

PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

STATEMENT OF CASE APPENDICES

Appendices index

Page 1	Appendix 1 Copy orders
Page 20	Appendix 2 List of objectors, objections and representations
Page 105	Appendix 3 Notice of Advert
Page 109	Appendix 4 Certificate serving notice
Page 111	Appendix 5 Undertaking confirmation
Page 113	Appendix 6 Location map
Page 115	Appendix 7 Applicant details
Page 117	Appendix 8 Confirmation of OMA neutral stance
Page 119	Appendix 9 Health and Safety questionnaire
Page 122	Appendix 10 Inspection Place
Page 124	Appendix 11 Extract of Definitive Map and Statement
Page 128	Appendix 12 Pre order consultation
Page 132	Appendix 13 All persons notified
Page 135	Appendix 14 CYC OS maps
Page 163	Appendix 15 Aerial photos
Page 169	Appendix 16 Photos of route
Page 183	Appendix 17 OMA Determination report
Page 188	Appendix 18 Finance Act 1910 documents
Page 192	Appendix 19 Skelton in Cleveland Finance documents
Page 217	Appendix 20 Secretary of State's direction decision
Page 220	Appendix 21 DMMO Application
Page 228	Appendix 22 Skelton Enclosure Act 1806
Page 244	Appendix 23 Enclosure Map and Award 1807
Page 263	Appendix 24 OS maps submitted by applicant
Page 269	Appendix 25 1977 Diversion Order

Page 279	Appendix 26 Andrews Appeal judgement 2015
Page 296	Appendix 27 1910 Finance Act submitted with application
Page 298	Appendix 28 Notice of Commissioners Enclosure meeting 1806
Page 302	Appendix 29 Hurns Lane OMA reference number
Page 304	Appendix 30 Forest of Galtres 1630 map evidence
Page 309	Appendix 31 Applicant's transcription of Act and Award
Page 344	Appendix 32 A4 order maps
Page 347	Appendix 33 Newspaper cuttings referencing Hall Moor Farm
Page 352	Appendix 34 1986 York Historian article
Page 359	Appendix 35 CYC interpretation of 1630 Forest of Galtres map
Page 362	Appendix 36 Land Registry documents
Page 381	Appendix 37 Skelton Parish maps 1950s

Appendix 1

Copies of orders

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK
PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

THE COUNCIL OF THE CITY OF YORK

WILDLIFE AND COUNTRYSIDE ACT 1981

NORTH RIDING OF YORKSHIRE DEFINITIVE MAP AND STATEMENT

PUBLIC BRIDLEWAY SKELTON 12
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

**NORTH RIDING OF YORKSHIRE
DEFINITIVE MAP AND STATEMENT**

**PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the authority that the North Riding of Yorkshire Definitive Map and Statement 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.

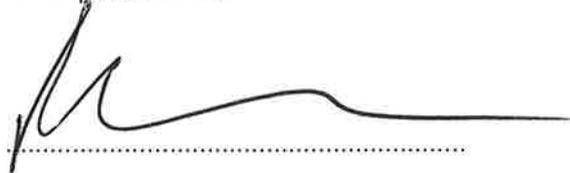
The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 02 August 2021.
2. North Riding of Yorkshire Definitive Map and Statement 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 Bridleway Skelton 12 Modification Order 2021.

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

this 19th day of AUGUST 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12899

**SCHEDULE
PART I**

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

<u>Section of public bridleway as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A-J	Starting at grid reference (GR) SE 5622 5729 (POINT A) at its junction with the maintainable highway known as Shipton Road the 2.4 metre wide earth surfaced public bridleway heads north east for approximately 164 metres to GR SE 5633 5741 (POINT B) where the 2.4 metre wide earth surfaced public bridleway heads north for approximately 165 metres to GR SE 5628 5757 (POINT C) where the 2.4 metre earth surfaced public bridleway heads north east for approximately 47 metres to GR SE 5632 5759 (POINT D) where the 2.4 metre earth surfaced public bridleway heads north for approximately 204 metres to GR SE 5624 5778 (POINT E) where the 2.4 metre earth surfaced public bridleway heads east for approximately 238 metres to GR SE 5644 5789 (POINT F) where the 2.4 metre earth surfaced public bridleway heads north east for approximately 166 metres to GR SE 5649 5805 (POINT G) where it crosses White Sike Drain then the 2.4 metre earth surfaced public bridleway heads east for approximately 687 metres to GR SE 5706 5844 (POINT H) where the 2.4 metre earth surfaced public bridleway heads north for approximately 28 metres to GR SE 5705 5847 (POINT I) where the 2.4 metre earth surfaced public bridleway heads east for approximately 406 metres to GR SE 5742 5863 (POINT J) its junction with public footpath Skelton 8.

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
11/12	SE 5622 5729 to SE 5742 5863	Starting at grid reference (GR) SE 5622 5729 at its junction with the maintainable highway known as Shipton Road the 2.4 metre wide earth surfaced public bridleway heads north east for approximately 164 metres to GR SE 5633 5741 where the 2.4 metre wide earth surfaced public bridleway heads north for approximately 165 metres to GR SE 5628 5757 where the 2.4 metre earth surfaced public bridleway heads north east for approximately 47 metres to GR SE 5632 5759 where the 2.4 metre earth surfaced public bridleway heads north for approximately 204 metres to GR SE 5624 5778 where the 2.4 metre earth surfaced public bridleway heads east for approximately 238 metres to GR SE 5644 5789 where the 2.4 metre earth surfaced public bridleway heads north east for approximately 166 metres to GR SE 5649 5805 where it crosses White Sike Drain then the 2.4 metre earth surfaced public bridleway heads east for approximately 687 metres to GR SE 5706 5844 where the 2.4 metre earth surfaced public bridleway heads north for approximately 28 metres to GR SE 5705 5847 where the 2.4 metre earth surfaced public bridleway heads east for approximately 406 metres to GR SE 5742 5863 its junction with public footpath Skelton 8.	Earth (SE 5622 5729 to SE 5742 5863)	0.164km (SE 5622 5729 to SE 5633 5741) 0.165km (SE 5633 5741 to SE 5628 5757) 0.047km (SE 5628 5757 to SE 5632 5759) 0.204km (SE 5632 5759 to SE 5624 5778) 0.238km (SE 5624 5778 to SE 5644 5789) 0.166km (SE 5644 5789 to SE 5649 5805) 0.687km (SE 5649 5805 to SE 5706 5844) 0.028km (SE 5706 5844 to SE 5705 5847)	2.4m (SE 5622 5729 to SE 5742 5863)	None

				0.406km (SE 5705 5847 to SE 5742 5863)		
				Total: 2.105km		

THE COUNCIL OF THE CITY OF YORK

WILDLIFE AND COUNTRYSIDE ACT 1981

NORTH RIDING OF YORKSHIRE DEFINITIVE MAP AND STATEMENT

PUBLIC BRIDLEWAY SKELTON 12
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

**NORTH RIDING OF YORKSHIRE
DEFINITIVE MAP AND STATEMENT**

**PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the authority that the North Riding of Yorkshire Definitive Map and Statement 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.

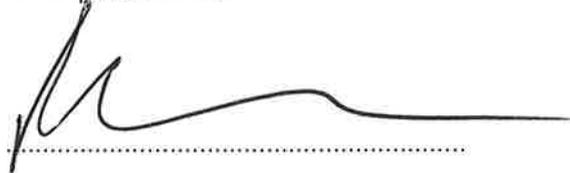
The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 02 August 2021.
2. North Riding of Yorkshire Definitive Map and Statement 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 Bridleway Skelton 12 Modification Order 2021.

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

this 19th day of AUGUST 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12899

**SCHEDULE
PART I**

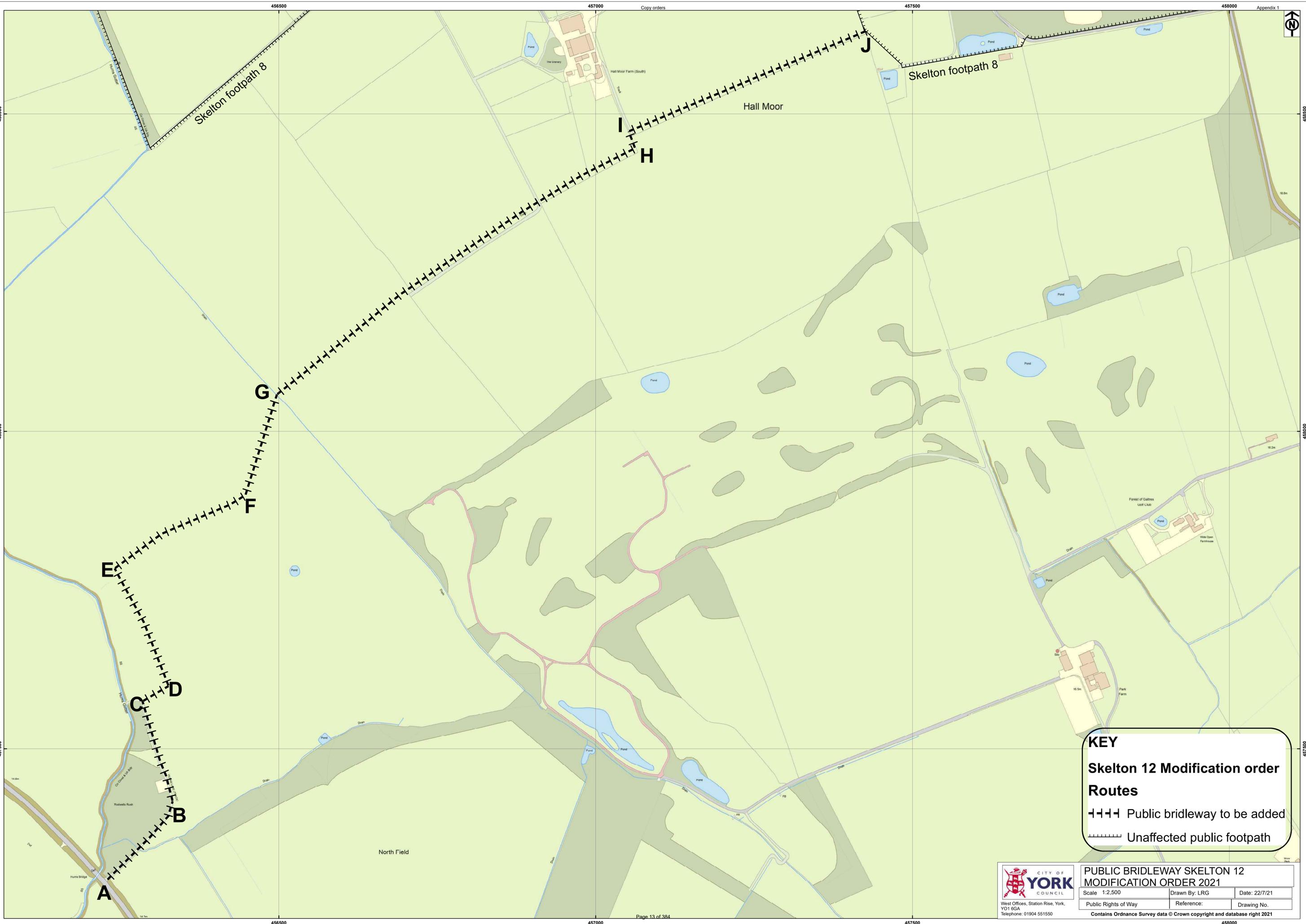
**Modification of Definitive Map
Description of path to be added**

<u>Section of public bridleway as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A-J	Starting at grid reference (GR) SE 5622 5729 (POINT A) at its junction with the maintainable highway known as Shipton Road the 2.4 metre wide earth surfaced public bridleway heads north east for approximately 164 metres to GR SE 5633 5741 (POINT B) where the 2.4 metre wide earth surfaced public bridleway heads north for approximately 165 metres to GR SE 5628 5757 (POINT C) where the 2.4 metre earth surfaced public bridleway heads north east for approximately 47 metres to GR SE 5632 5759 (POINT D) where the 2.4 metre earth surfaced public bridleway heads north for approximately 204 metres to GR SE 5624 5778 (POINT E) where the 2.4 metre earth surfaced public bridleway heads east for approximately 238 metres to GR SE 5644 5789 (POINT F) where the 2.4 metre earth surfaced public bridleway heads north east for approximately 166 metres to GR SE 5649 5805 (POINT G) where it crosses White Sike Drain then the 2.4 metre earth surfaced public bridleway heads east for approximately 687 metres to GR SE 5706 5844 (POINT H) where the 2.4 metre earth surfaced public bridleway heads north for approximately 28 metres to GR SE 5705 5847 (POINT I) where the 2.4 metre earth surfaced public bridleway heads east for approximately 406 metres to GR SE 5742 5863 (POINT J) its junction with public footpath Skelton 8.

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
11/12	SE 5622 5729 to SE 5742 5863	Starting at grid reference (GR) SE 5622 5729 at its junction with the maintainable highway known as Shipton Road the 2.4 metre wide earth surfaced public bridleway heads north east for approximately 164 metres to GR SE 5633 5741 where the 2.4 metre wide earth surfaced public bridleway heads north for approximately 165 metres to GR SE 5628 5757 where the 2.4 metre earth surfaced public bridleway heads north east for approximately 47 metres to GR SE 5632 5759 where the 2.4 metre earth surfaced public bridleway heads north for approximately 204 metres to GR SE 5624 5778 where the 2.4 metre earth surfaced public bridleway heads east for approximately 238 metres to GR SE 5644 5789 where the 2.4 metre earth surfaced public bridleway heads north east for approximately 166 metres to GR SE 5649 5805 where it crosses White Sike Drain then the 2.4 metre earth surfaced public bridleway heads east for approximately 687 metres to GR SE 5706 5844 where the 2.4 metre earth surfaced public bridleway heads north for approximately 28 metres to GR SE 5705 5847 where the 2.4 metre earth surfaced public bridleway heads east for approximately 406 metres to GR SE 5742 5863 its junction with public footpath Skelton 8.	Earth (SE 5622 5729 to SE 5742 5863)	0.164km (SE 5622 5729 to SE 5633 5741) 0.165km (SE 5633 5741 to SE 5628 5757) 0.047km (SE 5628 5757 to SE 5632 5759) 0.204km (SE 5632 5759 to SE 5624 5778) 0.238km (SE 5624 5778 to SE 5644 5789) 0.166km (SE 5644 5789 to SE 5649 5805) 0.687km (SE 5649 5805 to SE 5706 5844) 0.028km (SE 5706 5844 to SE 5705 5847)	2.4m (SE 5622 5729 to SE 5742 5863)	None

				0.406km (SE 5705 5847 to SE 5742 5863)		
				Total: 2.105km		

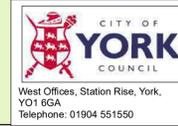


KEY

Skelton 12 Modification order Routes

--- Public bridleway to be added

--- Unaffected public footpath



PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021		
Scale 1:2,500	Drawn By: LRG	Date: 22/7/21
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

NORTH RIDING OF YORKSHIRE DEFINITIVE MAP AND STATEMENT

PUBLIC BRIDLEWAY SKELTON 12
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****NORTH RIDING OF YORKSHIRE
DEFINITIVE MAP AND STATEMENT****PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the authority that the North Riding of Yorkshire Definitive Map and Statement 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.

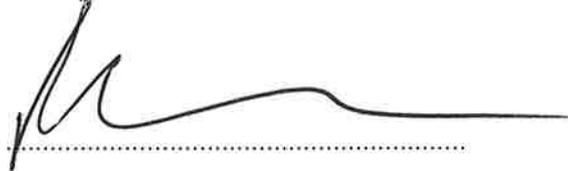
The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 02 August 2021.
2. North Riding of Yorkshire Definitive Map and Statement 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 Bridleway Skelton 12 Modification Order 2021.

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

this 19th day of AUGUST 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12899

**SCHEDULE
PART I**

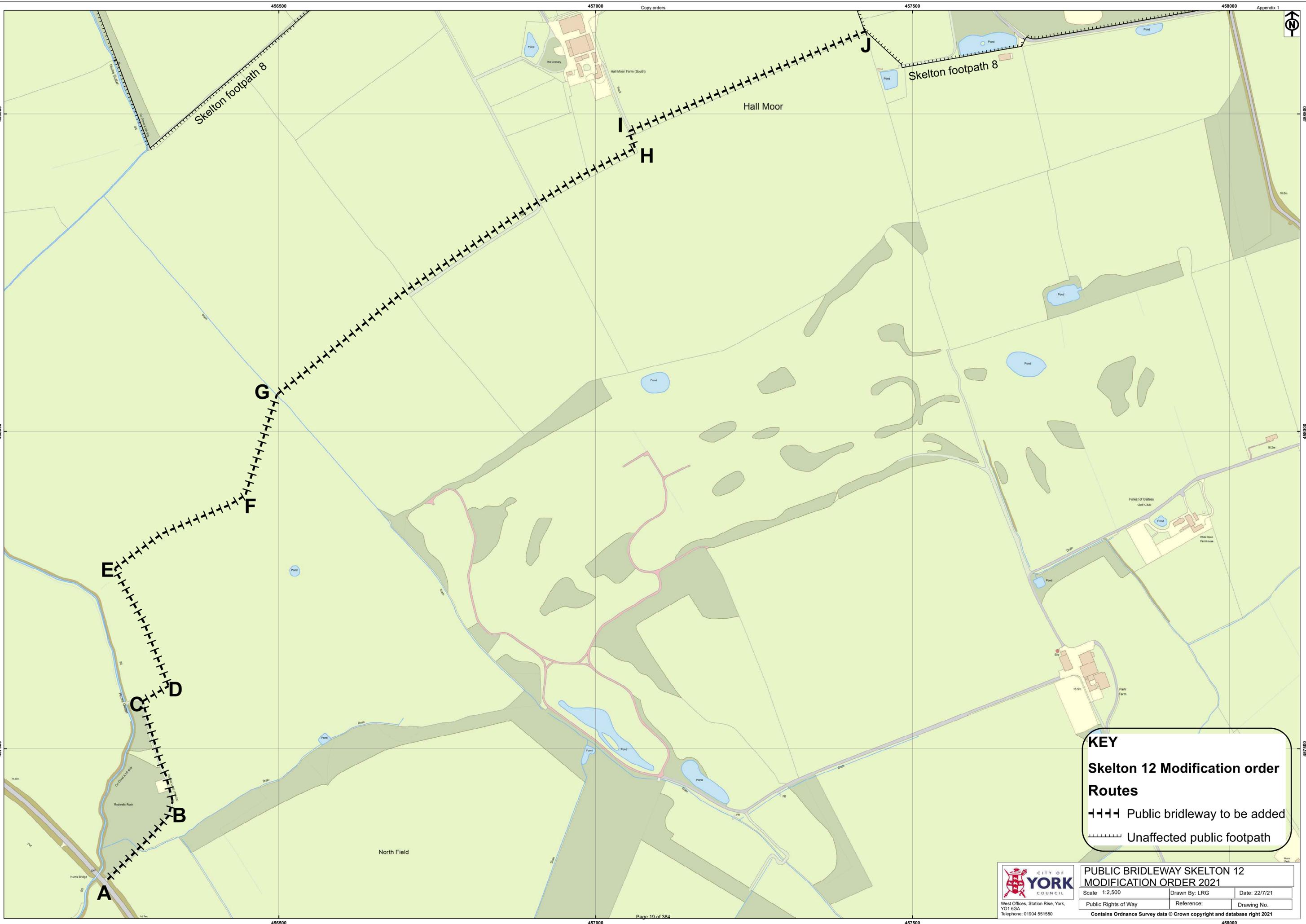
**Modification of Definitive Map
Description of path to be added**

<u>Section of public bridleway as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A-J	Starting at grid reference (GR) SE 5622 5729 (POINT A) at its junction with the maintainable highway known as Shipton Road the 2.4 metre wide earth surfaced public bridleway heads north east for approximately 164 metres to GR SE 5633 5741 (POINT B) where the 2.4 metre wide earth surfaced public bridleway heads north for approximately 165 metres to GR SE 5628 5757 (POINT C) where the 2.4 metre earth surfaced public bridleway heads north east for approximately 47 metres to GR SE 5632 5759 (POINT D) where the 2.4 metre earth surfaced public bridleway heads north for approximately 204 metres to GR SE 5624 5778 (POINT E) where the 2.4 metre earth surfaced public bridleway heads east for approximately 238 metres to GR SE 5644 5789 (POINT F) where the 2.4 metre earth surfaced public bridleway heads north east for approximately 166 metres to GR SE 5649 5805 (POINT G) where it crosses White Sike Drain then the 2.4 metre earth surfaced public bridleway heads east for approximately 687 metres to GR SE 5706 5844 (POINT H) where the 2.4 metre earth surfaced public bridleway heads north for approximately 28 metres to GR SE 5705 5847 (POINT I) where the 2.4 metre earth surfaced public bridleway heads east for approximately 406 metres to GR SE 5742 5863 (POINT J) its junction with public footpath Skelton 8.

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
11/12	SE 5622 5729 to SE 5742 5863	Starting at grid reference (GR) SE 5622 5729 at its junction with the maintainable highway known as Shipton Road the 2.4 metre wide earth surfaced public bridleway heads north east for approximately 164 metres to GR SE 5633 5741 where the 2.4 metre wide earth surfaced public bridleway heads north for approximately 165 metres to GR SE 5628 5757 where the 2.4 metre earth surfaced public bridleway heads north east for approximately 47 metres to GR SE 5632 5759 where the 2.4 metre earth surfaced public bridleway heads north for approximately 204 metres to GR SE 5624 5778 where the 2.4 metre earth surfaced public bridleway heads east for approximately 238 metres to GR SE 5644 5789 where the 2.4 metre earth surfaced public bridleway heads north east for approximately 166 metres to GR SE 5649 5805 where it crosses White Sike Drain then the 2.4 metre earth surfaced public bridleway heads east for approximately 687 metres to GR SE 5706 5844 where the 2.4 metre earth surfaced public bridleway heads north for approximately 28 metres to GR SE 5705 5847 where the 2.4 metre earth surfaced public bridleway heads east for approximately 406 metres to GR SE 5742 5863 its junction with public footpath Skelton 8.	Earth (SE 5622 5729 to SE 5742 5863)	0.164km (SE 5622 5729 to SE 5633 5741) 0.165km (SE 5633 5741 to SE 5628 5757) 0.047km (SE 5628 5757 to SE 5632 5759) 0.204km (SE 5632 5759 to SE 5624 5778) 0.238km (SE 5624 5778 to SE 5644 5789) 0.166km (SE 5644 5789 to SE 5649 5805) 0.687km (SE 5649 5805 to SE 5706 5844) 0.028km (SE 5706 5844 to SE 5705 5847)	2.4m (SE 5622 5729 to SE 5742 5863)	None

				0.406km (SE 5705 5847 to SE 5742 5863)		
				Total: 2.105km		

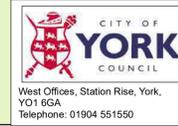


KEY

Skelton 12 Modification order Routes

⚡ Public bridleway to be added

⚡ Unaffected public footpath



PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021		
Scale 1:2,500	Drawn By: LRG	Date: 22/7/21
Public Rights of Way	Reference:	Drawing No.
Contains Ordnance Survey data © Crown copyright and database right 2021		

Appendix 2

List of objectors, objections and representations

STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

List of objectors

1. Mr A J Barrowman (objector)
2. Mr D Blacker (objector)
3. Ms Wendy Davis (objector)
4. Mr Justin Le Masurier (objector)

Archived: 21 December 2021 11:39:41

From: [AJ Barrowman](#)

Mail received time: Thu, 21 Oct 2021 14:59:22

Sent: Thu, 21 Oct 2021 14:39:10

To: rightsofway@york.gov.uk

Subject: Proposed Public Bridalway

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.

Dear Mr Varley

The email below was sent to you on 19th October 2021. However, on re-reading your letter I realise that I have sent it outside the required dates of 21st October and 3rd December 2021. I am therefore sending it again in order to comply with that request.

A J Barroman

=====

Dear Mr Varley

I have today received the Notice of the Making of a Modification Order with regard to "PUBLIC BRIDLEWAY SKELTON 12" and I am writing to you to object to this proposal in the strongest possible terms, based on the information and evidence I have already supplied to your office.

I understand that my objection will cause the evidence I have provided to be sent to the Secretary of State for a final determination.

Yours sincerely

A J Barrowman,
Hall Moor Farm,
Shipton Lane,
Wigginton,
York YO32 2RQ

\f0



Virus-free. www.avg.com

RESPONSE TO THE CITY OF YORK COUNCIL BY ANDREW J BARROWMAN OF HALL MOOR FARM, SHIPTON BY BENINGBROUGH AND DAVID BLACKER OF NEW FARM, SHIPTON BY BENINGBROUGH, RELATING TO A

NOTICE OF APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER

SUBMITTED BY DEREK JACKSON ON 23rd JANUARY 2018 CLAIMING A BRIDLEPATH ACROSS LAND AT HALL MOOR FARM, AND NEW FARM.

THIS RESPONSE IS SUBMITTED JOINTLY BY THE OWNERS WHO CAN BE CONTACTED VIA ANDREW J BARROWMAN, THE FARM OFFICE, HALL MOOR FARM, SHIPTON LANE, WIGGINTON, YORK YO32 2RQ

With regard to this application I maintain that there has never been a Bridle Road from the A19 (or Turnpike) to Moorlands Wood across land at Hall Moor Farm or New Farm (part of this farm's land lies between Hall Moor Farm and the A19) the owner of which joins with me in this rebuttal.

