

APPENDIX B

Objections

22 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

Your ref: HAR-2022-03-CO

Dear Mr Allan

Proposed Bridleway Creation Crimple Viaduct

Reference the above, thank you for your letter of 7 February 2022 and your subsequent letter of 22 February and your letter of correction of 7 March 2022.

I write in response to the same 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 from your letter of 7 February 2022 that you acknowledge your Kerry Green wrote to me in July 2019 confirming that the Authority was not intending to make an order and had closed the file. This outcome followed close discussions from 2014 between the Authority, myself and my adjoining landowner [REDACTED] following the incorrect procedure followed by NYCC in 2014 which resulted in bridleway 15.36/16 being created with the intent of connecting to bridleway 15.54/61 but without consultation with either [REDACTED] as the landowners affected by such a connection.

As you are entirely aware neither [REDACTED] understood the viability and need to connect the two bridleways which was eventually agreed by NYCC with a statement to say that bridleway 15.36/16 was to be extinguished, and so you can imagine my level of disappointment to hear that the file has now been reopened following further representations from other parties who are making identical arguments to those tabled back in 2014.

I **object** to the creation of a new circular route on the basis of it not being viable from my position as the landowner and ultimately the farmer of the land, and categorise my objection for the following reasons:

1. The detrimental impacts to farming the land by a likely increase in footfall
2. The inevitable degradation of the land by a likely increase in footfall
3. The increased safety risks to the general public due to the route of bridleway no. 15.54/61
4. The lack of suitability of Fulwith Mill Lane to meet the needs of daily farming access due to a likely increase in highway traffic

The detrimental impacts to farming the land by a likely increase in footfall

Currently, the footfall along cul-de-sac bridleway no. 15.54/61 which passes over our land is relatively light. Nevertheless, the impacts to farming the land we suffer from a light footfall are 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 general public to identify the route of the bridleway and to ask them to politely keep to the route for sake of our farming requirements.

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 our post and wire fences in order to avoid getting their feet wet. This not only damages the fences which are in place to separate the public from livestock, but also creates additional pathways of damage to the adjacent fields being farmed.

In addition, when members of the walking public have dogs with them, the dogs foul the land, which is harmful to our livestock. We have also had several instances of dogs worrying the livestock (one sheep was killed by a dog in 2021) as by being 'off-bridleway' the dog walkers and livestock are no longer separated from each other.

In other areas of the land the bridleway is not fenced in, which unfortunately results in the public and dogwalkers taking it upon themselves to ignore the very prominent wayfinding signage in favour of wandering freely across the land. In so doing they not only create unnecessary damage to the land 'off-bridleway' but moreover add distress and health risks to livestock.

There is also the matter of a new circular route attracting professional dog walkers. Currently we have very few professional dog walkers using the bridleway but we would expect that a new circular route may be appealing due to it being an alternative to the much larger walking routes to the adjacent Yorkshire Showground estate. The Yorkshire Showground land is several times larger than our land to the Crimple Viaduct, but we are aware from the Yorkshire Agricultural Society who own the showground that professional dogwalkers present them with very significant challenges. As a result, all livestock on the showground is separated by fenced fields, and unlike our land there are no public rights of way that run through their fenced fields.

If the intention of creating a circular route by joining the two bridleways is chosen by the Authority, then the inevitable increase in footfall by the general public and professional dog walkers will compound the issues currently experienced in farming the land, which will in turn create more cost and inconvenience to both myself as landowner and to our tenant farmer partner to ensure the safety and wellbeing of our livestock.

Should we find ourselves faced with these challenges then the viability of us continuing to farm the land may be threatened.

The inevitable degradation of the land by a likely increase in footfall

As stated above, the general public and dog walkers bring challenges and cost in us farming the land. But in addition to this we also have the time and cost to generally upkeep the land which is constantly damaged by the public finding ways to explore and use the land which is far from the current public rights of way.

The land that makes up our estate includes several areas of woodland. These are identified on the attached ProMap document, reference numbers: 0015; 1226; 1529; and 3443, the latter being adjacent to the Yorkshire Agricultural Society's showground land which is separated by Crimple Beck. All of these woodland areas are between 200m and 600m from bridleway 15.54/61. However, throughout the year certain members of the public take it upon themselves to stray off the bridleway to the woodlands to set up day camps which includes them creating fires and leaving behind general rubbish, remnants of fires and beer bottles etc., all of which we have the cost to clean up. The route to the woodlands can only be taken by walking off bridleway 15.54/61 across fields 0102 and 1819. As part of our management of the farmland we have posted way finding signage together with specific trespass signs to request that members of the public do not trespass over the land to gain access to the woodland and other areas but the notices are ignored, some of which have been ripped from gates and fences in what look like a form of protest about the same.

