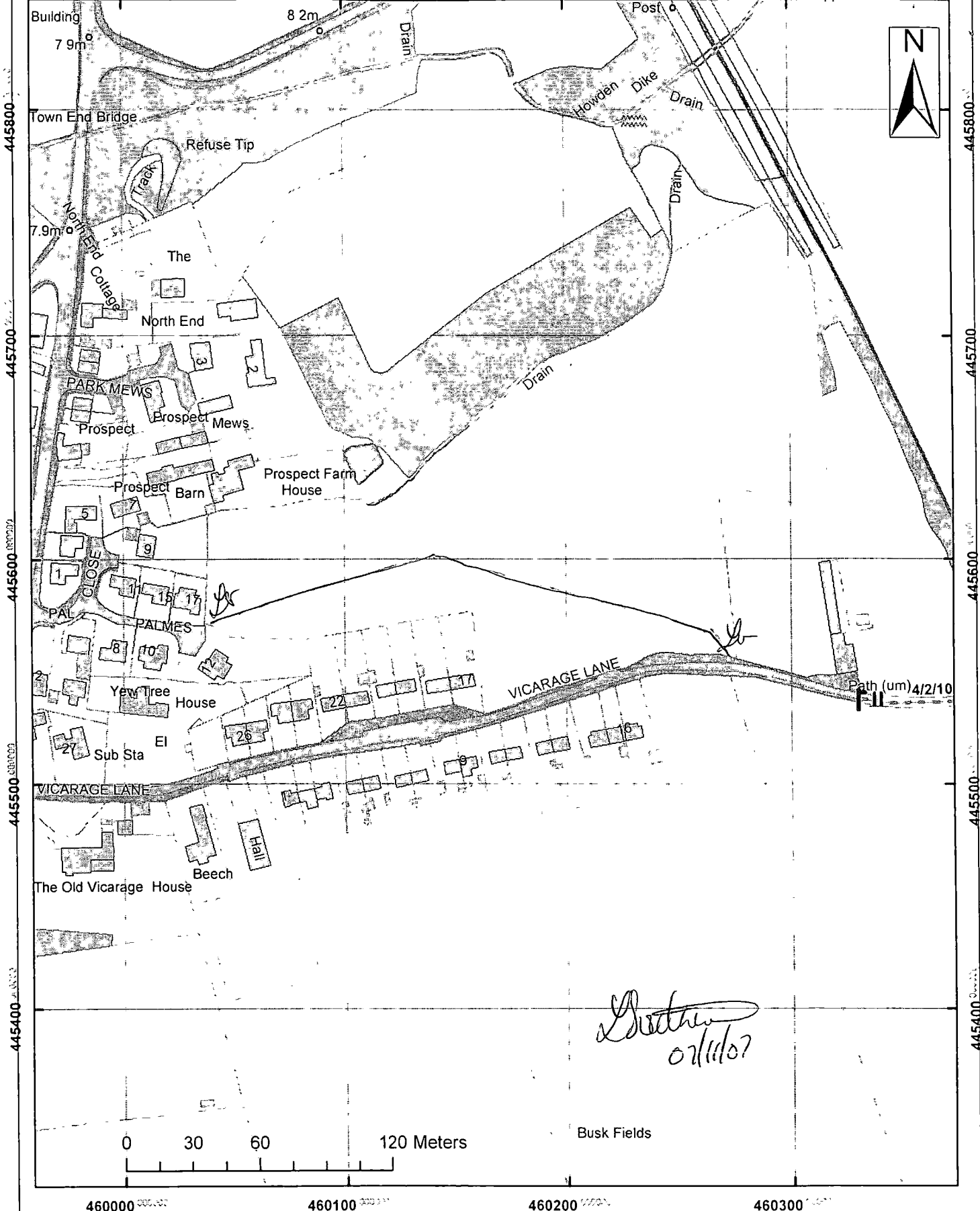
460100

460200

460300

User evidence statements and interview notes

Appendix 6



9 St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

# DMMO Application Plan Palmer Close to Vicarage Lane, Naburn


Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings City of York Council 100019086 2007  
Page 117 of 206

<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route: (Please mark on accompanying map if appropriate)</p> <p>A STILE AT THE END OF PALMES CLOSE (LHS NO 12) GATE FENCE TO FIELD.</p>
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? *YES / <input checked="" type="radio"/> NO (if yes please give details)</p>
<p>Have you ever known there to be any obstructions blocking the route? *YES / <input checked="" type="radio"/> NO (if yes please give details and mark location on the map)</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs? *YES / <input checked="" type="radio"/> NO (if yes please give dates and particulars)</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? *YES / <input checked="" type="radio"/> NO (if yes please give details and mark location on map)</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent? *YES / <input checked="" type="radio"/> NO (if yes please give details)</p>
<p>Have you ever asked permission to use the route? *YES / <input checked="" type="radio"/> NO (if yes please give details)</p>
<p>Any other information you consider to be relevant:</p> <p>ONLY ACCESS OUT OF PALMES CLOSE DURING THE 2000 FLOODS. CARS WERE PARKED ON HILVDEN LANE.</p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/~~am not~~ willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature.....

Date.....07/14/57

Signature of Person  
Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET



## PUBLIC RIGHTS OF WAY – USER EVIDENCE FORM

Surname: * Mr. Mrs. Miss. Ms (* delete as appropriate)		VISSER	
First Name (s):		JOHANNES, GODEFRIDUS, ANTONIUS	
Age (if over 21 you may insert 'over 21'):			
Address:	5 PALMES CLOSE NABURN YORK YO19 4 RZ	JGAV @ BEER.NET	
TEL:	01904 639508		
Occupation:	RETIRED		
NOTE – EVIDENCE GIVEN CANNOT BE TREATED AS CONFIDENTIAL			
Description of Path			
From: PALMES CLOSE		Grid Ref (if known): 445600	
To: VICARAGE LANE		Grid Ref (if known):	
Parish (es): NABURN			
Believed Status of Route: * footpath / <del>bridleway</del> / <del>Byway open to all traffic</del>			
Name of Route: (if applicable)		N/A	
(Please mark the route you are claiming on a separate map, sign and date the map and attach to this form.)			
NOTE – If you are claiming more than one way use separate forms and maps			
Have you used the above route: *YES / <input checked="" type="checkbox"/> NO			
If so:			
Over how many years? (please specify years and dates e.g. 20 years – 1970 – 1990)		27 YEARS (1980 – 2007)	
How often do you / did you use the route? (e.g. weekly monthly occasionally)		DAILY	
By what means do you / did you use the route? (e.g. on foot / on horseback) (please specify)			ON FOOT
Approximately how wide is the route?		JUST A PATH (APPR. 2FT)	
Why do you believe the route to be public?		ACCESS TO COUNTRYSIDE (RIGHT OF ROAMING)	
When using the route where were you going to and from?		To: ROUND WALK FROM HOME TO HOME From:	
For what purpose do you / did you use the route? (eg recreation, a specific journey, etc..)		RECREATION (DOG WALKING)	

460000

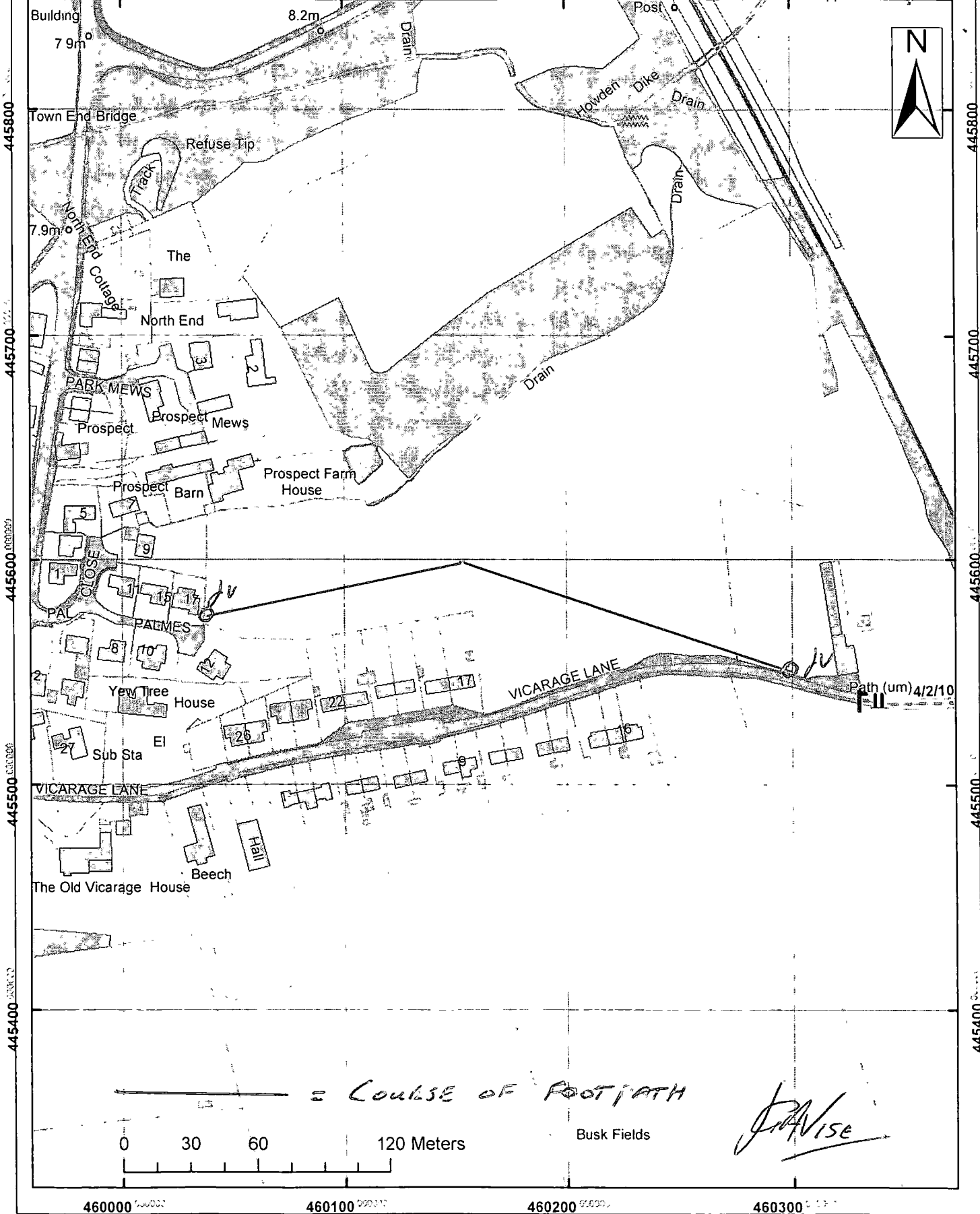
460100

460200

460300

User evidence statements and interview notes

Appendix 6



460000

460100

460200

460300



9 St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 613161

# DMMO Application Plan

## Palmes Close to Vicarage Lane, Naburn

Scale 1:2,271	Drawn By:	Date:
Public Rights of Way	Reference:	Drawing No.

Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of York Council 100019086 2007  
 Page 121 of 206



<p>Please give any details of stiles, gates, bridges, notices, direction signs etc on the route: (Please mark on accompanying map if appropriate)</p> <p><i>STILE FROM PALMES CLOSE - NO FURTHER OBSTRUCTIONS</i></p>
<p>Have you ever been challenged by any owner or tenant of the land crossed by the route, or by anyone in their employment or been informed that it was not public? <del>*YES</del> / NO (if yes please give details)</p>
<p>Have you ever known there to be any obstructions blocking the route? <del>*YES</del> / NO (if yes please give details and mark location on the map)</p>
<p>Have you ever been employed by, or a tenant of the landowner over which the route runs? <del>*YES</del> / NO (if yes please give dates and particulars)</p>
<p>Have you ever seen notices such as 'private', 'no road', 'no thoroughfare' or 'trespassers will be prosecuted' on or near the route? <del>*YES</del> / NO (if yes please give details and mark location on map)</p>
<p>Are you a friend/ acquaintance of the landowner and thus have used the route with his/ her implied consent? <del>*YES</del> / NO (if yes please give details)</p>
<p>Have you ever asked permission to use the route? <del>*YES</del> / NO (if yes please give details)</p>
<p>Any other information you consider to be relevant: <i>LAND IN QUESTION HAS BEEN "SET ASIDE" AND BEEN NEGLECTED FOR MANY YEARS.</i></p>

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

\*I am/am not willing to attend a Hearing, Public Inquiry or Court to give evidence on this matter, if this should prove necessary.