My response uses Mr Jackson's submission of a page of paragraphs supporting his application. I give a photocopy of DJ's submission, then use each paragraph in turn (in italics) followed by my response plus any additional documentary evidence I wish to be considered, and these are indicated within each paragraph and referred to as HM1, HM2, HM3 etc

Mr Jackson is referred to here as DJ.

In brief, I use the following information to support my case:

- A. None of the maps used in Mr Jackson's evidence show the suggested Bridle Road proceeding past Hall Moor Farm and it is only more modern maps that show the "new" entrance to Hall Moor Farm from East Lane/Corban Lane. Therefore this was the only entrance to Hall Moor Farm at that time and not a footpath or bridle way.
- B. The requirement for army officers to prepare for a possible war - finding and mapping all tracks usable as roads for the potential movement of men and armaments - was the reason that maps were created showing this track, and was the first time this track was referred to as a Bridle Road. Even then, no Bridle Road was shown going past Hall Moor Farm to Moorlands.
- C. The beginning of this supposed Bridle Road is situated in a place that would have required residents of both Skelton and Shipton to travel over a mile in the wrong direction in order to get to Moorlands Wood or beyond to Wigginton, when there are far more relevant tracks starting in both villages. As this track does not continue across the A19/Turnpike to the west, it was never a route being used by more distant habitations.
- D. The 1630 map of the Forest of Galtres has been totally misinterpreted. The road to which DJ refers is East Lane/Corban Lane which runs to the north of where Hall Moor Farm (South) was eventually built, and not a footpath running south of it. The 1630 map shows that this particular feature - Key 3 - is "Warren House", not "Hall Moor Farm".
- E. The route of the refuted bridleway joins on to a footpath that was officially stopped and relocated in 1977.

PARAGRAPHS OF EVIDENCE SUBMITTED BY DJ

I enclose a photocopy of the original page of paragraphs submitted by DJ and then reproduce each one, followed by my comments.

(HM1 - see overleaf)

HM1

Hall Moor Farm

- In the Tax review in 1910 Hallmoor Farm claimed a tax allowance for footpaths and a bridle road between Shipton & Wigginton. This was Assessment 47 relating to the Valuation map IR134/4/961 Document SK22
- The enclosure award makes reference to Hall Moor lane when allocating responsibilities for hedging. [H15/H17] The commissioner did not stop or divert the Lane.
- The 1854 6inch/ mile OS map 157 shows a Bridle road from Hurns Bridge to Hallmoor farm. Document SK4
- The 1893 OSmap 25in / mile , published 1893 shows a Bridle path from Hurns Bridge to Hallmoor Farm. Document SK4e
- The 1895 OSmap 6in / mile , published 1895 clearly shows a Bridle path from Hurns Bridge to Hallmoor Farm. Document SK4b
- The track at Hurns Bridge has a City of York reference number but does not appear to be adopted. (UPRN 010002493326) Document SK24
- The 1630 Skelton map showing the Forest of Galtres shows an entry gate near Hurns bridge. A second gate and a track, marked 42, goes South East from a gate near Shipton, around the South of Hall Moor Farm and on to Moorlands Wood. The map key states this is the Road from Shipton to Wigginton. It is thought the stopped up footpath may be the same 1630 track between Shipton & Wigginton. The same track may also be the origin of the Bridle path given a tax credit in 1910 at Hall Moor Farm. Document SK22
- The gate on the 1630 map East of Hall Moor Farm, when scaled and transposed, (using triangulation based on Hall Moor Farm & Skelton Church), onto a current 1:25000 OS map, appears very close to the where the path was stopped in 1977. Documents SK25 / 26
- The stopped path appears to have been a road in 1630 and this was not considered in the Stopping up order in 1977
- It seems likely that the stopped path in 1977 was the same Hall Moor Farm Bridle Road as claimed in the 1910 land valuation review and this was not considered in the Stopping up order in 1977
- An 1806 Newspaper advert confirms that the Skelton Enclosure Commissioner did invite the Public to meetings to share any concerns with the Enclosure process. Document SK11
- A public Right of way from Hallmoor farm to Moorlands Wood was diverted in 1977 as a Footpath. Document SK18

23 January 2017

[xx] reference Enclosure Award Precis

Document refs refer to DMMO attachments

- 3 -

1 DJ *In the Tax review in 1910 Hallmoor Farm claimed a tax allowance for footpaths and a bridle road between Shipton and Wigginton. This was Assessment 47 relating to the Valuation map IR 123/4/961 Document SK22. (HM2)*

AB SK 22 is allegedly an extract from an original document held in York City Archives. It is typed on plain paper and therefore has no provenance. Did this unidentifiable document actually say "Bridle Road" or was there a tick placed in a box headed "Foot Paths and/or Bridle Roads" in a Field Book that has been misinterpreted? Neither I, York City Archives, nor The National Archives at Kew can find any evidence of this item.

I attach email correspondence to/from the Head Archivist of York City Council saying she has no knowledge of the document SK22 presented by DJ (HM3)

In this first paragraph DJ refers to Valuation Map reference IR 123/4/961. I enclose a coloured photocopy (HM4) of a map with this reference, purchased from The National Archives office at Kew, showing Hall Moor Farm right in the centre of this very large map (the original copy of which can be supplied to your office if required). The reference number is not IR123/4/961 as stated by JD but IR 134/4961.

I attach email correspondence with the National Archive at Kew (HM5) that shows what I asked for and I also enclose copy of what was returned, which shows East Lane Cottages and not Hall Moor Farm. (HM6)

If the document SK22 referred to by DJ exists, it may well have referred to a footpath which did exist from Shipton to Wigginton that has now been rerouted and the part under discussion has been officially stopped.

DJ is including reference to a bridle road on the basis of his claimed reference to the 1630 map, which he has totally misinterpreted and, as such the road that he claims never existed, therefore negates this claim.

SK22

HM2

Extract from 1910 Tax assessment record taken from the National Archive in Kew, found in York City Archive

Assessment 47

47. Hall Moor Farm. 2 kitchens, 2 sitting rooms, dairy and cycle room down, 7 beds up. Water supply good. Footpath, Shipton to Wigginton, bridle road from Shipton to Moorlands. Area corrected to 293a. 2r. 1p.

HM3

From: AJ Barrowman [mailto:ajbarrowman@yahoo.co.uk]
Sent: 25 April 2019 16:19
To: Yeoman, Laura
Subject: 1910 tax assessment note book

Dear Ms Yeoman

I visited York Reference Library this morning and was given help and advice from a lady on the reception desk.

I am looking for the original document that we understand from the below information was found in York City Archive. The petitioner only supplied his typed copy of the text which reads :-

**Extract from 1910 Tax assessment record taken from the National Archive in Kew,
found in York City Archive**

Assessment 47

**47. Hall Moor Farm. 2 kitchens, 2 sitting rooms, dairy and cycle room down,
7 beds up. Water supply good. Footpath, Shipton to Wigginton, bridle road from
Shipton to Moorlands. Area corrected to 293a. 2.r.1p**

Hall Moor Farm is situated on the road between Shipton-by-Beningbrough and Wigginton (now known as East Lane/Corban Lane). We have the map that the Assessor used which is based on the 1858 map drawn by army officers. "47" is the number given to Hall Moor Farm in this assessment.

The lady on the reception desk thoroughly checked the catalogue, using various title variations, but could find nothing. She kindly gave me your email address and suggested contact you for help. If the original has been relocated to another archive I would be very grateful to know where it is. I only need to verify that the supplied text is totally correct.

Thank you for your help

Joe Barrowman

This communication is from Explore York Libraries & Archives.

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.

RE: 1910 tax assessment note book

HM3

From: Yeoman, Laura (laura.yeoman@exploreymork.org.uk)

To: ajbarrowman@yahoo.co.uk

Date: Thursday, 25 April 2019 16:59 BST

Dear Mr Barrowman,

Thanks for your email. I'm not aware of us having annual tax assessments in our archives here, so I think maybe the *extract* was found in York City Archives, but the original volume is in the National Archives, Kew? I've certainly never come across the extract or the original volume here, but it sounds as if it's a more national tax assessment than the information we have here (which includes things such as Poor Law ratings but not general tax assessments). It would be very unusual for us to have taken in records of this type from The National Archives, as they are not part of the Public Records series, which includes record sets relating to Coroners, Magistrates Courts etc.

I think it might be a case of asking The National Archives about this volume specifically to see whether it is held by them I'm afraid.

Sorry that we can't be of more help with this, but let us know if you have any further queries.

Yours,

Laura Yeoman

Laura Yeoman | Archivist (Access and Engagement)
t: 01904 553325 e: laura.yeoman@exploreymork.org.uk

Explore York Libraries & Archives

York Explore Library Learning Centre | Museum Street | York YO1 7DS

www.exploreymork.org.uk | citymakinghistory.wordpress.com/

facebook.com/ExploreYorkLibrariesandArchives

[@yorklibrariesuk](https://twitter.com/yorklibrariesuk) | [@YorkArchivesUK](https://twitter.com/YorkArchivesUK)

Explore is a not-for-profit organisation recognised as charitable by HMRC for tax purposes.

Confirmation: page check RC1785946

HM5

From: National Archives Record Copying (RecordCopyingEnquiries@nationalarchives.gov.uk)

To: ajbarrowman@yahoo.co.uk

Date: Thursday, 9 May 2019 15:23 BST

Dear Andrew Barrowman,

Thank you for requesting a page check from The National Archives. Your payment has been received, and your unique order number is RC1785946.

We will email you by Thursday 23 May 2019 to confirm the results of your page check.

Order summary

Catalogue reference: IR 58/58954

Instructions: I am looking for the field book that covers Hall Moor Farm, Shipton-by-Beningbrough Near York which is Assessment 47 as shown on the Assessment map you have already sent me. I have been to Northallerton County Archives and looked through the Assessment Book which does not give enough information. The Field Book covers names, owners, extent of property, property details and footpaths.

Cost: £8.40

Date: Thursday 09 May 2019 03:23 PM

Go to [Your orders](#) to view your order status at any time.

Thank you,
The record copying team

Please note that for the purposes of the Freedom of Information Act 2000 the page check serves as a Fees Notice in accordance with section 9(1) of that Act.

Please don't print this e-mail unless you really need to. _____
_____ National Archives Disclaimer This email and any files transmitted with it are intended solely for the use of the individual(s) to whom they are addressed. If you are not the intended recipient and have received this email in error, please notify the sender and delete the email. Opinions, conclusions and other information in this message and attachments that do not relate to the official business of The National Archives are neither given nor endorsed by it. _____

Order RC1785946

HM5

From: AJ Barrowman (ajbarrowman@yahoo.co.uk)
To: recordcopyingenquiries@nationalarchives.gov.uk
Date: Tuesday, 11 June 2019 15:23 BST

Good Afternoon

I am wondering if, by chance, you have sent me the wrong piece of historical evidence needed to meet a legal challenge in the near future.

In my email to your office on 8th May I stated that "I am looking for the field book that covers Hall Moor Farm, Shipton-by-Beningbrough near York which is Assessment 47 as shown on the Assessment map you have already sent me. I have been to Northallerton County Archives and looked through the Assessment Book which does not give enough information. The field book covers names, owners, extent of property, property details and footpaths."

The map that you kindly researched and sent me in the middle of April has a reference number of RC1755738. It is a map slightly to the east of Shipton-By-Beningbrough and Hall Moor Farm (assessment 47) is right in the middle of the map. There is a reference mark on the bottom left hand corner IR 134/4/961. Although what you sent me is Assessment 47, it is the wrong assessment as it covers a row of houses.

Would you please be kind enough to let me know how this situation can be rectified.

Thank you for your help

Joe Barrowman

RE: Order RC1785946

HM5

From: DSD Enquiries (RecordCopyingEnquiries@nationalarchives.gov.uk)

To: ajbarrowman@yahoo.co.uk

Cc: RecordCopyingEnquiries@nationalarchives.gov.uk

Date: Wednesday, 12 June 2019 16:37 BST

Dear Joe Barrowman,

Thank you for your email regarding your order and we apologise that you have not received the images you were expecting.

Please be advised that we have now had the opportunity to have another look through the document and can confirm that the pages copied do indeed relate to document reference IR 58/58954. As The Record Copying Department, we are afraid that the limitations of our resources mean that we are unable to provide advice on the content of our records or to conduct research and therefore to attempt to locate the document, which refers to the Assessment you require, we suggest that you contact our Collections Expertise and Engagement Department for further assistance. Their email address is as follows: enquiry2@nationalarchives.gov.uk

We suggest that you attach the copy of the map you have received to this email, so that our colleagues within the CEE Department may be able to identify the Assessment you require more successfully.

We trust this is helpful and apologise for any inconvenience caused.

Yours Sincerely,

Record Copying Department
Telephone +44 (0)20 8876 3444 ext. 2389
The National Archives, Kew, Richmond, Surrey, TW9 4DU
www.nationalarchives.gov.uk

From: AJ Barrowman <ajbarrowman@yahoo.co.uk>
Sent: 11 June 2019 15:23
To: DSD Enquiries <RecordCopyingEnquiries@nationalarchives.gov.uk>
Subject: Order RC1785946

Good Afternoon

I am wondering if, by chance, you have sent me the wrong piece of historical evidence needed to meet a legal challenge in the near future.

In my email to your office on 8th May I stated that "I am looking for the field book that covers Hall Moor Farm, Shipton-by-Beningbrough near York which is Assessment 47 as shown on the Assessment map you have already sent me. I have been to Northallerton County Archives and looked through the Assessment Book which does not give enough information. The field book covers names, owners, extent of property, property details and footpaths."

.....⁴⁷..... Reference No.
 map. No. *33.11.2*.....
 Situation *Shipton*
 Description *House*
 Extent *20 ftches 3yds.*
 Gross Value { Land £
 Buildings £ *11* Rateable Value { Land £
 Buildings £ *3 10*
 Gross Annual Value, Schedule A, £
 Occupier *Thomas Pinnow*
 Owner *Col L. P. Dawney* *per R. G. Wallace (Agent.)*
 Interest of Owner *Freehold*
 Superior interests

Subordinate interests

Occupier's tenancy, Term *Monthly* from
 How determinable
 Actual (or Estimated) Rent, £ *11*
 Any other Consideration paid
 Outgoings—Land Tax, £ paid by
 Tithe, £ paid by
 Other Outgoings
 Who pays (a) Rates and Taxes (b) Insurance (c) *Occupier* (d) *Owner*
 Who is liable for repairs *Owner*
 Fixed Charges, Easements, Common Rights and Restrictions

Former Sales. Dates
 Interest
 Consideration
 Subsequent Expenditure
 Owner's Estimate. Gross Value
 Full Site Value
 Total Value
 Assessable Site Value
 Site Value Deductions claimed
Yes.

Roads and Sewers. Dates of Expenditure
 Amounts

Reference No.
 Particulars, description, and notes made on inspection

See No 33

Charges, Easements, and Restrictions affecting market value of Fee Simple

Valuation.—Market Value of Fee Simple in possession of whole property
 in its present condition

Same as No 33

	£ 61
Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land	£ 8
<i>hand: 608 yds @ 3? = £ 1.12.0</i>	£ 8
Difference Balance, being portion of market value attrib- utable to structures, timber, &c.	£ 53
Divided as follows:—	
Buildings and Structures.....	£ 53
Machinery	£ —
Timber.....	£ —
Fruit Trees	£ —
Other things growing on land	£ —
Market Value of Fee Simple of Whole in its present condition (as before)	£ 61
Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—	
Charges (excluding Land Tax).....	£ —
Restrictions.....	£ —
GROSS VALUE...£	£ 61

HMG

List of objectors, objections and representations

Index letter	Description of Buildings	Dimensions			Cubical Contents	Condition	Remarks
		Frontage	Depth	Height			

For sketch: see No 24

Reference No. Appendix 2

GROSS VALUE.....£	61
Less Value attributable to Structures, timber, &c. (as before) £	58
FULL SITE VALUE.....£	8
Gross Value (as before).....£	61
Less deductions in respect of--	
Fixed Charges, including--	
Pec Farm Rent, rent seek, quit rent, chief rents, rent of Assize	£
Any other perpetual rent or Annuity.....	£
Tithe or Tithe Rent Charge	£
Other Burden or Charge arising by operation of law or under any Act of Parliament £	
If Copyhold, Estimated Cost of Enfranchisement.....	£
Public Rights of Way or User	£
Rights of Common.....	£
Easements	£
Restrictions.....	£
TOTAL VALUE.....£	61

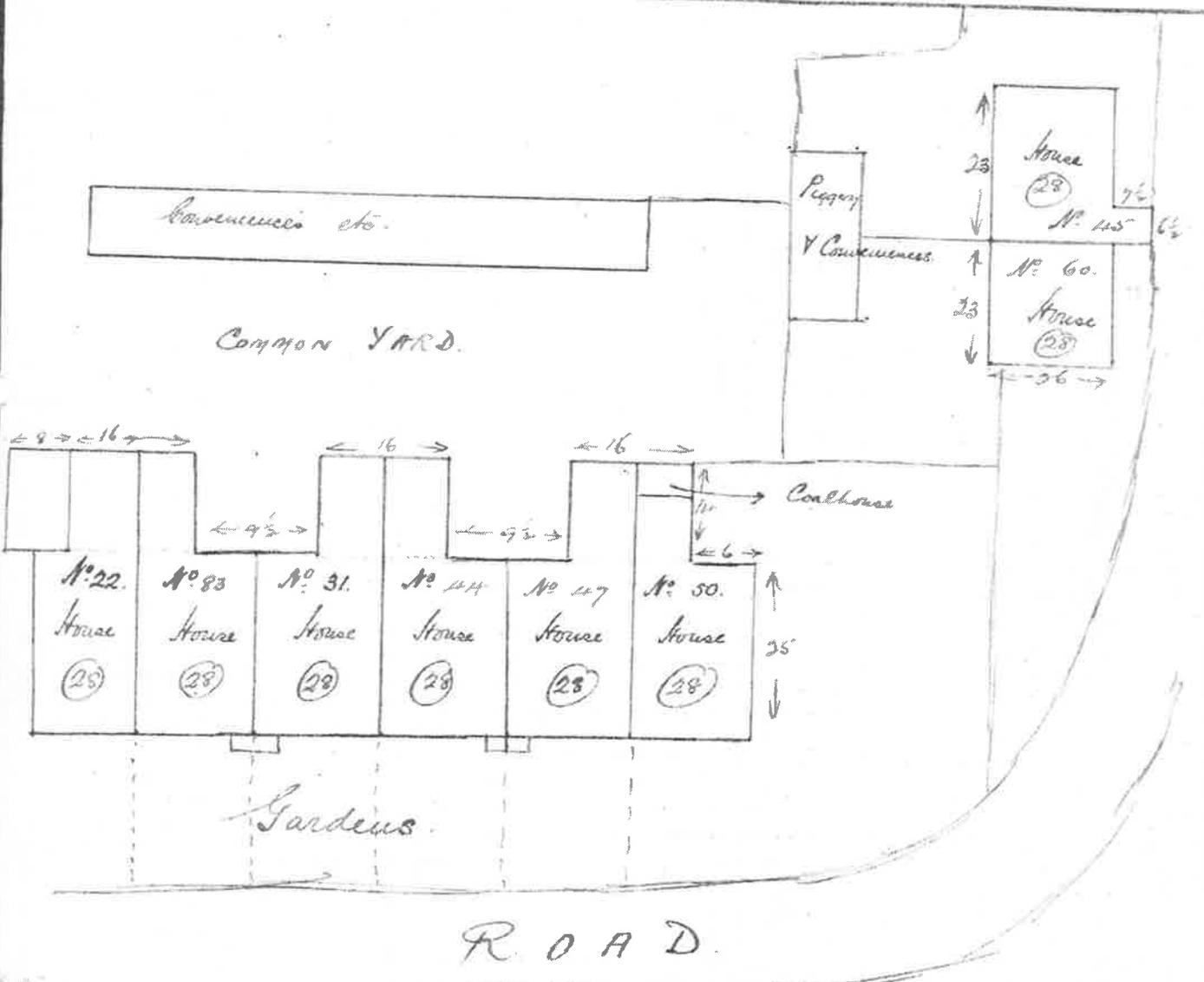
Less Value attributable to Structures, timber, &c. (as before)	£ 53
Value directly attributable to--	
Works executed	£
Capital Expenditure	£
Appropriation of Land.....	£
Redemption of Land Tax.....	£
Redemption of Other Charges.....	£
Enfranchisement of Copyhold, if enfranchised	£
Release of Restrictions.....	£
Goodwill or personal element.....	£
Expense of Clearing Site.....	£ 53
ASSESSABLE SITE VALUE ...£	8
If Agricultural land, the value for Agricultural purposes including ^{excluding} Sporting Rights	£
Value of Sporting Rights.....	£
If Licensed Property, the annual license value.....	£
Liable to Undeveloped Land Duty as from	
For further reference as to Apportionments &c., see	

HM6

HM6

.....Reference No.

Index letter	Description of Buildings	Dimensions			Cubical Contents	Condition	Remarks
		Frontage	Depth	Height			



- 4 -

2 DJ *The enclosure award makes reference to Hall Moor Lane when allocating responsibilities for hedging [H15/H17] The commissioner did not stop or divert the Lane.*

AB DJ has submitted a transcribed version of the Enclosure Award (HM7) with sections being identified alphabetically from A to Q; each letter section being subdivided into numbered paragraphs. In relation to Hall Moor Farm he shows that in paragraphs H15 the words "the lane leading to Hall Moor Farm" appear and H17 indicates an order that the hedges and fences along said lane be kept in good order. If one reads the relevant paragraphs in conjunction with the coloured map (HM8), Joshua Hepworth is taking over land previously owned by Richard Place (the owner of Hall Moor Farm at that time) and, as the said land contains his only access to his farm, Joshua Hepworth is being charged with maintaining this roadway and the hedges in order that Richard Place has access to his land. It is not a public highway. I enclose the relevant page (out of 24 pages) showing H15 and H17 but the other 23 pages are available should you wish to see them.

This document only talks about the existence of a lane leading to Hall Moor Farm which is exactly what it is was. It does not refer to it as a Bridle Road or Foot Path or other thoroughfare, or that it leads to Moorlands Wood or Wigginton. The enclosures were about creating understandable ownerships and responsibilities of small parcels of land. Previous owners of these parcels had been responsible for maintaining the hedges, and this document is showing that these responsibilities are being transferred along with the ownership of the parcels in question.

The 1809 map (HM8) clearly shows that the lane to which DJ refers is not a thoroughfare but the entrance to Hall Moor Farm at that time (and it also clearly illustrates that there was no other entrance into this "landlocked" farm, and explains why, even today, the front door and the main reception rooms of Hall Moor Farm house face towards that entrance lane, because the lane was the only entrance to Hall Moor Farm at that time). The 1854 map (HM9) even shows the layout of the front garden of the farmhouse where the front door is located - all done to impress visitors - and this private entrance goes past the front of the house to the buildings at the back of the farm, where the cart shed was, and still is today. Other tracks shown are access tracks to the fields.

On all maps through the years, there is no continuation of this supposed bridle path past Hall Moor Farm to the East or on the other side of the A19/Turnpike road to the South West, so it was not being used by residents of distant habitations.

Also on the 1854 map (enlarged) (HM10) mentioned in the previous paragraph, there are two instances of the words "Bridle Road" (that I have underlined in red) between the A19/Turnpike (circled in red) and the north turn to the entrance to Hall Moor Farm, but nothing - neither Bridle Road nor Footpath - is indicated past that point.

HM7

- H5 And I do also allot assign and award unto to the said Joshua Hepworth his heirs and assigns in severalty 11 Acres 2 Roods and 20 Perches of land upon the said Common in the said Parish of Overton aforesaid bounded by lands hereby allotted to Roger Barker and John Barker on or towards the East by lands hereby allotted unto the said Roger Barker and John Barker and an Ancient Enclosure belonging to the said Joshua Hepworth on or towards the North by an Ancient Enclosure belonging to the said Joshua Hepworth in his own right and land received by him in exchange from Edward Place and by an Ancient Enclosure belonging to the said Roger Barker and John Barker on or towards the West and by the said Common Highway called Wigginton Road on or towards the South.
- H7 And I do order and direct that the said Joshua Hepworth and the proprietors and occupiers for the time being of the said allotment of 11 acres 2 roods and 20 perches shall make and forever maintain and repair a sufficient fence and ditch on the North and South sides of the same allotment.
- H10 And I do also assign and award unto the said Joshua Hepworth his heirs and assigns in severalty 6 Acres 3 Roods of land lying upon the said Common in the said Parish of Overton aforesaid bounded by the Lordship of Wigginton on or towards the East by lands hereby allotted to the said Joshua Hepworth as Lord of the Manor of Skelton aforesaid on or towards the North by the said Common Highway called Wigginton Road. on or towards the West and by lands hereby allotted to the co-heiresses of John Hutchinson on or towards the South
- H15 I do also allot assign and award unto the said Joshua Hepworth his heirs and assigns in severalty 18 Perches of land , Parcel of the Lane leading to Hall Moor Farm bounded by an Ancient Enclosure of Joshua Hepworth had in exchange from John Kilby on or towards the North by the York Turnpike Road on or towards the West and by the said Hall Moor Lane on or towards the South
- H17 And I do order and direct that the said Joshua Hepworth and the proprietors and occupiers for the time being of the said two several allotments of six acres and three roods and eighteen perches shall make and forever maintain and repair good and sufficient fences and ditches on the West and South sides of the same allotments.
- H20 And I do also (in further pursuance of the several powers and authorities vested in me by the said several recited acts or one of them) allot assign and award unto Edward Place esquire the heir and devisee of the said Mary Place deceased in severalty, the whole of a certain open Field called The South Field within the township of Skelton aforesaid (except such part of the South Field as lies to the Northward of a straight line drawn from the south West corner of a certain Enclosure called Sold Lands to the South East corner of another Enclosure called Holdgate Stone Riggs Croft) and as to such part of the said South Field as lies to the Northward of the said straight line.
- H22 I the said commissioner do also allot assign and award unto the said Edward Place as heir and devisee as aforesaid as a further part of his allotment so much of the said excepted part of the said South Field . as lies to the Westward of the West boundary of the Glebe Rigg.
- H25 And I do also allot assign and award unto Edward Place as heir and devisee as aforesaid his heirs and assigns severalty 2 Acres 3Roods 24 Perches of land lying in the said in South field within the said township of Skelton aforesaid bounded by lands hereby allotted unto and by an Ancient Enclosure exchanged with the said Thomas Place as Rector as aforesaid on or towards the East by Ancient Enclosures late of Mary Place on or towards the North and West and by lands hereby allotted to the said Edward Place as heir and devisee as aforesaid on or towards the South
- H26 And I do order and direct that the said Edward Place and the proprietors and occupiers for the time being of the said allotment of two acres three roods and twenty four perches shall make and for ever maintain a sufficient fence and ditch on the East side thereof against the allotment of the said Thomas. Place.

