

Joint statement – Update January 2021

South Milford Parish Council and Monk Fryston Parish Council

Footpath 35.59/6/1 Common Lane - Ingthorne Lane and 35.59/14/1 A162 – Long Heads Lane

South Milford Parish Council and Monk Fryston Parish Council, henceforth referred to as the Councils, set out below their position with regards to the footpaths 35.59/6/1 (Common Lane - Ingthorne Lane) and 35.59/14/1 (A162 – Long Heads Lane). This statement will be posted in the Councils' public notice boards, websites, and social media pages, and circulated to the Footpaths Department at North Yorkshire County Council for action, and relevant landowners and residents.

Footpath 35.59/6/1 Common Lane - Ingthorne Lane

The public footpath 35.59/6/1 runs between Common Lane and Ingthorne Lane. Recently, the location of the path in the vicinity to Milford Grange has been contested. Figure 1 is reproduced from North Yorkshire County Council definitive map, available from <https://www.northyorks.gov.uk/rights-way-maps>.

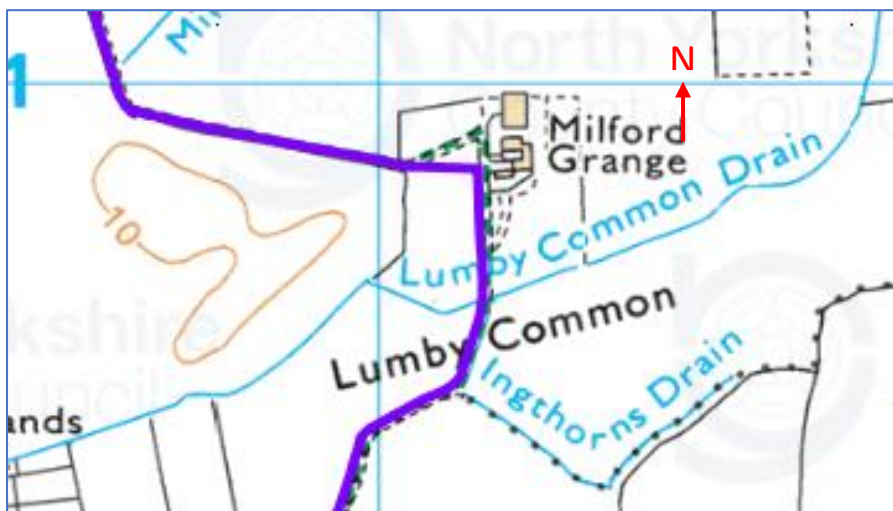


Figure 1: Map of section of public footpath 35.59/6/1 near Milford Grange

The definitive line is marked in blue in Figure 1. From the South Milford side, the definitive line follows Turpin Lane up the point where Turpin Lane turns northeast in the direction of the farm buildings. At that point, the definitive line continues straight to re-join Turpin Lane in front of one of the Milford Grange buildings. The Councils are aware that this section of the definitive line is obstructed by a hedge on the west side of Turpin Lane, and often it has been planted over with crops.

The Ordnance map route is marked in the dashed green line in Figure 1. This route follows Turpin Lane. The Councils have heard that the public has regularly used this route from the 1940s to the present. This route has signs stating that it is a private route. Nevertheless, the evidence of long-term use could support an application to North Yorkshire County Council to confer public rights on this route.

Recently a third route has been proposed – this is set out on signs on Turpin Lane. From the South Milford side, this route diverts from Turpin Lane (where Turpin Lane turns northeast) to head south,



then east following the field border, meeting Turpin Lane close to Lumby Common Drain. This route could be interpreted to be an implied dedication to the public, which could support an application to make it a public right of way.

The Councils are aware of local residents' concerns regarding invasion of privacy and anti-social behaviour by a minority of members of the public, as well as concerns by members of the public that the well-used Ordnance Survey map route that was suitable for people with reduced mobility and for buggies is no longer available.

As a compromise position, the Councils propose that the definitive line route should be made available to the public, and used by the public instead of the other routes. This is because the definitive line route is the official public right of way, thereby avoiding the need for a modification order or a diversion order. Nonetheless, the Councils note that the public and landowners retain the right to make an application for a diversion, extinguishment, creation or modification order regarding this or other public rights of way.

The Councils note the recent developments in this route. Upon inspection on the 10th October 2020, there are official way markers from North Yorkshire County Council which mark the definitive line over the field to the west of Milford Grange and there is a passage through the hedge; the signs stating that the route is a private road remained. The Councils are unable to confirm whether the way markers and the passage in the hedge follow the definitive line route.

35.59/14/1 A162 – Long Heads Lane

The public footpath 35.59/14/1 runs between Long Heads Lane and the A162 (see Figure 2 below). The footpath is not signposted at the eastern or western entrances. The east section of the path has been obstructed for some years – this is marked on the map in red. Therefore, members of the public have accessed the path walking on Long Heads Lane without challenge, even though this track does not have public right of way status. In recent months, the western section of the path was obstructed by crops (marked in yellow on Figure 2), which have now been harvested.