Signature..... *JAVIS -*

Date *5<sup>TH</sup> OF Nov. 2004*

Signature of Person Taking Statement .....  
(if different)

Date.....

PLEASE NOTE

- 1. All sections of the form must be completed. Failure to do so will reduce the value of your evidence
- 2. Please complete the form in clear printing or block capitals using separate sheets of paper if necessary
- 3. You may be interviewed by an officer of the authority if further details are required to support evidence

Please return completed form to the Public Rights of Way Officer, 9 St Leonard's Place, YORK, YO1 7ET

*PLEASE NOTE THAT  
 JON VISSER IS OVERSEAS  
 UNTIL MARCH 2008 BUT  
 CAN BE REACHED BY EMAIL  
 AT  
 JGAV@BEEB.NET*

**Interview in Naburn 19/1/22**

Please could you confirm your full name and address?

Johannes Visser 5 Palmes Close

Please could you confirm that you do not own the field crossed by the order route and that you have never owned this same field?

Doesn't own field

Can you tell me about your experience of using the order route? What furniture did you come across when using the route? How did you use the route before the houses were built?

Was never a gate at Vicarage Lane end, walked it almost daily since the late 70s when there was still farmyard and old barn, climbed over a fence at Palmes Close end to get to the path. Fields were set aside, sheep occasionally put in. Thinks David Southworth built the stile

Can you tell me about any person you saw using the order route?

Didn't see people on the route often and they were never strangers

Did you know the land owner before Mr & Mrs Arundel? Were they a local resident?

Never met the previous landowners of Palmes Estate or the Arundels

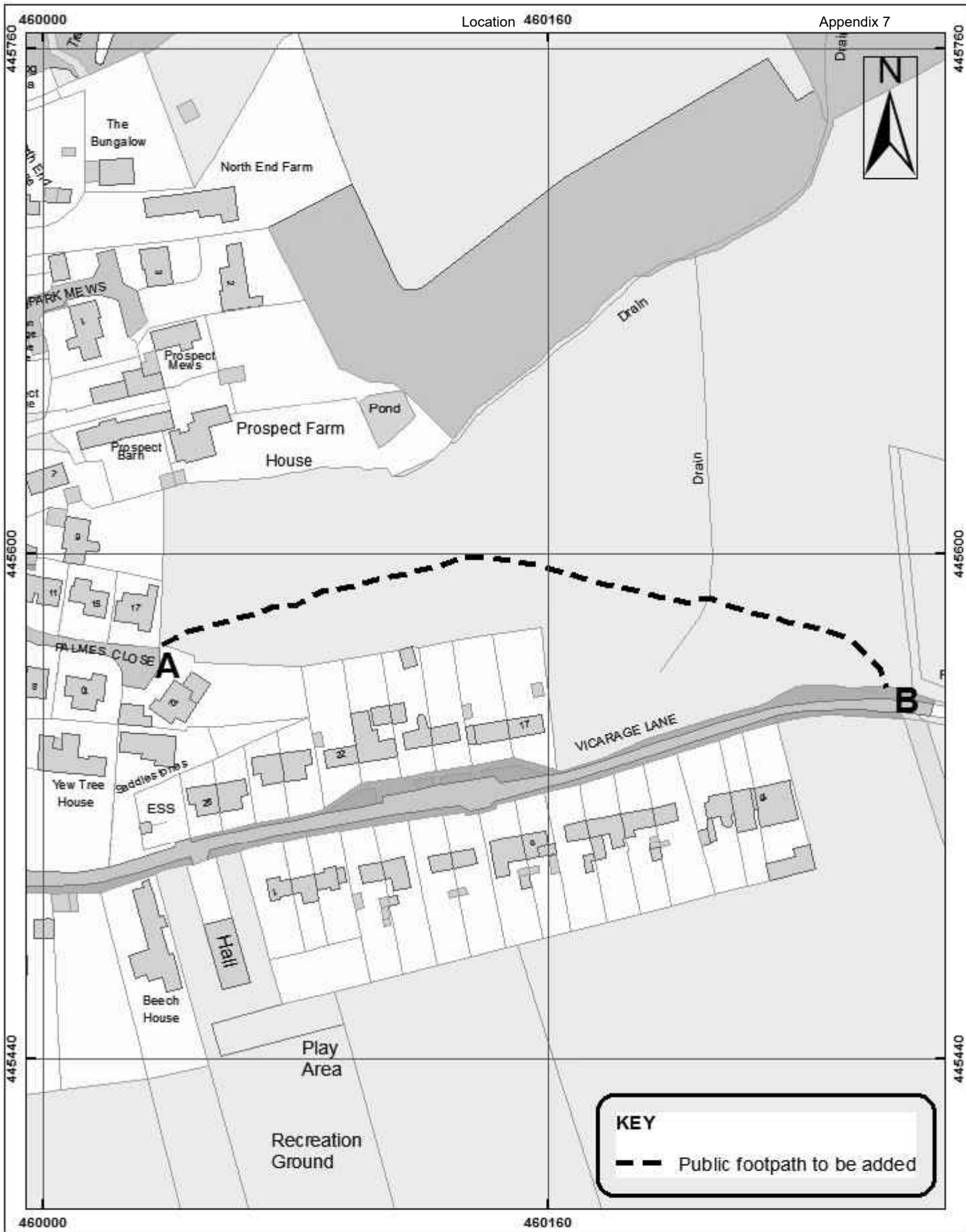
Do you still use the path today? If you do, do you see anyone else using it?

Yes almost daily but has also been warned off using it by another neighbour

## **Appendix 7**

### **Location map**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**



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

## PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021

Scale 1:1,600

Drawn By: LRG

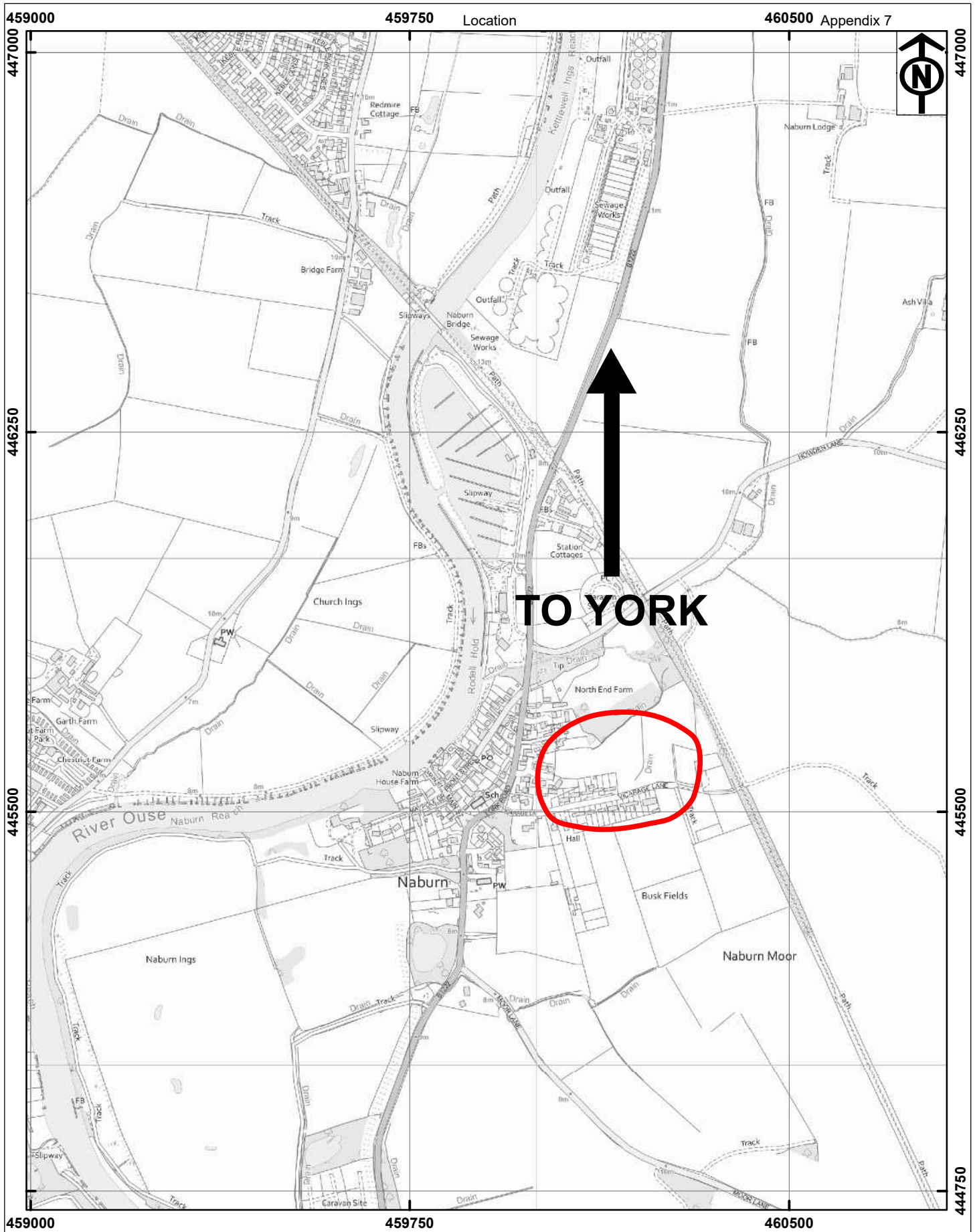
Date: 11/6/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



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

## 200802 Naburn location map

Scale 1:10,000

Drawn By:

Date:

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2022

## **Appendix 8**

### **Applicant details**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**Name and address of applicant**

Mr Roger Lawson

10 Palmes Close

Naburn

York

YO19 4RZ

AND

Mr Anthony Bird

15 Palmes Close

Naburn

York

YO19 4RZ

Since this application was made Mr Bird has relocated and there is not a record of a current postal address.



## **Appendix 9**

### **Confirmation the OMA is taking a neutral stance**

#### **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**CONFIRMATION THE OMA IS TAKING A NEUTRAL STANCE**

Following the Decision Session – Executive Member for Transport (City of York Council) the OMA is taking a neutral stance towards the order.

Rights of Way  
City of York Council  
West Offices  
YORK  
YO1 6GA

## **Appendix 10**

### **Health and Safety questionnaire**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

## Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

The route is through a grass meadow field accessed Palmes Close. Normal outdoor clothing and shoes will be adequate.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

Depending on the time of year of visit there may be some exposure to farm animals (sheep) in the field.

3. Is the site remote and/or can it be seen from other highways or rights of way?

The site is not remote and can be seen from the cul-de-sac of Palmes Close or from Vicarage Lane.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

There is adequate mobile telephone coverage.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

As the route is between two highways it is accessible. However, there are two gates/fences to climb over or alternatively permission would need to be granted to access the route.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

None that the OMA are aware of.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

None that the OMA are aware of.