From the bottom of Fulwith Mill Lane bridleway 15.54/61 joins the land of my neighbour [REDACTED]. The bridleway is fenced in a fully compliant manner to bridleway requirements and then joins our land at field number 7087. It then continues through fields 7698 and 9888 to join field 0102 which runs to the cul-de-sac where NYCC wish to subject it to a creation order. The bridleway to fields 7698 and 9888 are fenced in a fully compliant manner to bridleway requirements but as stated above, the general public take it upon themselves to climb over the fence to explore fields and the Crimple Beck which runs through the land; all of which is occupied throughout the year by our livestock. We have a situation whereby the public seem to treat the fields as parkland, literally wandering wherever they choose, which constantly damages the land by walking over grass used for grazing and twice yearly harvesting for winter feed.

The bridleway on field 0102 is not fenced in and instead has way finding posts positioned every 30 metres with directional arrows and notices requesting the public to keep to the public right of way. Unfortunately, the route

is largely ignored and again the public wander quite literally wherever they want. The wayfinding signage and posts with directional arrows have also been vandalised in what looks like a form of protest to be asked to keep to the public right of way.

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 which in turn will create unnecessary further upkeep and management of the land and at considerably more cost for us to farm the land. In addition, I am sure that in experiencing a further increase in footfall we would need to also enclose the route over field 0102 as has been done to fields 7698 and 9888, again at which will be at a significant additional cost to ourselves.

The increased safety risks to the general public due to the route of bridleway no. 15.54/61

Bridleway 15.54/61 travels from field 7698 to field 9888 by way of a bridge which is approximately 3.2 metres wide and sits approximately 2.2 metres above the water surface of Crimple Beck. Albeit structurally sound, the bridge is in a poor condition underfoot and has no handrails, which requires caution when being used and supervision of both children and animals for risk of falling off the bridge into the beck.

Bridleway 15.54/61 also travels under arch number 16 of 31 arches which form the Crimple Viaduct. As the viaduct cuts through our land from boundary to boundary our land is divided by this and we therefore have a legal agreement in place with Network Rail to travel from one side of our land to the other in order to allow us to farm the land as a whole and without any inconvenience.

Of the 31 arches, the land under arch numbers 3 – 17 is accessible by our livestock but can also be accessed by any member of the public who stray from the public right of way.

Network Rail has access to inspect the viaduct at any given time. The viaduct is 174 years old and needs regular repair and maintenance. As we farm the land either side of and under the viaduct, we are aware of pieces of bricks, stone and organic matter that from time-to-time fall the 100 feet or so from the arches above and onto the land directly below. This includes the land underneath arch number 16 and indeed the remaining 14 arches that are accessible from the land along the bridleway route.

In 2021 we reported significant amounts of brick debris to Network Rail found under arch numbers 16 and 4. The debris ranged from 50mm to 100mm and had fallen some 25+ metres from the underside of arch 16 and from a lower height from arch 4. Network Rail investigated our report and went on to undertake significant remedial works that were out with their normal planned preventative maintenance regime. I have attached our original correspondence to Network Rail and a full copy of all correspondence is available upon request.

It is therefore clearly a concern that there is a risk to anyone walking on the bridleway under arch 16 or any of the other 14 arches along the bridleway route that walkers choose to stray under.

There is no doubt that the creation of a new 'loop' will be attractive as an alternative route for the significant amount of walkers that currently enjoy walking between Fulwith Mill Lane, Almsford Bank and Follifoot Lane. However, this alternative route would also result in an exponential increase in footfall under the Crimple Viaduct which would also significantly multiply the risk of people being potentially hurt by falling masonry and organic matter which, if happened would cause serious injury or even death.

I state this with a genuine concern for the safety and wellbeing of the general walking/riding public as a whole.

I am also sure that Network Rail would require to know of your intentions to exponentially increase the volume of walkers and riders along the bridleway for very obvious reasons; not least that should an incident occur under their viaduct they would potentially be liable for Public Liability damages.