A PLAN
 of the
 TOWNSHIP of SKELTON
 in the
 North Riding
 of the
 COUNTY OF YORK

HM7



HM8

HM8

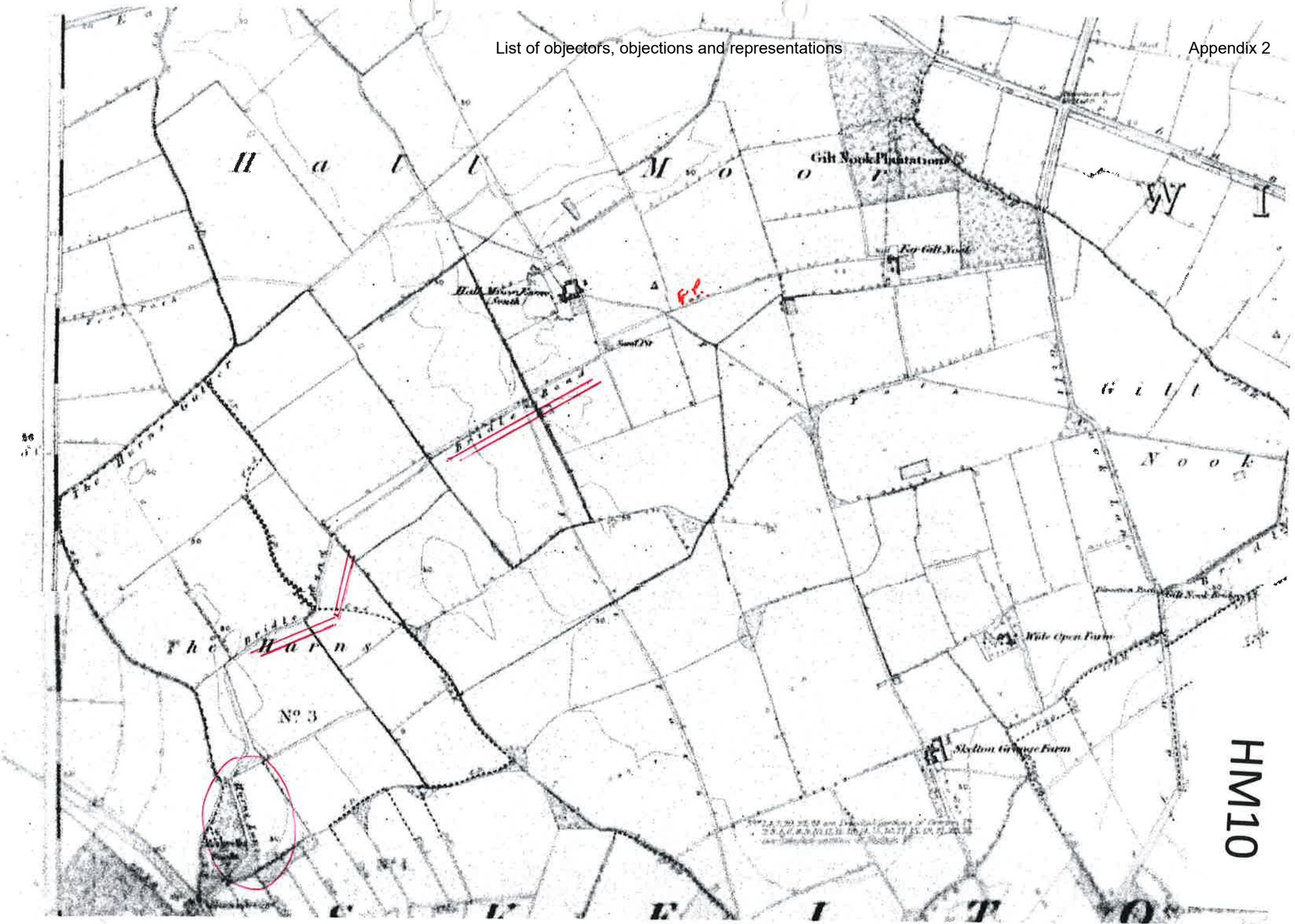


Yorkshire 157 (includes: Earswick; Haxby; Huntington; New Earswick; Wigginton.)
Surveyed: 1848 to 1852
Published: 1854

Maps home > OS Six-inch England and Wales, 1842-1952

Order this map





3 DJ *The 1854 6inch/mile OS map 157 shows a Bridle road from Hurns Bridge to Hallmoor farm. Document SK4*

AB The 1854 map - the original having been drawn by army officers some years previously - is the first map ever to call the entrance to Hall Moor Farm a Bridle Road. It also clearly shows that this lane is the only vehicle entrance to Hall Moor Farm. Perhaps the officers just drew what they saw (and could make use of in times of war) rather than investigating what it really was, as they were creating defensive strategies for war. Surely, at such a serious time, had there been a Bridle Road from Hall Moor Farm onwards to Moorlands Wood and Wigginton, it would have been indicated on this map. From reading the Evidence Guidance Notes from city of York Council, (page 4) (HM11) I learnt that "in 1820 an instruction was given to all surveyors that "no existing road be omitted"". This map clearly shows that the supposed "Bridle Road" stops at Hall Moor Farm, where the track turns sharply north to the farm buildings. From that left turn, onwards towards the east, it is clearly part of the footpath from the Moorlands direction that used to run around the back of the farmhouse before it was legally extinguished and relocated in 1977. There is no map that shows a Bridle Road all the way to Moorlands Wood.

I enclose two pages from The Planning Inspectorate (HM12) in relation to Definitive Map Orders: Consistency Guidelines, where in section 2.28 the presiding judge states "...just because a mapmaker regarded a way as a public right of way of a particular status does not mean the he was necessarily correct".

HM11

- iv. Even on reputed 'original surveys' the minor, connecting roads were frequently not surveyed or the alignment is often inaccurate.
- v. Content of the map is likely to be biased, reflecting the subscribers' interests e.g. over-emphasis on the depiction of private estates, and have information gaps.

Named roads

It is a common assertion that a named road is a public highway. This arises from section 69 of the Highways Act 1773, and later the Highways Act 1835, which specified that common highways had to be named before an indictment for obstruction or disrepair could take place. Private roads were not liable in this way so they did not need to be named; however, please note:

- i. Many public highways are not named and some private ones are.
- ii. Names can be corrupted over time or disappear.
- iii. New names or local names may appear, with no legal significance, and may be referred to on Ordnance Survey maps, the list of streets, etc.

The inference of public status of routes on old maps must be thoroughly tested.

Ordnance Survey

Small scale 1" to 1 mile (1:63,360): this was the earliest to be published by the Ordnance Survey. Surveyors drawings were produced by the Ordnance Survey for their first survey of England and Wales from around 1801. Most of the information on the drawings was eventually reproduced on the published one inch maps. Mapping was originally for military purposes to record all roads and tracks which could be used in time of war. This included both public and private routes. In 1820 an instruction was given to surveyors that "no existing road shall be omitted". These maps accurately record the physical road network, developing a descriptive categorisation over time.

During the 19th century the practical value of accurate maps, not only for the management and transfer of land but also for military and civil engineering purposes, came to be more fully appreciated. The Ordnance Survey Act of 1841 laid the foundation of the modern Ordnance Survey in providing the surveys and maps of Britain required for government, military and, public use.

Large scale 25 inch to 1 mile (1:2500) Ordnance Survey maps, known as the County Series, are useful in providing accurate topographical detail including all administrative boundaries, both civil and ecclesiastical, roads, field boundaries, streams, buildings, antiquities, minor place names and so forth. The first edition 25 inch scale was introduced 1853-4 and covered all of what was considered the cultivated part of Great Britain by 1896. From 1855 to the mid-1880s the first edition was accompanied by a separate "Book of Reference" which gave acreages and land use details for each numbered parcel of land including roads. The book may sometimes distinguish between "road" and "occupation road" in the description, but there was a subjective element in data collection and it was not subject to close control.

Object Name Books also contain information about natural and manmade features and the accepted local spellings of their names, including roads.

HM12



The Planning Inspectorate

Please note the future of this document is under review and no revision of its contents will be made in the meantime – last review April 2016

Wildlife and Countryside Act 1981

**DEFINITIVE MAP ORDERS:
CONSISTENCY GUIDELINES**

First issued April 2003

2.28 The Judge further acknowledged that just because a mapmaker regarded a way as a public right of way of a particular status does not mean that he was necessarily correct. He stated:

"Pingot Lane must have been considered, rightly or wrongly, by Burdett as being either a bridle way or a highway for vehicles."

2.29 Therefore, in reaching a conclusion in relation to a particular piece of evidence, it is necessary to consider it with the totality of all other relevant evidence, as illustrated in the judgement:

"The whole of the documents have to be examined to assess their reliability. It seems to me that I have to assess each piece of documentary evidence to see how far I can rely upon it. This applies just as much to official documents such as the definitive map or ordnance survey sheets or tithe surveys as it does to other records such as commercially produced maps. They have all been produced by human beings and are so liable to error to some extent."

2.30 In considering documentary evidence, the recording of a way as a cross road on a map or other document may not be proof that the way was a public highway, or enjoyed a particular status at that time. It may only be an indication of what the author believed (or, where the contents had been copied from elsewhere that he accepted what the previous author believed). In considering such a document due regard will not only need to be given to what is recorded, but also the reliability of the document, taking full account of the totality of the available evidence in reaching a decision.

Named Highways

2.31 It is sometimes asserted that a named highway is probably a public highway. One strand of the argument runs like this. One of the requirements of Section 69 Highways Act 1773, was that all 'common highways' had to be named before indictment for obstruction or disrepair could take place. This requirement continued in Highways Act 1835. As private roads were not liable in this way, they did not need to be named. It therefore follows that a named way is probably a public highway.

2.32 Inspectors may have some difficulty with this argument. Although the statutory element is probably correct (supporting evidence would be required), it is a matter of fact that nowadays many public highways are not named and some private roads are. Furthermore, road names, like place names, can be corrupted over time, or even disappear completely, and new names appear through local usage. These new names would have no legal import but, nonetheless, they may have found their way onto OS maps and into List of Streets³.

2.33 In summary, the arguments that a named highway is probably a public highway, or, at least, that its naming carries some inference of public

³ Section 36(6) of the Highways Act 1980 requires every highway authority to make and keep up to date, a list of streets within its area which are highways maintainable at the public expense.

- 4 DJ *The 1893 OS map 25 in/mile, published 1893 shows a Bridle path from Hurns Bridge to Hallmoor Farm. Document SK4e*
&
- 5 DJ *The 1895 OS map 6 in/mile, published in 1895 clearly shows a Bridle path from Hurns Bridge to Hallmoor Farm. Document SK4b*
- AB These two maps (HM13 & HM14) show the entrance to Hall Moor Farm from the A19/Turnpike. It is impossible to think that the refuted road could have been of any use either to residents of Shipton or Skelton wanting to go to Moorlands Wood or Wigginton, as the beginning of this supposed Bridle Road is situated in a place that would require residents of both Skelton and Shipton to travel over a mile in the wrong direction in order to use this track, when there are far more relevant tracks and roads starting in both villages. There is no continuation of the refuted path to the South West of the A19/Turnpike on any of the maps so it wasn't a pathway being used by distant habitations. It is interesting to note that DJ has not mentioned that, on the 1895 map (HM14) that he uses for evidence, this entrance that goes past Hall Moor Farm buildings towards the east, (at the end of what is annotated B.R) is clearly marked F.P.

Yorkshire CLVII.5 (Huby; Shipton; Skelton; Wigginton)

Surveyed: 1891

Published: 1893

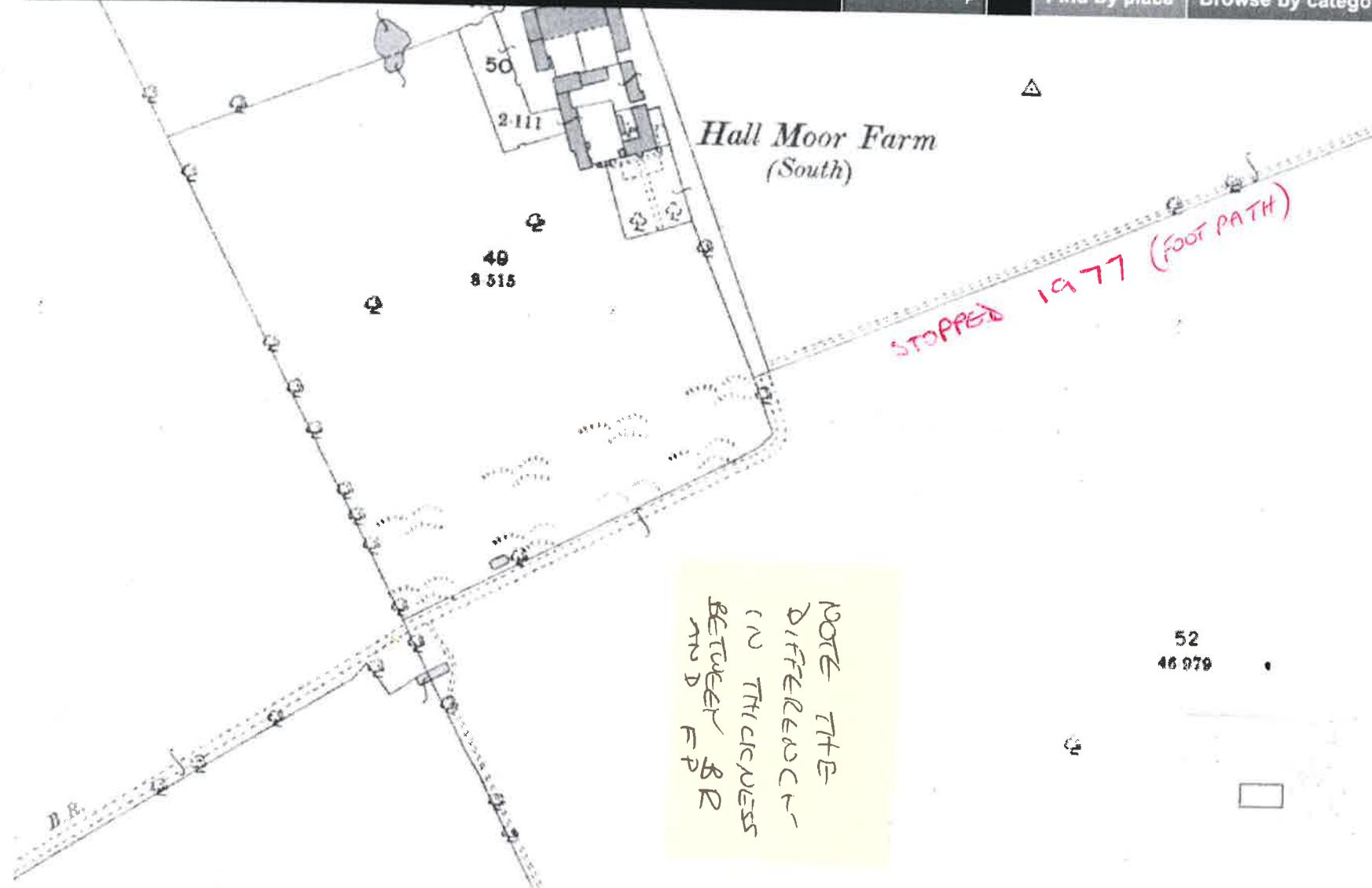
Keyword search

ch England and Wales, 1841-1952

Order this map

Find by place

Browse by category



NOTE THE
DIFFERENCE
IN THICKNESS
BETWEEN BR
AND FP

HM13

View: Yorkshire CLVII.NW (includ: x +

← <https://maps.nls.uk/view/100945274> ☆ ☆= 🗳 👤 ...

National Library of Scotland
Leòidhrichean Naìdeanta na h-Aibidh

Yorkshire CLVII.NW (includes: Haxby; Huby; Skelton; Sutton on the Forest; Wigginton.)
Surveyed: 1891
Published: 1895

Keyword search

Maps home > Ordnance Survey > OS Six-inch England and Wales, 1842-1952

Commercial re-use restrictions on this map. [Order this map](#)



Help Print PDF Link to this view Show map location

Share Copyright Site map Contact About

Type here to search

11:04 21/01/2021 ENG

HM14

6 DJ *The track at Hurns Bridge has a City of York reference number but does not appear to have been adopted. (UPRN 0100002493326) Document SK4b*

AB We were not provided with document SK4b. However, situated just inside the entrance to Hurns Lane is an old, disused, domestic waste dump, the old rubbish heap still being visible from the A19 today. This may well be the reason the lane is known to York City Council and also why it did not need to be adopted.

7 DJ *The 1630 Skelton map of the Forest of Galtres shows an entry gate near Hurns Bridge. A second gate and track marked 42, goes south east from a gate near Shipton, around the South of Hall Moor Farm and on to Moorlands Wood. The map key states this is the Road from Shipton to Wigginton. It is thought the stopped up footpath may be the same 1630 track between Shipton & Wigginton. The same track may also be the origin of the Bridle path given a tax credit in 1910 at Hall Moor Farm. Document SK22*

AB The 1630 map of the Forest of Galtres area (HM15(1) HM15(2) HM15(3)) has been totally misinterpreted by DJ.

I would like to mention my concern that JD is freely using the term "Hall Moor Farm" in his paragraph above, when he states "A second gate and track marked 42, goes south east from a gate near Shipton, around the South of Hall Moor Farm and on to Moorlands Wood." Nowhere on this old map is Hall Moor Farm mentioned, printed or indicated. He has assumed that the area marked "3" on this map is Hall Moor Farm. It is not. The farm did not exist at this time

I am also interested to see that in his paragraph above, the fourth sentence starts with the remark "It is thought that the stopped up footpath" However, he does not state to whom this thought is attributed.

Hall Moor is an area of land on which two more modern farms were built by the Beningbrough Hall Estate - Hall Moor Farm North and Hall Moor Farm South. There is also Hall Farm a little further to the north (not shown on this drawing) and one in the Shipton village.

The hand-written location key written down the right hand side of the map (from 1-43) is reasonably legible with -

Key 1 being "Skelton".

Key 2 says "Halmore" (sic). The drawing shows four separate areas of Hall Moor (the area of moorland, not Hall Moor Farm) marked "2" to the north of the map and surrounding the feature marked Key 3. Hall Moor Farm did not exist at this time; it was just moorland and was referred to as "Hall Moor".

Key 3 clearly says "Warren House". A warren house was a building and area of specific design used to raise rabbits for meat and fur. Most estates had one. I attach a copy from 1954 map (HM16) showing another "Warren House" to the west of the A19 and the railway line, near to Beningbrough Hall. NB This map is for information only; I do not suggest that this is the Warren House on the 1630 map.

I attach a satellite image (HM17) of East Lane/Corban Lane that shows a track from Newlands Farm running first west then south then west again towards Shipton. The road in white on the satellite image exactly matches the boundary line between the parishes of Skelton and Huby on the 1630 map and is also the present-day boundary between York City Council and Hambleton.

HM15(1)



View Basket | New Account | Sign In

Search the shop All Results

Home Historic maps Historic photographs Publications Research services Event tickets Gifts Customer service

Search by place

Home > Latest products

Historic map of the Forest of Galtres 1630

All Results

Also Bought



Historic map of Great & Little Ouseburn 1815

£7.55 - £45.00

ADD TO BASKET



Historic map of Kirk Hammerton 1767

£7.55 - £45.00

ADD TO BASKET



ADD TO BASKET

maps and receive a 10%

appear in prints purchased. might restrictions and may not be digital copies will be sent by email.

afforestation 14-16 Apr 1630

to capture A0 plans comfortably cop by experienced reprographic

nk IV inks which do not fade or lose

hammerton 1767

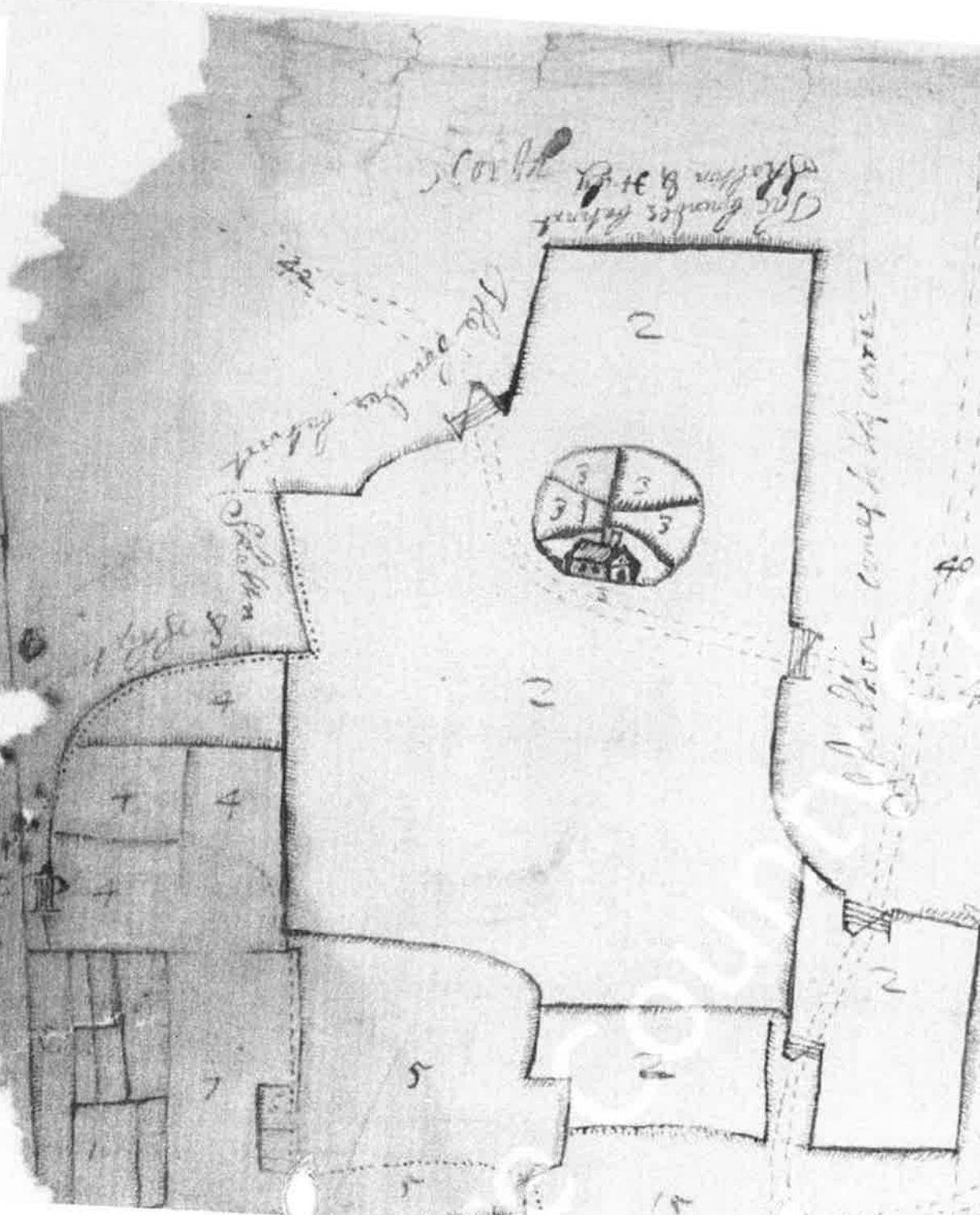
Historic map of the Forest of Galtres 1630

