

06.04.2022

Ron Allan
Definitive Map Officer
Public Rights of Way
Travel, Environmental and
Countryside services
County Hall
North Allerton
North Yorkshire
DL7 8AH

Dear Mr Allan

Proposed Bridleway Creation Crimble Viaduct

We were extremely disappointed to receive your various letters regarding the above subject as we understood from the Council's letter in 2019 that this matter was now closed.

As you know my family together with [REDACTED] own the farmland that will be affected by your proposals and so we are writing to object to the Creation Order.

This situation has come about because the correct procedures were not followed by Nicky Bunting from NYCC at the time of the creation agreement that was made with the Rudding Park Estate. Had the correct procedures been followed and the landowners been consulted, that Creation Order would never have been made and the cul de sac footpath on Rudding's land would not have been put in.

It seems wrong that due to incorrect procedures and incorrect information supplied by the Rudding Estate regarding land ownership, we now have a situation where some members of the public want to create a circular recreational route which cuts through a working farm, when the farm already has 3 public rights of way running through it and there are already numerous other circular routes to take in the Harrogate area should someone wish to do so.

We understood that bridleways are rights of way originally created by people walking across the land to work, market, the next village, church, and school. People and horses now use them for the same purpose but also for recreational use. Whilst the use may have varied over the years the purpose of going from A to B has not, therefore a circular bridleway is alien to its purpose and the network.

When we and [REDACTED] bought the farm in 2014, the farm was in a poor state of repair. Since then we have invested a lot of time and money in bringing it back into a good condition and it is now a working farm with sheep grazing and grass taken from fields at certain times of year for hay etc.

We have tried to keep the public rights of way open, ie not fenced in, across the fields and have had a problem and still do with people deciding to walk with and without dogs all over the



fields. We have dealt with this by putting up signage (some of which has been deliberately broken) requesting people to stay on the public rights of way but to no avail. Please see the attached photos 1 and 2 which were taken on two consecutive mornings this week where walkers and their dogs roam free (the location of photos 1 and 2 can be seen on the attached Photo Plan). Of course not everyone strays from the footpaths but unfortunately as in many cases it is some people that ruin it for others. We have resisted fencing off the network on our land but should the use intensify then we may be left with no option in order to minimise the disturbance from the public to the farming of the land.

Clearly if this connection were to be made we believe it would result in more walkers with and without dogs coming down and treating the farm like a public park. As above there are already 3 public rights of way over this working farm and we don't believe anymore are required.

There are numerous other walking/riding opportunities for people to go on in the Harrogate area including the nearby Yorkshire Show ground which is linked to the top of Fulwith Mill Lane by a footpath/bridleway and indeed Harrogate has one of the largest public green spaces in any town, that being the Stray which is also accessible to people wanting to go on short circular walks.

As there are numerous other opportunities in the area for short recreational routes, we reiterate that we can see no need for this circular route at the expense of farming.

Other cases where people believe it is acceptable to stray off the footpaths can be seen on the Save The Crimple Valley website where some of the photos are taken some way off the footpaths. (please see photos 3, 4 and 5 as examples and their location on the attached Photo Plan).

It is worth pointing out that in 2013/2014 the 130 acres of farmland, excluding the farm buildings and houses, were put up for sale and bids were invited in part or as a whole. There were 3 bids for small parts of the farmland but [REDACTED] were the only people to bid on the whole enabling the farm to receive the valuable investment it needed. Where were Save the Crimple Valley at that time? With over 100 members surely people who are so committed to the area could have at least made an attempt to buy it from coming together to bid? No bid was made.

Harrogate Council are also large landowners in the Crimple Valley. Has anyone approached them to see if they would dedicate a circular route on their land. They don't graze their land so it would be an ideal solution if you believe there is in fact a requirement for such a route in the area.

There has been mention of the generosity of the Rudding Park Estate in dedicating the majority of the land for this circular footpath. There has also been incorrect press coverage made by supporters of this Creation Order that it would open up a historic path which was closed many years ago.

If the public wanted to open up the historic route that was previously closed, then they should ask the Rudding Estate to reopen it as they have the ability to do that. Rather than accessing our farm, the route would go up through Home Farm and up to Rudding Lane. This would



connect Harrogate to the Rudding Estate, as well as the Towns Rugby Club and then via the underpass would connect to Follifoot and beyond.

