

NOTICE OF ORDER

Wildlife & Countryside Act 1981

City of York Council
Public Footpath Acaster Malbis 9 & Public Footpath Bishopthorpe 3
Modification Order 2019

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **11 October 2022**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement for the area by adding a public footpath between public footpath Acaster Malbis 3 and Ferry Lane, Bishopthorpe (SE 5969 4623 to SE 5985 4768).

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 4445502. Email: rightsofway2@planninginspectorate.gov.uk or clive.richards@planninginspectorate.gov.uk Please quote reference number ROW/3286833 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at City of York Council West Offices, Station Rise, YORK YO1 6GA during normal office hours. Alternatively you can view them online at www.york.gov.uk/prownotices Contact at City of York Council: Mr Russell Varley, Email: russell.varley@york.gov.uk & Telephone: 01904 553691

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 25 October 2022]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 06 December 2022]

Everyone who has made an objection or representation or any other written representation or any other person wishing to make representations in writing must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) will also be sent to the applicant, every person who has made an

objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within 14 weeks of the start date [by 17 January 2023]

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.

We cannot accept any inflammatory, discriminatory or abusive comments. Any documents containing such comments will be returned.

Notice of order for w/r

THE COUNCIL OF THE CITY OF YORK

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE COUNCIL OF THE CITY OF YORK (PART OF THE FORMER NO 2 AREA OF
THE COUNTY OF THE WEST RIDING OF YORKSHIRE) DEFINITIVE MAP AND
STATEMENT**

**PUBLIC FOOTPATH ACASTER MALBIS 9 & PUBLIC FOOTPATH BISHOPTHORPE 3
MODIFICATION ORDER 2019**

Suzan Harrington
Interim Assistant Director - Legal & Governance
City of York Council
West Offices
Station Rise
York
YO1 6GA

Appendix 1

THE COUNCIL OF THE CITY OF YORK

WILDLIFE AND COUNTRYSIDE ACT 1981

THE COUNCIL OF THE CITY OF YORK (PART OF THE FORMER NO 2 AREA OF THE COUNTY OF THE WEST RIDING OF YORKSHIRE) DEFINITIVE MAP AND STATEMENT

**PUBLIC FOOTPATH ACASTER MALBIS 9 & PUBLIC FOOTPATH BISHOPTHORPE 3
MODIFICATION ORDER 2019**

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 Council of the City of York (Part of the former No 2 Area of the County of the West 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 8 October 2019.
2. The Council of the City of York (Part of the former No 2 Area of the County of the West 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 Footpath Acaster Malbis 9 & Public Footpath Bishopthorpe 3 Modification Order 2019.

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

this 10th day of October 2019

in the presence of:

Cadle

An Authorised Officer



No. In Seal Register: 11855

Appendix 1

SCHEDULE
PART I

Modification of Definitive Map
Description of path or way to be added

<u>Section of footpath as shown on the attached Map</u>	<u>Description</u>
<p>Acaster Malbis 9 Indicated on the Order Map and marked as A – B – C – D – E</p>	<p>Commencing at grid reference (GR) SE 5969 4623 (POINT A) on public footpath Acaster Malbis 3 the 3 metre wide grass surfaced footpath heads north for approximately 3 metres to GR SE 5969 4623 (POINT B) where it crosses a stile from where the 3 metre wide grass surfaced footpath continues generally north east for approximately 262 metres on the western bank of the River Ouse to a stile at GR SE 5976 4648 (POINT C) from where the 1 metre wide earth surfaced path continues generally north east along the western bank of the River Ouse for approximately 75 metres crossing a concrete slipway then passing beneath the former railway bridge known as Naburn Bridge then crossing a second concrete slipway then reaching a 1 metre wide gap at GR SE 5980 4653 (POINT D) from where the 3 metre wide grass surfaced footpath continues north east for approximately 3 metres to the Bishopthorpe Parish boundary at GR SE 5980 4653 (POINT E) where it meets public footpath Bishopthorpe 3.</p>
<p>Bishopthorpe 3 Indicated on the Order Map and marked as E – F – G – H – I – J – K</p>	<p>Commencing on the Acaster Malbis Parish boundary at its junction with public footpath Acaster Malbis 9 at grid reference (GR) SE 5980 4653 (POINT E) the 3 metre wide grass surfaced footpath heads north east along the western bank of the River Ouse for approximately 319 metres to GR SE 5998 4679 (POINT F) where it passes through a pedestrian gate and the 2 metre wide crushed stone surfaced footpath continues generally north along the western bank of the River Ouse for approximately 68 metres to GR SE 6000 4685 (POINT G) where the path widens to be a 2.5 metre wide crushed stone surfaced footpath continuing north along the western bank of the River Ouse for approximately 544 metres to a 0.8 metre gap beside a vehicle barrier at GR SE 6003 4739 (POINT H) from where the 2.5 metre wide crushed stone surfaced footpath continues generally north west along the western bank of the River Ouse for approximately 257 metres to GR SE 5996 4762 (POINT I) where the surface changes to metalled and the 2.5 metre metalled surface footpath continues north west along the western bank of the River Ouse for approximately 97 metres to SE 5988 4767 (POINT J) where it passes through a 0.9 metre wide gap beside a vehicle barrier following which the metalled surface footpath widens to 4 metres and heads west for approximately 34 metres to SE 5985 4768 (POINT K) where it meets the maintainable highway known as Ferry Lane.</p>