In a similar fashion, an exponential increase in footfall over the bridge at Crimple Beck will also significantly increase the potential of accidents by walkers and riders travelling over the bridge, which as landowner I may become liable for Public Liability damages.

The lack of suitability of Fulwith Mill Lane to meet the needs of daily farming access due to a likely increase in highway traffic

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 of 3.8 metres. This section of carriageway runs for approximately a further 100 metres where it then narrows to 2.8 metres (at the entrance to Fulwith House) for its final 50 metres to its dead end, which is also the entrance to bridleway 15.54/61 and the only entrance to our land for our farm vehicles and machinery.

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 and those living along the lane to its end, but moreover, as the entrance to our farmland is only accessible by a farm gate at the end of the lane we are regularly held up for considerable lengths of time by the width of the lane making it impassable for farm vehicles and machinery. We also occasionally suffer from the farm gates being completely inaccessible by walkers ignoring our 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 which will have nowhere to park. Should professional dog-walkers also choose this as a walk we will also see much larger vehicles such as the vans they use to transport their dogs parked in similar positions; therefore, exasperating what is already a farm access challenge for us as farmers of the land.

I have attached example photographs to demonstrate the above.

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 as opposed to the alleged benefits being claimed by those who have lobbied NYCC since your decision in July 2019 confirming that the Authority was not intending to make an order and had closed the file.

From recent reports on local social news media and the dedicated website of 'Opening up Crimple Valley' it seems the main protagonists are a group of local residents who have lobbied support from the British Horse Society and the Byways and Bridleways Trust. Since this issue originally arose in 2014 we have engaged with both NYCC, various local Ramblers groups and the British Horse Society, the latter of which refused to travel from their southern base to make a visit to the bridleway in order for us to demonstrate how unsuitable a new loop bridleway would be.

In addition, we have also had dialogue in recent years with [REDACTED] who originally dedicated the new section of bridleway (15.43/16) on his land to explain the lack of suitability of a new loop bridleway. During these discussions we have suggested that if he is of such a magnanimous mind then perhaps a more suitable solution would be to connect the new bridleway on his land to the former Follifoot bridleway which runs through Rudding Estate's Home Farm up to Rudding Lane, which would have no further cost to NYCC, but unfortunately his generosity towards the public seems to fall away each time we suggest the same.

In any event, we believe that there is no need for a new looped bridleway to be created. There are currently 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 by creating a new looped bridleway, 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 also have no more benefit other than adding approximately an additional 300 metres of the 15.43/16 bridleway on the Rudding Estate to their walks.

There will be absolutely no benefit for us as landowners and farmers, and quite to the contrary we will suffer immeasurable disruption, inconvenience and be faced with significantly increased running and maintenance costs to our farming activities, which in our opinion is completely unacceptable.

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.

Finally, we are at this time responding with our objection in our capacity as landowner and farmers and without support from our previous legal team engaged between 2014 and 2019. We feel both entirely correct and passionate about our reasons for objecting to the proposed creation order and as such are prepared to re-engage our legal team and counsel to support what will be an appeal should the creation order proceed.

We will also seek compensation due to what will be our unavoidable costs to secure our farmland from walkers and riders together with future increases in running and maintenance costs plus increased Public Liability insurance premiums. We will also explore Injurious Affection as we believe there will be an adverse effect of a decrease in the freehold market value of our properties and land resulting from a creation order being made.

We hope you can understand our very genuine reasons and appreciate our position for objecting to a creation order.

To assist you understanding this further we would like to invite you and any other colleagues or superiors to attend a meeting with us on site as part of your consultation leading up to your decision to enable us to demonstrate our concerns first-hand.

I look forward to hearing from you in due course.

Yours sincerely

[Redacted signature block]