Another strong reason for the objection is that it would result in more people coming onto the farm that would cause further problems with access, more broken fences and gates and more people deciding that they can walk anywhere across the fields.

The only access to the farm is at the bottom of Fulwith Mill Lane. This is a very narrow lane which is already shared between farm vehicles, cars, horses and pedestrians. We already have regular issues with people blocking the access to the farm and our drive as we live at the bottom of the lane (please see photos 6 and 7 as examples and their location on the attached Photo Plan).

By creating a short circular route you will exacerbate this issue as it will encourage more people to come and drive and do a short walk rather than walk from their homes to access the countryside.

I use the existing network regularly and can confirm this theory is borne out every day of the week at the nearby Yorkshire Show ground where hundreds of walkers with and without dogs go, many of which use the car, park in one of the car parks and do one of the numerous circular walks that are available there.

The difference with the Yorkshire Showground to this working farm is that there is a couple of large car parking areas where people can park, a large farm shop called Fodder which supplies food and drinks to the walkers and largely tarmac tracks as well as grassed areas, with no livestock, for the public to access whether by foot or horse. It also links into the public rights of way network.

In addition to more cars creating problems blocking the farm access, the drives to houses as well as access up and down the road, the undoubted increase in footfall will increase the number of people who walk all over the fields, some with dogs that worry the sheep and some leaving unwanted dog faeces on the land despite the polite signs asking them not to. This could lead to still born lambs and we will have more fences and gates to mend.

As well as causing a nuisance to the farm, it will undoubtedly lead to lead to unwanted nuisance to the homeowners in the area as well as ourselves who live at the bottom of the lane.

We really don't know why NYCC would want to create a situation that will lead to friction between the farm use and the public just to create a route that doesn't go anywhere which is contrary to the origins of the public rights of way network.

We note you intend to make this order under S26 of the Highways Act 1980. S26 states there must be a need established for the bridleway. It is clear no need can be established as there are many short routes already available in the local area and other public rights of way that already cross the farm.



26 Compulsory powers for creation of footpaths [F1, bridleways and restricted byways].

(1) Where it appears to a local authority [F2 or a strategic highways company] that there is need for a footpath [F3 bridleway or restricted byway] over land in their area and they are satisfied that, having regard to—

(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and

(b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below,

S29 of the Act requires the local authority to have regard to the needs of agriculture when considering the Creation Order. As you can see from much of the information above, we believe that no regard has been taken for the needs of agriculture. In fact we would argue that this Creation Order totally ignores the needs of agriculture.

29 Duty to have regard to agriculture, forestry and nature conservation.

(1) In the exercise of their functions under this Part of this Act relating to the making of public path creation agreements and public path creation orders it shall be the duty of councils to have due regard to—

(a) the needs of agriculture and forestry, and

(b) the desirability of conserving flora, fauna and geological and physiographical features.

(2) In this section, “agriculture” includes the breeding or keeping of horses.]

S26 refers to S28 and the provisions for compensation. If this Creation Order were to proceed then we as owners of the farm and as homeowners will take legal and valuation advice. In addition to the disturbance on the farm, we would also look to include the loss of value on our home as well as the neighbours homes that creating this disturbance will undoubtedly cause.

In coming to a decision of whether to proceed please have regard for your previous decisions of not to proceed in 2019 and please remember this is a farm, not a public park and creating circular routes will have a detrimental effect on the farm and those who live in the valley.