## **Appendix 11**

### **Inspection Place**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

**LOCATION WHERE THE DOCUMENTS CAN BE VIEWED**

City of York Council  
West Offices,  
Station Rise,  
YORK  
YO1 6GA

01904 551550

**Opening Hours**

Monday	8.30 am to 5.00 pm
Tuesday	8.30 am to 5.00 pm
Wednesday	8.30 am to 5.00 pm
Thursday	8.30 am to 5.00 pm
Friday	8.30 am to 5.00 pm
Saturday	Closed
Sunday	Closed

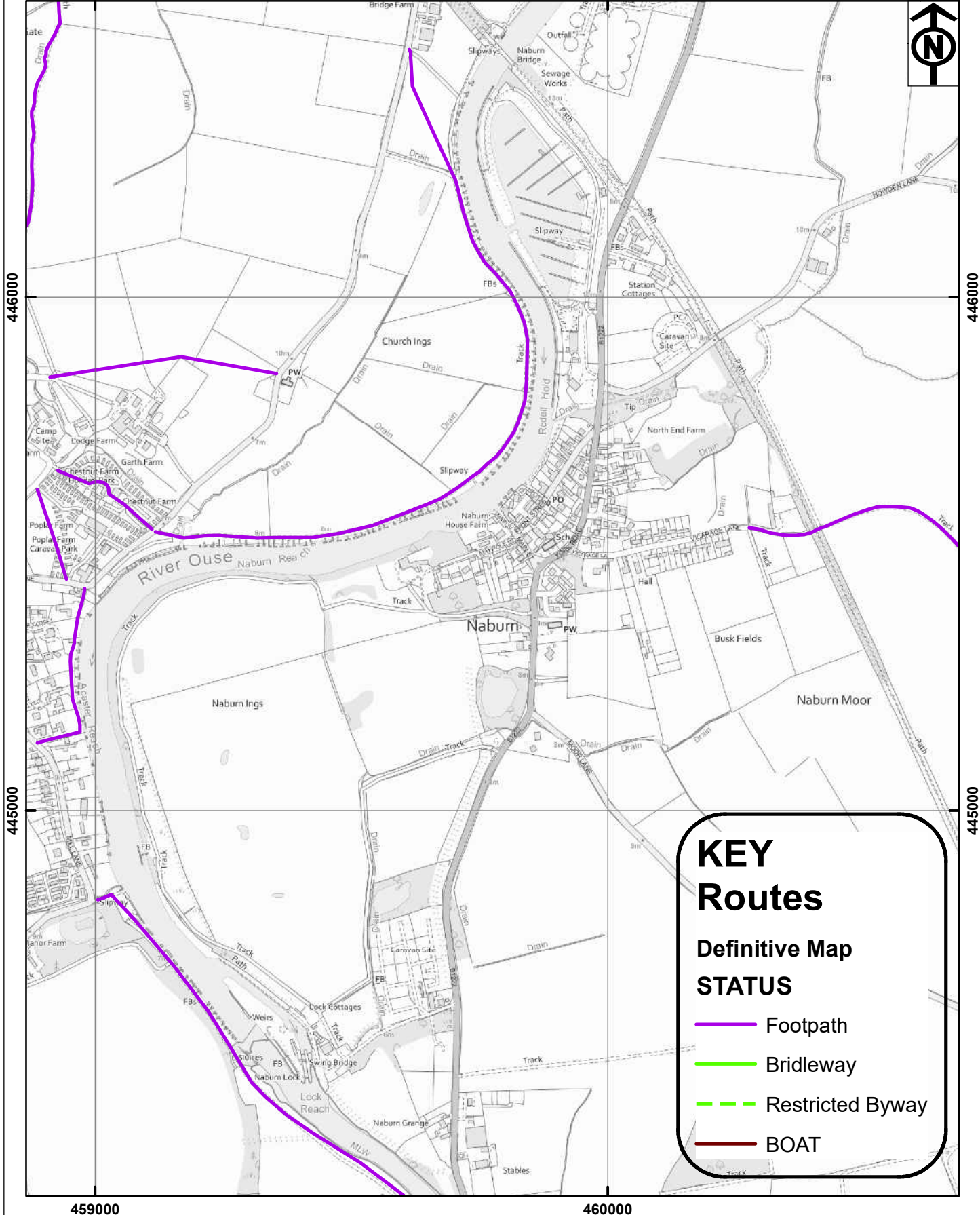
Council of the City of York  
West Offices,  
Station Rise,  
YORK  
YO1 6GA

**Appendix 12**

**Extract of DM**

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF  
YORK  
PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**





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

### Extract of Definitive Map Naburn

Scale 1:10,000	Drawn By: LRG	Date: 20/7/22
Public Rights of Way	Reference:	Drawing No.

**National Parks and Access to the Countryside Act 1949  
Countryside Act 1968**

**Relevant date – 30 July 1971**

**Public Rights of Way**

**Parish - Naburn**

Former East Riding of Yorkshire now situated inside the area of the Council of the City of York.

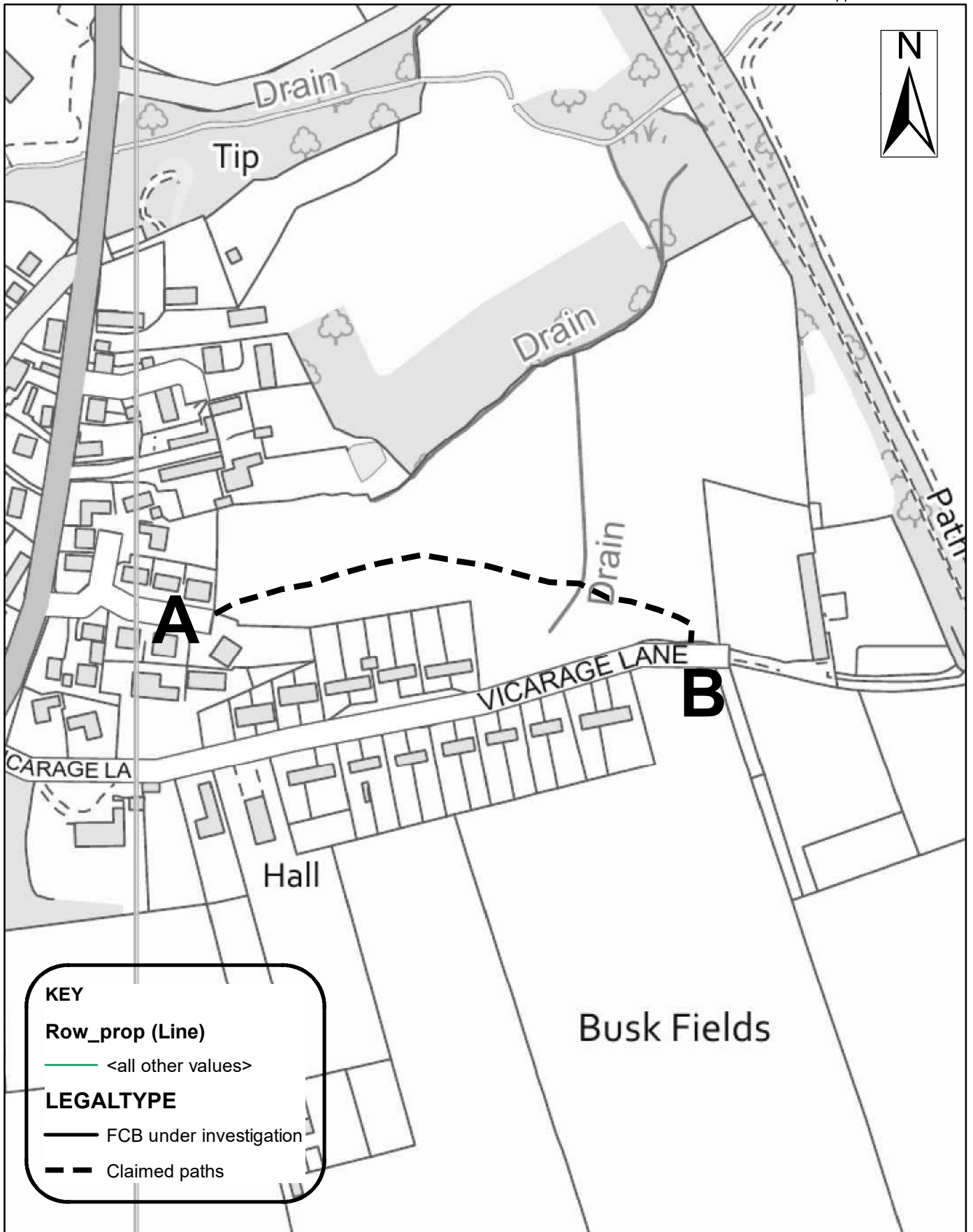
Statement as respects public rights of way shown on the Definitive Map for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York.

<b>Right of Way No.</b>	<b>Type</b>	<b>Position</b>	<b>Remarks and limitations affecting the public right of way thereover</b>
1	Bridleway	Commences at the Stillingfleet parish boundary south of Birkhill Farm and leads in an easterly direction to a point 40 yards west of the railway.	
2	Footpath	Commences at the east end of the road passing the vicarage and leads in an easterly direction across the railway for about 200 yards then south easterly past the south side of Highfield Farm to a point on the Deighton parish boundary west of Holly Hall.	
3	Bridleway	Commences at the eastern end of path no. 1 and leads in an easterly direction across the bridge over the Selby - York railway line to the Deighton parish boundary where it meets the western end of Deighton parish path no. 3.	

## **Appendix 13**

### **Pre-order consultation**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**



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

### 200802 Naburn - Palmes Close to Vicarage Lane

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

**Archived:** 19 July 2022 17:24:53  
**From:** [Varley, Russell](#)  
**Sent:** Wed, 16 Oct 2019 09:22:20  
**To:** [Varley, Russell](#)  
**Subject:** FW: DMMO Ref. No 200802  
**Sensitivity:** Normal

---

**Russell Varley** | Definitive Map Officer  
t: 01904 553691 | e: [russell.varley@york.gov.uk](mailto:russell.varley@york.gov.uk) | w: [www.york.gov.uk/DefinitiveMap](http://www.york.gov.uk/DefinitiveMap)

**City of York Council** | Rights of Way/Transport Service  
Directorate of Economy and Place | West Offices, Station Rise | York YO1 6GA  
[www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

---

**From:** Richard Arundel <[Richard.Arundel@arkpro.co.uk](mailto:Richard.Arundel@arkpro.co.uk)>  
**Sent:** 14 October 2019 17:12  
**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk) <[mail\\_prow@york.gov.uk](mailto:mail_prow@york.gov.uk)>  
**Subject:** FW: DMMO Ref. No 200802

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

---

**From:** Richard Arundel  
**Sent:** 10 October 2019 17:04  
**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)  
**Subject:** DMMO Ref. No 200802

Dear Mr Varley

Thanks for your letter of 25<sup>th</sup> September 2019 regarding the above. I confirm I am the owner of the field in question on Land Registry Title NYK337983. The field is part of an agricultural holding surrounding the village of Naburn and is part of an active farming business.

There is no public right of way across the field and never has been- and I would not think it practical for there to be a footpath for the following reasons.

- 1) There is no access to the field in question from Palmes Close, I believe the previous developers of Palmes close hold a ransom strip between the field and Palmes Close so any public footpath would need to cross this.
- 2) The field is used to graze livestock, principally sheep and cattle, is in temporary pasture and from time to time is cropped with fodder crops for winter grazing.
- 3) There is already footpath access from Palmes Close to Vicarage Lane via the established footpaths in the village.

The only evidence I have that there has never been a public right of way is from OS maps and title deeds, I am happy to bring these in if you require but I assume you have access to these.

Should you require any further information please do not hesitate to contact me. I can be contacted on 07970097512

Yours sincerely

Richard Arundel

**Archived:** 19 July 2022 17:25:12

**From:** [David or Enid Nunns](#)

**Mail received time:** Fri, 8 Nov 2019 16:43:03

**Sent:** Fri, 8 Nov 2019 16:42:42

**To:** [Varley, Russell](#)

**Subject:** 200802 Naburn Palmes Close tp Vicarage Lane

**Sensitivity:** Normal

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

We have no additional evidence for your file.

There used to be access from both ends of the claimed path, but cannot recall using the path across the field.

David Nunns  
York Ramblers

**Archived:** 19 July 2022 17:25:31

**From:** [jenny balding](mailto:jenny.balding)

**Mail received time:** Wed, 13 Nov 2019 15:24:31

**Sent:** Wed, 13 Nov 2019 15:24:28

**To:** [rightsofway@york.gov.uk](mailto:rightsofway@york.gov.uk)

**Subject:** DMMO Ref 200802 Naburn & DMMO Ref 199810 Naburn

**Sensitivity:** Normal

---

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Varley,

Thank you for your letters reference the above requesting evidence of both footpaths.

Unfortunately, the Parish Council only have the evidence a photograph from the village history club which shows the old foot ferry used to cross the Ouse.

The map which Joanne Coote sent me in 2012 shows the right of way from Palmes Close to Vicarage Lane and beyond being under investigation, but I only know of residents who walk this way and have done for twenty years +.

Sorry, no evidence other than the older residents of the village's knowledge.