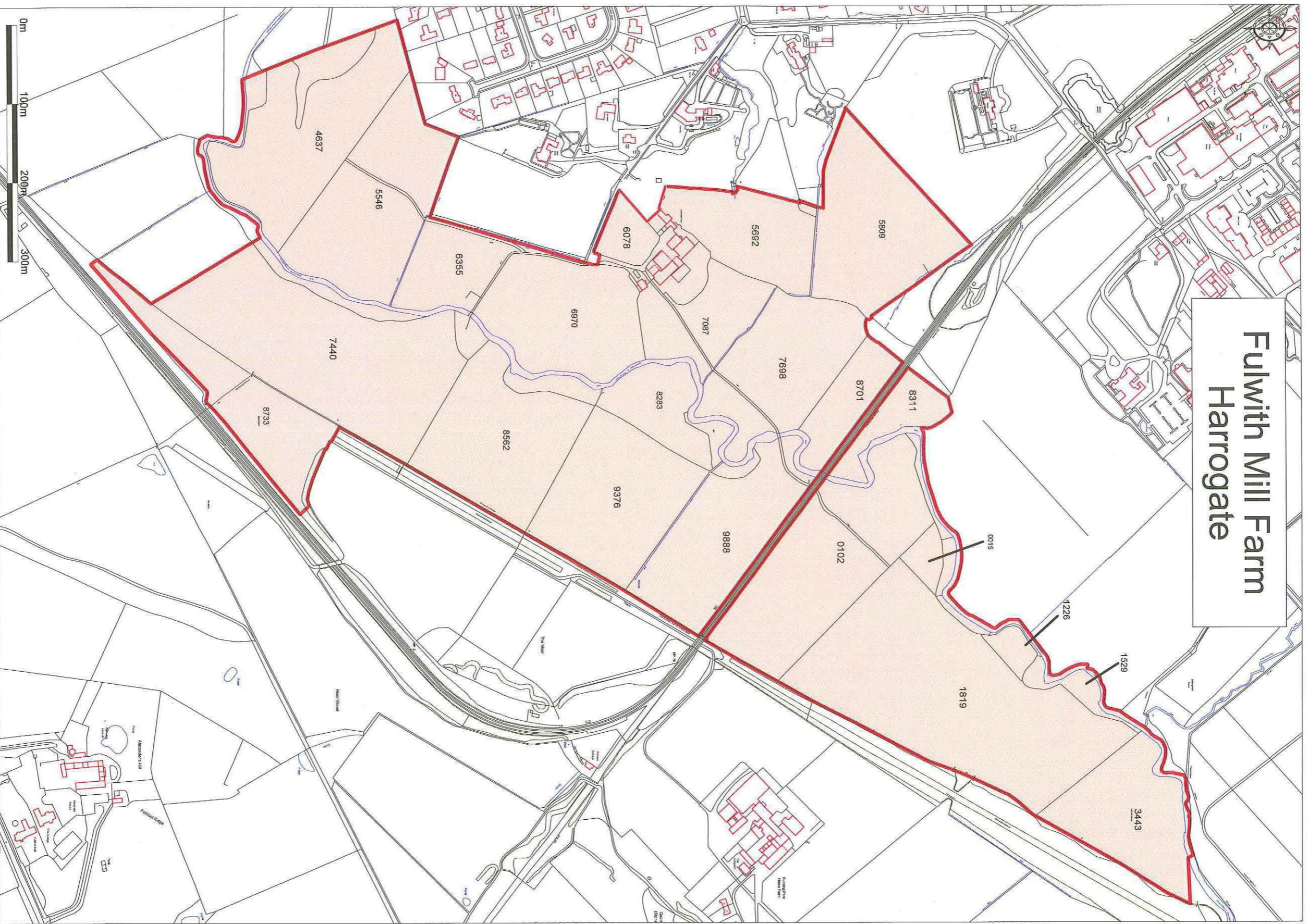
[Redacted contact information]

Attachments:

- Fulwith Mill Farmland and Fields Plan
- Viaduct Debris Positions
- Fulwith Mill Lane Highway Reference Photos
- PROW 15.54.61 Reference Photos



Fulwith Mill Farm Harrogate



Ordnance Survey. © Crown Copyright 2011. All rights reserved. License number 100029466.
Cartography plc. 2011. Printed Scale - 1:5000

The plan is published for convenience only. Although thought to be correct, its accuracy cannot be guaranteed and it does not form part of the contract.