In June 2019, the Monk Fryston Parish Council brought the problems with accessing the path to the attention of the Footpaths Department at North Yorkshire County Council. The Footpaths Department confirmed that obstructions to the path should be investigated by the maintenance team, who will contact the landowners and if necessary, take enforcement action. As of the 10th October 2020, access to the path remains obstructed.

The Councils note that, following the contact by South Milford Parish Council, the landowner of the field where the western section of the footpath lays (in yellow), has agreed to reinstate the footpath as per the definitive line. The owners of the small field adjacent to the obstructed path across the garden of Long Heads House are also aware of the situation and have indicated no opposition to reopening the footpath leaving the section which crosses the garden of the owner of Long Heads House as an incomplete section of the footpath.

The Councils request the reinstatement of the route in line with the Definitive Pathway while acknowledging the owners right to apply for a diversion order to resolve the issue.

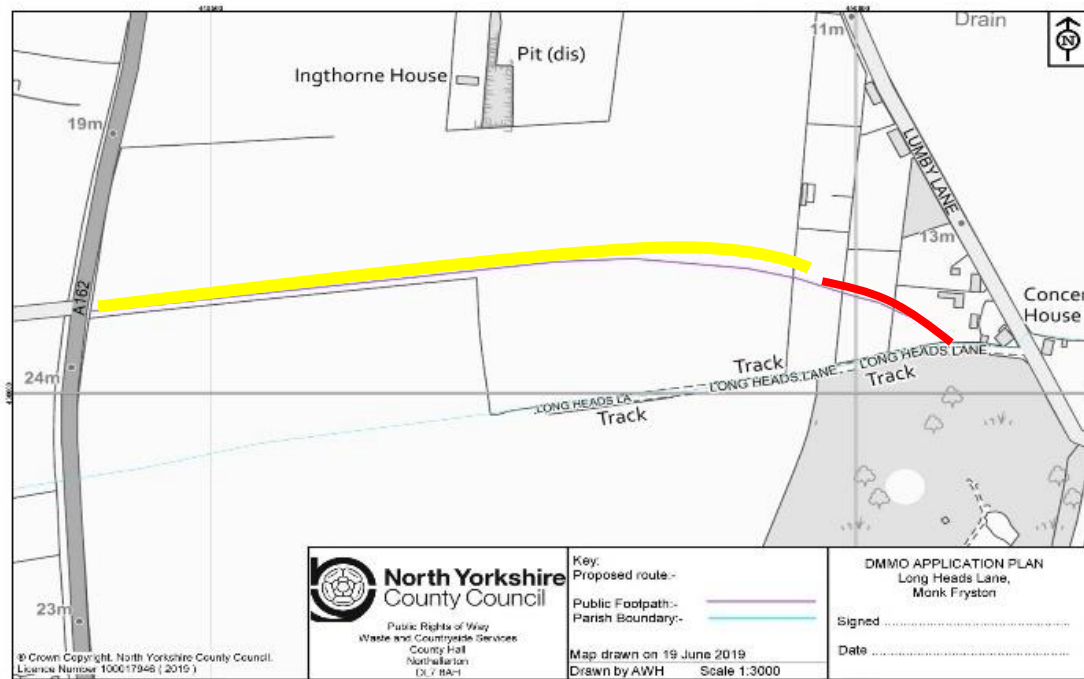


Figure 2: Map of footpath 35.59/14/1 A162 – Long Heads Lane

Proposed actions

The Councils ask the landowner(s) to reinstate the public footpaths to a usable condition:

- With regards to the footpath 35.59/6/1 Common Lane - Ingthorne Lane, this involves keeping the definitive line route through the field clear of crops, together with the other requirements in the law. The Councils also ask that the signs diverting the public to the third route are removed.
- With regards to the footpath 35.59/14/1 A162 – Long Heads Lane, this involves reinstating the link to Long Heads Lane, removing hedgerows which obstruct it, establish passages between the field boundaries and keeping the footpath clear of crops and vegetation, together with the other requirements in the law.
- The full list of requirements are set out in the Highways Act 1980, and explained in the North Yorkshire County Council website (<https://www.northyorks.gov.uk/rights-way-maintenance>).

The Councils ask North Yorkshire County Council to deliver its obligations, namely to install signposts, liaise with the landowners to reinstate the footpaths, and to confirm that the definitive lines are abided by. With respect to the footpath 35.59/6/1, the Councils note that North Yorkshire County Council intended to confirm that the definitive line was reinstated as soon as the harvest was brought in, which has now occurred.

The Councils ask the public to keep to the public footpaths and to be considerate to local residents and landowners.