With kind regards

Yours sincerely



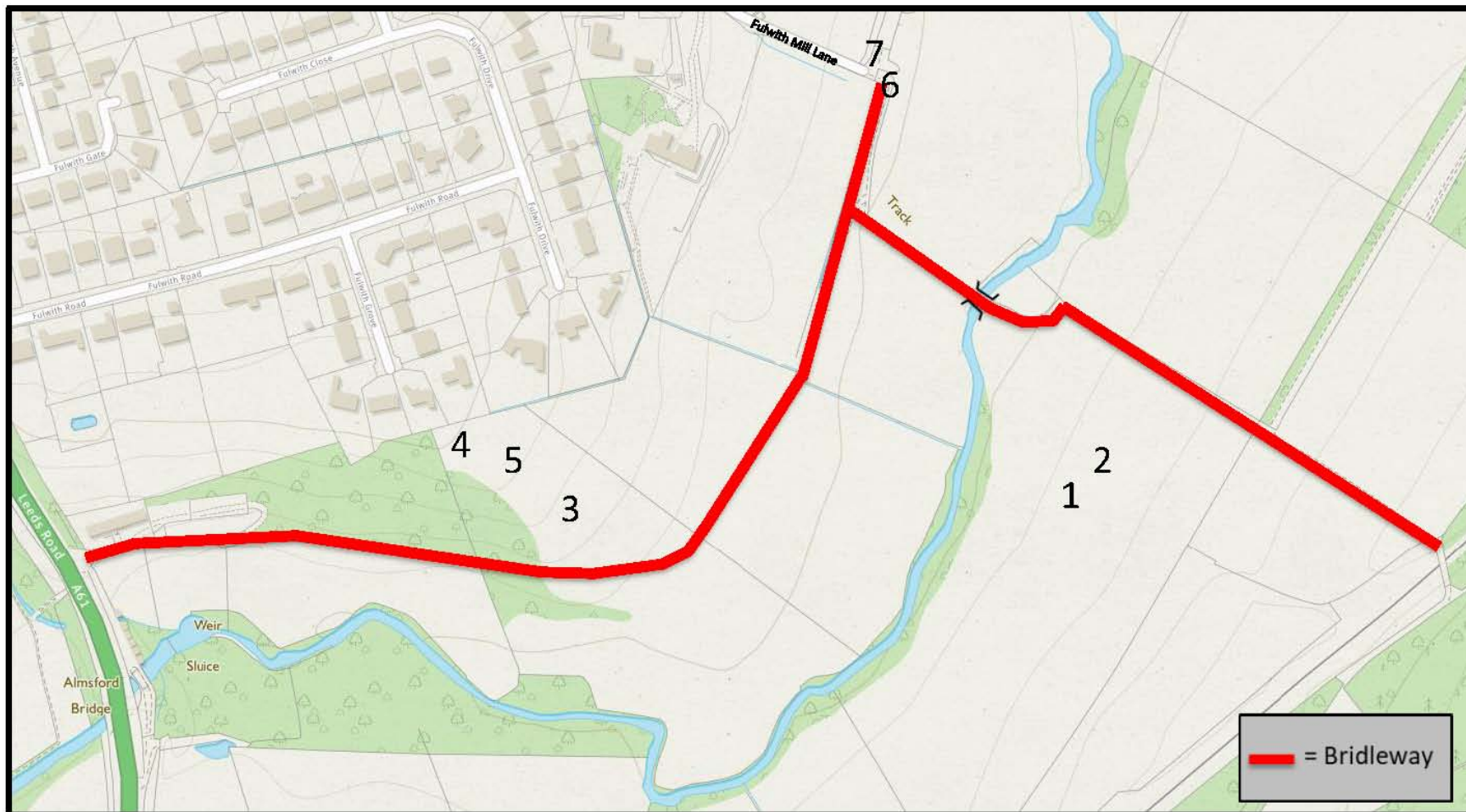



Photo 1



Photo 2



Photo 3

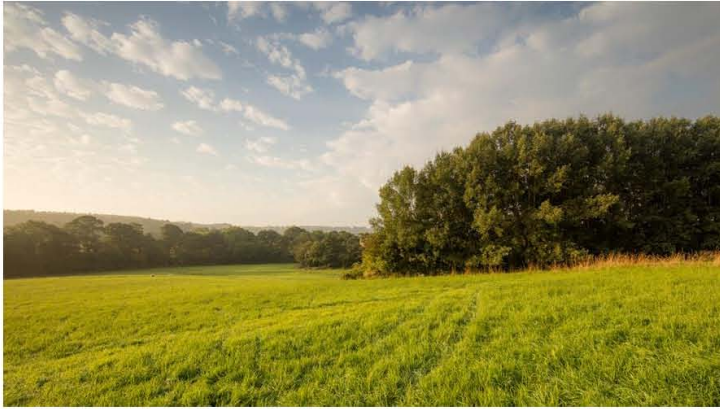


Photo 4



Photo 5



Photo 6



Photo 7



6th April 2022

Ron Allan
Definitive Map Officer
Public Rights of Way
Travel, Environmental and Countryside services
County Hall
North Allerton
North Yorkshire
DL7 8AH

Dear Mr Allan

Proposed Bridleway Creation Crimble Viaduct

Reference the above, I have been made aware by [REDACTED] owners of the land at Fulwith Mill Farm, that North Yorkshire County Council are considering making a Creation Order to link bridleway number 15.43/16 to bridleway number 15.54/61 by means of a compulsory order to create a circular route by connecting the two bridleways.