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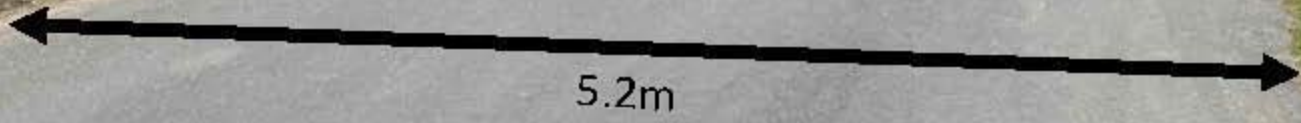
Stream Corner

Linden Lea

Fulwith House

Photo Locations

Stream Corner



A



B

Walker's cars parked part on lane / part on verge, limiting ability to pass



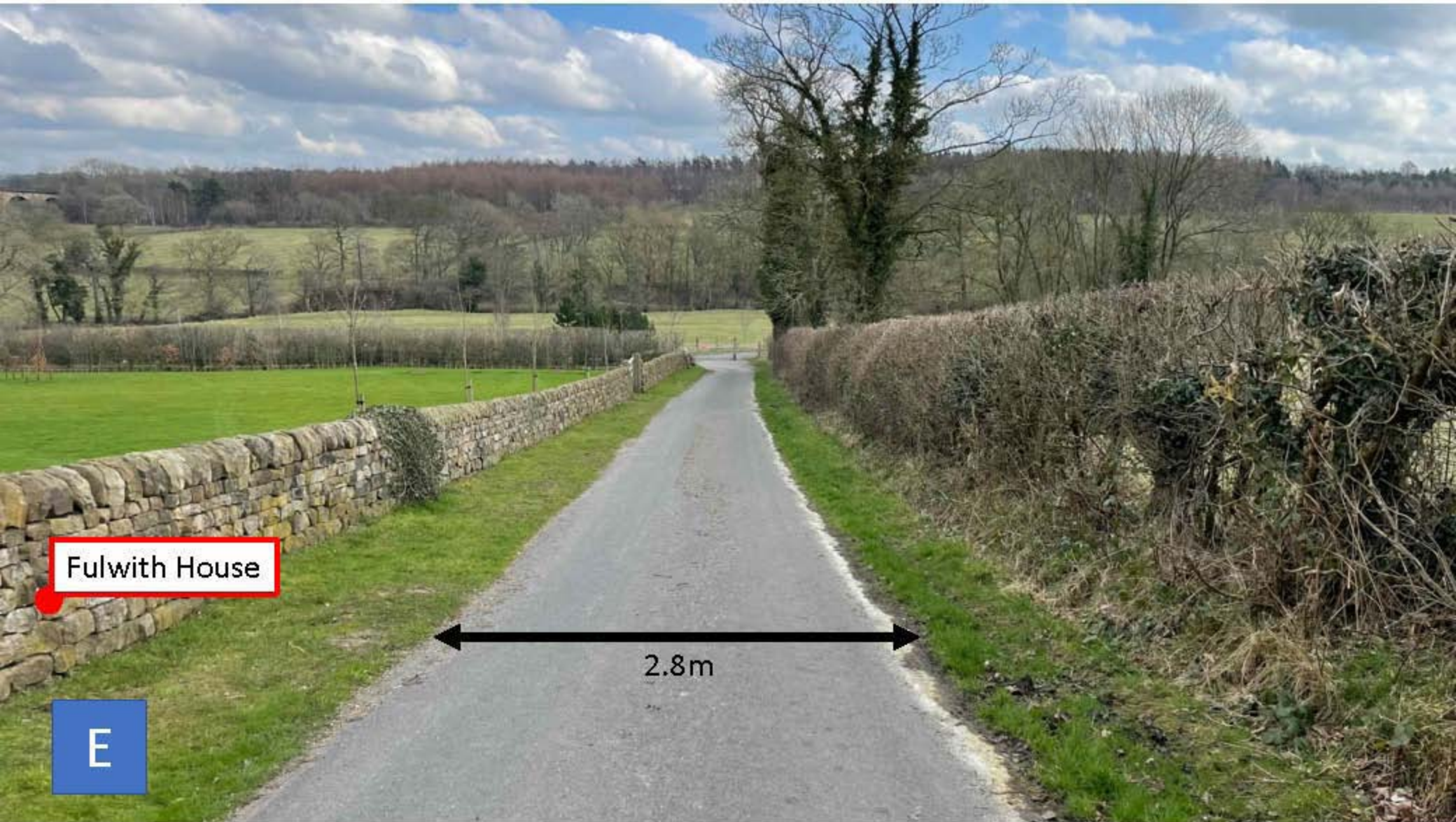
Linden Lea

C



3.7m

D



Fulwith House



2.8m

E



E

Example of narrow carriageway width



F

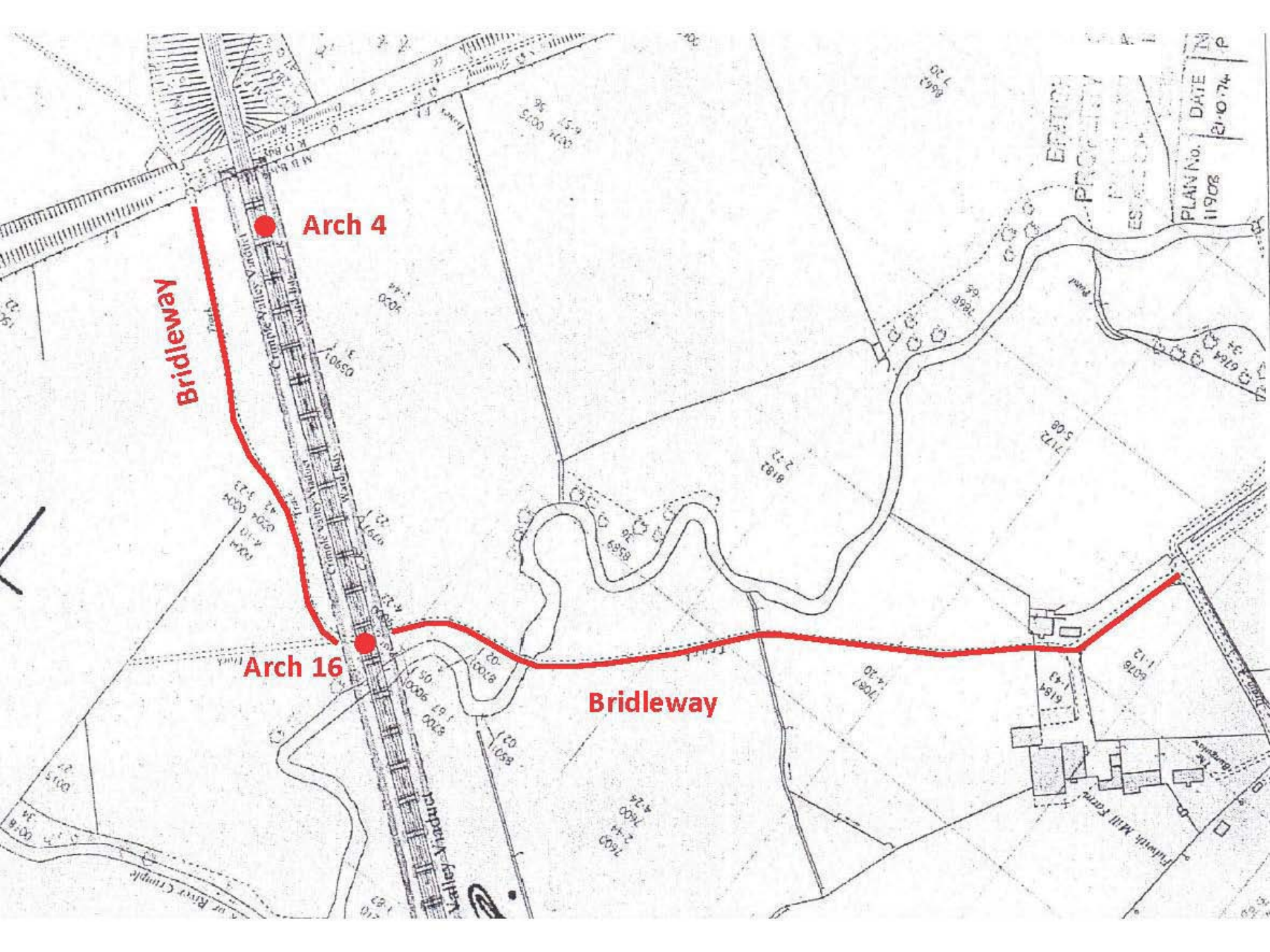
2.8m



G



Arch No 4



Bridleway

Arch 4

Arch 16

Bridleway

PLAN No. 11908
DATE 21-10-74
P



Arch No 4



**Red brick debris
Approx. 60mm – 80mm**

Arch No 16

approx. 25metres high

**NOTE: public right of way
(bridleway) runs under this arch**

**Red brick debris
Approx.' 50mm – 75mm**

Arch No 16

approx. 25metres high

**NOTE: public right of way
(bridleway) runs under this arch**

**Red brick debris
Approx.' 75mm – 100mm**

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.