Kind regards

Jenny Balding

Clerk to Naburn Parish Council



## **Appendix 14**

**All persons notified**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

Auto Cycle Union Ltd	<a href="mailto:Pathorders@ramblers.org.uk">Pathorders@ramblers.org.uk</a>
ACU House	
Wood Street	The British Driving Society
RUGBY	Hoste House
CV21 2YX	Whiting Street
	Bury Saint Edmunds
Access and Rights of Way Dept.	IP33 1NR
The British Horse Society	
Abbey Park	Cyclists' Touring Club
Stareton	Parklands
KENILWORTH	Railton Road
CV8 2XZ	GUILDFORD
<a href="mailto:access@bhs.org.uk">access@bhs.org.uk</a>	GU2 9JX
	Jenny Balding
Byways and Bridleways Trust	Naburn Parish Council
Burgate Farm	Wisteria Cottage
Harwood Dale	Maypole Grove
Scarborough	Naburn
YO13 0DS	York
<a href="mailto:notices@bywaysandbridlewaystrust.org.uk">notices@bywaysandbridlewaystrust.org.uk</a>	YO19 4RY
Open Spaces Society	Mr R. Arundel & Ms E. Arundel
25A Bell Street	Beech House
HENLEY ON THAMES	Vicarage Lane
RG9 2BA	Naburn
	York
The Ramblers	YO19 4RS
3rd Floor	
1 Clink Street	
LONDON	
SE1 9DG	

Mrs R. Dickinson  
12 Palmes Close  
Naburn  
York  
YO19 4RZ

York Cycle Campaign  
[yorkcyclecampaign@gmail.com](mailto:yorkcyclecampaign@gmail.com)

Dr Sue Price  
17 Palmes Close  
Naburn  
York  
YO19 4RZ

Councillor Christian Vassie  
[cllr.cvassie@york.gov.uk](mailto:cllr.cvassie@york.gov.uk)

Mr David Nunns  
The Ramblers  
den3mil3@talktalk.net

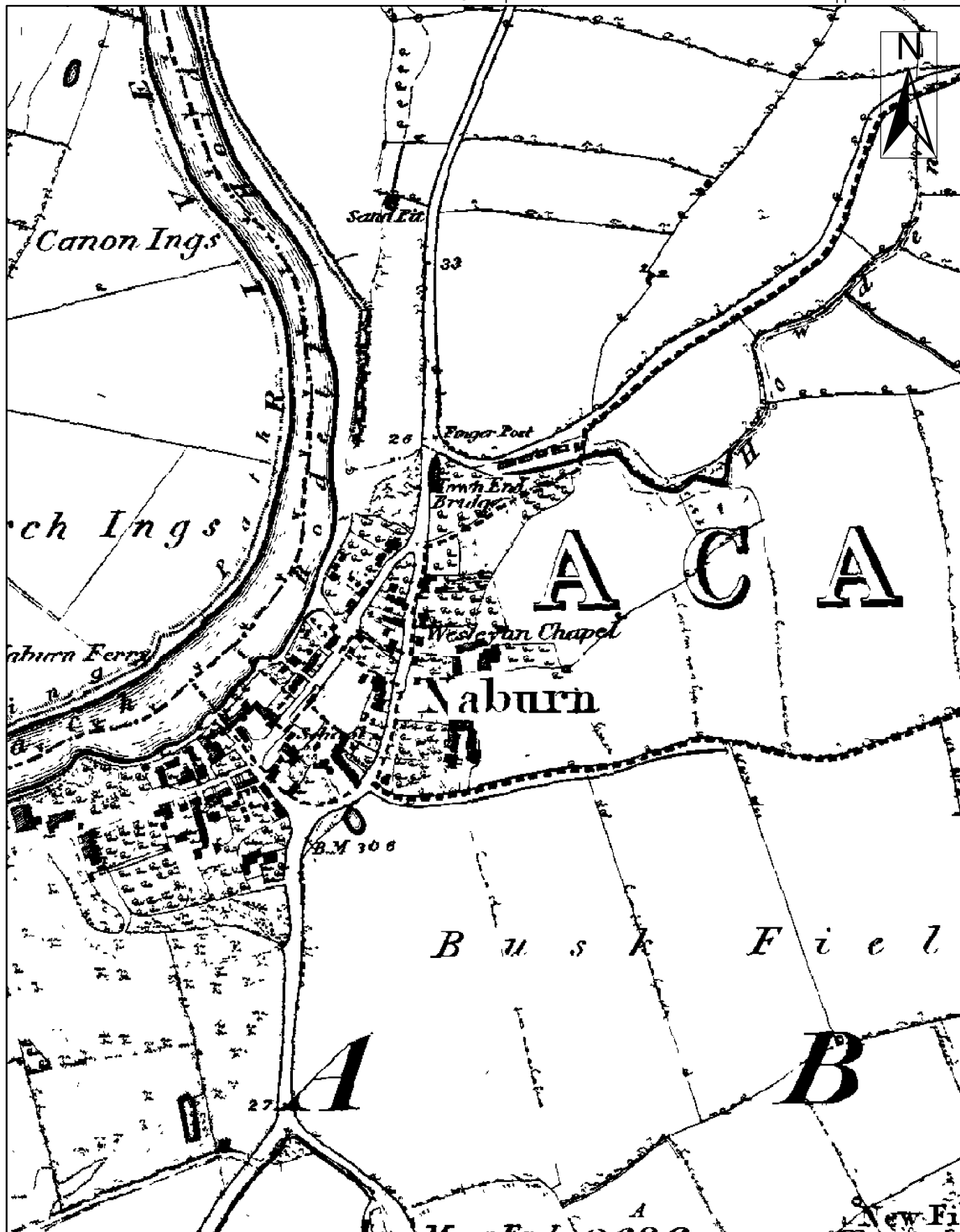
Mrs Catriona Cook  
British Horse Society  
ccburgatebovey@gmail.com

Ms Geri Coop  
Byways and Bridleways Trust  
[bbt@bywaysandbridlewaystrust.org.uk](http://bbt@bywaysandbridlewaystrust.org.uk)

## **Appendix 15**

### **OS maps**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

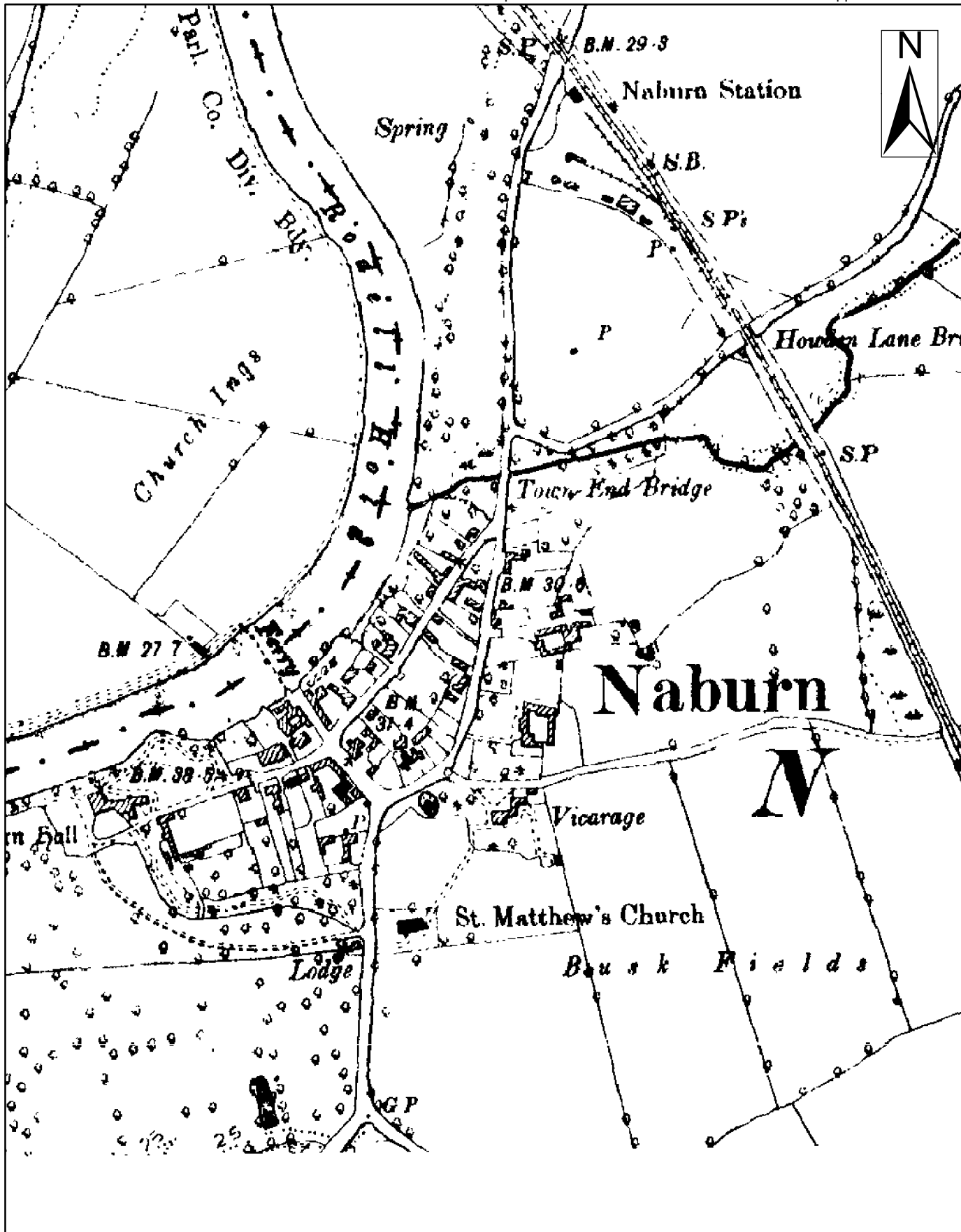


West Offices, Station Rise, York,  
YO1 6GA  
Telephone: 01904 551550

### 1849-56 OS map 6 inch scale

Scale 1:5,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



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

### 1893 OS map 6 inch scale

Scale 1:5,000

Drawn By: LRG

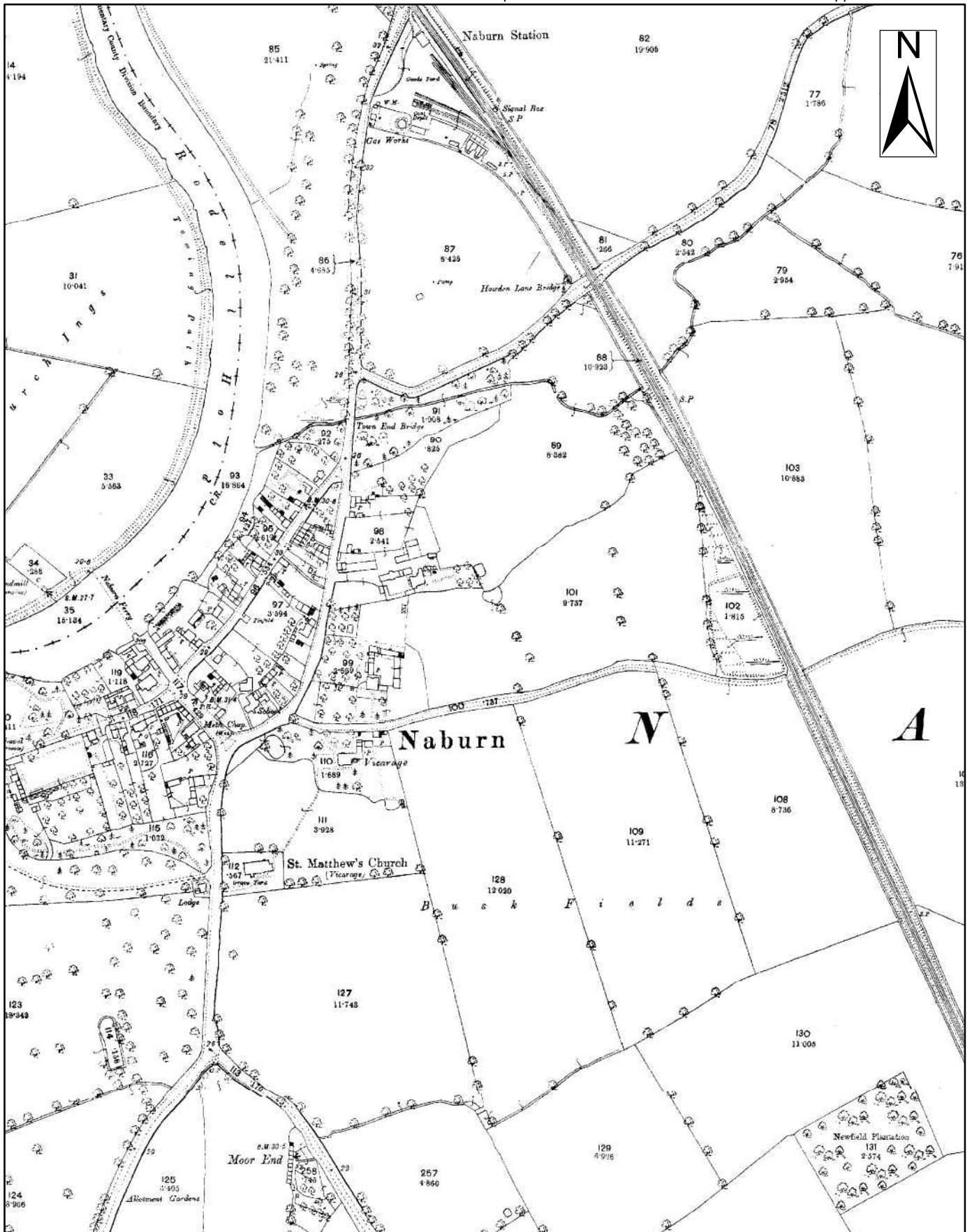
Date: 19/10/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