CLOSE X

THIS IS THE WHOLE DOCUMENT. FOR ENLARGEMENTS, SEE THE FOLLOWING TWO PAGES



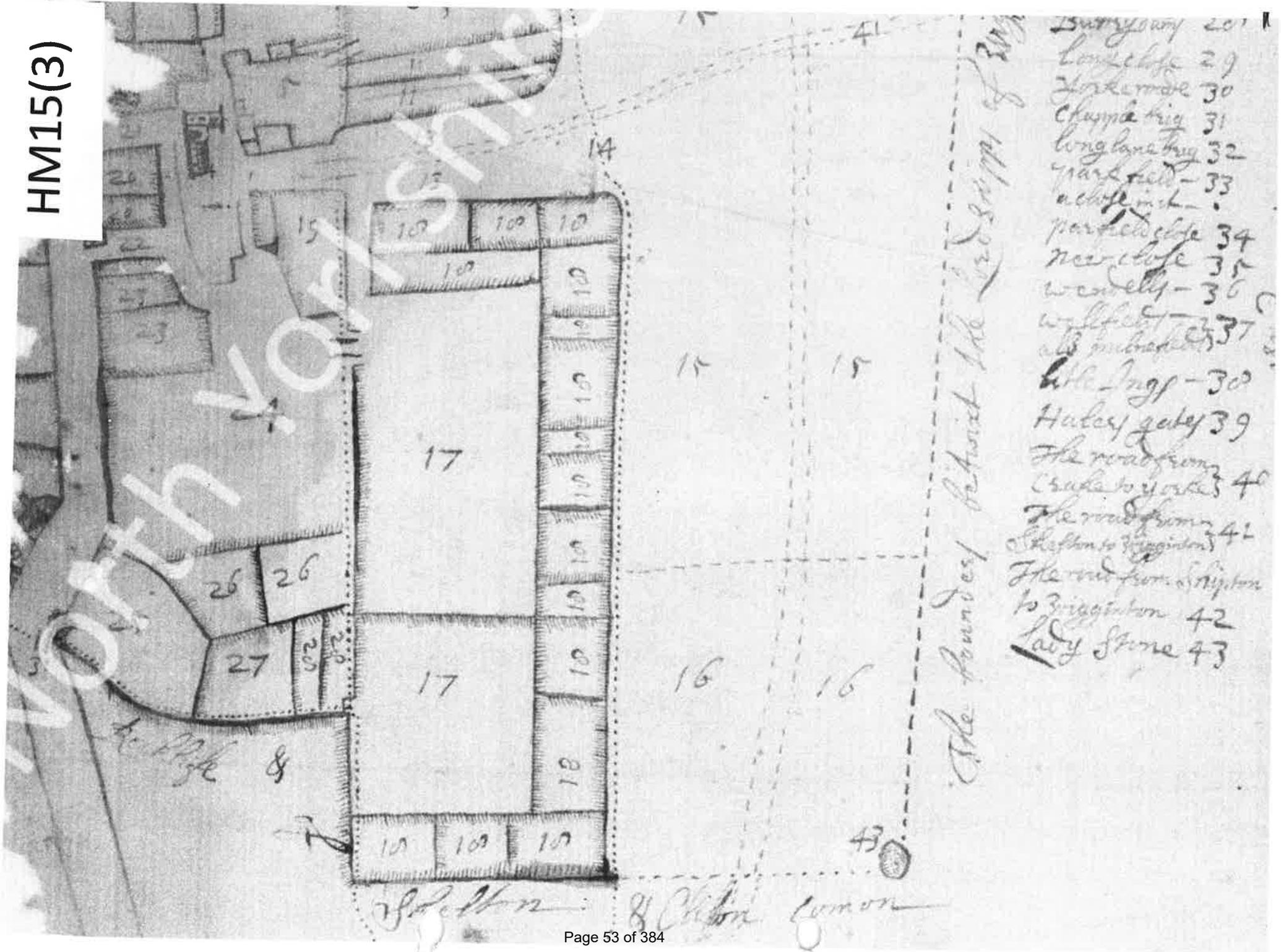
HM15(2)



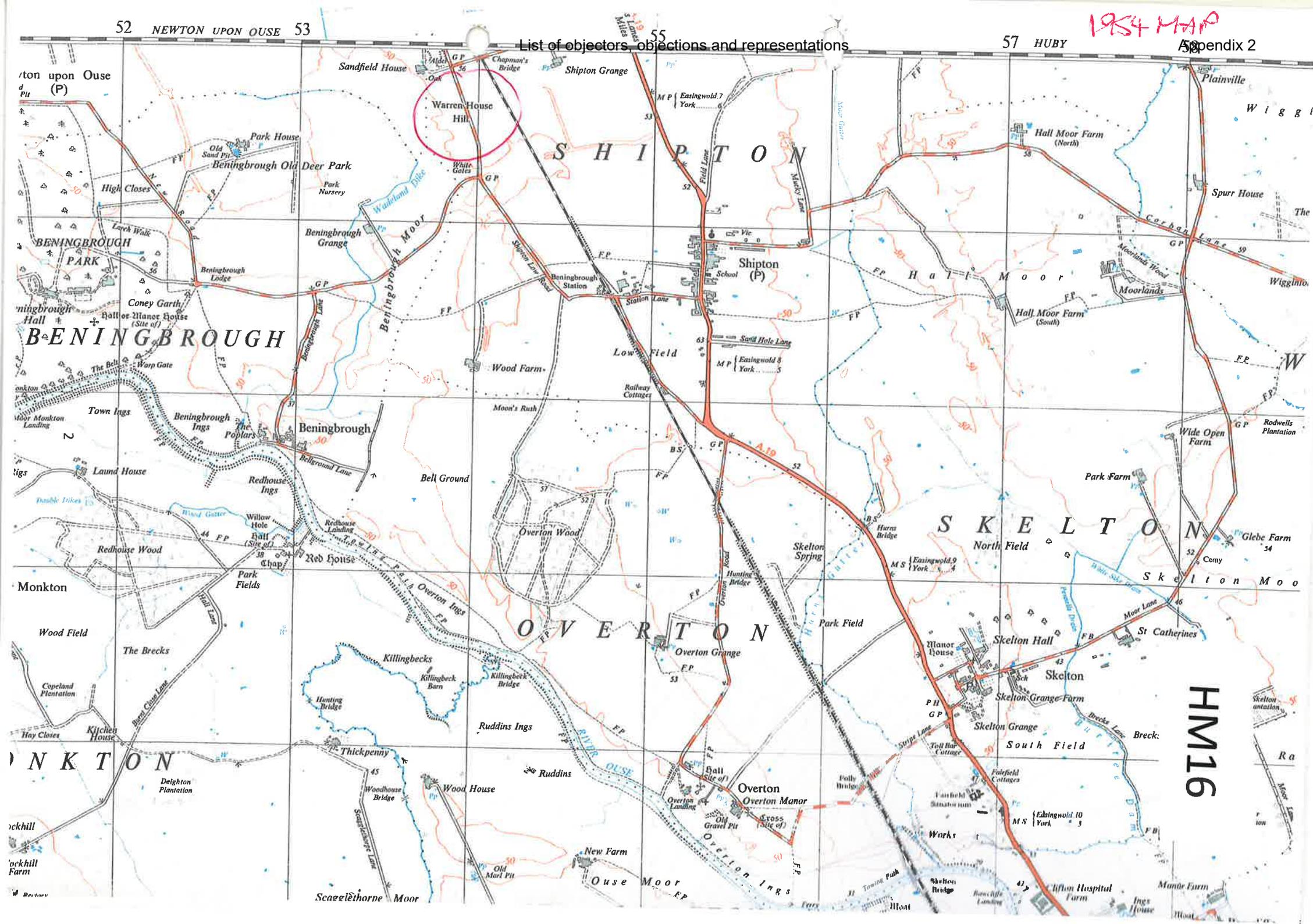
- Shelton - 1
- Fittamore - 2
- Warin das - 3
- The chamber - 3
- The 4th - 4
- The kitchen - 5
- The entrance to the - 6
- The hall - 7
- The passage - 8
- The hall - 10
- The hall - 9
- The passage - 11
- The passage - 12
- The passage - 13
- The passage - 14
- The passage - 15
- The passage - 16
- The passage - 17
- The passage - 18
- The passage - 19
- The passage - 20
- The passage - 21
- The passage - 22
- The passage - 23
- The passage - 24
- The passage - 25
- The passage - 26
- The passage - 27
- The passage - 28

Page 33

HM15(3)



1954 MAP



П



HM17

NEWLANDS FARM

HALL MOOR NORTH

HALL MOOR SOUTH

Corban Ln

Corban Ln

Corban Ln

East Ln

A19

_ 8 _

The 1630 map of the Forest of Galtres continued ---

Key 40 states “the road from Crayke to York”. If one looks at a modern map for comparison, it is clear that this is Plainville Lane and Moor Lane which is the road from Crayke to York - still in existence today (HM18). Warren House was more than likely built either on what is now Hall Moor Farm North (to the north of East Lane/Corban Lane) or Newlands Farm (further to the north).

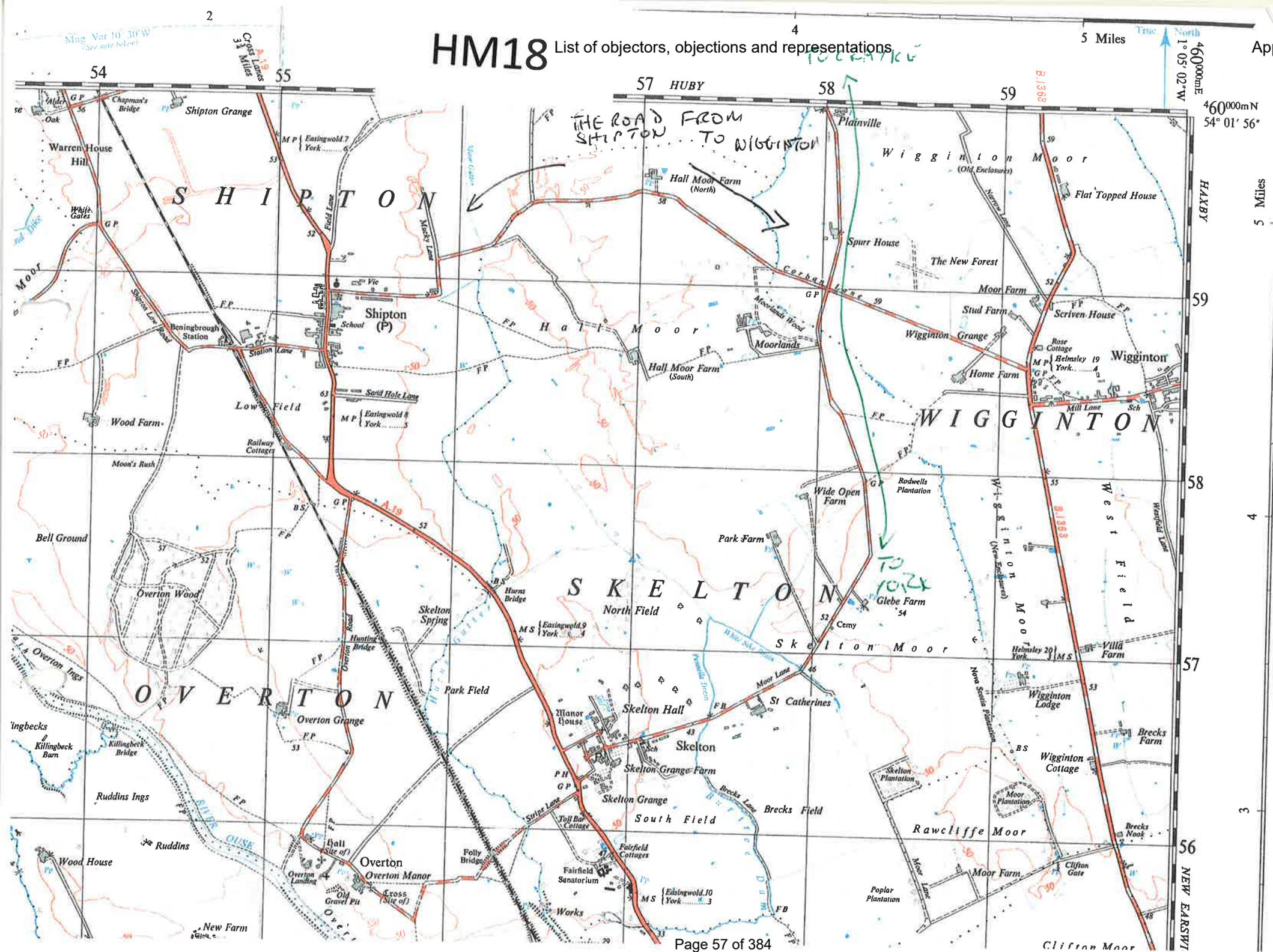
Key 42 states “the road from Shipton to Wigginton”. This is, in fact, exactly what it is - the present day road from Shipton to Wigginton, ie; East Lane/Corban Lane which, on the 1630 map, transects the road marked Key 40 (HM19). On modern maps it can be seen that the Shipton to Wigginton road lies at least half a mile to the north of Hall Moor Farm (South) and therefore cannot possibly be the supposed footpath suggested by DJ.

PLEASE NOTE. Since writing my responses in relation to the 1630 map, I have discovered a report created by the York Archaeological Trust which further strengthens my evidence. In carrying out an archaeological survey prior to the development of the Fisher Foods site on the A19, they, too, have studied the 1630 map of Skelton and have supplied clear interpretations of all the Keys written down the side of the map (HM20).

To repeat the claims made in 7DJ above.....*“the track marked 42, goes south east from a gate near Shipton, around the South of Hall Moor Farm and on to Moorlands Wood It is thought the stopped up footpath may be the same 1630 track between Shipton & Wigginton.”*

York Archaeological Trust show that 40 is the Crayke Road to York; 41 is the Skelton to Wigginton Road, (no longer in use and only visible as it becomes Skelton Lane near the B1363 Wigginton Road), and 42 is the Shipton to Wigginton Road. This totally disproves his claim based on the 1630 map.

HM18 List of objectors, objections and representations



HM19

Fisher Foods Ltd, Shipton Road, Skelton

Field names taken from original map.



- 2 The Halmore
- 3 Warren House & Corburne Closes
- 4 The Hernes
- 5 Atkinson Lands
- 6 Northfield Closes
- 7 Northfield
- 10 Flatts
- 11 Notebrig Closes
- 13 Outgaung
- 14 The White Sike
- 15 Town More
- 16 Rocklife More
- 17 The Breckfields
- 18 The Breckcloses
- 19 Soudlands
- 20 Doucez Crofts
- 22 Smethybalke
- 23 Stoneridges
- 24 Southfield
- 25 Moorplattes
- 26 Kervins
- 27 Becklands
- 28 Bultrydams
- 31 Chapplebrig
- 32 Long Lanebrig
- 37 Wellfields, also Milnefields
- 40 Crayke to York road
- 41 Skelton to Wigginton road
- 42 Shipton to Wigginton road
- 43 Lady Stone

Figure 4 Tracing of the 1630 map of Skelton

-9-

8 DJ *The gate on the 1630 map East of Hall Moor Farm, when scaled and transposed, (using triangulation based on Hall Moor Farm & Skelton Church), onto a current 1:25000 OS map, appears very close to the where the path was stopped in 1977. Document SK25/26*

AB Once again DJ is freely and erroneously using the term “Hall Moor Farm” when it is not shown or referred to on this map.

The complete lack of scale employed in the drawing of the 1630 map (as compared to distances evident on present day maps between Skelton and Shipton) would make accurate triangulation impossible - especially as Hall Moor Farm did not exist at this time. DJ using terms like “thought” and “may” and “likely” certainly negates a definite assertion. As I show under “Key 3” that Warren House was sited either on Newlands Farm or Hall Moor Farm North, this theory put forward by DJ is without base.

I enclose a page from the report written by the York Archaeological Trust (HM20) that states “This (1630) map is not easy to understand since it is not to scale, which is usual for maps of this period” Therefore DJ’s theory using this 1630 map to triangulate could not be accurate.

JD refers to “gates” on the 1630 map, implying that these were entrances into Hall Moor Farm. These gates in fact form “barriers” on the parish boundary to stop animals straying off the moor (I show the historic gates indicated in green on a modern map (HM21). Again I would stress that Hall Moor Farm is not shown or indicated on this map, it is just an erroneous assumption by DJ.

HM20

Fisher Foods Ltd, Shipton Road, Skelton

At the time of the Reformation at least two of the oldest families of importance in Skelton, the Beseleys and Nelsons, suffered considerably due to their allegiance to the Catholic faith. Three members of these families were Catholic priests at the time and one was martyred for his beliefs. In 1644 during the Civil War siege of York Royalist armies are recorded as having passed through the village, possibly on their way to Overton to cross the River Ouse. During the 17th and 18th centuries the manor appears to have passed through several families before being bought by Joshua Hepworth in 1784. The present Skelton Manor House, adjacent to St Giles Church, is believed to belong to the early 17th century (Pevsner 1966) By this time much of the Forest of Galtres had been cut down although there was some left on Hall Moor. During the 18th century communications to north and south were improved with the turnpiking of the York - Thirsk - Easingwold Road and this appears to have contributed to much rebuilding. Just north of the present site a dwelling still called Toll Bar Cottage marks the spot where tolls were collected. The number of major landowners in the parish fell from 20 in 1742 to 10 in 1807, at the time of enclosure, perhaps reflecting the beginning of enclosure and consolidation of land. Some development of the village took place in the early 19th century since 13 new houses are mentioned in the Poor Rate Assessment of 1812 and other new houses including some larger ones are attested as being constructed during the rest of the century. The present site had its origins in the late 19th century and has been used for food processing ever since. A more detailed description of the site is given in the Walk-Over Survey (Section 5).

In 1918 York Corporation bought Fairfield Hospital, to the south of the present study area, and used it for the treatment of tuberculosis sufferers. Between the wars a few new houses were built, particularly in Bur Tree Lane and Moorlands Road. The Brecksfield area was developed from c.1960 and more recently there has been major housing development in the South Field.

Prior to 1981 the earliest known map of Skelton was the enclosure map of 1807 but since then a map dated to 1630 (Figure 4) has come to light. This map has been more fully discussed elsewhere (Spratt 1986) but a summary of the evidence is relevant to this study. The map is not easy to understand since it is not to scale, which is usual for maps of this period, and it is torn down the western margin. Also it shows relatively few buildings because its primary concern was the ownership of land. The general layout of the core of the village is similar to that of the present day and a number of the field names survive on modern Ordnance Survey maps. The absence of field names containing elements such as Riddings, -hurst, or -leah, which are often applied to fields carved out of woodland seem to confirm that the Forest of Galtres had been cleared from the immediate vicinity at an early date. Although no structures are shown in the immediate vicinity of the study area a windmill is depicted a short way, some 350m, to the south-east. A field in the same general location as the site is named as Wellfields, also Milnefields which may possibly indicate the source of the water supply for some of the village at the time. The map also shows the principal routes through the village including the main road, now the A.19, in roughly the same position as today.

The first Ordnance Survey map of the area, published in 1854, shows the site to be open land although what is now Fairfield Farm is visible immediately to the south-east of the site. The map names the area as Wellfield and it is possible that the pond, still present in the north-east corner of the site, is fed from a now-disused well. The 1854 map (Figure 5) also shows the site of a steam mill just south of the study area and this too may have drawn its water from a long-established well in the area. Subsequent maps show the growth of the village through to the present day.

-10-

9 DJ SK25 (1630 map) (HM23) / SK26 (modern map) (HM24)

AB DJ has taken the 1630 map (HM22) and affixed reference points in various places. He has then taken a modern map (HM23) and placed the same numbers where he believes these points should appear today, employing triangulation. As this map is mentioned in the report by The York Archaeological Society with regard to ancient maps not being drawn to scale, without accurate distance measurements triangulation cannot be accurate.

I enclose a black and white print (HM24) as it makes it easier to see the relevant features but also the SK26 coloured map DJ supplied. It should be noted that the main outline on the 1630 map shows the parish boundary. I have used another copy of the map (HM25) on which I show the numbers affixed by DJ and those that I have deduced by careful comparison of the maps available.

[1] On SK26 DJ has suggested that this point lies on the public footpath that runs north east to south west - the public path in use across Hall Moor Farm today. I show that [1] lies on the road from Shipton to Wigginton near the parish boundary, easily confirmed by comparing the outline of the parish boundary on both maps.

[A] On SK26 DJ has placed the marker on top of the Hall Moor Farm buildings. I have already established that what he has marked as [A] is north of the Shipton to Wigginton road, with the key to the 1630 map clearly stating Warren House.

[2] On SK26 DJ has placed this numbered point over Moorlands. With the road clearly established by the York Archaeological Trust as the road between Shipton and Wigginton, [2] is where the parish boundary crosses over this road, near to the crossroads with the York/Crayke road.

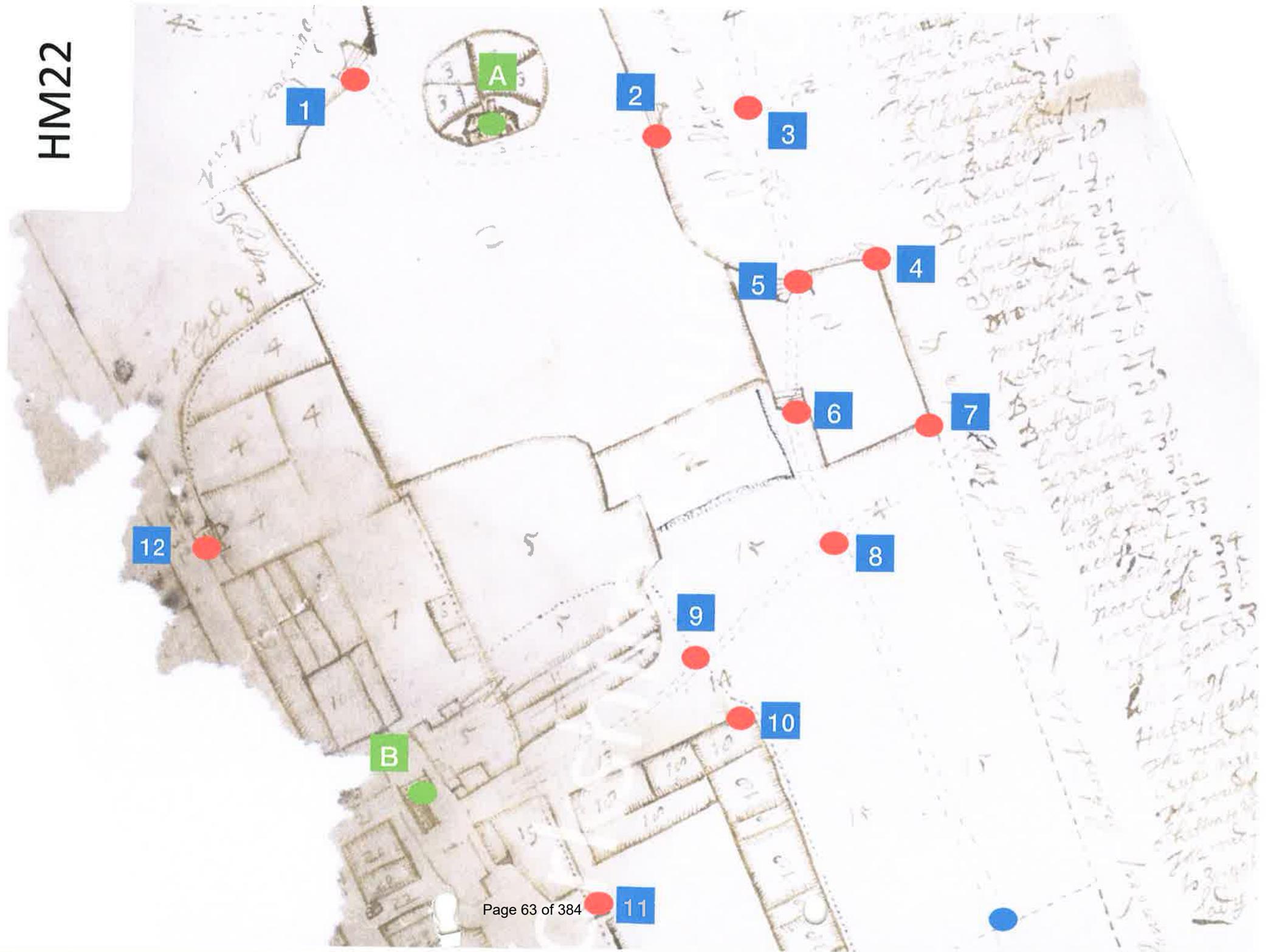
[3] On SK25 DJ has placed his point on the York/Crayke crossroads with the Shipton to Wigginton Road. On the SK26 modern map he has placed it below and to the west of the York/Crayke road.