I am writing to object to the same in my capacity of being [REDACTED] and also the adjoining land owned by [REDACTED] which totals some 140 acres, of which the 2 x bridleways either pass over or connect to existing public rights of way on their land.

The reason for my objection is that I am of the firm belief that the creation of a new circular route will very likely present an untenable outcome for us to farm the land in the future due to the negative impacts on the land by increasing footfall, together with the lack of suitability of Fulwith Mill Lane to meet the needs of daily farming access due to increases in highway traffic.

We currently suffer from members of the public disregarding the wayfinding signage and fenced routes put in place to separate livestock from walkers, cyclists and dog owners and instead literally walking wherever they choose. This includes both walking off the prescribed routes and at times well into other areas of land which does not and never has had any form of public right of way. In turn this leads to livestock at times suffering from being chased by dogs, dog faeces being left on and off the current public rights of way, land which is grown for feed being trampled and fouled, and unnecessary damage being caused to fences and gates. We believe connecting the 2 x bridleways' will amplify our current challenges unnecessarily by the new route being chosen as an alternative to the 3 x existing routes across [REDACTED] land.

In addition, we believe a new circular route will negatively impact our access to and from the land as we already suffer significant inconvenience from walkers' vehicles being parked on the single width highway and blocking access needed for our various farm vehicles. Fulwith Mill Lane is approximately 3 metres wide from the point of where it turns at a right angle down towards Fulwith Mill Farm, some 150 metres long, and as such is barely currently suitable to what is the only form of access to and from the farm entrance. Any increase in visitor numbers will no doubt add further challenges to the viability of access by more vehicles being parked along the lane.

I would very much welcome having the opportunity to meet up in order to show you the issues described above first-hand as they are real in nature and of which I am sure you will understand will be of great concern should a new circular route be created.

Can you please acknowledge receipt of this letter and I look forward to hearing from you in due course?

Yours sincerely

[REDACTED]

21 March 2022

FAO: Ron Allan
Definitive Map Officer
Public Rights of Way
Travel, Environmental and
Countryside services
County Hall
North Allerton
North Yorkshire
DL7 8AH

Dear Mr Allan

Proposed Creation Order to extend Bridleway No. 15.54/61 at Crimple Viaduct

I write in response to the above with my **objection** to the Authority considering making a Creation Order to link bridleway number 15.43/16 to bridleway number 15.54/61 (as detailed on your map of 22 February 2022) by means of a compulsory order to create a circular route by connecting the two bridleways.

Firstly, I note that whilst you have consulted with various bodies representing Walkers, Horse Riders and Save the Crimple Valley, you have not seen fit to consult with another group of people who will be affected by this i.e. the residents of Fulwith Mill Lane and in particular the people who live on the lower half of the lane.

I **object** to the creation of a new circular route on the basis of it not being safe or needed from my position as a resident of the lower end of Fulwith Mill Lane, and categorise my objection for the following reasons:

1. The inevitable degradation of the current footpaths by a likely increase in footfall, cyclists and horse riders
2. The lack of suitability of Fulwith Mill Lane to meet the existing needs of residents access and farming access and a predictable increase in highway traffic including cyclists and horses. Plus, the increasing use of non-residents parking on the verges and blocking an already restricted access

The inevitable degradation of the current footpaths by a likely increase in footfall, cyclists and horse riders

Currently, the footfall along cul-de-sac bridleway no. 15.54/61 is relatively light. Nevertheless, the impact to the bridleway by light footfall, cyclists and horse riders is considerable.

The bridleway is clearly marked via wayfinding signage and maps which have been installed at several key positions along the route to both assist the people to identify the route of the bridleway and to ask them to politely keep to the route. Much of this signage had to be put in place during Covid as the increase in people using the paths in the Crimple Valley meant people wandered all over the place paying no respect to the paths and treating the whole area like a park. With people also taking it upon themselves to stray off the bridleway to the surrounding woodlands to set up day camps which includes them creating fires and leaving behind general rubbish, remnants of fires and beer bottles etc. The route to the woodlands can only be taken by walking off the bridleway. This signage together with specific trespass signs to request that members of the public not trespass over the land to gain access to the woodland and other areas was not only ignored but some of them have been ripped from gates and fences in what look like a form of protest about the same.