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

## 1893 OS map 25 inch scale

Scale 1:5,000

Drawn By: LRG

Date: 19/10/21

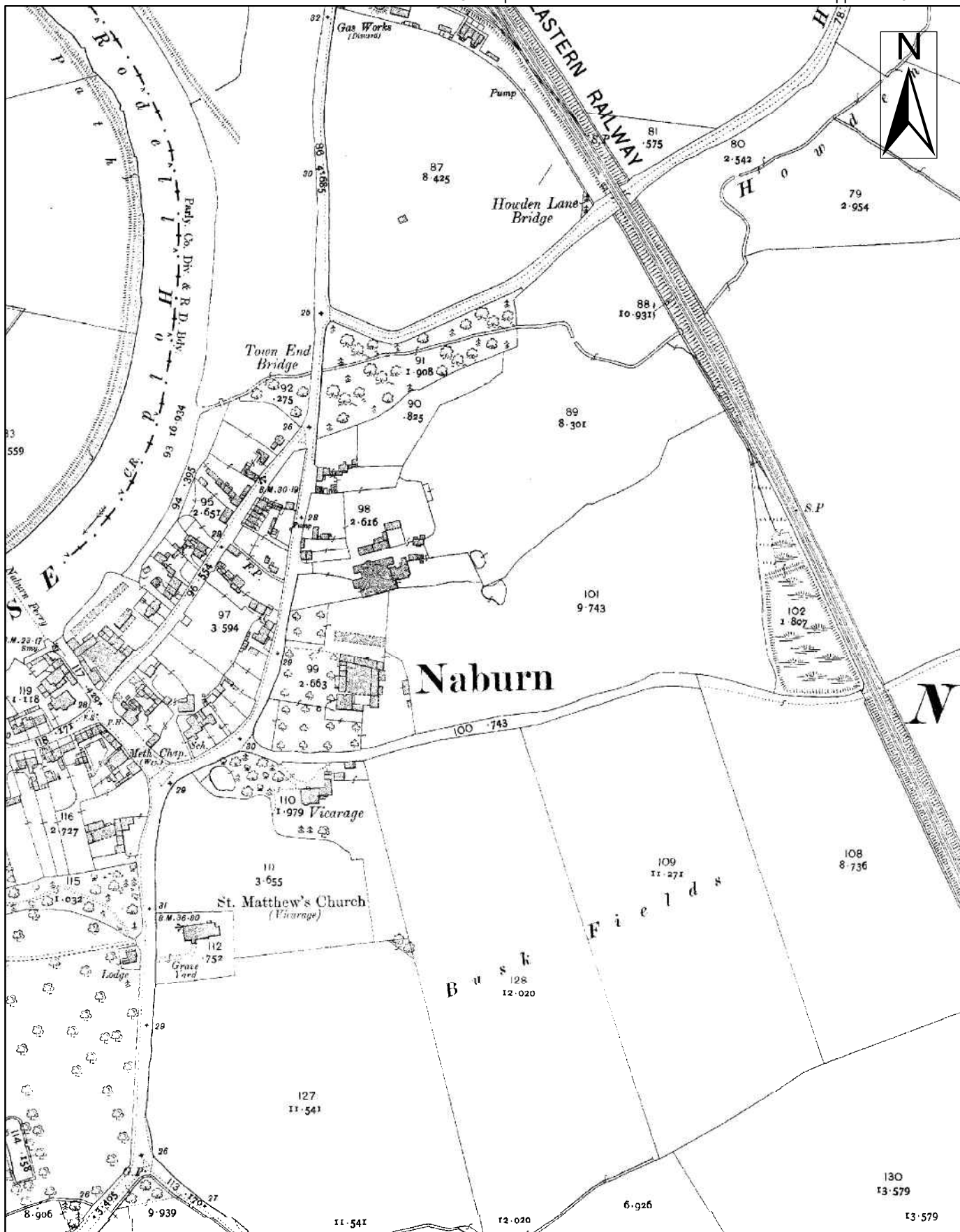
Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021





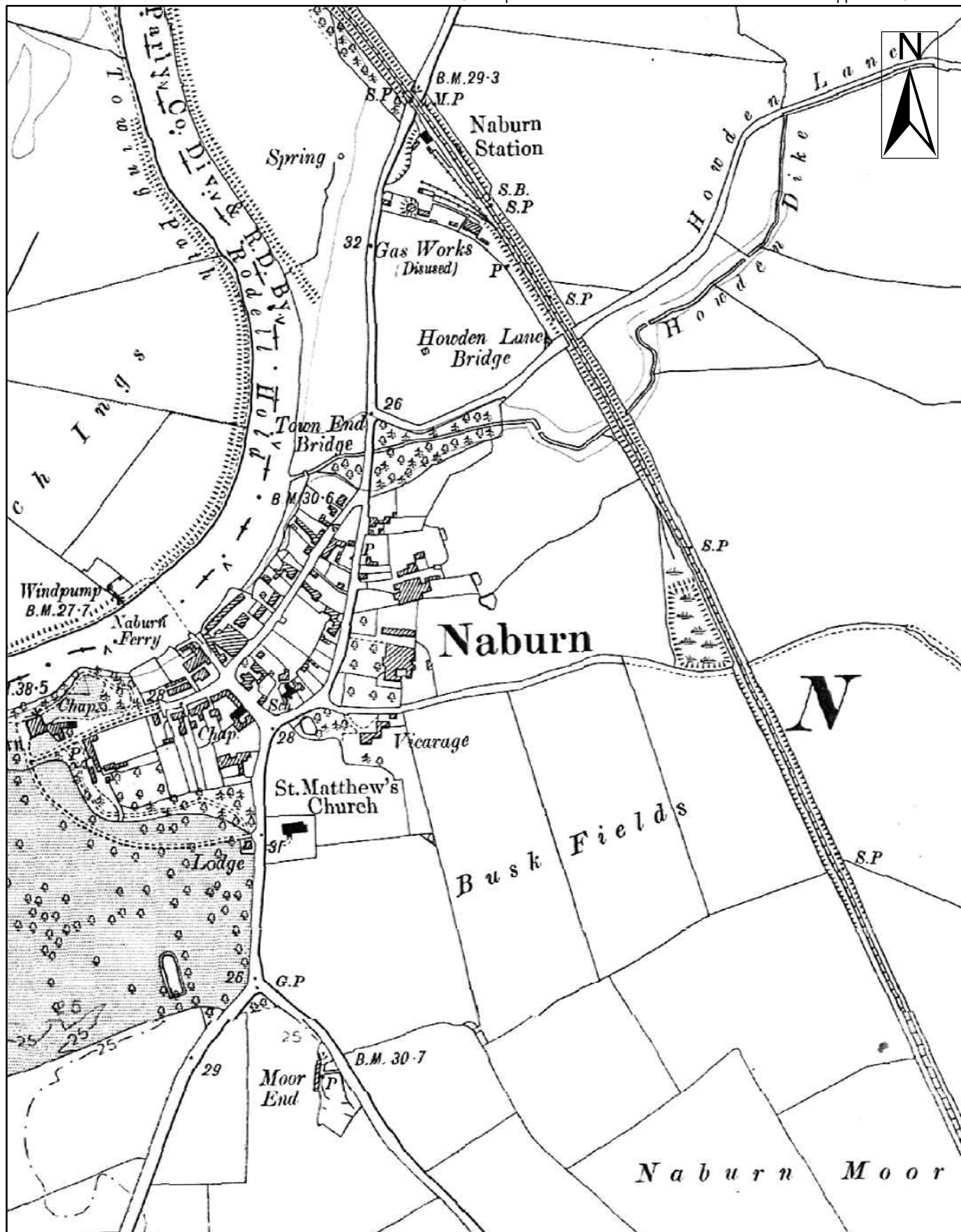
West Offices, Station Rise, York,  
YO1 6GA  
Telephone: 01904 551550