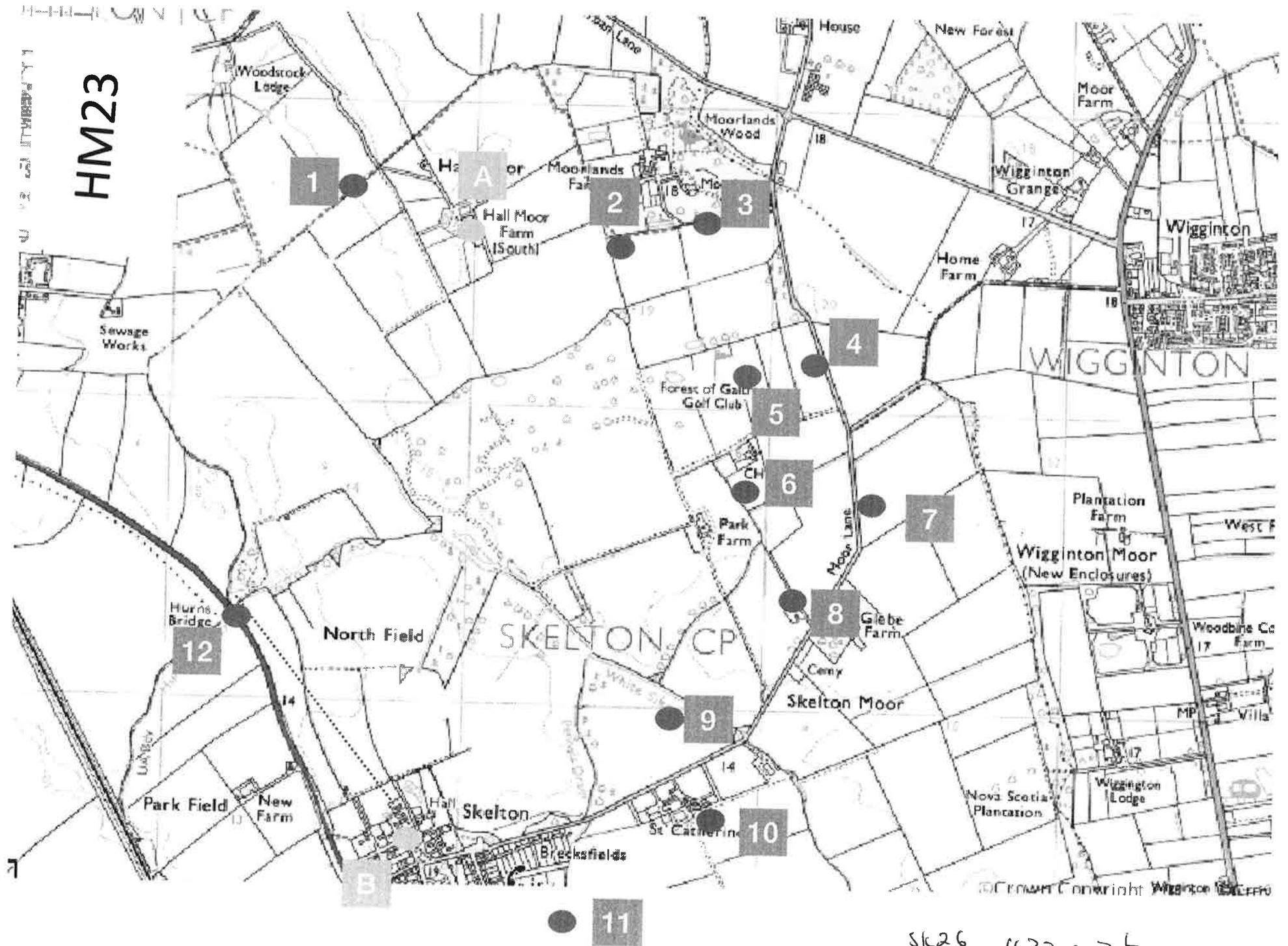
[4] DJ seems to have ignored the York/Crayke road, and placed [4] on the 1630 map beyond this road to the east, the far side of a field. On his modern map he has placed the marker on the west side of this road.

I am not affected by his numbers 4 - 11, erroneous as they clearly are, so I will move on to [12]

[12] DJ has placed this marker by Hurns Bridge on the modern map. This could, perhaps, be correct but it is hard to know for certain when taking into account what the York Archaeological Trust say about total lack of scale on these early maps. It could also just be a gate on the parish boundary to give access/egress to/from the clearly portrayed field to the east of the gate, as there is no path or road shown beyond this gate, when roadways and paths are clearly shown elsewhere. If JD's assertion is that this was a bridleway to Hall Moor Farm, I would stress that the farm did not exist in 1630 and there is no roadway or path shown on this map to any spot in this area of land. However, if one refers to the 1809 map also supplied by DJ, it clearly shows that this was only ever the entrance to Hall Moor Farm and did not go beyond it. Therefore no public pathway existed.

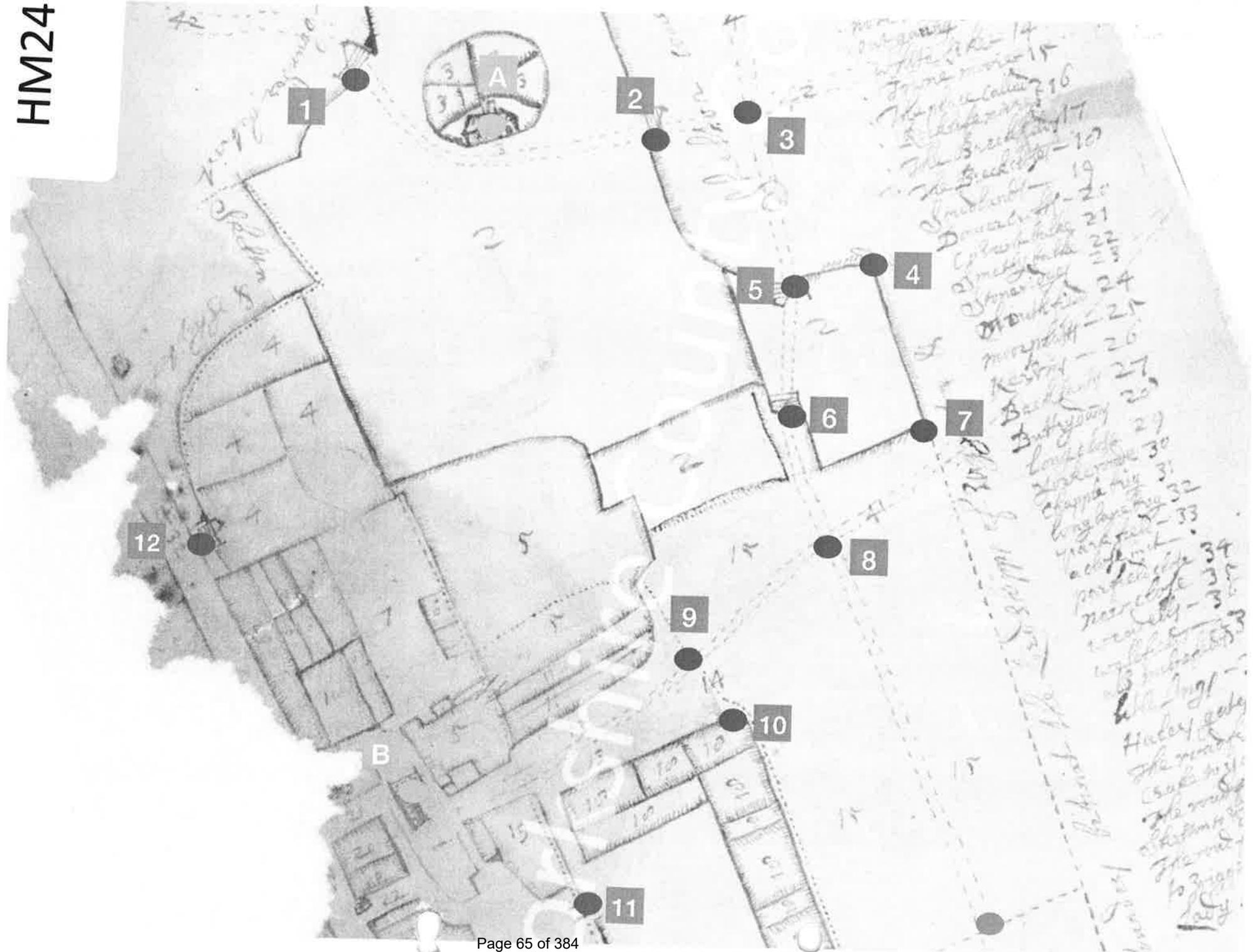
HM22

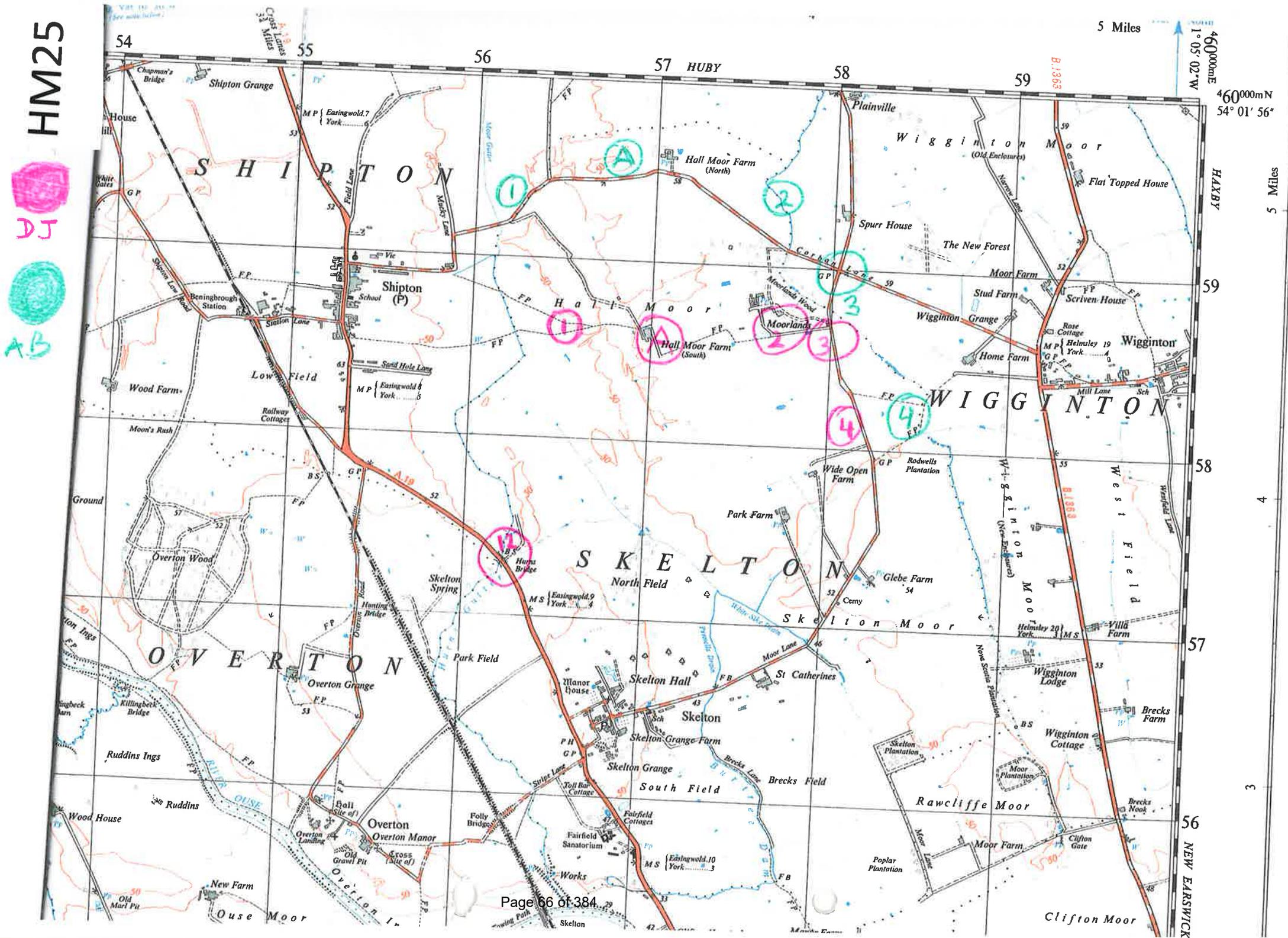




sk26 1630 points on
current OS map

HM24





HM25

DJ

AB

_ 11 _

10/11DJ *The stopped path appears to have been a road in 1630 and this was not considered in the Stopping up order of 1977. It seems likely that the stopped path in 1977 was the same Hall Moor Farm Bridle Road as claimed in the 1910 land valuation review and this was not considered in the Stopping up order in 1977*

AB Having disproved this assumption by DJ, I would repeat that the “stopped path” in the 1630 map, “extinguished in 1977” is not the road marked as Key 42 on the 1630 map as suggested by DJ. It is the present day road called East Lane/Corban Lane, as detailed in Paragraph 7 above, to the north of Hall Moor Farm, which is why there was nothing else to “stop”.

12 DJ *A 1806 Newspaper advert confirms that the Skelton Enclosure Commissioner did invite the Public to meetings to share any concerns with the Enclosure process. Document SK11*

AB I see no relevance in the inclusion of this document (HM26), other than it proves compliance with the required legalities at the time of the Enclosures.

Solicitor.

—*Skelton and Overton Inclosure.*—

I WILLIAM DAWSON of Tadcaster, the
 sole Commissioner appointed by Virtue of an
 Act of Parliament, lately passed, intituled “ An Act
 “ for inclosing Lands in the Township of Skelton, in
 “ the Parishes of Skelton and Overton, in the North-
 “ Riding of the County of York, and of a certain
 “ other Act of Parliament, passed in the Forty-first
 “ year of his present Majesty’s Reign, therein re-
 “ ferred to, intituled, An Act for Consolidating in
 “ one Act, certain provisions usually inserted in
 “ Acts of Inclosure, and for facilitating the mode of
 “ proving the several facts usually required on the
 “ passing of such Acts, or by Virtue of one of
 “ them,”

Do hereby give Notice,

HM26

That I intend to hold my **Second Meeting** at the House of Mr. **DAVID WINN**, the **GEORGE INN**, in **Coney-street**, **York**, on **MONDAY** the **TWENTY-FIFTH** Day of **August** next, at **TEN** o'clock in the **Forenoon**, for putting the said Act into execution: And I do hereby require all Persons having, or claiming any **Messuages**, **Cottages**, **Frontsteads**, **Lands**, **Hereditaments**, **Tithes**, or other **Estates**, **Rights** or **Interests** within the said **Township of Skelton**, or their respective **Agents**, to attend there between the **Hours of TEN** and **TWO**, and deliver to me in writing under their **Hands**, or the **Hands** of their respective **Agents**, a just and distinct **Account** of such respective **Persons' Claims** of their respective and several **Estates**, **Rights** and **Interests** within the same **Township**, which have not been delivered to me at the first **Meeting**: And all **Claims** that are not then delivered to me, cannot afterwards be received, without some special cause to be allowed by the said **Commissioner**.

tion

And I do hereby give this further Notice,
That I intend to perambulate the Boundaries of the Township of Skelton, the next day TUESDAY the TWENTY-SIXTH day of the same Month of August, and I intend to begin such Perambulation at TEN o'clock in the Morning, at the south-west corner of the Common of Skelton, adjoining the far Breck Closes; and request the Lords of all the adjoining Manors or their respective Agents, and all other Persons interested, to attend if they think proper.—
Dated this 21st day of July, One Thousand Eight Hundred and Six.

W.M. DAWSON.

13 DJ *A Public Right of way from Hallmoor farm to Moorlands Wood was diverted in 1977 as a Footpath. Document SK18.*

AB The public right of way referred to in this paragraph is the footpath that used to go from Moorlands, round the back of the Hall Moor Farm buildings and onwards to Shipton. The original documents dealing with its partial extinguishment and partial relocation are held at Hall Moor Farm but I enclose a photocopy of the document (HM27a, HM27b, HM27c and HM27d).

This demonstrates that there was only ever a footpath from Hall Moor Farm towards what is now Moorlands, which was effectively stopped/diverted in 1977, so no route now exists anywhere over the line claimed by DJ.

As stated in the Evidence Guide, “the route being claimed must, of course, link at both ends to a public highway, i.e. a public footpath, public bridleway, a byway open to all traffic or a road. There are exceptional circumstances where a public right of way may end in a cul-de-sac, for example at a point of interest such as a hilltop viewpoint or a lakeside viewpoint.”

If we consider the route proposed by DJ, the suggested bridal road would form a cul-de-sac just south of the Hall Moor Farm buildings, as no bridal road has ever been shown beyond this point to Moorlands, and the footpath that did exist here (and turned north through the farm yard), was officially stopped and diverted in 1977.

By the same token, our current access road from Corban Lane to the farm is a private access which is not a bridal road and not a footpath; it is only a private access to the farm as was the route shown in the 1809 map.

HM27(A)

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

NOTICE OF CONFIRMATION OF PUBLIC PATH ORDER

HIGHWAYS ACT 1959

NORTH YORKSHIRE COUNTY COUNCIL

HALL MOOR FARM (SOUTH), HAXBY - PUBLIC PATH DIVERSION ORDER

TO : Mr. N. Eycroft,
Hall Moor Farm (South),
Haxby.

On the 13th day of May, 1977, the North Yorkshire County Council confirmed the above-named Order.

The effect of the Order as confirmed is to divert the public right of way from the line described in Schedule A to this Notice, to the line described in Schedule B to this Notice.

A copy of the Order, as confirmed, and the map contained in it has been deposited and may be inspected free of charge at the Divisional Highways Office, Ox Carr Lane, Strensall during normal office hours.

Any person who wishes to claim compensation under Section 31/113(2) of the 1959 Act for depreciation or damage in consequence of the coming into operation of the Order must make his claim in writing addressed to the Chief Executive, North Yorkshire County Council, County Hall, Northallerton, and serve it by delivering it at, or sending it by pre-paid post, to the above address before the 27th day of November 1977.

The Order becomes operative as from the 27th day of May, 1977 but if a person aggrieved by the Order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Highways Act 1959, as amended, or on the ground that any requirement of the Act, as amended, or of any regulations made thereunder has not been complied with in relation to the Order, he may, under Paragraph 2 of ~~the~~ Schedule 2 to the Act as applied by Paragraph 5 of Schedule 7 to the Act, within six weeks from the date of this Notice make an application for the purpose to the High Court.

Dated 27th day of May 1977.

W.A. HARRISON,

County Solicitor.

County Hall,
NORTHALLERTON.

HM27(B)

PUBLIC PATH DIVERSION ORDERHIGHWAYS ACT 1959NORTH YORKSHIRE COUNTY COUNCILHALL MOOR FARM (SOUTH), HAXBYPUBLIC PATH DIVERSION ORDER 1977

WHEREAS Mr. N. Bycroft, of Hall Moor Farm (South), Haxby, is the owner of the land crossed by the public footpath referred to in paragraph one of this Order and has satisfied the North Yorkshire County Council that for the more efficient use of land it is expedient that the line of the footpath should be diverted.

AND WHEREAS the said Mr. N. Bycroft has agreed to defray any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public

AND WHEREAS the Shipton Parish Council and Hambleton District Council have consented to the making of this Order in pursuance of Section 112(1) of the Highways Act 1959 (hereinafter called the "1959 Act")

NOW THEREFORE the North Yorkshire County Council in pursuance of the powers in that behalf conferred by Section 111 of the 1959 Act hereby make the following Order

1. The public footpath over the land situate at Hall Moor Farm (South), Haxby, shown coloured purple on the map annexed hereto and described in A of Part I of the Schedule hereto shall be extinguished at the expiration of 14 days from the date of confirmation of this Order.
2. There shall be at the expiration of 14 days from the date of confirmation of this Order a public footpath over the land situate at Hall Moor Farm (South), Haxby described in B of Part I of the Schedule hereto and shown coloured red on the map contained in this Order.
3. This Order may be cited as "The North Yorkshire County Council Hall Moor Farm (South), Haxby, Public Path Diversion Order 1977".

HM27(C)

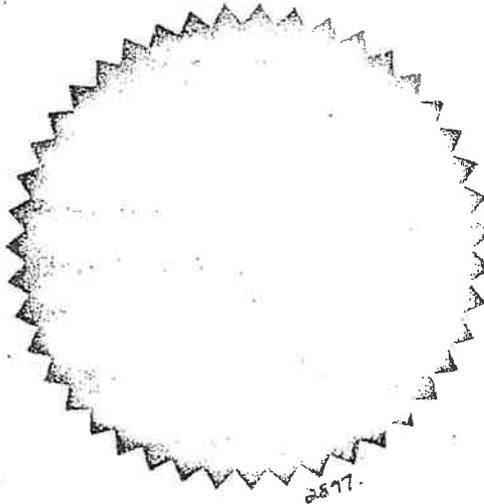
The Common Seal of the Council
of the County of North Yorkshire was
hereunto affixed this 16th
day of March 1977 in the presence of:-



~~A member~~
Chairman of the County Council

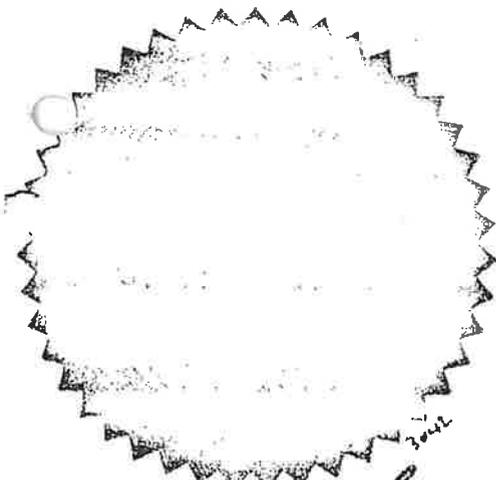


Deputy County Solicitor and Second
Deputy Clerk of the County Council

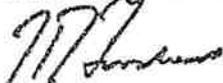


The Council of the County of North Yorkshire in exercise of the powers
conferred upon them in that behalf hereby confirm the foregoing Order
(without any modification) as an unopposed Order

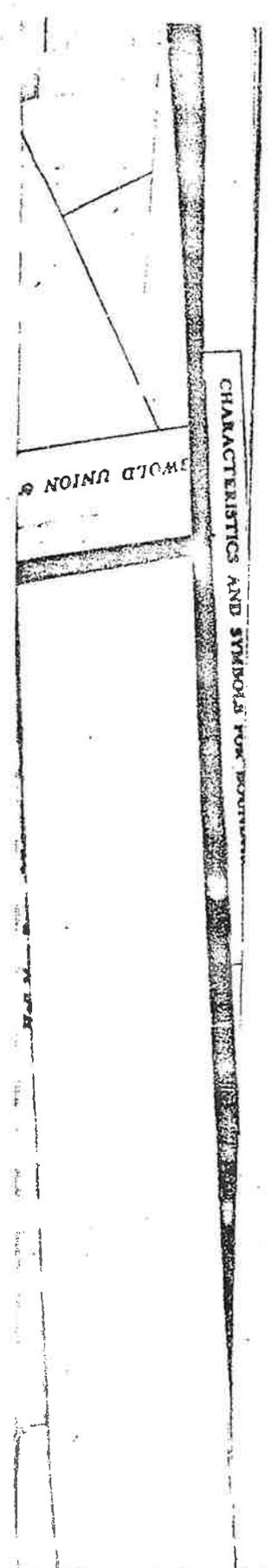
In witness whereof the Common Seal
of the Council of the County of North
Yorkshire was hereunto affixed this
13th day of May
1977 in the presence of:-



Chairman of the County Council



Deputy County Solicitor and Second
Deputy Clerk of the County Council



AB I also enclose the following:-

(HM28) A black and white picture of a map of Hall Moor Farm and New Farm showing the route across our lands of the refuted path route claimed by DJ showing that there is no trace of a path.

(HM29) A coloured map of Hall Moor Farm and New Farm fields showing that there is no trace of a path.

(HM30) An enlarged coloured map of the same area, with no evidence of a track or evidence of recent use.

(HM31) A map indicating ownership of the two areas of land.

(HM32) A letter from Mr David Blacker - owner of New Farm - in support of this objection.

(HM33) An article printed in the Farmers' Guide reporting on the serious results suffered by land owners from hare coursing. I would add that if this refuted Bridle Road were allowed to be put in place it would open up both farms to fly tipping, poaching and other rural crimes. Our Crime Prevention Office has kindly supplied me with two crime numbers - the first in relation to around 40 men with dogs on Boxing Day 2018 (NYP-26122018-0082) and a similar incident (but fewer men) on Boxing Day 2019 (NYP-26122019-0082). As these men and dogs had to get over, or break down fences in order to get to Hall Moor Farm land, imagine what we would face if they could all just drive in (they would hardly obey the law that forbids using such thoroughfares for vehicles). The officer's name is Caroline Saville, PCSO 6239 Rural Task Force and she can be reached by dialling 101 and asking for extension 36239. She would be happy to talk with you about crime in this area if you wish to contact her. Fly tipping already happens on the present day driveway into the farm.

To summarise I would stress that this claim made by DJ is without foundation, having been based on the total misinterpretation of the evidence available. In fact, DJ offers no valid evidence to support his claim but rather negates the assumption by his misinterpretation. He claims to have used triangulation to prove locations from the 1630 map and transposed his findings onto a modern map, ignoring the statement included with the report on this map by the York Archaeological Society that clearly states that "distances and locations cannot be accepted as accurate in maps of this age". One only has to look at the map I provided (HM25) to see just how far off the mark he is with his assumptions.

In conclusion I would add that, from evidence DJ himself supplied, there has been a road from Shipton to the Moor Lane/Plainville Lane crossroads and onwards to Wigginton or Crayke and a road from Skelton to these crossroads and onwards to Wigginton or Crayke since records began. Why, with these roads in place, would a resident of either Shipton or Skelton walk or ride over a mile in the wrong direction in order to use the track suggested by DJ? It was only ever a private entrance to Hall Moor Farm that has fallen out of use as land changed ownership over the centuries.



