



Order Decision

Site visit made on 27 March 2023

by **C Beeby BA (Hons) MIPROW**

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 09 January 2024

Order Ref: ROW/3295342

- This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as 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 and the Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York Public Restricted Byway Acaster Malbis 8 and Public Restricted Byway Naburn 9 Modification Order 2020.
- The Order is dated 16 April 2021 and proposes to modify the Definitive Map and Statement for the area by the recording of part of an existing public footpath as restricted byway in Acaster Malbis and the addition of a restricted byway in Naburn as shown in the Order plan and described in the Order Schedule.
- In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981, notice has been given of the proposal to confirm the Order subject to modifications. No objections or representations were submitted in response to the proposed modifications.

Summary of Decision: The Order is confirmed with the modifications previously proposed.

Procedural Matters

1. As set out in my Interim Order decision (IOD), issued on 27 June 2023, the effect of the Order if confirmed with the modifications proposed would be to record public bridleways over land in the parishes of Acaster Malbis and Naburn. The proposed modifications are set out in paragraph 26 of the IOD.
2. In writing this decision I have found it convenient to refer to points marked on the Order Plan. I therefore attach a copy of this plan.

Conclusion

3. No objections or representations were submitted in response to the proposed modifications. Thus, for the reasons set out in my IOD, I conclude that the Order should be confirmed with the modifications previously proposed.

Formal Decision

4. I confirm the Order subject to the following modifications:

- Amend “Restricted Byway” to “Public Bridleway” in all instances.
- In Part II of the Order Schedule (Modification of Definitive Statement): amend all width measurements to “seven feet or thereabouts, as set out in the Ouse and Derwent Division Quarter Sessions, 1824”.
- In Part II of the Order Schedule (Modification of Definitive Statement) in respect of Path No.4/9: amend “at the edge of the River Ouse the [public bridleway] south east up the 3.5 metres wide concrete slip way” by the addition of the word “passes” between “public bridleway” and “south east”.
- In Part II of the Order Schedule (Modification of Definitive Statement): amend “0.47km” in the “Length (km)” column in respect of Path No. 4/9 to “0.047km”.
- In the Order Map: amend the notation used for sections A-B and X-Y-Z of the Order routes from a broken line with small arrowheads to a continuous green line.
- In the Order Map: amend the notation used for section B-C of the route (public footpath to be upgraded in Acaster Malbis parish) from a broken green line to a broken black line.
- In the Order Map key: amend the notation for “Footpath to be upgraded to [public bridleway]” to a broken black line.
- In the Order Map key: amend the notation for “[Public bridleway] to be recorded” to a continuous green line.

C Beeby

INSPECTOR

ORDER MAP - COPY NOT TO ORIGINAL SCALE