I believe that should an order to create a connection to bridleway 15.43/16 be granted, the above issues will no doubt be amplified.

That said, from approximately October to April each year and also any wetter months that occur during the year, the bridleway becomes waterlogged in places. This results in the public very often choosing to divert away from the bridleway by climbing over the post and wire fences in order to avoid getting their feet wet.

In other areas of the land the bridleway is not fenced in, which unfortunately results in the public, dogwalkers, cyclists and horse riders further compounding this damage by turning what should be a narrow path into a 3m wide track getting muddier and wider all the time. Taking it upon themselves to ignore the very prominent wayfinding signage in favour of wandering freely across the land.

The lack of suitability of Fulwith Mill Lane to meet the existing needs of residents access and farming access and a predictable increase in highway traffic including cyclists and horses. Plus the increasing use of non-residents parking on the verges and blocking an already restricted access

Fulwith Mill Lane is a relatively narrow public highway and with no footpaths along its entire length from it starting at the A61 Leeds Road to its end at Fulwith Mill.

The lane takes a 90 degree turn at Stream Corner where after approximately 50 metres (the entrance to Linden Lea) it narrows to a single width carriageway no wider than 2.6 metres at its widest point. This section of carriageway runs for approximately a further 150 metres to its dead end, which is the entrance to bridleway.

Currently, walkers' vehicles get parked at the 90-degree turn (Stream Corner) and down the lane towards the entrance of Linden Lea. This creates not only issues for the residents of Linden Lea but also those living along the lane to its end. We also occasionally suffer from the bottom of the lane being completely inaccessible by walkers ignoring the signage and parking their cars at the foot of the lane. An increase in footfall created by a loop bridleway will undoubtedly amplify the traffic and cars from walkers who will have nowhere to park. Also cyclists are also currently treating the lane like a race track and this is very dangerous as it is nearly impossible to see them when people have to pull out of their driveway to access the lane. Any increase in cycle traffic will just exacerbate this problem and will inevitably result in a serious accident at some point.

Conclusion

I am sure you will agree that all of the above demonstrates more reasons not to create a new looped public right of way, especially as there are already 3 x public rights of way within the Fulwith Mill Farm area of the Crimple Valley that can be used by walkers and horse riders alike; all of which connect to the wider network of public highways.

One route runs from the bottom of Fulwith Mill Lane to join the A61 Leeds Road at Almsford Bank. Another runs from the bottom of Fulwith Mill Lane up to and through the south eastern edge of the Rudding Estate to join Follifoot Lane, and the cul-de-sac bridleway route 15.54/61 which runs from the bottom of Fulwith Mill Lane, under the Crimple Viaduct to the boundary of the Rudding Estate.

There is no benefit to horse riders and contrary to reports on social media etc. the route is only accessible from main highways from any point of access, therefore making a trek by horse riders on a new looped bridleway no less safe than they currently experience. Ramblers, walkers and professional dog walkers will have no more benefit other than adding approximately an additional 300 metres of the 15.43/16 bridleway to their walks.