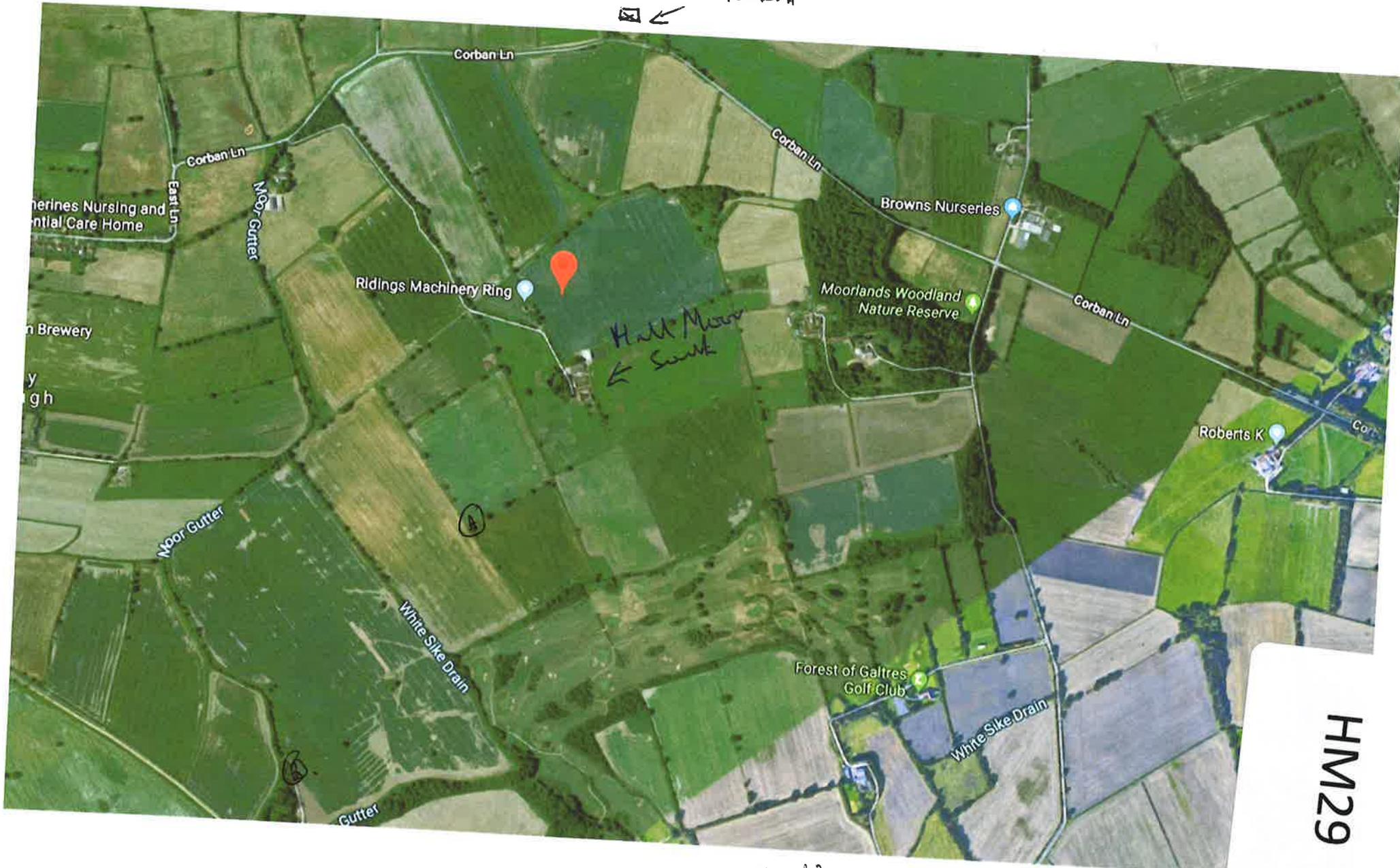
HM128

Imagery ©2019 Google, Imagery ©2019 Getmapping plc, Infoterra Ltd & Bluesky, Landsat / Copernicus, Maxar Technologies, Map data ©2019 200 m

Claimed line of bridleways. - compare with colour maps of same area,
 - There are no markings on the fields to show evidence of a past bridleway.
 - Also ~~no~~ evidence of any recent use.

Google Maps YO32 2RQ

HALLMOOR NORTH
☐ ←



HM129

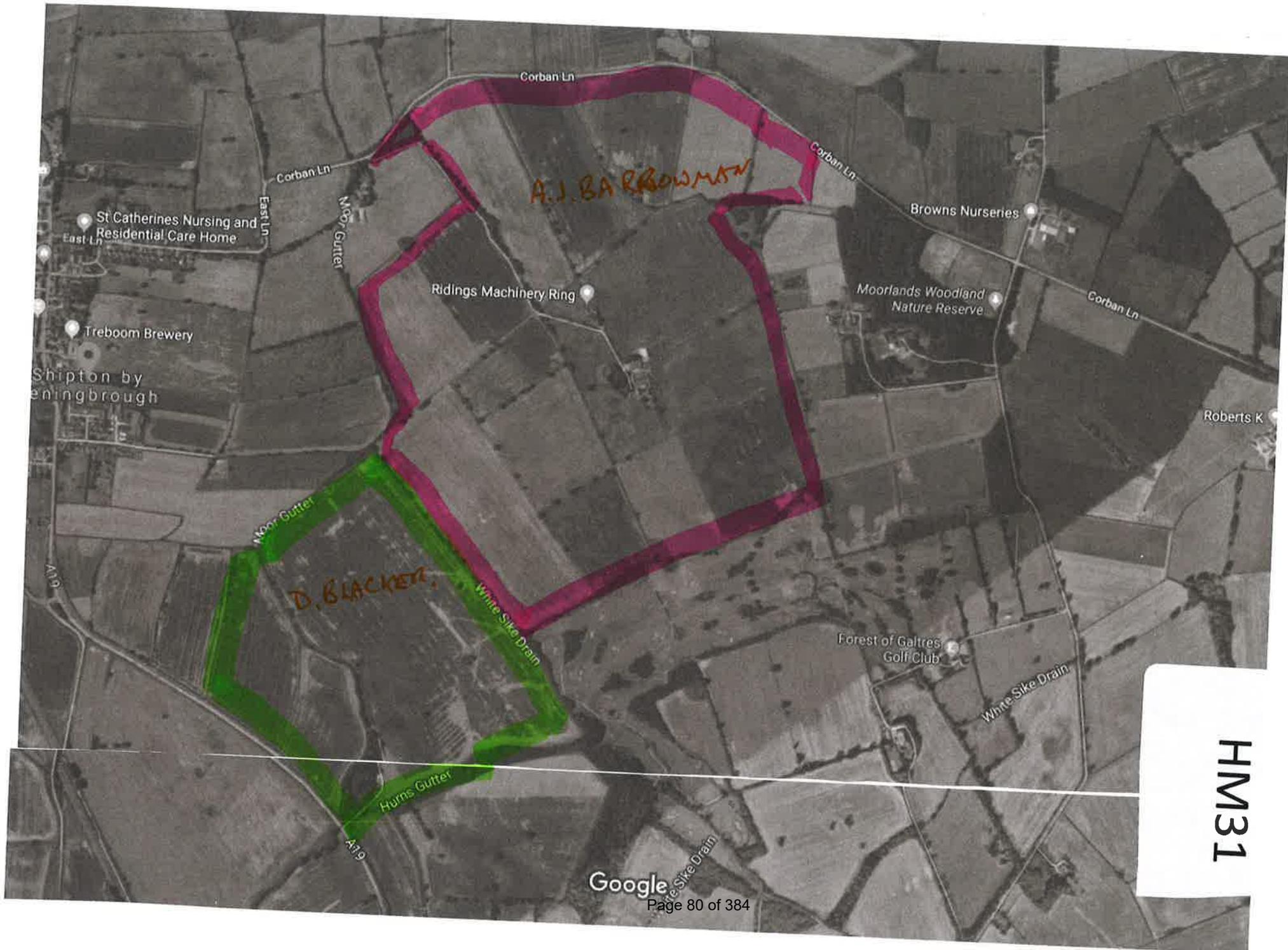
No line of claimed brideway between points A & B.

Google Maps Y032 2RQ



HM130

No line of claimed boundaries between points
A & B



HM31

IN YOUR AREA

North news

HM33

Cleveland, Cumbria, Durham, Lancashire, Northumberland, Yorkshire

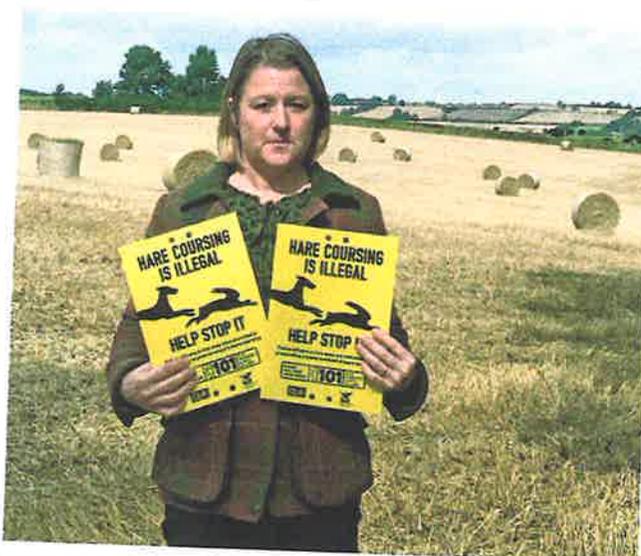
Action plan on hare coursing followed up by proactive engagement

After numerous incidents of hare coursing throughout autumn and winter, the CLA has updated its action plan outlining how farmers, landowners, the police, and government can work collaboratively to bring offenders to justice.

Following the launch of the revised action plan, CLA North's Rural Adviser Libby Bateman wrote to all police and crime commissioners across the North region to enlist their support in the delivery of the plan.

Key issues outlined included relaying the concerns of members who feel that their reports to the police are not always treated as serious, organised crime but are instead considered minor poaching offences. The action plan calls for additional training for police call handlers to better understand the crime of hare coursing, which is often associated with other criminal activities such as gambling and theft.

Libby's work has resulted in several positive responses from police forces including Northumbria, Cumbria, South, West and North Yorkshire, and Lancashire. Opportunities have opened up for the CLA to provide input in rural officer training sessions, and



CLA North's Rural Adviser Libby Bateman with CLA-produced hare coursing signs

Northumbria has circulated the CLA's action plan to all call handlers to help improve the understanding of hare coursing. Some forces have highlighted an ongoing challenge as police call handlers regularly move on to other jobs, so continuity of rural crime training is vital to maintain consistency in how calls for assistance are answered and how resources are prioritised.

Rural residents are encouraged to look out for opportunities to join a

local farmwatch or ruralwatch scheme as intelligence provided by citizens can be vital in securing a conviction.

The CLA is also working with government and other organisations to press for stronger legislation to bring stiffer penalties for those convicted of hare coursing, including higher fines, the ability to reclaim kennelling

costs from offenders and an increase in forfeiture orders for dogs used in hare coursing.

The CLA, in partnership with the UK National Wildlife Crime Unit, has created signs encouraging people to report this illegal activity. Landowners and farmers interested in obtaining these signs should contact CLA North Adviser Libby Bateman by phone 01748 90 7070 or by email libby.bateman@cla.org.uk.

Cumbria and Lancashire AGMs

The Cumbria and Lancashire branch AGMs were both hosted online in early autumn.

Cumbria AGM saw the CLA's first female Vice President Victoria Vyvyan as guest speaker. She provided an overview on the CLA's lobbying work and also

compared her experiences in Cornwall of the Covid-19 pandemic with those in Cumbria. Red squirrel conservation was a particular interest and she recognised Cumbria's success with this.

Jane Lane of Westmorland Ltd was elected as a new

member of the branch committee, whilst Susie Villiers Smith and Ed Hewetson were re-elected as branch chair and vice chair, respectively.

CLA President Mark Bridgeman was guest speaker at the Lancashire AGM. He gave members a lively

overview of the latest national developments on Brexit, trade deals, and ELMS.

Dr Yvonne Ball, who previously served as chair of the committee is now branch president, whilst Francis Fitzhertbert-Brockholes was elected as chair and Neil Kilgour as vice chair of the branch committee.

N BLACKER & SONS

White House Farm

Newton on Ouse

YORK YO30 2BN

Tel: 01347 848305

HM32

FAO: Mr Russell Varley
City of York Council
West Offices
Station Rise
YORK YO1 6GA

Dear Mr Varley

DMMO APPLICATIONS SKELTON
Land from A19 and Hall Moor Farm Shipton by Beningbrough

I am writing in support of the attached defence with regard to the above application. I have read through and agree with all the submissions and therefore am not making an additional submission. The land belonging to me is outlined on HM in the pack.

Yours sincerely

David Blaker 7/11/2019

David Blaker

Archived: 14 October 2022 12:38:31

From: david.blacker@rising-sun-farm.co.uk

Mail received time: Tue, 30 Nov 2021 21:17:29

Sent: Tue, 30 Nov 2021 21:17:23

To: rightsofway@york.gov.uk

Cc: blacker@clara.co.uk; AJ Barrowman

Subject: PUBLIC BRIDLEWAY SKELTON 12 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.

I refute the PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021. A body of evidence has already been submitted along with Mr Barrowman.

Much of the information provided in support of this order has been proved to be incorrect and false.

As part of this route has officially been closed in the past, it would become a dead end. I support the NFU policy advice that applications to open dead end routes should not be granted.

Hare coursing and badger baiting is already a problem for me. The granting of this order will legitimise this activity giving the offenders reason to be there.

On Health and Safety grounds, having a public bridleway whose only point of access is off the A19, a busy main road with 11685 vehicles per day (2017 statistics) travelling at speed. This will become a future accident or death waiting to happen. I do not support this in any way and would like to know who will be accountable for these fatalities should the order be granted.

Regards

David Blacker.

Archived: 21 December 2021 11:40:26

From: [wendy davis](#)

Mail received time: Thu, 21 Oct 2021 10:34:50

Sent: Thu, 21 Oct 2021 10:32:45

To: rightsofway@york.gov.uk

Subject: PROPOSED BRIDLEWAY AT HALL MOOR FARM, SKELTON

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 Sirs

I would like to object in the strongest possible terms to the proposed bridleway from the A19 through land at Hall Moor Farm to Moorlands.

I feel that this act would further open Hall Moor Farm to trespassers, Hare Coursers and poachers and I would not feel safe in my home.

Wendy Davis

The Granary

Hall Moor Farm

Shipton Lane

Wigginton

York YO32 2RQ

Archived: 21 December 2021 12:14:03

From: [Justin Le Masurier](#)

Mail received time: Thu, 28 Oct 2021 12:51:28

Sent: Thu, 28 Oct 2021 13:51:13

To: rightsofway@york.gov.uk

Subject: Objection - Skelton 12 Public Bridleway

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.

Sir/Madam

I am an occupant/resident living at Hallmoor Farm for over 20 years.

Please find herein my Objection to the above. Attached is a letter/doc in pdf format.

Please confirm receipt of this email and letter of Objection.

 \cbpat4Objection - Public Bridleway... \cbpat4

Regards Justin Le Masurier

Rights of Way Officer
City of York Council
West Offices
Station Rise
York. YO1 6GA
Email - rightsofway@york.gov.uk

28 October 2021

Dear Sir / Madam

**PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021 - Ref 201805
Skelton**

I hereby lodge an objection to the above.

I've been an occupant/resident at Hallmoor Farm for over 20 years.

To my knowledge, there has never been a right of way on the route that you make out. Point A on your diagram/map is on the side of the main A19 carriage way. Point A is approximately 1 mile from Skelton. There is no parking at point A. Residents at Skelton already have access to various footpaths etc to enjoy.

A footpath already exists - Skelton 8 - which crosses the land at Hallmoor Farm.

We already endure illegal activities such as poaching at Hallmoor Farm, which the police / City of York Council, have been unable to prevent/resolve.

The proposed Skelton 12 Bridleway would be an unnecessary/unreasonable imposition, that would negatively impact on my quiet enjoyment as an occupant/resident. In addition to there being safety issues and an environmental impact.

Wild birds and wild animals would also be unnecessarily/unreasonably affected - particularly in their breeding seasons.

I'd be grateful if you would please take care to consider this objection.

Yours sincerely

*Mr Justin Le Masurier
occupant/resident
Hallmoor Farm
(Electronically signed - letter sent via email)*

List of Supporters

1. Mrs Catriona Cook on behalf of the British Hose Society (supporter)

Archived: 21 December 2021 12:51:18

From:

To:

Subject: RE: PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

Sensitivity: Normal

Dear Catriona,

Thank you for your email this is really helpful evidence to add to the case. As with all cases I will be in touch again after the consultation period has ended (3rd December)

Best wishes,

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

From: Catriona Cook <ccburgatebovey@gmail.com>

Sent: 02 November 2021 12:24

To: Grindley, Lauren <Lauren.Grindley@york.gov.uk>

Subject: Re: PUBLIC BRIDLEWAY SKELTON 12 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,

The BHS supports the making of this order and I attach a document with some map evidence that it probably is a very old route. I'm afraid that I haven't had the time to do an in depth trawl through documents but hope this will help.

Best wishes,

Catriona Cook
BHS Access Officer

On Wed, Oct 20, 2021 at 10:52 AM Grindley, Lauren <Lauren.Grindley@york.gov.uk> wrote:

British Horse Society
BY EMAIL ONLY

Dear Mrs Catriona Cook

PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

On 19 August the Council of the City of York sealed a definitive map modification order recording a public bridleway from Shipton Road to Skelton public footpath 8 (SE 5622 5729 to SE 5742 5863). Please find enclosed a copy of the notice and map for your information. You may download a copy of the order from <https://www.york.gov.uk/PROWNotices> which includes a map showing the

DMMO Evidence for a Bridleway Running From the A19 to Moor Lane in the Parish of Skelton

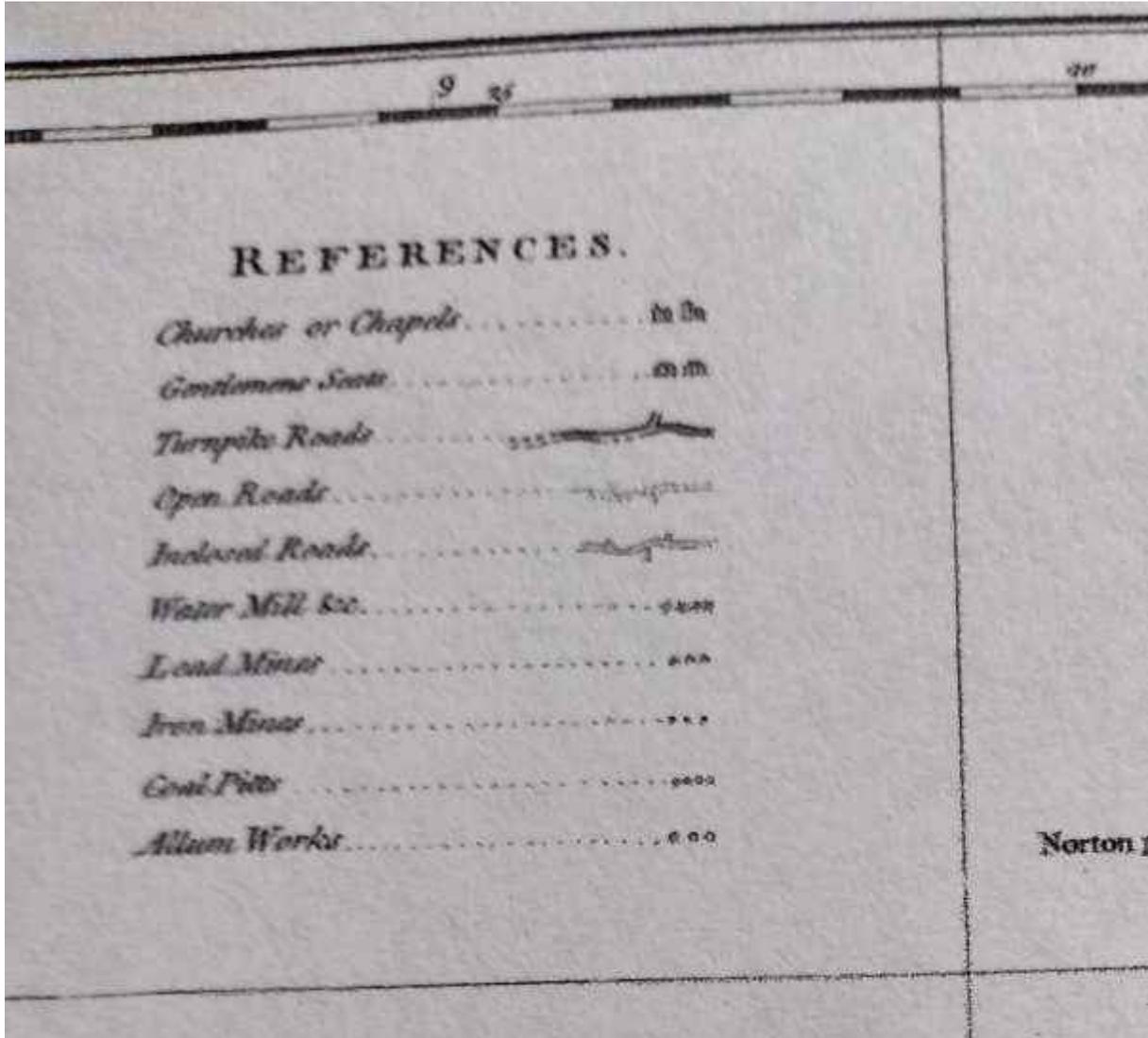
Presented by: British Horse Society (BHS) c/o Catriona Cook

The application route appears to be an ancient road, but not a very important one since it is often only depicted as a stub route on some of the early maps. This was a common practice on the small scale county maps to avoid clutter, but the stub indicated to the travelling public that they could use it. The maps are shown in chronological order.

1771 Jefferey's Map of Yorkshire.

The route is only shown as a stub and on the key is depicted as an "Inclosed Road". Which means that it would have been used by the public.

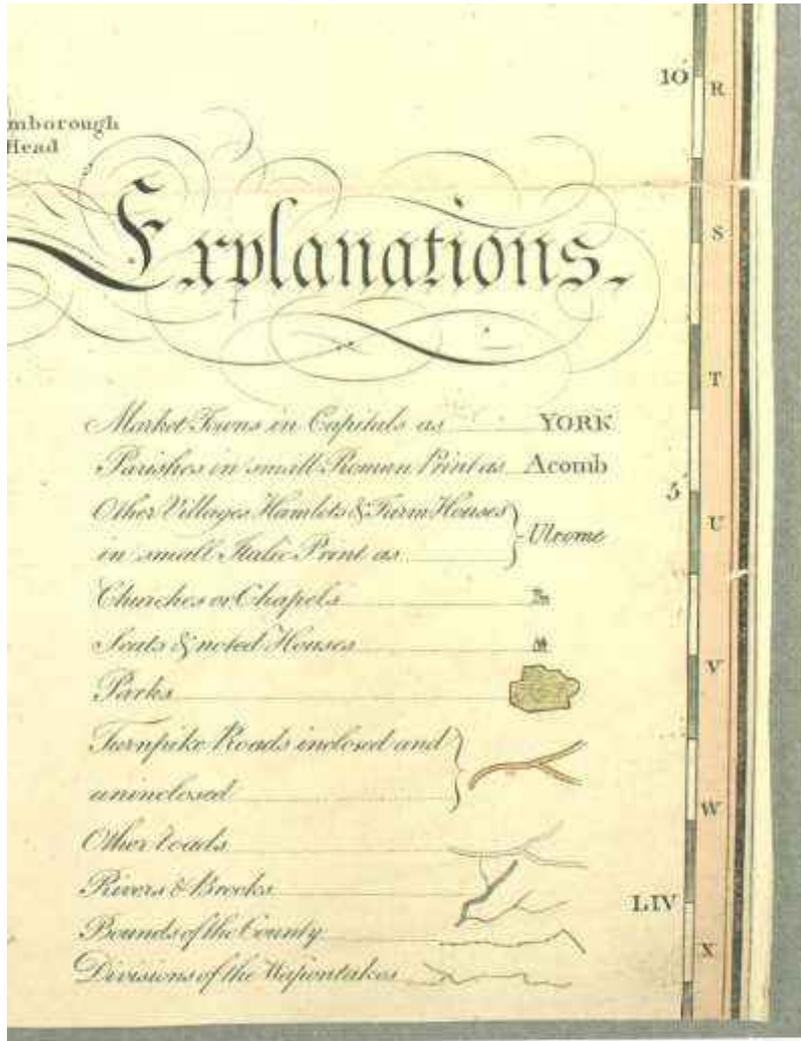




1816 Tuke

Again it is shown as a stub route and depicted on the key as "Other Roads".