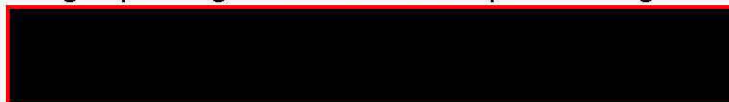
Other cases where people believe it is acceptable to stray off the footpaths can be seen on the Save The Crimple Valley website where some of the photos are taken some way off the footpaths. (please see photos 3, 4 and 5 as examples and their location on the attached Photo Plan).

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



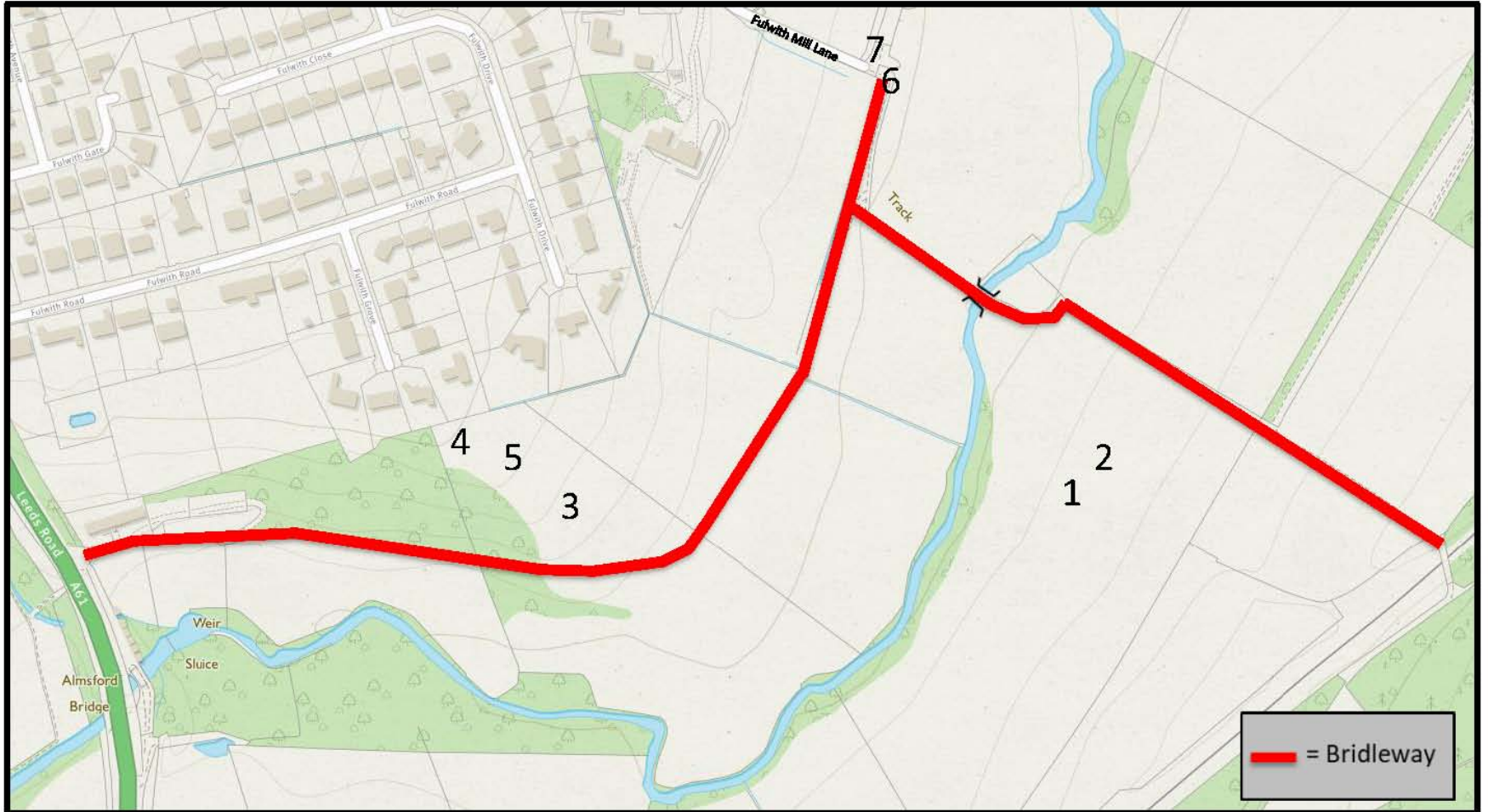


Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

