

**North****Yorkshire County Council**

Chief Executive's Group

FOR INFORMATION**ONLY**

Our ref: RGP/102552/102553

Carole Dunn, Solicitor

Your ref:

Assistant Chief Executive (Legal and Democratic Services)

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21 December 2009

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Mr Winn

North York Moors National Park AuthorityWildlife and Countryside Act 1981 – Section 53Footpath 602 Staintondale (The Falcon Inn) – Definitive Map Modification Order 2009Highways Act 1980 – Section 119Footpath 602 Staintondale (The Falcon Inn) – Diversion Order 2009

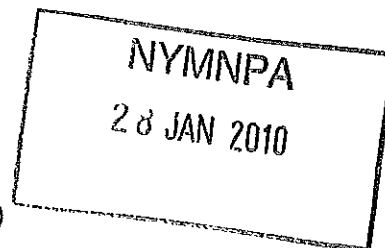
The above Orders have recently been confirmed by the North York Moors National Park Authority and I enclose for your information (on behalf of your Client Mr R Owen of The Falcon Inn, Whitby Road, Cloughton, Scarborough, North Yorkshire YO13 0DY) copies of the confirmed Orders and Order maps, together with copies of the related notices which will both appear in the Scarborough Evening News on 24 December 2009.

Should you have any further queries or require any further information, please do not hesitate to contact me on the above direct line.

Yours sincerely

for Assistant Chief Executive (Legal and Democratic Services)

Enc



Mr R Winn (on behalf of Mr R Owen)
Old Barn Cottage
Middle Farm
Main Street
Allerston
PICKERING
North Yorkshire YO18 7PG

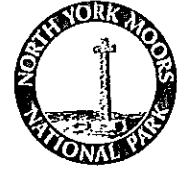
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North York Moors National Park Authority



A member of the Association of National Park Authorities
 The Moors National Park Centre, Danby, Whitby, North Yorkshire YO21 2NB
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 Fax: 01287 660308 www.moors.uk.net

Andy Wilson
 Chief Executive (National Park Officer)

Mr R Winn
 Old Barn Cottage
 Middle Farm
 Main Street
 Allerston
 Pickering
 North Yorkshire YO18 7PG

Your ref:
 Our ref: EAW/5050/3/34/Mod 602
 Date: 09 July 2009

Dear Mr Winn

Proposed Definitive Map Modification Order and concurrent Diversion Order – Public Footpath 602 – The Falcon Inn, Staintondale.

I refer to our recent telephone conversation and my subsequent inspection of the aforementioned Public Right of Way on 25 June 2009. I am now writing with further details.

I undertook the inspection after our conversation based on the fact that a planning application could soon be put into this Authority to extend a small area at the back of the pub and it was thought that this could affect the Public Footpath. Please be aware that whilst I was on site I saw Mr Owen and discussed various issues with him regarding the proposed development of the pub and the grounds, and the line of the public footpath through the beer garden.

Our records show that the current legal line in the vicinity of the pub is obstructed by the wall around the beer garden and so users have to go round the side of the pub (through the area where the proposed development will take place), across the beer garden (using an existing gap to gain access) and out onto the road.

Please find enclosed two maps. Please refer to Map 1. This shows the current route of the footpath through the beer garden, as on our records (the bold black line A-E-F-G). Having investigated this matter and undertaken historical research, I believe that this section of the footpath was wrongly recorded on the Definitive Map in the 1950's and the footpath should actually run on the line marked with dashes (A-B-C-D). This line ties in with where Public Footpath 502 Staintondale comes out onto the road opposite the pub, i.e. the footpath through the beer garden should run in a straight line to meet this one. In light of this mapping error, I have a statutory duty to correct the Definitive Map by way of a legal Order (called a Definitive Map Modification Order) which I will do at no cost to Mr Owen.

NYMNPA
 28 JAN 2010



CUSTOMER SERVICE EXCELLENCE

Ref: EAW/5050/3/34/Mod
602

2

Date: 09 July 2009

When I spoke to Mr Owen he was happy for this Order to proceed and was willing to make a gap in the wall at point B to allow for access there.

Further discussions revealed that Mr Owen was considering developing the field at the back of the pub and that to take the footpath away from the beer garden completely would be of benefit to him and his plans. As part of the process for the Definitive Map Modification Order, I have to consult the County Council, Borough Council, Parish Council, all the statutory undertakers and a range of users groups to ascertain their comments and so whilst I am doing this, I am willing to include a minor diversion to the package too. Please refer to Map 2. This shows the footpath on the correct legal line through the beer garden (bold black line A-B-C-D) and then a proposed diversion to take it out of there completely and into the field behind (black dashed line A-H). The footpath would run across the field and then come out onto the road at point H via a set of double-gates.

I am obviously not able to say at this stage what the outcome of these consultations will be but if the diversion (A-H) is objected to, it may have to be pulled from the package. This means that the only order to be processed will be the Definitive Map Modification Order which will not only correct the Definitive Map but will mean that the line of the footpath will remain in the beer garden but will be closer to the pub buildings and so the gap in the wall at point B would be required.