Appendix 1

PART II

Modification 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
9	SE 5969 4623 to SE 5980 4653	Commencing at grid reference (GR) SE 5969 4623 on public footpath Acaster Malbis 3 the 3 metre wide grass surfaced footpath heads north for approximately 3 metres to GR SE 5969 4623 where it crosses a stile from where the 3 metre wide grass surfaced footpath continues generally north east for approximately 262 metres on the western bank of the River Ouse to a stile at GR SE 5976 4648 from where the 1 metre wide earth surfaced path continues generally north east along the western bank of the River Ouse for approximately 75 metres crossing a concrete slipway then passing beneath the former railway bridge known as Naburn Bridge then crossing a second concrete slipway then reaching a 1 metre wide gap at GR SE 5980 4653 from where the 3 metre wide grass surfaced footpath continues north east for approximately 3 metres to the Bishopthorpe Parish boundary at GR SE 5980 4653 where it meets public footpath Bishopthorpe 3.	Grass (SE 5969 4623 to SE 5976 4648) Earth (SE 5976 4648 to SE 5980 4653) Grass (SE 5980 4653 to SE 5980 4653)	0.265km (SE 5969 4623 to SE 5976 4648) 0.075km (SE 5976 4648 to SE 5980 4653) 0.003km (SE 5980 4653 to SE 5980 4653) Total 0.343km	3 metres (SE 5969 4623 to SE 5976 4648) 1 metre (SE 5976 4648 to SE 5980 4653) 3 metres (SE 5980 4653 to SE 5980 4653)	Stile at SE 5969 4623 Stile at SE 5976 4648 Gap at SE 5980 4653

Appendix 1

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
3	SE 5980 4653 to SE 5985 4768	Commencing on the Acaster Malbis Parish boundary at its junction with public footpath Acaster Malbis 9 at grid reference (GR) SE 5980 4653 the 3 metre wide grass surfaced footpath heads north east along the western bank of the River Ouse for approximately 319 metres to GR SE 5998 4679 where it passes through a pedestrian gate and the 2 metre wide crushed stone surfaced footpath continues generally north along the western bank of the River Ouse for approximately 68 metres to GR SE 6000 4685 where the path widens to be a 2.5 metre wide crushed stone surfaced footpath continuing north along the western bank of the River Ouse for approximately 544 metres to a 0.8 metre gap beside a vehicle barrier at GR SE 6003 4739 from where the 2.5 metre wide crushed stone surfaced footpath continues generally north west along the western bank of the River Ouse for approximately 257 metres to GR SE 5996 4762 where the surface changes to metalled and the 2.5 metre metalled surface footpath continues north west along the western bank of the River Ouse for approximately 97 metres to SE 5988 4767 where it passes through a 0.9 metre wide gap beside a vehicle barrier following which the metalled surface footpath widens to 4 metres and heads west for approximately 34 metres to SE 5985 4768 where it meets the maintainable highway known as Ferry Lane.	Grass (SE 5980 4653 to SE 5998 4679) Crushed stone (SE 5998 4679 to SE 5996 4762) Metalled (SE 5996 4762 to SE 5985 4768)	0.319km (SE 5980 4653 to SE 5998 4679) 0.869km(S E 5998 4679 to SE 5996 4762) 0.131km (SE 5996 4762 to SE 5985 4768) Total 1.319km	3 metres (SE 5980 4653 to SE 5998 4679) 2 metres (SE 5998 4679 to SE 6000 4685) 2.5 metres (SE 6000 4685 to SE 5988 4767) 4 metres (SE 5988 4767 to SE 5985 4768)	Pedestrian gate at SE 5998 4679 0.8 metre gap at SE 6003 4739 0.9 metre gap at SE 5988 4767

COPY – MAP MOT TO ORIGINAL SCALE

