

Rebecca Kay's response to The Council's Statement of Case re Public Footpath Dunnington 22 Modification Order 2021

The Evidence

The survey:

1. The signatures of the persons taking the statements suggest the majority of the forms have been completed in either the Sports Club, The Greyhound or The Cross Keys. A smaller proportion may not have been dealt with in a pub/club.
2. Do the venues for the completion of the majority of the forms explain why the answers on the whole seem to be quite flippant and given without a great deal of explanation, it does raise the question if the survey was being dealt with only a small degree of seriousness in view of the surroundings?
3. Who was person who pre-filled most of the forms – did they fully explain what they were doing/referring to?

Map identifying the Order Route:

4. Was it explained to each user of the Order Route exactly which track was under discussion?
5. The route is described as 'Access from Common Road to Allotments/Strawberry Cottage'. Not many villagers/locals actually know that the name of the house at the bottom of the track near the kissing gate is called Strawberry Cottage. When I tell people where my ponies are kept, it is easier to say 'behind the Sports Club' because of this. It is highly likely that the people completing the survey focused on 'Allotments' rather than the exact location, especially if, as suspected, the surveys were generally completed in more of a social environment which did not lend itself to precise explanations so well.
6. If a map had not been available to clearly define which was the Order Route, then it may have been wrongly identified by the person being surveyed, and they may have thought it was actually the main access to the allotments from Intake Lane that was under discussion, not the Order Route.

The frequency of use:

7. Since 1970 I lived at Hall Garth on the Hull Road and from around 1977 I frequently biked to school and to meet friends, and passed the Order Route, or I walked across the fields from Hall Garth and came out directly opposite the Order Route and did not see anyone walking along there, certainly up until the early 1990's. I knew the Order Route as my mother was friendly with Mrs Murray in the late 1970s and later, and we often visited her at Strawberry Cottage after I had been picked up from school by car. We didn't visit on a weekend as the gate was sometimes locked by Bill Walker.
8. I rode horses regularly 1978 – 1995, cutting across the fields behind the then Windmill Pub and coming out directly opposite the Order Route, which was the only way I began each and every ride in order to avoid the busy A1079. From 1981 I owned an ex-racehorse that required a lot of exercise. Unlike the users in the survey, I am unable to state categorically that I exercised her daily, which I don't think anyone could actually state they did the same thing every single day, but on the many, many days I did, I cannot remember actually noticing anyone walking on the Order Route until the early 1990's.
9. A memorable year for me is 1990, as my mare gave birth to her first foal and grazed in the field which I still rent, and which is at the end of the Order Route and is owned by Strawberry Cottage. I spent literally hours a day there with my mare and foal and I can't remember anybody, except for Mrs Murray, who resided in one half of Strawberry Cottage at the time, coming down the track. There may have been the odd walker that I obviously missed, but according to the survey there should have been ten users that used that route every day, so surely, I would have seen a few?
10. My second foal was born around 2001 and again the same amount of time was spent with him due to care and handling. There were a few occasional walkers, certainly not the same ones every day, and a foal does encourage people to approach the field and ask questions, and I remember I was not often interrupted by inquisitive people, if at all.
11. Apart from the residents of Strawberry Cottage and their visitors/family, I do not now, or have in the past, seen cyclists along the Order Route. There may have been the very rare occasion when it hasn't 'registered' with me, perhaps when a child was looking for a cricket ball, but I travel

along the Order Route at least four times a day and I can't remember when I have actually seen a cyclist, apart from the cottage's residents – it just doesn't happen.

12. For over 30 years I have, as mentioned, used the Order Route to tend to various livestock that I keep in the rented field, and which I visit at least twice a day, resulting in 4 trips along the track. Due to my work commitments in the 1980's, and raising a family in the mid 1990's, etc, routines have changed, but at the weekends I can be there for much longer periods of time, which is probably when most of the users would be using the Order Route too. In that time, I have obviously got to know 'regular walkers', yet, of those names that I recognise in the survey, I would say at least half would not be considered even as an occasional user. Granted, it may be due to extreme coincidence that since 1989 I have missed those users that walk daily/regularly down the Order Route, but surely, I would see them once or twice a month at least, and I haven't? This is true of the 1990's when I first began renting the field to present day. So, it may be said the frequency of use, if any use at all, may have been exaggerated by some of the users.