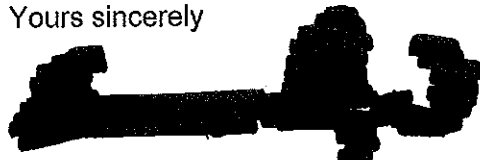
I will begin the consultations on both Orders now and will contact you again when the time period for comments has expired (usually 6 weeks). In the meantime, if you wish to put in your planning application to Hilary Saunders it can be dealt with accordingly. A copy of this letter will be sent to Hilary for her records.

One last matter, I have sent a map to Mr Owen at the pub and asked him to mark on the extent of his landownership and then return it to me. I require confirmation from him that he owns all the land over which the footpaths run. I will also send him a copy of this letter too.

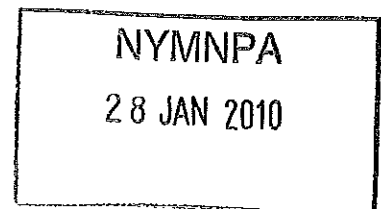
If you have any queries, then please do not hesitate to contact me on the number/address above or at e.ashton-wickett@northyorkmoors-nps.gov.uk.

Thank you very much.

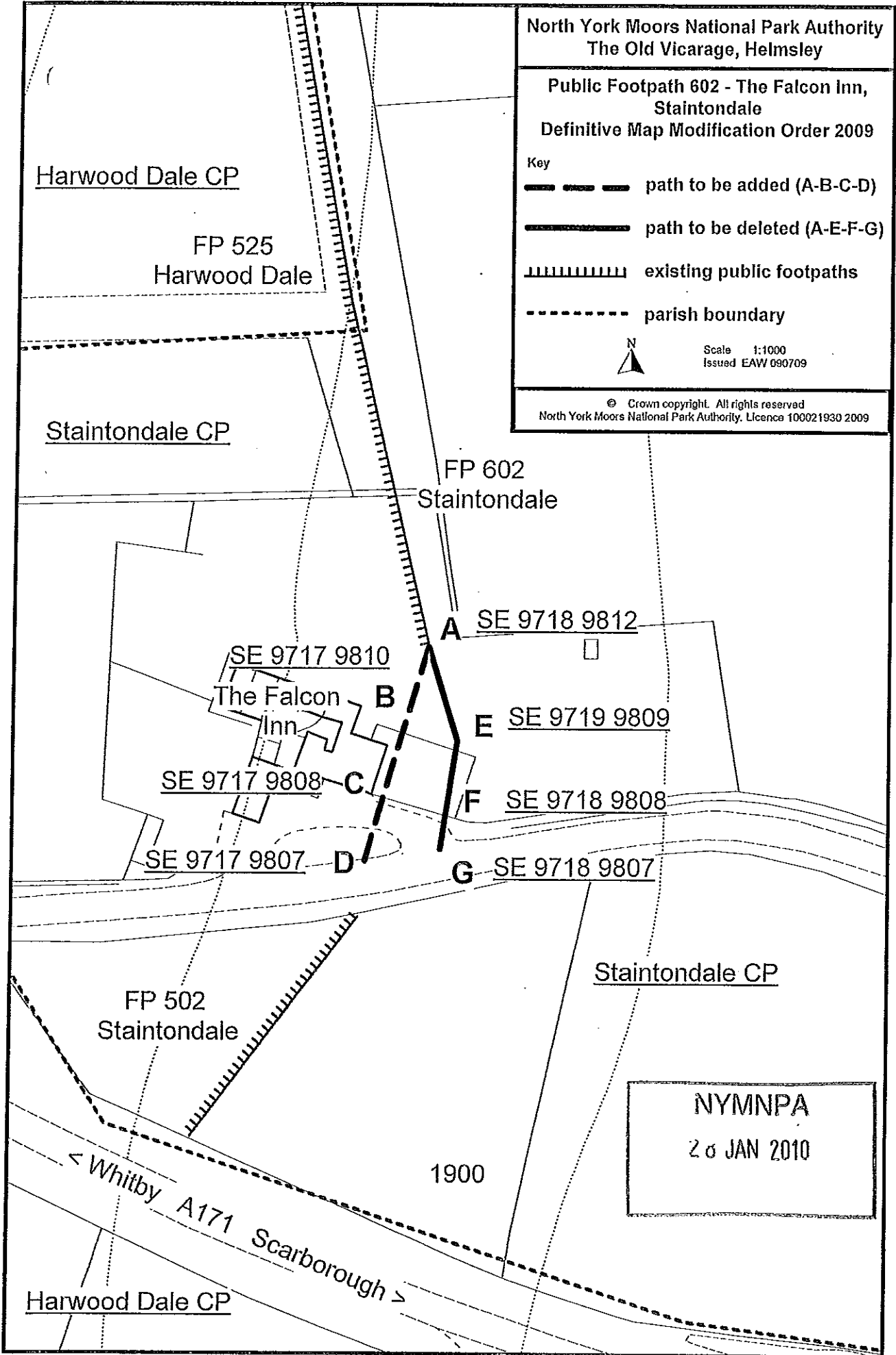
Yours sincerely



Emma Ashton-Wickett
Public Rights of Way Officer



Cc Mr Owen, The Falcon Inn, Whitby Road, Cloughton, Scarborough, North Yorkshire.
Cc Hilary Saunders – Senior Area Planning Officer - NYMNPA



Map 1