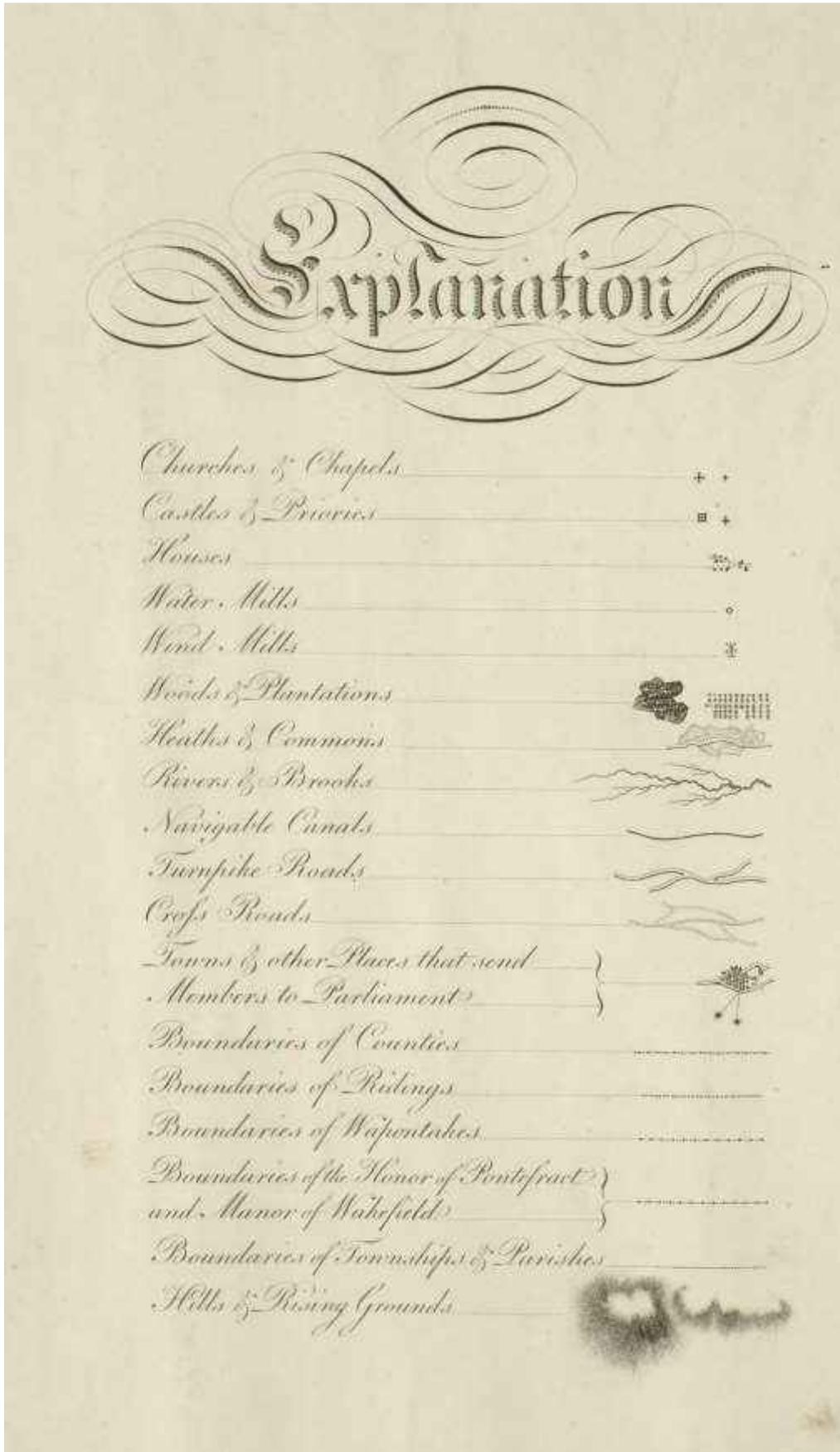




1817 Greenwood

The application route is shown going as far as a "Cross Road" that is a public bye road.



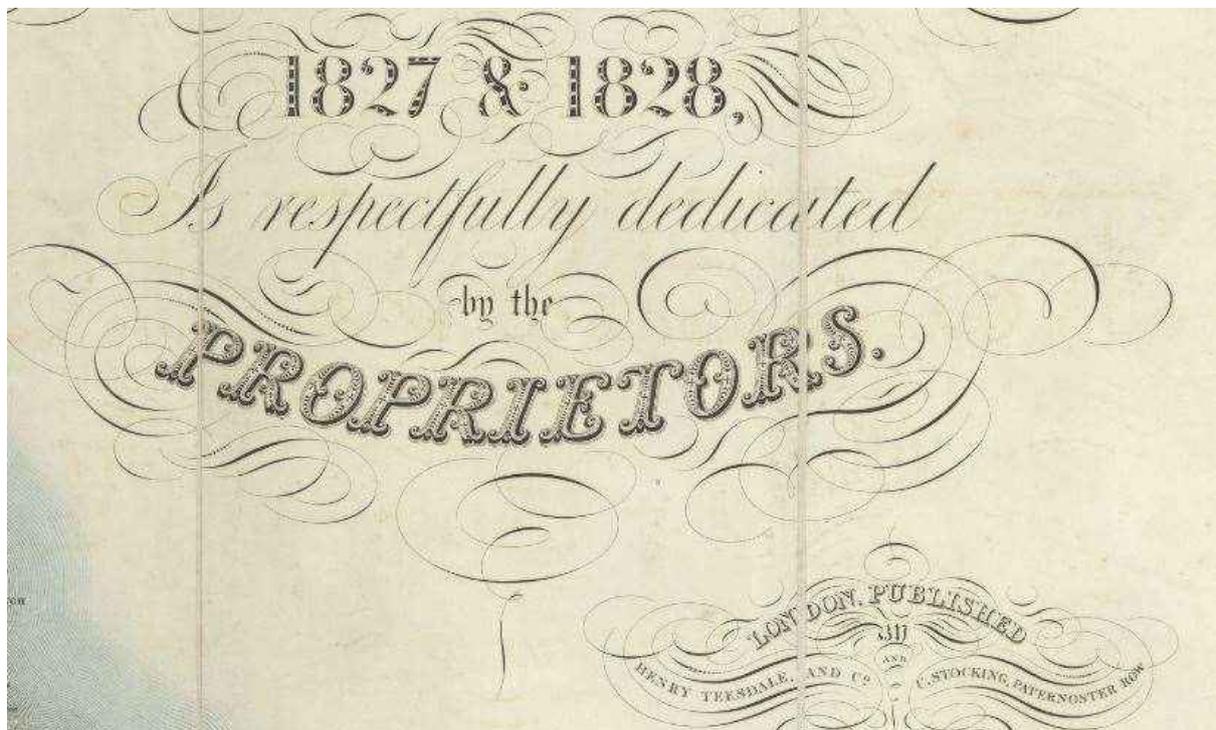
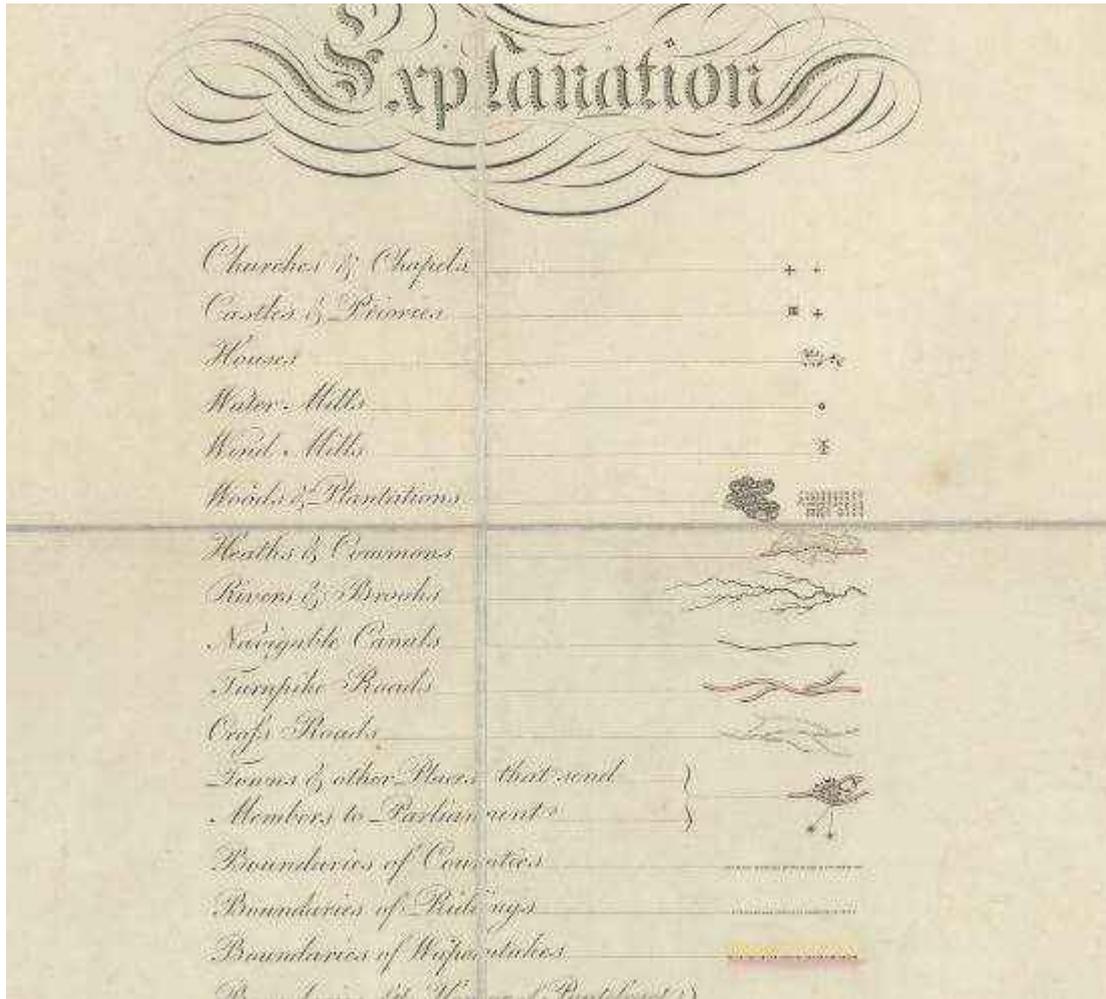


1828 Teesdale

National Library of Scotland

Shown as a "Cross Road" in the key.

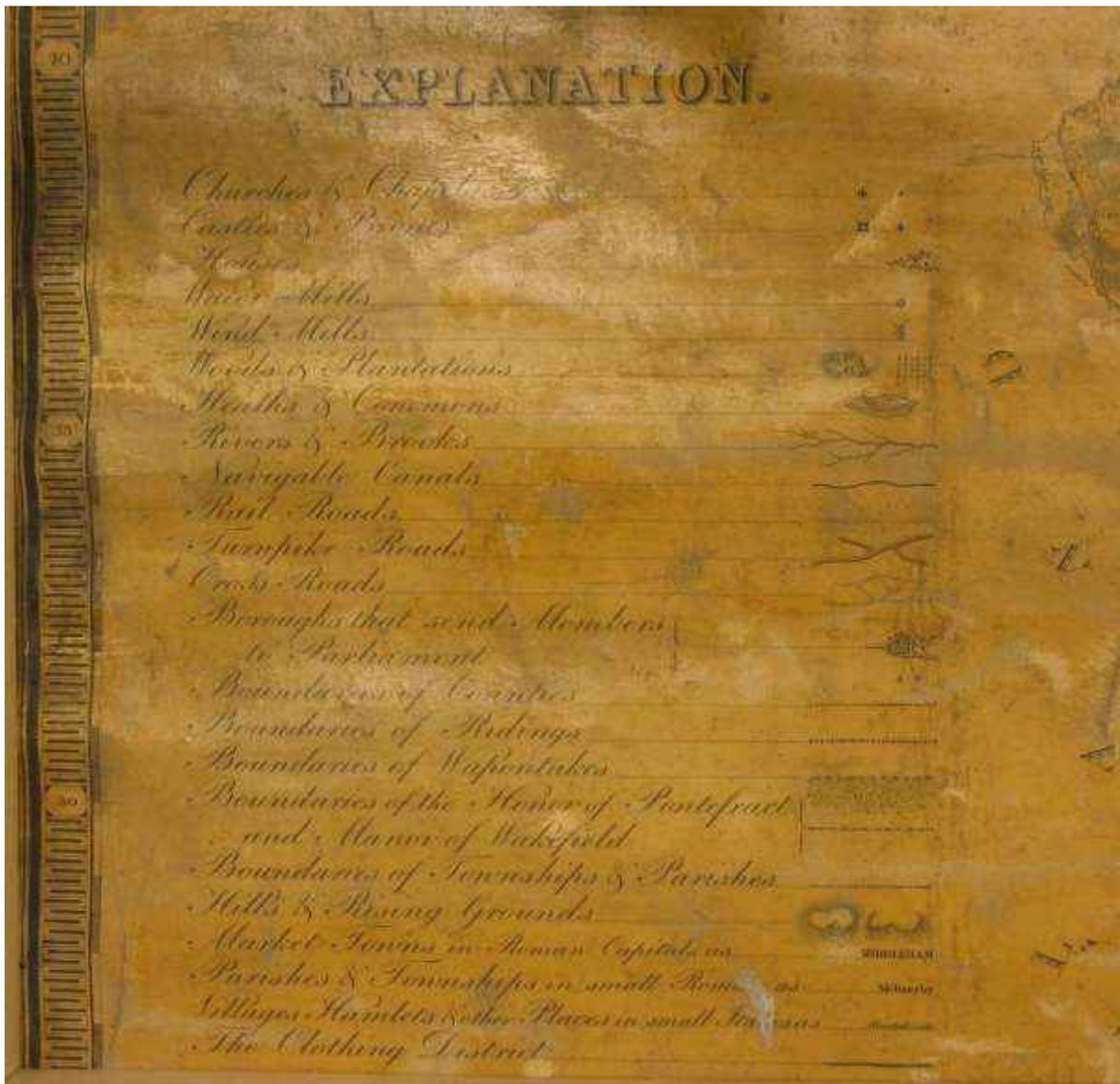


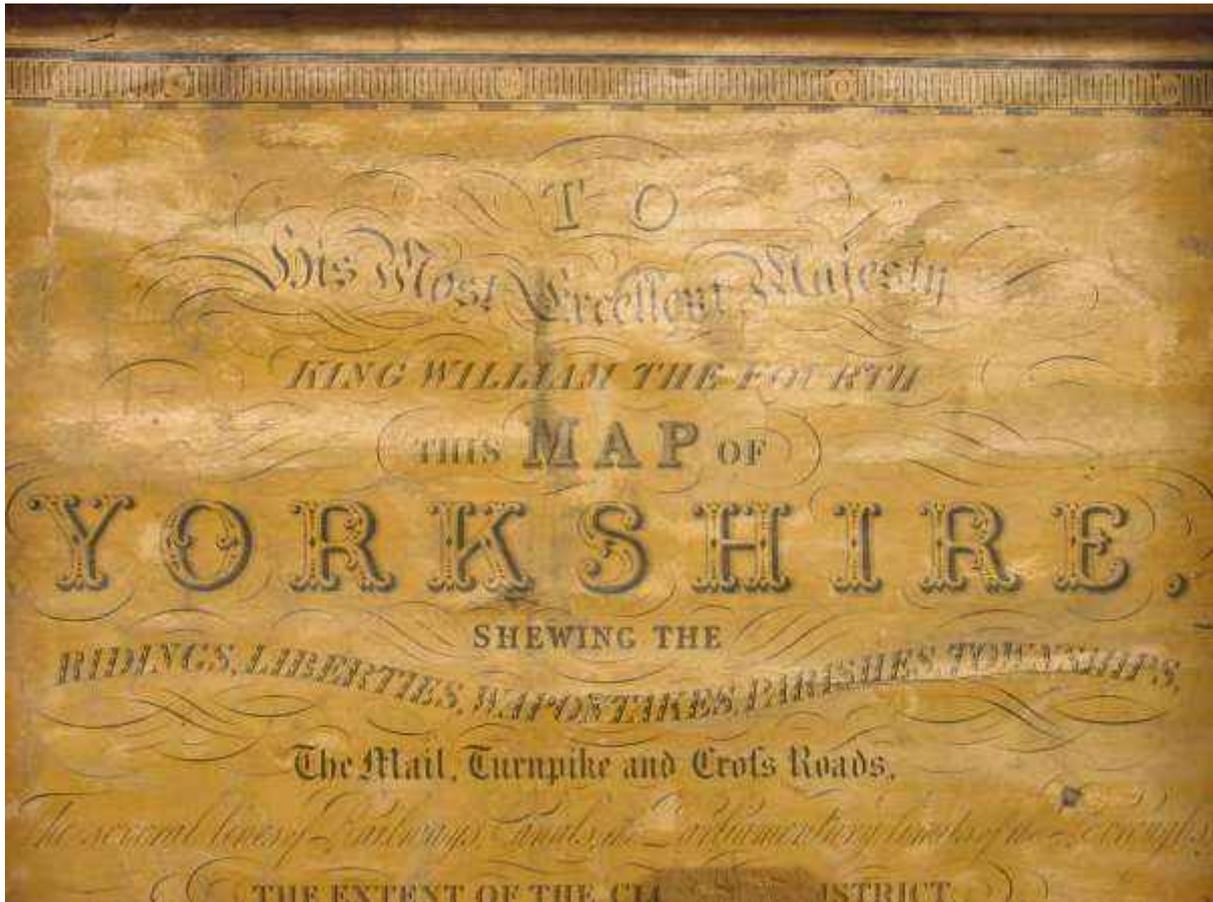


1834 Fowler

The application route is shown as a “*Cross Road*” and bearing in mind the words “*Hall Moor*” and “*Wide Open*” these infer moorland. This means that the route is shown as a cross road for traffic to Hall Moor but it is more probable than not that mounted travellers would have continued across the moor to Moor Lane rather than retracing their steps and going all the way round via Skelton.



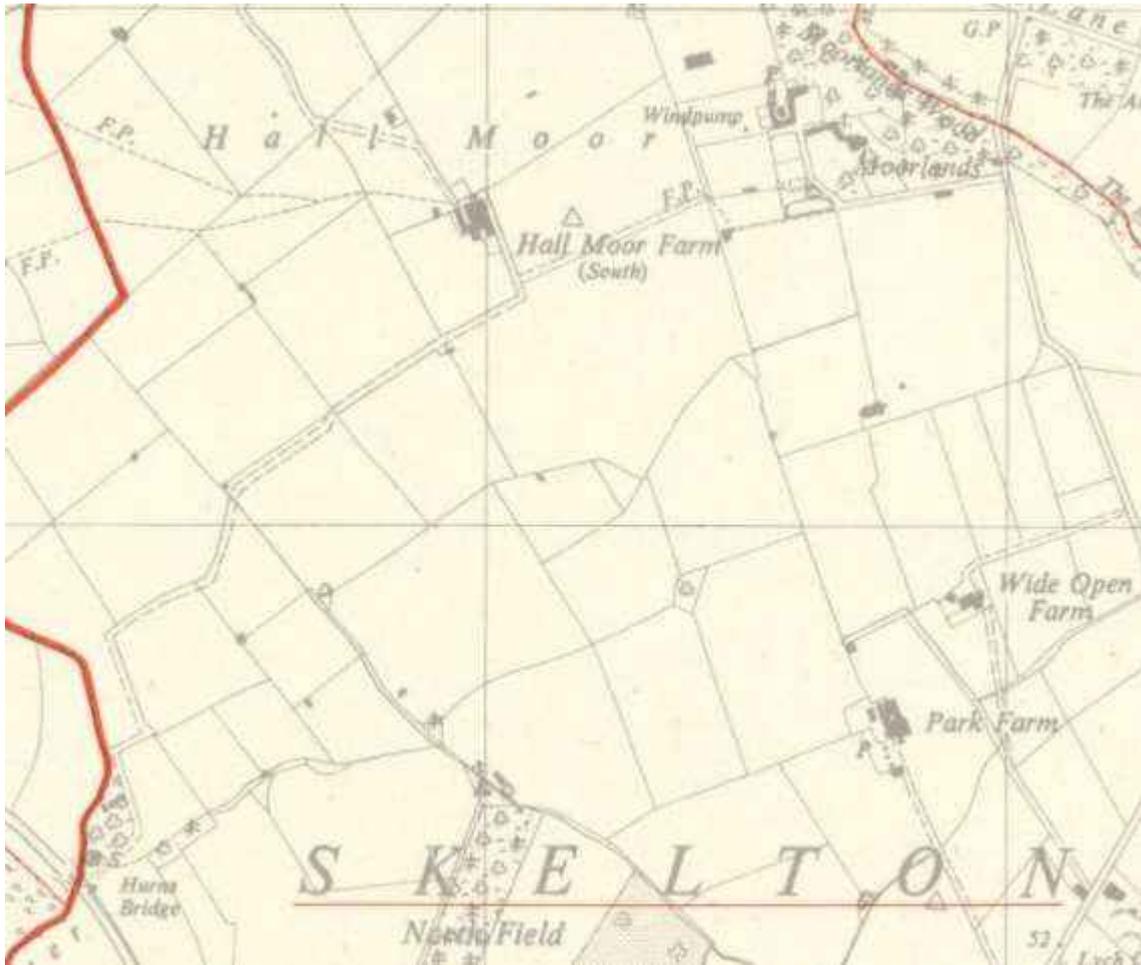




1946 2 ½" OS

National library of Scotland

The application route is depicted as an inclosed road as far as where it is marked by "FP". It then continues along the present day footpath out onto Moor Lane. But the eastern stretch of the footpath was actually an inclosed road. Only a short length is depicted with footpath dashes, which does not mean that higher rights did not exist, but that the surveyor was unaware of them. It is more probable than not that whole route was used as a through route in the days of horse transport.



2.11.21

Analysis of 1807 Skelton Inclosure Award and Plan

Inclosure Plan: the application route is shown coloured in the sienna colour of the period, used to denote the public road network. It is narrower than the inclosure awarded roads, but connects open ended at its western end with the turnpike road. This and its initial enclosed nature indicate it to have been used by the public in the era of manual labour and horse transport.

Inclosure Award: the application road was not awarded since it was a pre-existing public road, as seen at its western end on Jefferys 1771 map. It is mentioned more than once as the road to Hall Moor and acted as an edge to various allotments of land. Hedges along its abutting edge were to be planted and protected from sheep and lambs for 7 years to get them established. Transgressors were to be fined by the Surveyor of Highways and the money spent on the roads for the public good.

By their very nature roads and lanes were part of the community's public assets. They might be repaired by individuals but were used by the public and came under the public office of the Surveyor of Highways.

H15 *"...18 perches of land, Parcel of the Lane leading to Hall Moor Farm.....and by the said Hall Moor Lane on or towards the South."*

H17 *"And I do order and direct that the said Joshua Hepworth and the proprietors....shall make and forever maintain and repair good and sufficient fences and ditches on the West and South sides of the same allotments."*

N10 *"And I do award and assign unto the said Joshua Hepworth.....all those several enclosures allotments parcels of ground.....92, 93, 94, 95 and 103 on the said Plan bounded by.....and the road to Hall Moor on or towards the South."*

Q10 *"And I do also award and direct that the person or persons respectively depasturing or keeping such sheep or lambs and neglecting or refusing to guard and fence off the young quicks as aforesaid shall forfeit and pay any sum not exceeding ten pounds due every such offence which such penalty shall be paid to the Surveyor of Highways of Skelton and shall be applied in the amendment of such Highways....."*

Q35 *"And I do also award that the several proprietors and occupiers shall maintain good and sufficient bridges leading out of the Highways and Private Roads over the ditches at the gates leading into the same land and tenements..."*

Archived: 21 December 2021 12:57:39

From: [Catriona Cook](#)

Mail received time: Mon, 13 Dec 2021 18:25:06

Sent: Mon, 13 Dec 2021 18:20:09

To: [Grindley, Lauren](#)

Subject: Re: PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

Sensitivity: Normal

Attachments:

[Analysis of 1807 Skelton Inclosure Award & Plan.docx](#);

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,

Thank you for these and especially to whoever did the transcribing, which can be so time consuming and tedious.

I hope the attached helps. The reason I feel so strongly that all ancient roads were public was from my childhood. I was absolutely fascinated that my grandparents generation who were born in the late 1870's when horse transport was the norm. So I was always quizzing them as to what it was like and where you could go. And they told me that there was no such thing as a private (modern meaning) road in the country. Only very modern roads built by estates could be private,

Trudging through the parish council minutes might yield something.

Best wishes,

Catriona

On Mon, Dec 13, 2021 at 11:56 AM Grindley, Lauren <Lauren.Grindley@york.gov.uk> wrote:

Dear Catriona,

Please find attached the 1807 Award (compressed), a transcript for the award and the corresponding plan,

Thank you for your research and comments so far as we continue to investigate this route,

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

From: Catriona Cook <ccburgatebovey@gmail.com>
Sent: 12 December 2021 14:53
To: Grindley, Lauren <Lauren.Grindley@york.gov.uk>
Subject: Re: PUBLIC BRIDLEWAY SKELTON 12 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,

You state in the report that the 1806 Inclosure Award refers to maintenance of hedges. But hedges along a path, road or lane indicate public passage as they are there to stop the public's stock using the road mingling with the stock owned by the landowner/occupier. If it was a private (modern meaning) road there would be no need of fencing it off. Who was responsible for the maintenance? Is there any chance of you sending me the relevant inclosure award passage please and was there a plan?

Otherwise I haven't come across anything else. Though it was initially a township of Overton until 1877.

Sorry not to have been of more help, but can't see me finding time to find and read any PC minutes.

Catriona

On Fri, Dec 10, 2021 at 12:58 PM Grindley, Lauren <Lauren.Grindley@york.gov.uk> wrote:

Dear Catriona,

PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

During the consultation for the above order we received 4 objections and 1 representation of support. We will now be reviewing the case evidence and objections and I will be in touch again in due course. If you have any other evidence to support your case please can you send it to me.

Kind regards,

Lauren Grindley.