### 1908 OS map 25 inch scale

Scale 1:4,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



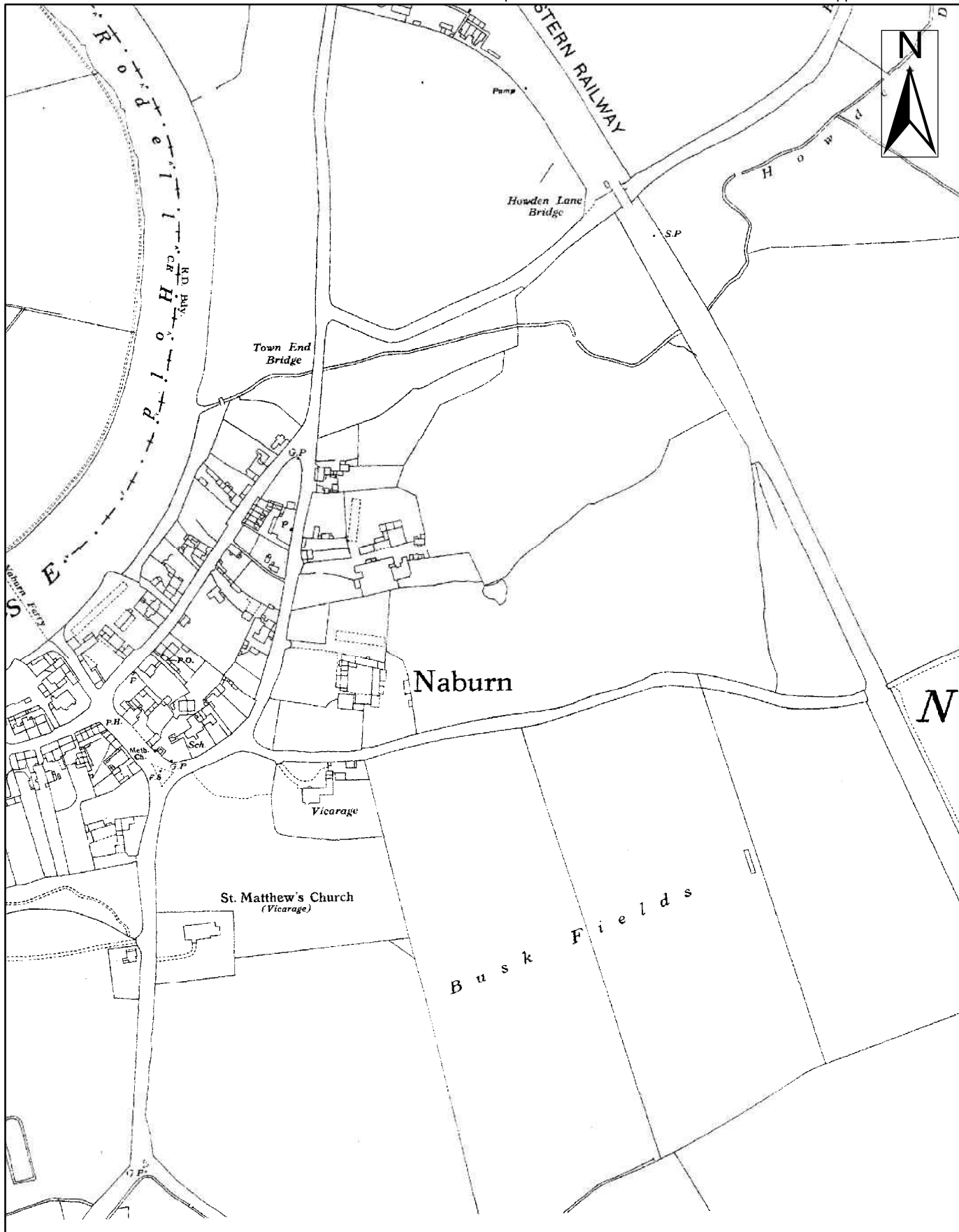


West Offices, Station Rise, York,  
YO1 6GA  
Telephone: 01904 551550

### 1910 OS map 6 inch scale

Scale 1:6,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



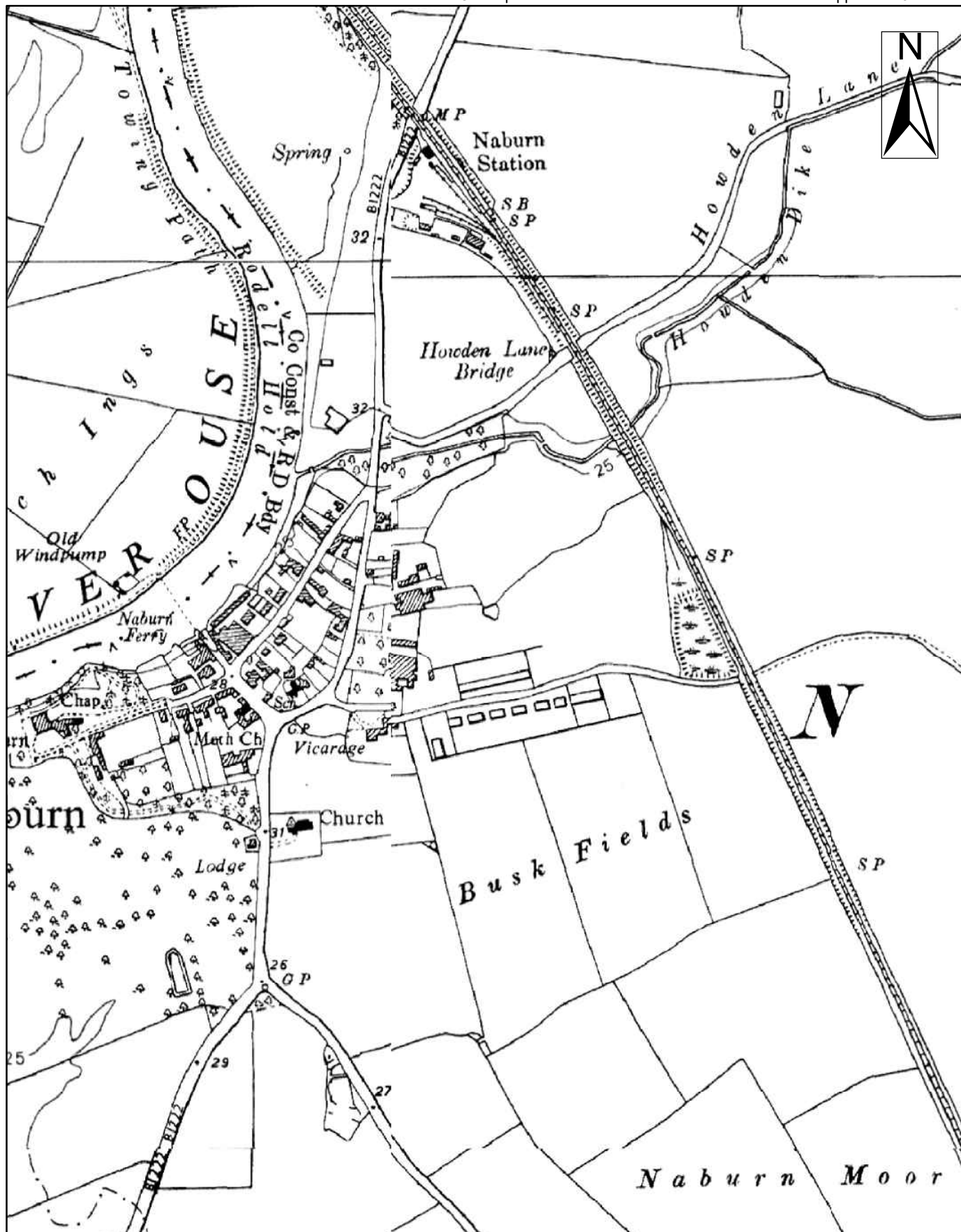
West Offices, Station Rise, York,  
YO1 6GA  
Telephone: 01904 551550

### 1938 OS map 25 inch scale

Scale 1:4,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



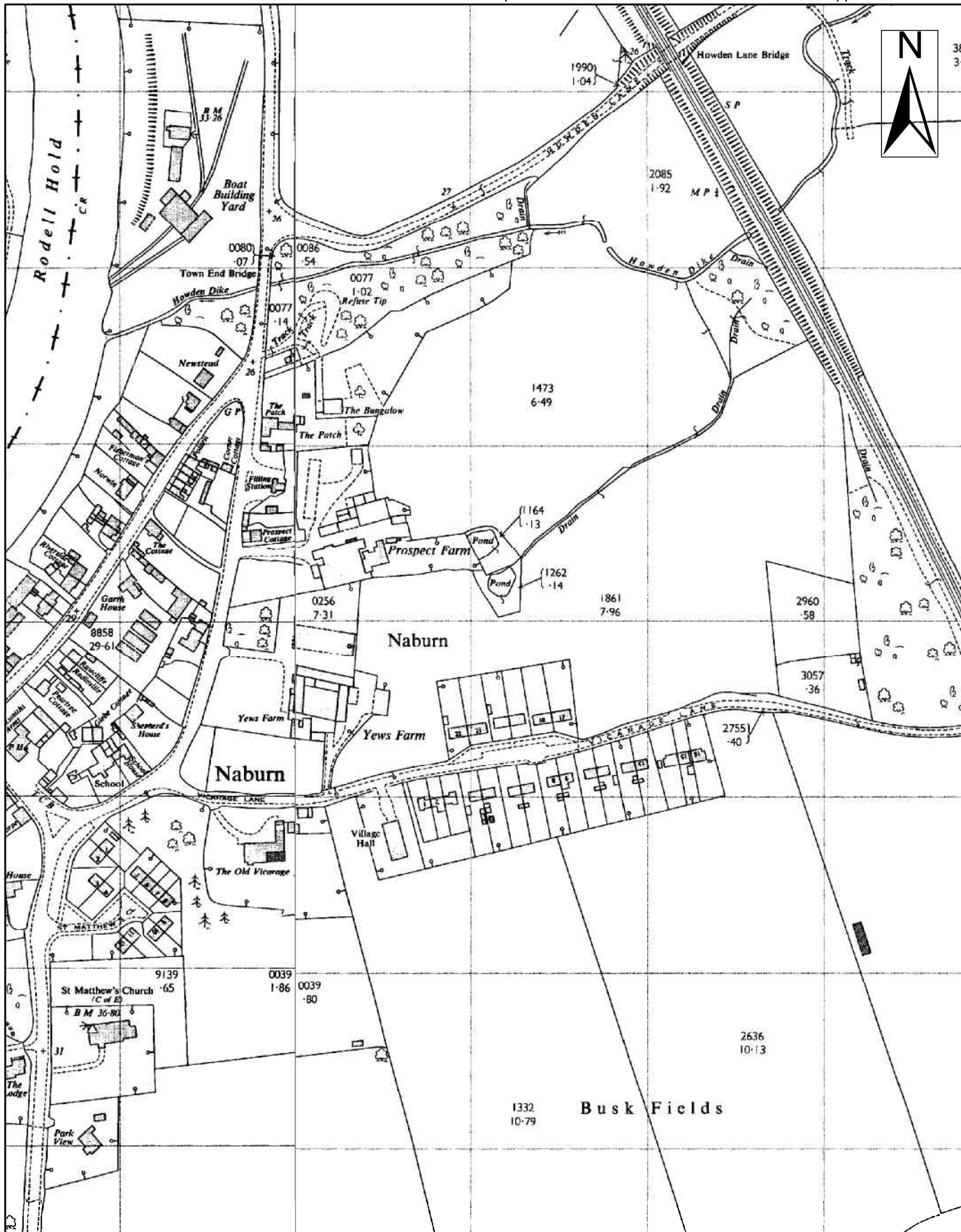


West Offices, Station Rise, York,  
YO1 6GA  
Telephone: 01904 551550

### 1958 OS map 1:10000 scale

Scale 1:6,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



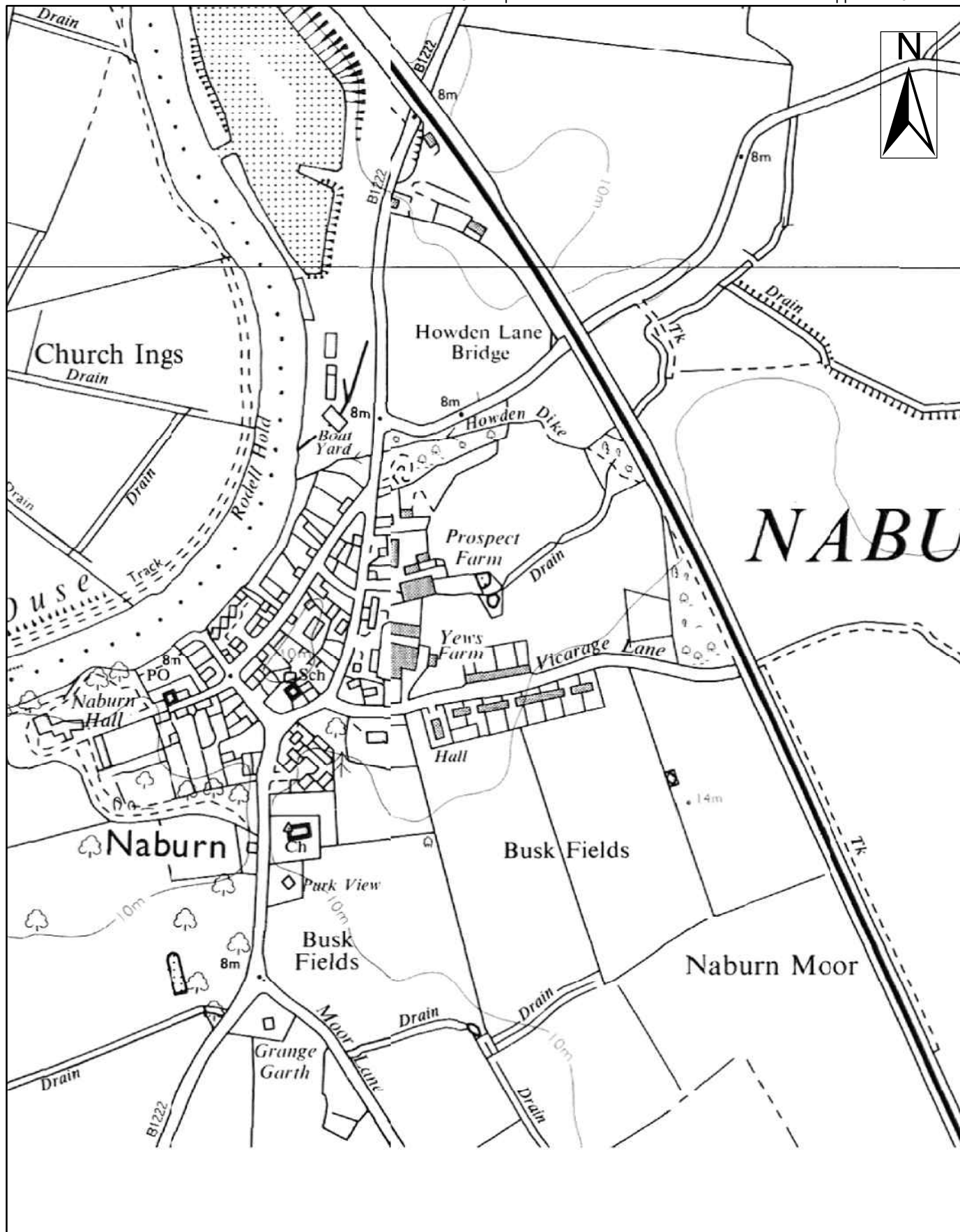
West Offices, Station Rise, York,  
YO1 6GA  
Telephone: 01904 551550

## 1967 OS map 25 inch scale

Scale 1:3,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021





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

### 1988 OS map 1:10000 scale

Scale 1:6,000	Drawn By: LRG	Date: 19/10/21
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



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

## 1994 OS map 25 inch scale

Scale 1:3,000

Drawn By: LRG

Date: 19/10/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021

**Appendix 16**

**Aerial photos**

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF  
YORK  
PUBLIC FOOTPATH NABURN 7  
MODIFICATION ORDER 2021**



## **Naburn Village Aerials**

1. Taken in 1978 where the area of the order route can be seen on the right in the background





2. 1980 Aerial view of Naburn, the area of the order route can be seen in foreground on the right.



