

RECEIVED

15 APR 2024

R.O.V.

RESPONSE TO THE EVIDENCE PROVIDED BY THE BRITISH HORSE SOCIETY

PRoW 3318409 Skelton 12 at Hall Moor Farm, Shipton Lane, Wigginton, York  
YO32 2RQ

It is only an assumption that the area called Hall Moor would have been ridden across by horsemen as stated by the BHS, especially as the area was very wet, as can be seen from modern topographical maps. Where would these presumed riders be coming from and going to, when there are far easier and quicker routes available to and from various locations.

BHS state that villagers would have gone onto the moor to cut turf, thereby creating a route. If local villagers did, in fact, gather turfs from the moor, they would not have followed a specific route, because turfs would be cut and stacked and left to dry for quite some time. Therefore, if people were utilizing this fuel, they would roam all across the common land looking for new sources to cut, gather and stack, so this activity (if it actually took place) would not create a thoroughfare.

The history of highway law, whilst interesting, does not apply in this case where it states “.... that a way between two public ways is itself public.” There is no “way” between two public ways here, as the private entrance route in question only comes from the A19, goes to Hall Moor Farm and turns north into the farmstead. Only the footpaths coming across the fields from Shipton village to the farmstead (the routes of which were legally relocated in 1977) turns to the East a little beyond the farm buildings, and goes onto Moorlands. It is interesting to notice that information is only being utilized if it supports the petitioners’ demands.

BHS fails to acknowledge that the requirement to create boundaries along this entrance way to Hall Moor Farm was stipulated in the laws set down for this particular Enclosure Act. It mentions creating the required hedges, keeping stock from eating them as they develop to maturity– all to allow, and maintain, access to a farm that would be landlocked after the enclosure. In this paragraph BHS use

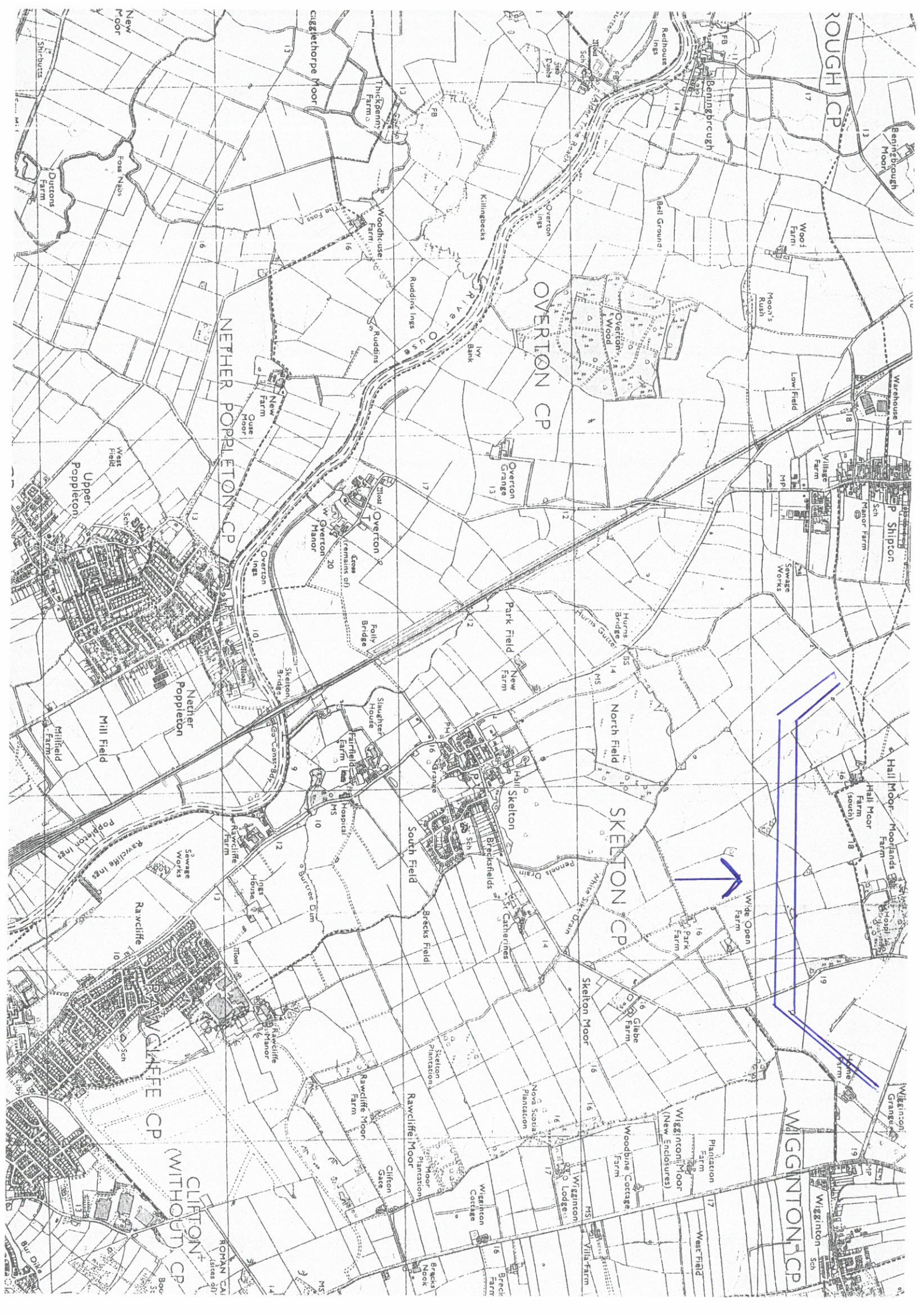
'probable' and 'probability' to suit their case and casts doubt about if they would actually have obeyed the legal requirement and done it.

During her long dissertation about the history of the horse, BHS mentions that she was instructed to "seek out the eldest inhabitants for information....". However, she fails to mention with what qualification these people spoke - perhaps they were just patronising a little girl.

When referring to "stubs" on maps rather than the total length of a road being shown, BHS states that only a "stub" of a road would be shown in order to "avoid cluttering up the map". Reader – I don't know about you, but if I were a stranger to the area in days gone by and, by necessity, travelling with the help of a map, I would certainly want to know where a "stub" road might lead!!! BHS tries to infer by this example that the route to Hall Moor Farm is depicted as a "stub", and that the Order Route – even if it is not shown - actually extends past Hall Moor Farm and goes to Moorlands. It doesn't. It is also interesting to note the actual route of the claimed Order Route on the map, especially where it turns north into the Hall Moor complex, and then right into another (fenced) field where it goes in the direction of Moorlands but then makes several other twists and turns in the route before getting to the Skelton to Wigginton Road. Hardly easy to navigate.

I enclose two maps with my submission, both of which clearly show the public footpaths coming from Shipton, going round the eastern side of the farm buildings and then turning East toward Moorlands. When DJ, the original applicant, arrogantly stated that City of York Council "failed to remove The Bridle Road element when diverting the footpath in 1977", he was not only arrogant but wrong – there was no bridle road element to remove.







1954 MAF