Appendix 3

Notice of Advert

STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC BRIDLEWAY SKELTON 12 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****NORTH RIDING OF YORKSHIRE
DEFINITIVE MAP AND STATEMENT****PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

The above Order, made on 2 August 2021, if confirmed as made, will modify the definitive map and statement for the area by a public bridleway from Shipton Road to Skelton public footpath 8 (SE 5622 5729 to SE 5742 5863). A copy of the Order as made and the Order Map may be seen free of charge on our website www.york.gov.uk/PROWNotices until 3 December 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 by 3 December 2021, stating the grounds on which it is made. It must reach the council no later than 3 December 2021.

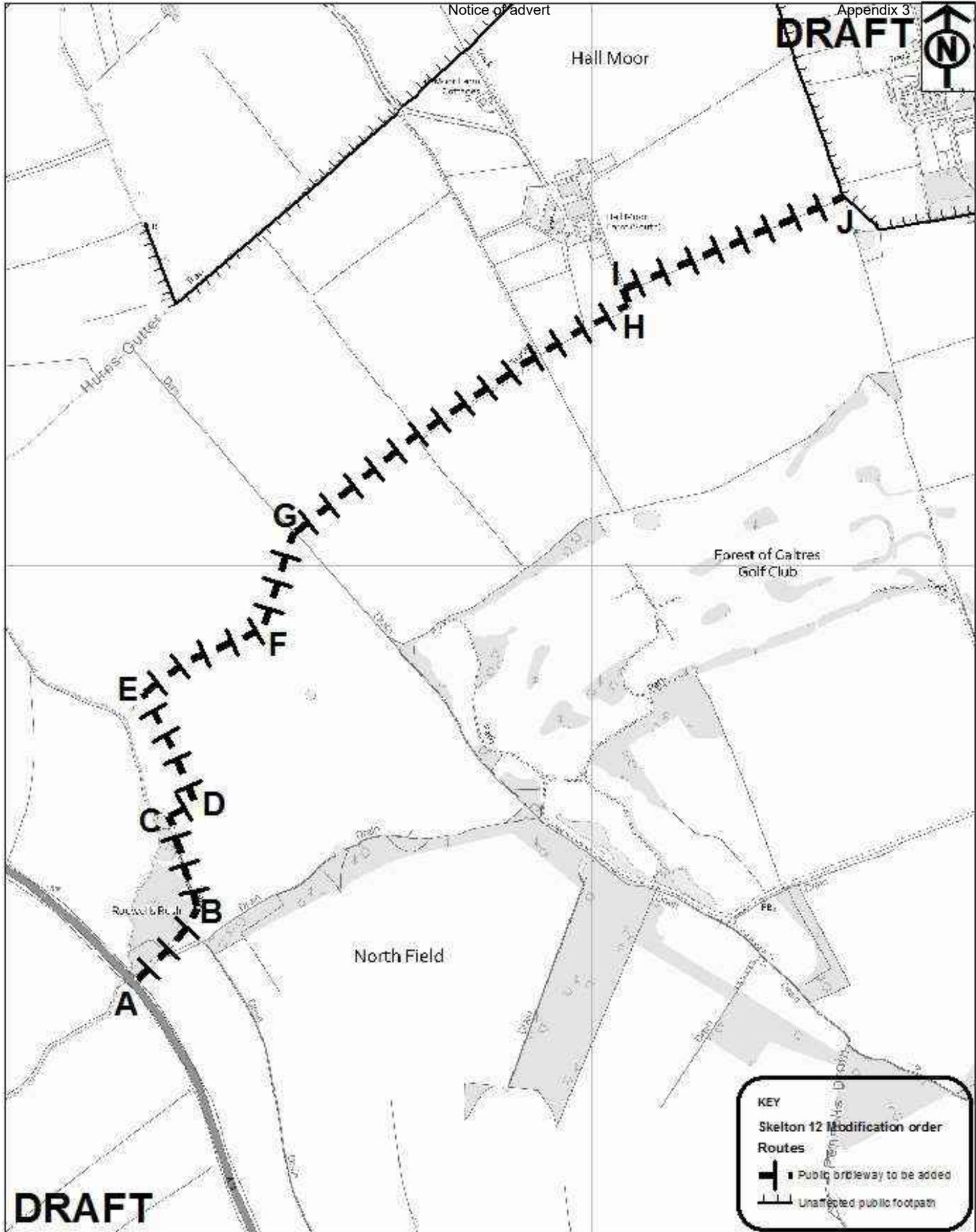
Please note that objections/representations cannot be treated as confidential and will come into the public domain. Copies of any objections or representations received will be disclosed to interested parties, including the Planning Inspectorate where the case is referred to it for determination.

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: 21 October 2021

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

DRAFT



DRAFT

KEY

Skelton 12 Modification order

Routes

 Public bridleway to be added

 Unaffected public footpath



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

PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

Scale: 1:9,000	Drawn By: LRG	Date: 18/10/21
----------------	---------------	----------------

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

**North Riding of Yorkshire Definitive Map and
Statement**

**Public Bridleway Skelton 12 Modification Order
2021**

The above Order, made on 2 August, if confirmed as made, will modify the definitive map and statement for the area by a public bridleway from Shipton Road to public footpath Skelton 8 (SE 5622 5729 to SE 5742 5863).

A copy of the Order as made and the Order Map may be seen free of charge on our website <https://www.york.gov.uk/PROWNotices> until 3 December 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 stating the grounds on which it is made. It must reach the council no later than 3 December 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 shall be taken into account with it

Dated: 21 October 2021

Janie Berry
Director - Legal & Governance

Appendix 4

Certificate of notice

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK
PUBLIC BRIDLEWAY SKELTON 12
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: 14 October 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 BRIDLEWAY SKELTON 12 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

Location map

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK
PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

455000

456000

Location map

457000

458000

Appendix 6

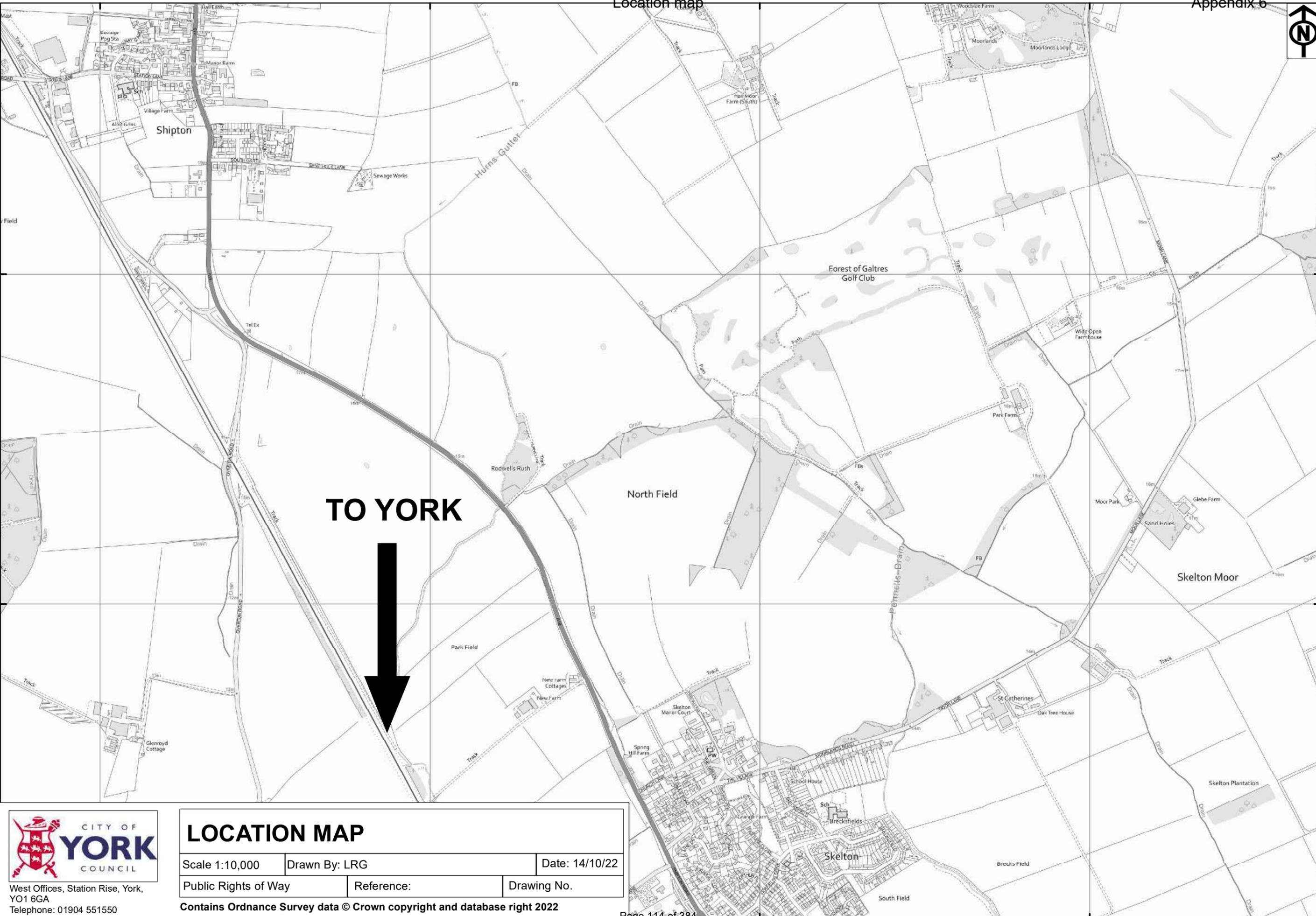


458000

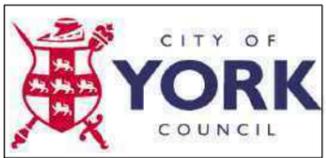
458000

457000

457000



TO YORK



LOCATION MAP

Scale 1:10,000	Drawn By: LRG	Date: 14/10/22
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2022

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

455000

456000

457000

458000

Appendix 7

Applicant details

STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021

Name and address of applicant

Mr Derek Jackson

4 Moorlands road

Skelton

York

YO30 1XZ

Appendix 8

Confirmation the OMA is taking a neutral stance

STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC BRIDLEWAY SKELTON 12 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 9

Health and Safety questionnaire

STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC BRIDLEWAY SKELTON 12 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 site may be slightly uneven underfoot but no more than usual outdoor clothes will be necessary.

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

None that the OMA is aware of.

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

It is not remote and can be accessed directly from the A19 Shipton Road.

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?

The Inspector should gain permission to view the whole route from the land owners Mr A J Barrowman who can be contacted at ajbarrowman@yahoo.co.uk and Mr D Blacker who can be contacted at david.blacker@rising-sun-farm.co.uk.

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

The OMA are not aware of any dangerous articles but permission will need to be granted to negotiate the route including field boundaries which may be fenced.

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 10

Inspection Place

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK
PUBLIC BRIDLEWAY SKELTON 12
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 11

Extract of DM

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK
PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

455000

456000

457000

458000



458000

458000

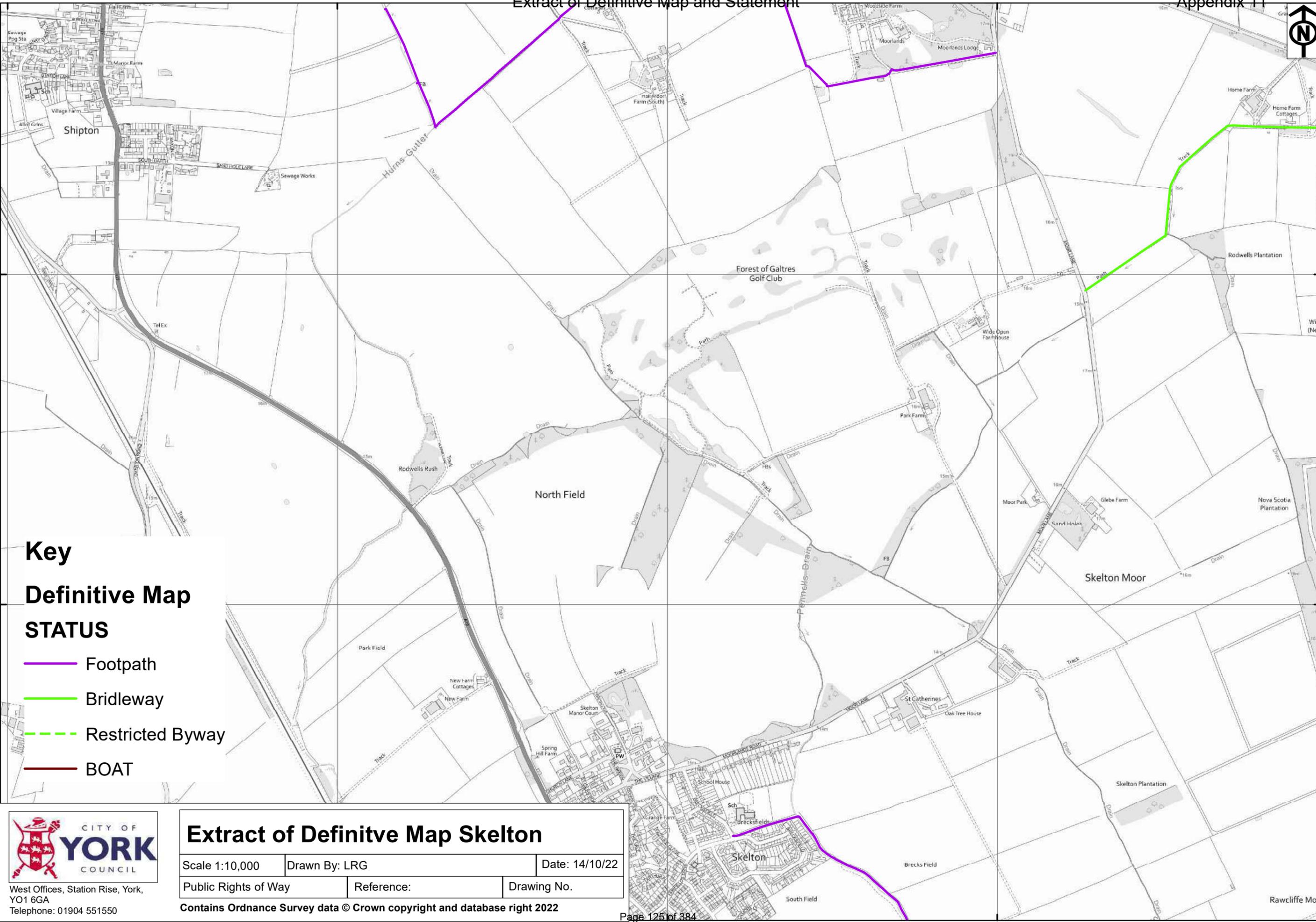
457000

457000

Key

Definitive Map STATUS

-  Footpath
-  Bridleway
-  Restricted Byway
-  BOAT



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

Extract of Definitve Map Skelton

Scale 1:10,000	Drawn By: LRG	Date: 14/10/22
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2022

455000

456000

457000

458000

Rawcliffe Mod

NORTH RIDING OF YORKSHIRE COUNTY COUNCIL

Survey of Public Rights of Way - Definitive Map
STATEMENT

Annexed hereto is the definitive map prepared by the North Riding of Yorkshire County Council pursuant to section 32 of the National Parks and Access to the Countryside Act, 1949, in respect of the Borough of Scarborough (except that part excluded by a resolution passed by the County Council on the 27th April, 1951, and approved by the Minister of Housing and Local Government on the 15th June, 1951); the boroughs of Redcar and Thornaby-on-Tees; the Urban Districts of Eston, Guisborough, Loftus, Malton, Northallerton, Pickering, Saltburn and Marske-by-the-Sea, Scalby, Skelton and Brotton and Whitby; and the Rural Districts of Croft, Easingwold, Flaxton, Helmsley, Kirkbymoorside, Malton, Northallerton, Pickering, Scarborough, Stokesley, Thirsk, Wath and Whitby. The map shows, in the following manner, the rights of way which subsisted on the 1st May, 1956:-

Footpath	....	....	....	....	by means of a purple line
Bridleway	....	....	....	....	by means of a green line
Road used as a public path	....	....	....	....	by means of a broken green line

Dated this 28th day of May, 1965.

ROBERT A. WOTHERSPOON,
Clerk of the County Council.

County Hall,
Northallerton.

NORTH RIDING OF YORKSHIRE COUNTY COUNCIL

SURVEY OF PUBLIC RIGHTS OF WAY - DEFINITIVE MAP

STATEMENT

Annexed hereto is the definitive map prepared by the North Riding of Yorkshire County Council pursuant to section 32 of the National Parks and Access to the Countryside Act 1949, in respect of the Borough of Richmond and the Rural Districts of Aysgarth, Sedale, Leyburn, Masham, Reeth, Richmond and Startforth showing, in the following manner, the public rights of way which subsisted on the 1st November, 1954:-

Footpath	by means of a purple line
Bridleway	by means of a green line
Road used as a public path	by means of a broken green line

The rights of the public over the following paths are subject to a limitation or condition that dogs must not be allowed to stray from the paths and disturb the sheep and that camping fires are not allowed:

- (1) The footpath starting at the ford immediately north of Bracken Pigg in the Parish of Lunedale and proceeding close to the bank of the River Tees to Holwick Head Footbridge.
- (2) The footpath starting at the road junction close to Tan Hill in the Parish of Ewes continuing in a north-easterly direction past Coal Gill Sike and Frunning Beck to a junction with the Sleightholme Moor Road.

Dated this 27th day of October, 1961.

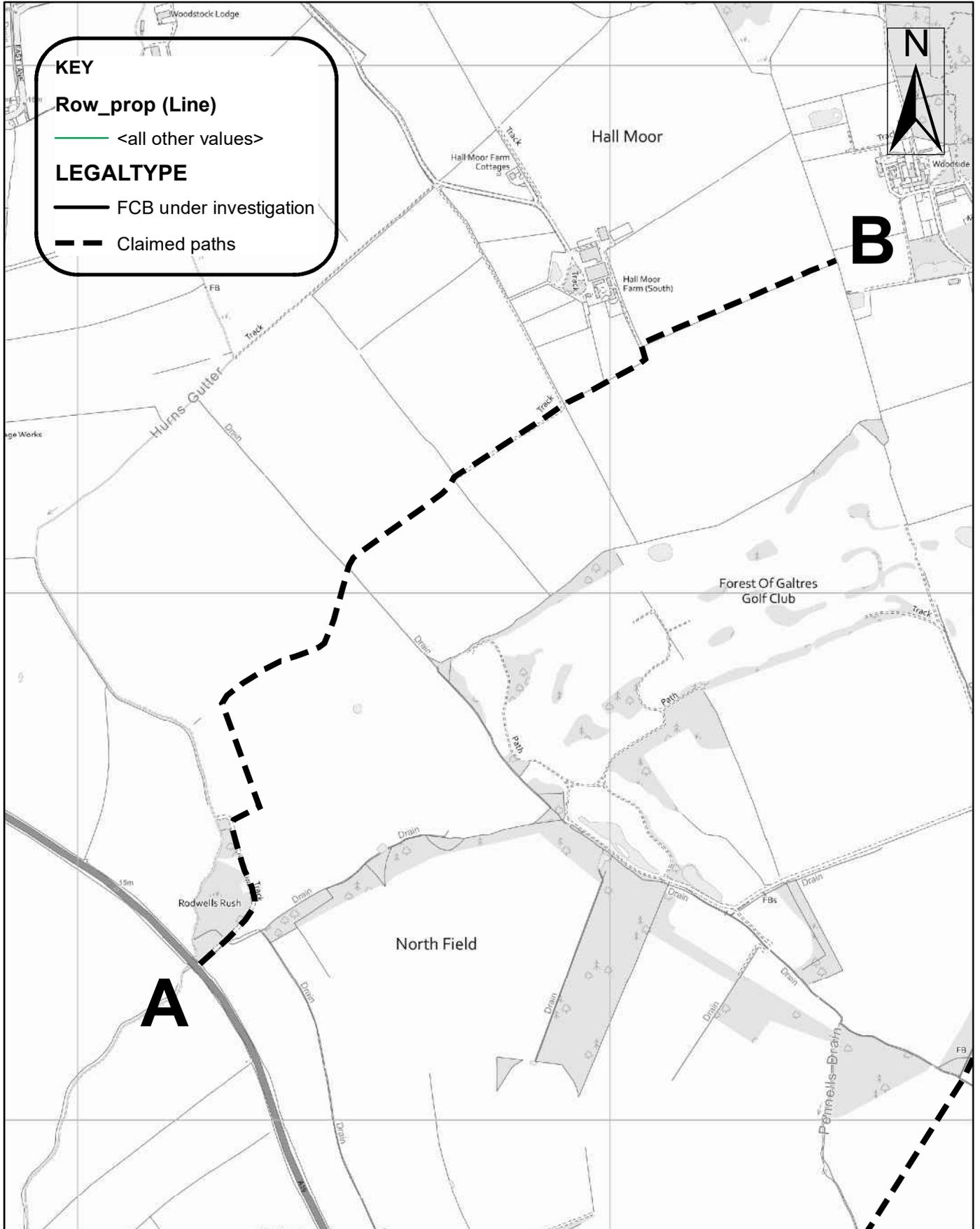
County Hall,
Northallerton

ROBERT A. WOTHERSPOON,
clerk of the County Council.

Appendix 12

Pre-order consultation

STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK PUBLIC BRIDLEWAY SKELTON 12 MODIFICATION ORDER 2021



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

201805 Skelton - Hurns Bridge to Moorland Wood

Scale 1:10,000

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: 14 October 2022 13:35:37

From: [David or Enid Nunns](#)

Mail received time: Fri, 8 Nov 2019 16:37:52

Sent: Fri, 8 Nov 2019 16:37:31

To: [Varley, Russell](#)

Subject: 201805 Skelton 3 Claims based on documentary evidence

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.

I believe one of the 3 should refer to Moorlands Wood, not Moorland Wood.

Derek Jackson should have provided you with sufficient evidence for these paths, although we believe he may have found some more evidence since his initial submissions.

The claim to Moorlands Wood would of course link to FP.8 which was diverted around fields by Hall Moor some years ago.

The claim from Brecksfield to Burtree Dam finishes close to footbridge for FP.10.

It may be worth considering from FP.10 to this claimed path.

In the broader scheme of things, it may be worth considering the possibility of a path alongside Burtree Dam from FP.10 (via Point B) to the A19 instead of the claimed cross-field path.

David Nunns
York Ramblers

Archived: 14 October 2022 13:35:59

From: rightsofway@york.gov.uk

Sent: Mon, 11 Nov 2019 11:06:15

To: [Varley, Russell](#)

Subject: FW: DMMO RefNo. 201805 Skelton

Sensitivity: Normal

Russell

For you in rightsofway email

Alison

From: Skelton Parish Council <skeltonpc@hotmail.com>

Sent: 08 November 2019 16:10

To: rightsofway@york.gov.uk <mail_prow@york.gov.uk>

Subject: DMMO Ref No. 201805 Skelton

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, Russell,

At its last meeting Skelton Parish council considered the following applications to record a footpath:

DMMO Ref. No. 201805 Skelton-Village Hall to Moorlands Road

DMMO Ref. No. 201805 Skelton-Hurns Bridge to Moorland Wood

DMMO Ref. No. 201805 Skelton- Brecksfield to Burtree Dam

The Council considers that it does not have any supporting documentation that has not already been submitted by others. Nevertheless, it wishes to convey that it is very supportive of the registration of the above rights of way.

Kind regards,

Karin

Karin de Vries

Clerk to Skelton Parish Council

skeltonpc@hotmail.com

07842 889 146

Appendix 13

All persons notified

**STATEMENT OF CASE OF THE COUNCIL OF THE CITY OF YORK
PUBLIC BRIDLEWAY SKELTON 12
MODIFICATION ORDER 2021**

All persons notified

Auto Cycle Union Ltd

ACU House

Wood Street

RUGBY

CV21 2YX

The Ramblers

3rd Floor

1 Clink Street

LONDON

SE1 9DG

Pathorders@ramblers.org.uk

Access and Rights of Way Dept.

The British Horse Society

Abbey Park

Stareton

KENILWORTH

CV8 2XZ

access@bhs.org.uk

The British Driving Society

Hoste House

Whiting Street

Bury Saint Edmunds

IP33 1NR

Cyclists' Touring Club

Parklands

Railton Road

GUILDFORD

GU2 9JX

Byways and Bridleways Trust

Burgate Farm

Harwood Dale

Scarborough

YO13 0DS

notices@bywaysandbridlewaystrust.org.uk

Ms Karin de Vries

Skelton Parish Council

7 School Lane

Fulford

YO10 4LU

Open Spaces Society

25A Bell Street

HENLEY ON THAMES

RG9 2BA

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

York Cycle Campaign

yorkcyclecampaign@gmail.com

Cllr James Barker

cldr.jbarker@york.gov.uk

Cllr Anne Hook

cldr.ahook@york.gov.uk

Mr D Jackson

djm55@btinternet.com

Ms Jane Harrison

jane.harrison@cla.org.uk

Mr Geoffrey Walker Procter

Moor Park

Skelton Lane

York

YO32 2RF

Mr and Mrs Dobson

Moorlands Farm

Skelton Lane

York

YO32 2RF

Mr A J Barrowman

Barrowby Hall

Barrowby Lane

Garforth

Leeds

LS25 1NF

Mr and Mrs Blacker

White House Farm

Newton on Ouse

York

YO30 2BN

Hall Moor Farm

South Shipton Lane

York

YO32 2RQ

Hall Moor Farm Cottages

Corban Lane

York

YO32 2RQ

The Old Farm House

Hall Moor Farm

York

YO32 2RQ