3. 1995 Aerial view of Naburn where the order route area can be seen on the mid right hand side



4. Aerial photo from 1996 where the order route area can be seen in the mid right hand side

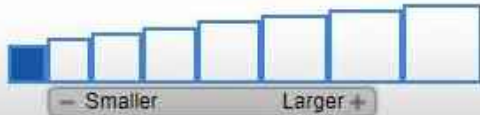




1999 Aerial photo from Get Mapping ([uk aerial photography: aerial maps, digital aerial photos, aerial photo prints \(getmapping.com\)](http://uk.aerial-photography.com))

Date Of Survey: 03/05/1999 - 18/05/1999

Size



Ground Coverage: 0.1km by 0.1km [\[view in miles\]](#)

Shape

- Landscape
- Portrait
- Square

Select your area

On the next page preview and select from Aerial Photography, Mapping and Height Data products.

[proceed to next step >](#)

Location

Grid ref. at centre:

460184  
445512

[What does this mean?](#)

1999-Date 2000-2003 2004-Date 2014 2017 2020 [View map >](#)



Look in a different area ...

- Postcode
- Town/village
- Streetname
- Landranger™
- East / northing
- Motorway jct.

e.g. RG27 8NW

[search >](#)

Mapping Contains Ordnance Survey data © Crown copyright and database right 2010  
Streetname, Town/village and some Postcode searches: Contain National Statistics data © Crown copyright and database right 2010  
Streetname and Town/village search: Contains Royal Mail data © Royal Mail copyright and database right 2010





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

## 2002 Aerial

Scale 1:2,500

Drawn By: LRG

Date: 19/10/21

Public Rights of Way

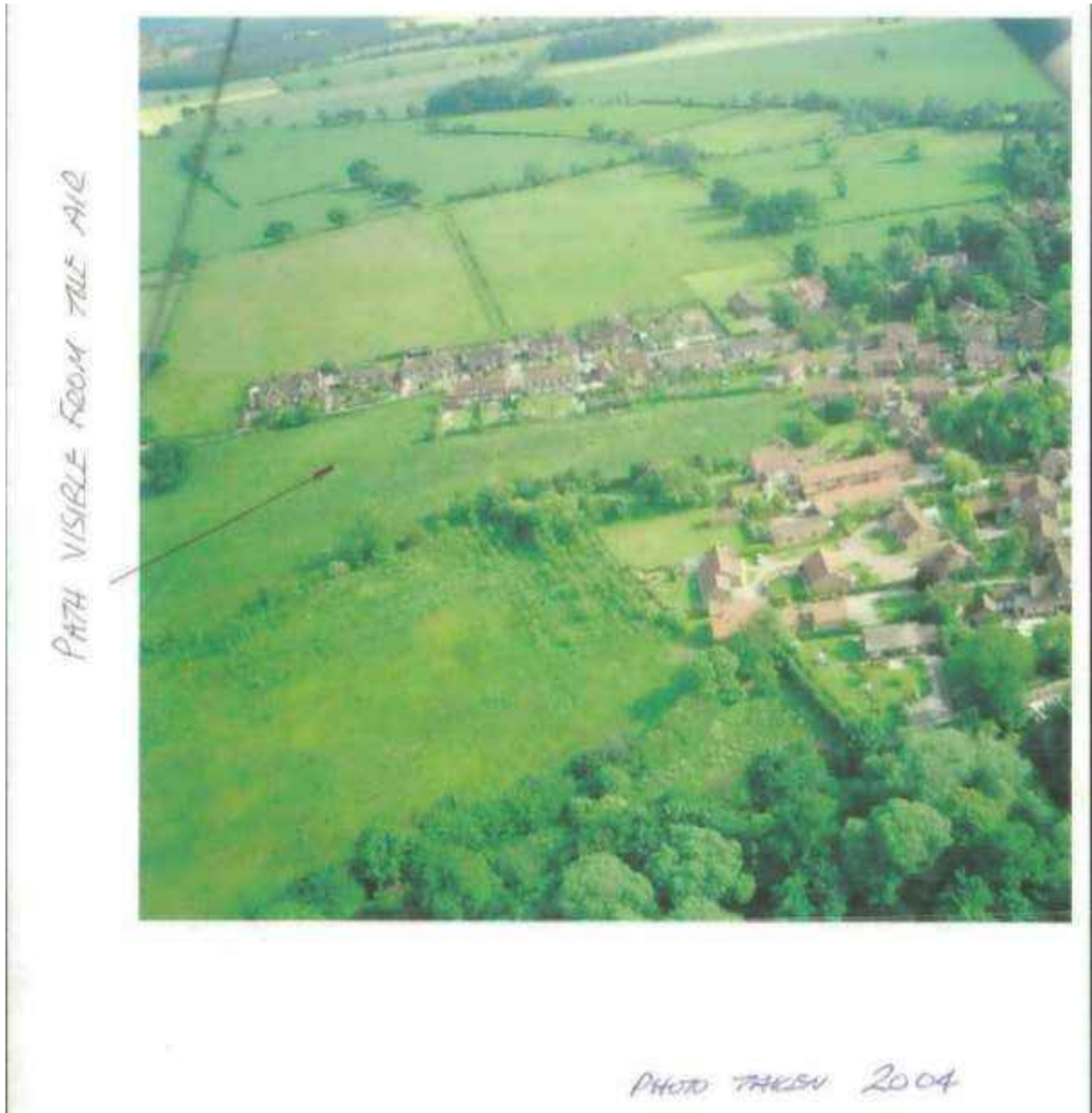
Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



6. Aerial photo from 2004 submitted with the application where the order route is in the middle of the photo



5. Aerial photo submitted with the application from 2004 showing the order route



*PATH VISIBLE FROM THE AIR*

*PHOTO TAKEN 2004*





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

## 2007 Aerial

Scale 1:2,500

Drawn By: LRG

Date: 19/10/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021



7. Aerial photo submitted with the 2008 application although it is not clear when this photo has been taken







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

## 2014 Aerial

Scale 1:2,500

Drawn By: LRG

Date: 19/10/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021





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

## 2017 Aerial

Scale 1:3,000

Drawn By: LRG

Date: 19/10/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021





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

## 2020 Aerial

Scale 1:2,000

Drawn By: LRG

Date: 18/11/21

Public Rights of Way

Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2021

## **Appendix 17**

### **Photos of route**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**



1. Photos taken from the field where the order route runs of the construction of Palmes Close in 1978.



2. Photo of the start of the order route from Palmes Close, taken at the time of the application in October 2007.





3. Taken at the end of Palmes Close looking west towards the start of the order route



4. Photo showing flooding in Palmes Close in 2008, the order route would be behind the photographer.



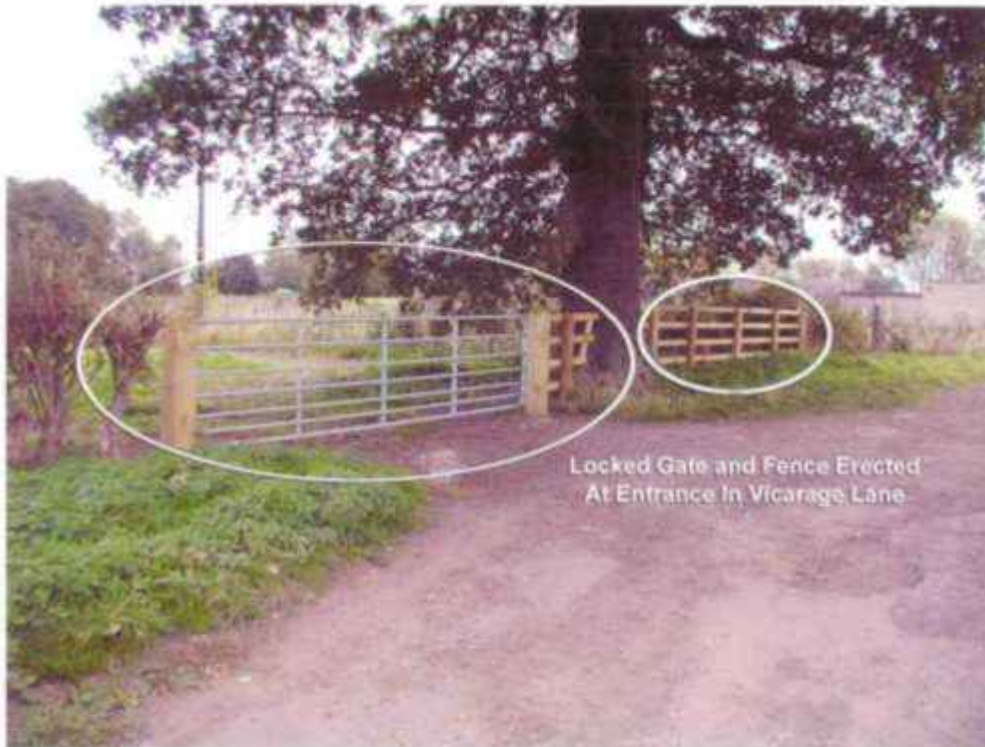
5. Looking across the order route from Palmes Close in 2007.





6 and 7. Photos submitted with the application form in 2007.

### Access Denied From Vicarage Lane



8 and 9. Photos submitted with the application taken in 2007.

### Access Removed From Palmes Close





10. Flooding in Palmes Close in 2008, the order route would be behind the photographer.





11. Taken on a site visit in 2012 of the field gate at the Vicarage Lane entrance to the order route.



13 and 14. Photos taken in 2012 of a similar gate and notices from Vicarage Lane to Busk Fields (not the order route)





15 and 16. Taken in 2012 on a site visit of the field where the order route runs from Vicarage Lane.



17. Taken in 2012 of the field gate on Vicarage Lane looking into the field where the order route runs.





18. Photo taken on a site visit in 2012 of the order route from Palmes Close.



19. Photo taken on a site visit in 2012 of the order route from Palmes Close.





20 and 21. The order route entrance from Palmes close taken in 2012.





22. The order route from Palmes Close (taken in 2012).



23. The stile and fence at the end of Palmes Close from where the order route can be seen in the background (taken on a site visit in 2012.)





24. Taken in 2012 from the field gate at Vicarage Lane looking west along the order route.



25. The field gate lock on Vicarage Lane (taken in 2102).



26. Taken in 2012 of the field gate from Vicarage Lane, the order route runs to the west in the background of this photo.





27. Taken on a pre order survey visit in 2021 of the entrance to the order route (looking east) from Palmes Close.



28. Taken on a pre order survey visit in 2021 of the entrance to the order route (looking east) from Palmes Close.





29. Taken of the order route in 2021 from Palmes Close looking east



30. Photo taken in 1980s of 17 Palmes Close where the order route field is on the right.



## **Appendix 18**

### **OMA Determination report**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**



## TRANSPORT DECISION - DEFINITIVE MAP MODIFICATION ORDER DETERMINATION

### Application to be determined – 200802 Naburn – Palmes Close to Vicarage Lane DMMO application to record as public footpath A-B on the map below

Evidence supporting the application	Evidence refuting the application
12 Evidence of use statement alleging use between 1980 and 2007 (27 years). 2 users alleging use for more than 20 years	
Aerial photographs showing a worn strip through the field corresponding with the application route.	
<b>DMO Comment on the evidence as a whole</b>	
<p>The user evidence statements are sufficient to raise an allegation that a public footpath exists over the way. The relevant 20 year period is 1987 to 2007, the public's right to use the route being called into question when the access stile between Palmes Close and the field was removed in October 2007 and no right of way signs erected. That being said, the evidence as it stands is not sufficient to confirm the order so a neutral stance is recommended towards confirmation at the moment.</p>	
<b>Consultation responses</b>	
<p>One of the affected land owners objected to the application but did not include any relevant evidence. The Ramblers had no comment to make and Naburn Parish Council had nothing further to add to the case.</p>	

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

<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.	

