

Why is there a stile where the path enters Hagg Wood and not a gap like there was just before it was closed in 2019?

There is a stile where the path enters Hagg Wood because that is what is shown in the Order that the Inspector recently confirmed, after the public inquiry that was held in June last year.

Why was a stile shown in the Order?

Under the provisions of Section 31 of the Highway Act 1980, a route that is used by the public for 20 years automatically becomes a public right of way of the type, for example footpath or bridleway, that fits the public's use during that 20 year period. Any limitations, such as stiles and gates, that are in place during that same 20 year period are considered to have been accepted by the public using the route and are therefore part of the route. The description, status, and limitations are shown in the Order that, when confirmed, adds the route to the definitive map. The definitive map is the council's legal record of public rights of way in its area.

At the public inquiry last year, the Inspector considered the all evidence presented to him by people supporting and opposing the Order. In his decision the Inspector decided that Kexby 19 was a public footpath by 1997. In other words, the evidence showed that the public had used the path for the 20 year period from 1977 to 1997. In doing so, as shown by the evidence, the public had also accepted that they had to use a stile to get into the wood. That is why the stile is shown on the Order, even though the stile later disappeared leaving just a gap at that location.

Why can't the Council just replace the stile with a gate?

The Council does not have any powers that can force a land owner to change a stile for a more accessible structure like a gate. The Council can only make such a change with the agreement of the person or people who own the stile and the land on which it sits. There is a stile shown in the Order and the land owner is therefore at liberty to have that structure in that location.

The presence of the stile on Kexby 19 means that the footpath is still effectively closed to many users.

This is true but, as outlined above, the Council has no power to remove the stile. Such a change can only be done with the agreement of the owner of the stile and the land on which it sits. The council is always looking for opportunities to improve accessibility across the whole public rights of way network. If such an opportunity presents itself for the stile on Kexby 19 we will investigate the possibility of changing the stile for a more accessible structure with the land owner.

Doesn't the accessibility legislation mean that public bodies like the Council have to make everything accessible to all?

It does where the Council owns or manages the thing that limits accessibility. As mentioned above, the Council does not own this stile so our duties under the accessibility legislation do not apply to this situation.

Why isn't there a dog gate beside the stile?

On a public footpath, a landowner has a legal duty to provide access for walkers but the duty does not explicitly extend to dogs. The Council has no power to force a land owner to install one.