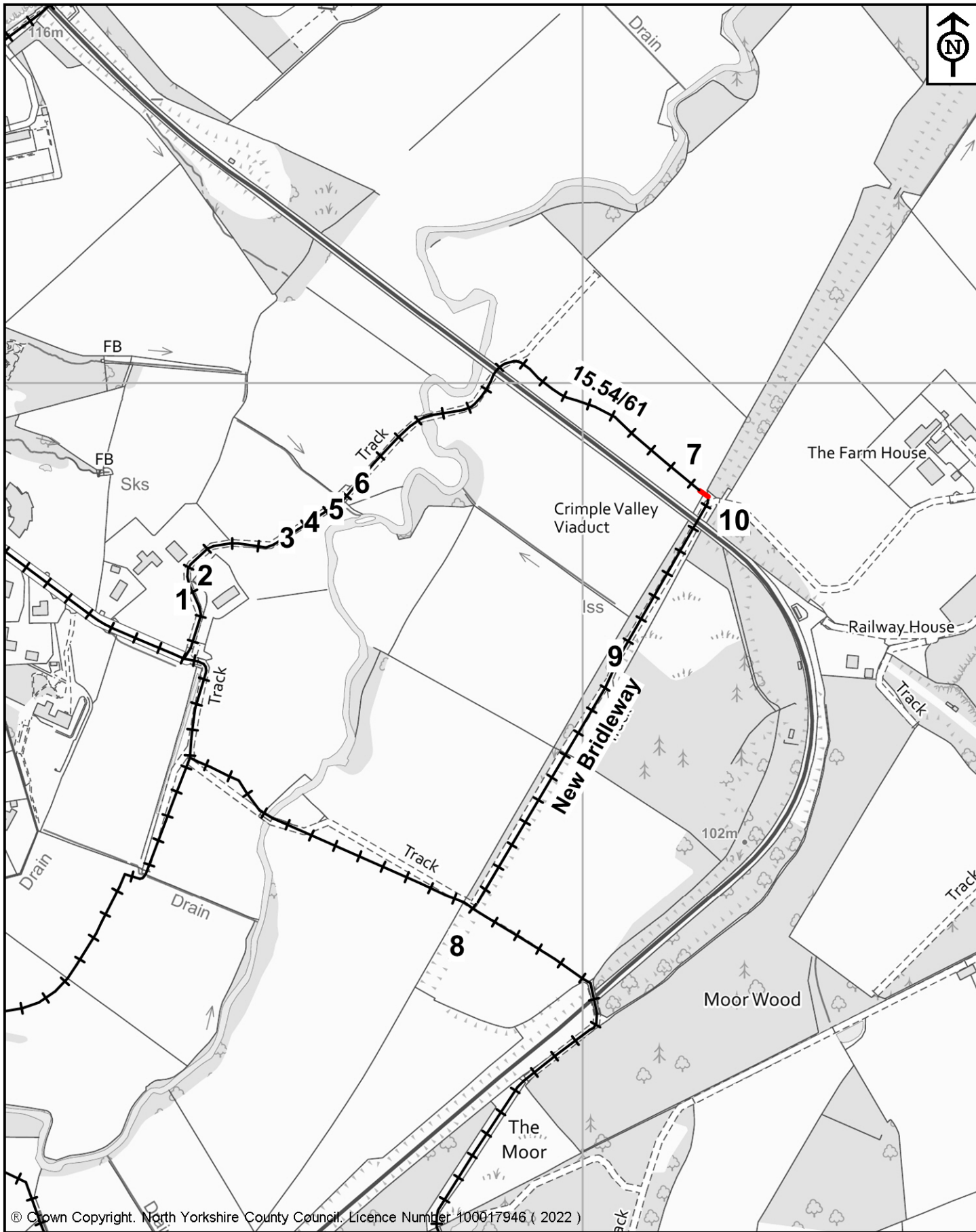
There will also be an increased risk of injury to the public as outlined above, which when balanced with the very small benefit of an additional 300 metres of bridleway seems a risk too far under the circumstances.

I hope you can understand my very genuine reasons and appreciate my position, for objecting to a creation order. I also believe that more time should be given to other residents to make their comments on the above and to that end it would be good to extend the time for objections and for you to write to all residents of the lane to make them aware of the situation and give them time to share their views.

I look forward to hearing from you in due course.

Yours sincerely






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 **North Yorkshire
County Council**

Public Rights of Way
Waste and Countryside Services
County Hall
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**Site of proposed
Creation Order** 

Map drawn on 28 April 2022
Drawn by RWA Scale 1:5000

North Yorkshire County Council

Plan showing locations
of photographs



Photo 1 - Gable end of Fullwith Mill Garage



Photo 2 - Fullwith Mill Farm Gable



Photo 3 - Looking east to viaduct



Photo 4 - Looking west towards Fullwith Mill Farm



Photo 5 - Looking west towards Fullwith Mill Farm



Photo 6 - Looking West towards Fullwith Manor



Photo 7 – end of bridleway no 15.54/61



Photo 8 – Looking east along new bridleway on old railway line



Photo 9 – Looking east from mid-point on new bridleway



Photo 10 - end of new bridleway showing bridle-gate originally installed, fencing erected on Fullwith Mill land and view north along bridleway no 15.54/61