<b>Senior Officer Comments</b>

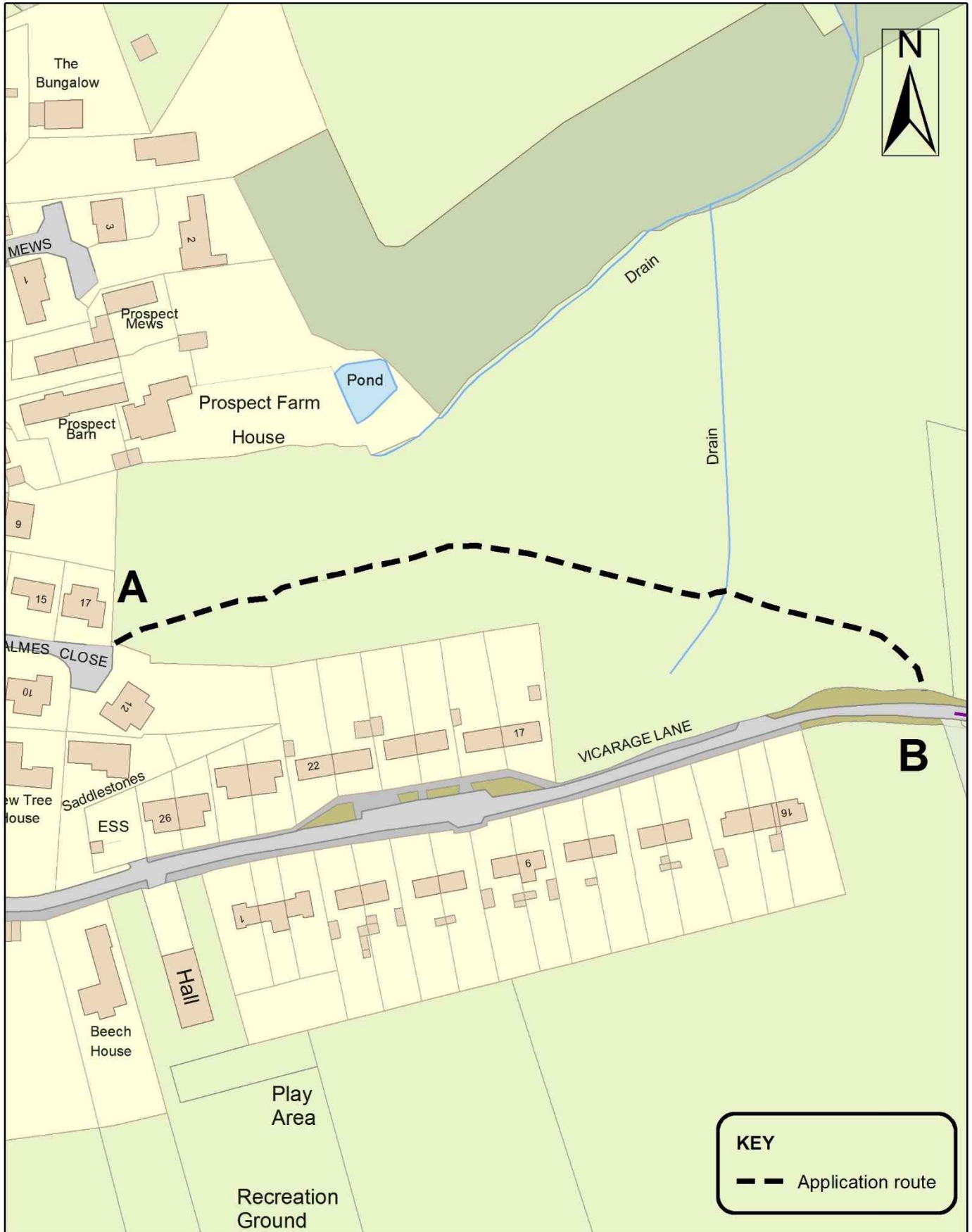


James Gilchrist	<b>Assistant Director</b>
Having considered the available evidence and the comments of the Executive Member for Transport I am happy for the order to be made, moving the process on to the next stage.	

Senior Officer Decision	<b>Make the order</b>
Decision Date:	<b>17 December 2019</b>
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
 <p>James Gilchrist Assistant Director Transport, Highways and Environment</p>	

**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

### 200802 Naburn - Palmes Close to Vicarage Lane

Scale 1:1,500

Drawn By:RJV

Date:4/12/19

Public Rights of Way

Reference:

Drawing No.

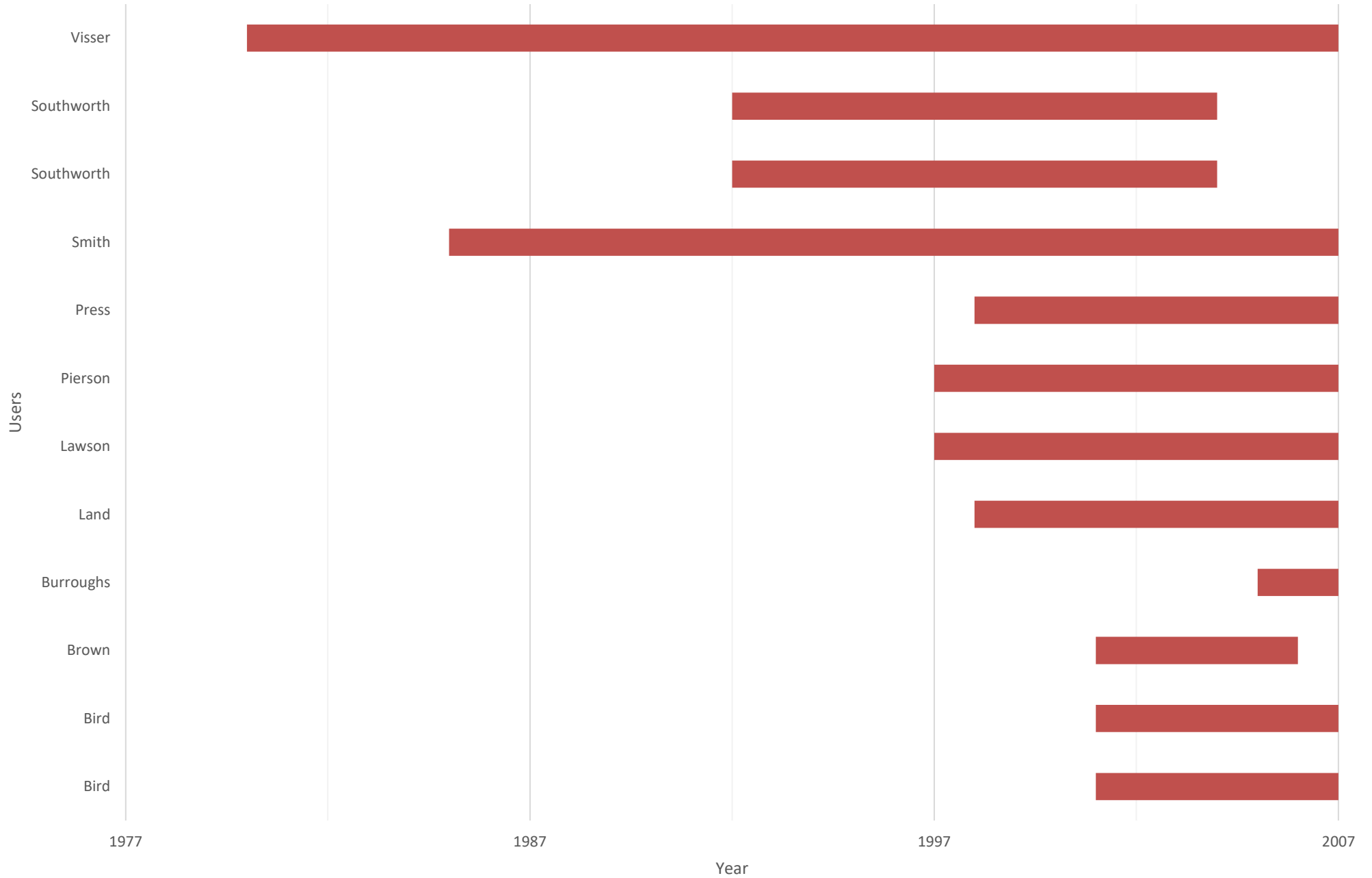
Contains Ordnance Survey data © Crown copyright and database right 2019  
Page 202 of 206

## **Appendix 19**

### **User analysis chart**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**

### Public Footpath Naburn 7 Modification Order 2021 User Chart

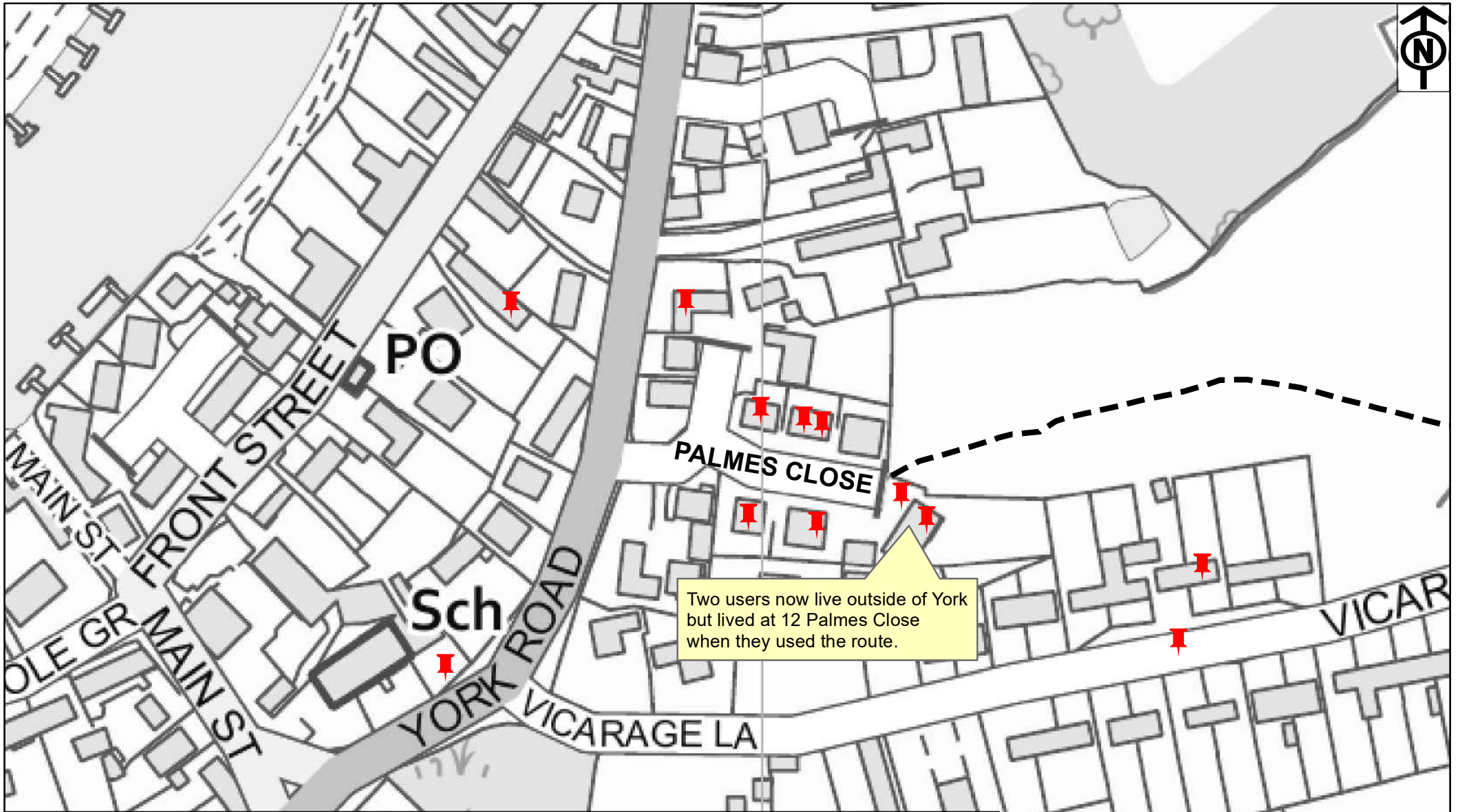


## **Appendix 20**

### **User distribution map**

# **STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC FOOTPATH NABURN 7 MODIFICATION ORDER 2021**





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

### Distribution of users

Scale 1:1,500	Drawn By: LRG	Date: 11/10/22
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2022  
Page 206 of 206

#### KEY

-  Users
-  Public footpath to be added