Rebecca Kay's recollection of the enforcement of the Order Route as not a right of way

Bill Walker – owner of the Order Route until 2001 &

Mrs Murray – owner of Strawberry Cottage's field (friend and person I rented the field from 1989):

13. Our family were friendly with Bill Walker as my older brother delivered his evening papers around 1974, and later he had a Saturday job helping Bill with the livestock. My parents also went to Bill Walker if they needed any advice with regards to pig breeding.
14. My brother witnessed that Bill Walker approached walkers using the Order Route when he worked for him, and heard him tell them it was not a right of way and they had no right to use it. I remember my brother telling me about this as he found it quite amusing how keen Bill was to get his point across.
15. He was forthright, and I remember him shouting at me when I strayed into his neighbour's field adjacent to Hassacarr pond. He had spotted me from across the road when he was stood in his gateway and he didn't think twice about bellowing at me and telling me to get out.

16. Point 85 – I disagree that Bill Walker did not challenge any of the people that completed the survey. It must be taken into account that he was a self employed farmer, working much of the time on his own. It isn't realistic to expect he was constantly running across his land to challenge walkers using the Order Route, but I do believe that when the opportunity arose, he made his objections clear.
17. It also must be remembered that there is a current right of way through the kissing gate at Strawberry Cottage, which crossed Bill Walker's land. I know that he also had problems with walkers veering off the designated track, and therefore damaging his crops, so it was impossible for Bill to constantly keep vigil on both routes, and therefore impossible to challenge every walker on the Order Route. This also doesn't account for general day to day work/life, so it would be hugely difficult to challenge every walker.
18. As mentioned, he sometimes locked the gate at the entrance of the Order Route on a weekend and I was aware of this as my mother was friendly with Mrs Murray who lived in Strawberry Cottage over a period of time which ran from approximately 1977 until the late 1990s. I can't be certain how many times a week/month it would be locked, but we planned our visits on a weekday when we knew the gate would be open.
19. I was told by Mrs Murray of how diligent Bill Walker was, with regards to people using the Order Route for anything other than access to Strawberry Cottage.
20. Mrs Murray echoed this trait, as she was from a farming background and did not agree with the right to roam or the like. I witnessed her explaining to any walkers that didn't have their dogs on leads, how important it was to have them under control. On one occasion when I was with her, the walker was a little sarcastic back, so Mrs Murray bluntly told him that he had no right to use the first part of the track anyway – which was the Order Route. Frequently she actually stood in her living room window and looked down the track which can see walkers leaving the end of the Order Route to either continue up to Strawberry Cottage or turn off to the allotments.
21. Mrs Murray literally enforced the need for dogs to be on leads. Twice we had chickens killed by loose dogs squeezing under our field's fence, and there had also been occasions when dogs entered the field and chased the horses/sheep. This added to Mrs Murray's argument that these

irresponsible walkers needed educating, not only about keeping dogs on leads, but where they could actually walk.

22. Point 82 refers to a sign stating 'Private Road' on the gate accessing the Order Route which Bill Walker installed. I disagree that the wording would suggest it refers to vehicles rather than just people on foot. I have been brought up to respect that signage stating 'Private Road' means just that and nobody, apart from pedestrians/vehicles specifically gaining access to a property, should use it.
23. Immediately prior to 1989 when I first rented the field at the end of the Order Route, a driving instructor rented it from Mrs Murray. All I remember is his first name was Howard and he lived along the Hull Road, close to my family home. Howard had a few sheep, goats, poultry and a cow, so when he was running low on grazing, he would allow the cow to graze the sides of the track to Strawberry Cottage. I don't think Howard would have approached Bill Walker to ask him if he could lock the gate in order to ensure the cow could not escape onto the road, I believe he let the cow roam freely once the gate was already locked by Bill on a weekend.